## List of organisations that responded to Hackney Local Plan (LP33) Regulation 19 Consultation

### January 2019

<table>
<thead>
<tr>
<th>Reference ID</th>
<th>Name of Organisation</th>
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<tbody>
<tr>
<td>79</td>
<td>Access Self Storage</td>
</tr>
<tr>
<td>99</td>
<td>Arctic Estates LLP</td>
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<tr>
<td>106</td>
<td>ARRIVA London</td>
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<tr>
<td>119</td>
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<td>111</td>
<td>Baysan, Hassan and Digby Developments</td>
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<td>80</td>
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<td>129</td>
<td>Cllr Clare Joseph</td>
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<td>CMA Planning</td>
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<td>CPRE (late response)</td>
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<td>Department for Education</td>
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<td>DP9</td>
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<td>120</td>
<td>Elizabeth Lowe</td>
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<td>Environment Agency</td>
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<td>Fifthstate</td>
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<td>103</td>
<td>Hackney Green Spaces Manifesto Signatories</td>
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<td>Hackney Joint Estate Charity</td>
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<td>Hackney Swifts Group</td>
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<td>Hackney Walk</td>
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<td>Kentucky Fried Chicken (GB)</td>
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<td>Kian Poon</td>
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<td>LB Islington</td>
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<td>LB Tower Hamlets</td>
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<td>Lincoln Court Residents</td>
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<td>Travis Perkins</td>
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<td>University of the Arts London</td>
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7th January 2019

Strategic Planning Team
The Annex
2 Hillman Street
London
E8 1FB

Dear Sir/Madam

HACKNEY DRAFT LOCAL PLAN 2033 (LP33) PUBLIC CONSULTATION (REG 19)
WRITTEN REPRESENTATIONS TO PROPOSED SUBMISSION DRAFT

On behalf of our client, Access Self Storage Limited, we submit the following written representations in respect of the LB Hackney Proposed Submission Draft Local Plan 2033 (LP33) (‘Draft Plan’).

Our client is the freeholder of Access Self Storage, 48 Eagle Wharf Road, London, N1 7ED (‘the Site’). The Site is currently subject to a planning application (Ref: 2018/3517) for the following:

‘Redevelopment of existing self-storage site (B8 use) to provide a mixed use scheme comprising blocks of 2-9 storeys and accommodating a 7,235 sqm self-storage facility (B8 use) at lower basement, basement and ground floor level, 4,600 sqm of office accommodation (B1 use) at basement, ground and first floor level, 141 residential units (11,584 sqm) at second to eighth floor and a 219 sqm cafe (A3 use) at ground and first floor level, along with landscaping, pedestrian link to Regents Canal and other associated works (23,638 sqm GIA of floorspace in total).’

Our client therefore has a keen interest in the direction of emerging Local Plan policy and draft site allocations, as well as the Council’s objectives for employment land within the Borough.

Draft Site Allocation SHX3

Our client’s site, alongside the neighbouring Museum of London Archaeology site, has been included in the Draft Plan site allocations for the following:

‘Commercial-led development with adjoining Museum of London Archaeology (MOLA) site to accommodate Crossrail 2 ventilation shaft.’

The supporting text states that the site was identified as part of the Crossrail 2 consultation process, and the draft allocation identifies two potential redevelopment options for the Site:

- **Option 1** – Employment-only scheme: 20,000 sqm of employment floorspace and ventilation shaft.
- **Option 2** – Employment-led mixed-use scheme: 110 Residential units, 12,100sqm of commercial floorspace and ventilation shaft.
We strongly object to the proposal to provide a Crossrail 2 ventilation shaft on the Site for a number of reasons which have been set out below. Our client has been in discussions with the Crossrail 2 team since details of the proposed route were first published in 2016. We understand there are currently three options being considered for the location of the proposed ventilation shaft:

- **Option 1** – Access Self Storage, 48 Eagle Wharf Road (‘the Site’);
- **Option 2** – MOLA, 46-47 Eagle Wharf Road;
- **Option 3** – Shoreditch Park.

It is considered that our client’s site (Option 1) represents the least suitable option for the proposed ventilation shaft due to a number of significant site constraints. Firstly, a strategic Thames Water sewer crosses almost centrally through the Site, measuring approximately 2m x 1m in section with a crown located approximately 3m below ground level. Whilst it is acknowledged that the sewer would act as a constraint for any Crossrail 2 works, the erection of a ventilation shaft in this location would undoubtedly represent a more significant challenge which should be taken into consideration.

The immediate surrounding area around the Site is also predominately residential and as such, potential noise, light and construction impacts would need to be robustly assessed and adequately mitigated for both the construction phase and during operation. The potential residential redevelopment of Holborn Studios to the immediate west may also become a future sensitive receptor to noise, vibration and construction impacts. Additionally, the Site is located within the Regent’s Canal Conservation Area and within close proximity to several listed buildings, which will further constrain the potential to deliver a ventilation shaft on the Site.

Furthermore, the Site is situated on a narrow ‘B’ road which contains parking bays, a cycle lane and speed control measures, with a one-way junction from New North Road to the east. Therefore, the Site’s only vehicular access point will act as a future constraint for large vehicles and deliveries to the Site during the construction phase.

It is considered that Shoreditch Park (Option 3) represents a more suitable location for the proposed ventilation shaft. Unlike Option 1, the park is not situated within close proximity to any residential units, whilst any noise and light pollution generated during both the construction phase and in operation would be mitigated by the existing mature trees which border Shoreditch Park. The greater distances between the proposed shaft and nearby sensitive receptors would also ensure that vibration impacts are minimised.

Shoreditch Park is also ideally located, with excellent vehicular accessibility and multiple access points around the site. The park benefits from direct access to New North Road (‘A’ road) to the west, which is already used by goods vehicles and buses. Therefore, the location of the park would clearly be more suitable for large vehicles during the construction phase.

Whilst it is acknowledged that the provision of a ventilation shaft on Shoreditch Park would result in the loss of some open space, the majority of the park would remain unaffected. It is also important to note that, although a number of concerns were raised during the initial Crossrail 2 public consultation regarding the potential use of Shoreditch Park for a ventilation shaft, 40% of comments received were supportive of the proposals, representing a significant proportion of responses.

Having regard to the greater suitability of Shoreditch Park for the location of the proposed ventilation shaft, our client’s site should be omitted from consideration as a potential location.

With regards to the two potential redevelopment options set out in Site Allocation SHX3, we also consider the quantum of proposed floorspace to be inadequate in both options. We would refer to the
current planning application (Ref: 2018/3517) which seeks to deliver 141 residential units providing a total of 11,584 sqm of residential floorspace, alongside 12,054 sqm of commercial floorspace, resulting in a total of 23,638 sqm GIA of proposed floorspace. The proposed scheme will optimise the development potential of the Site through the delivery of a thoughtfully-designed, contextual scheme. As such, the current planning application should be used as a guide for the quantum of floorspace which could be successfully delivered on the Site.

We therefore recommend that the Council reconsider draft site allocation SHX3 to omit the proposed Crossrail 2 ventilation shaft and increase the quantum of floorspace which could be delivered on the Site in line with the current planning application.

Draft Policy LP27 – Protecting and Promoting Office Floorspace in the Borough

Our client’s Site falls within a Priority Office Area (POA) in the Draft Plan, replacing the Site’s current Priority Employment Area (PEA) designation. We are encouraged that the supporting text of draft Policy LP27 now recognises that, where there is an existing B use class on the site other than B1a, re-provision of the existing B use class should contribute towards the relevant Class B1 floorspace target.

However, our client remains concerned with regards to the 60% Class B1 floorspace threshold which currently only applies to the parts of the Wenlock and Shoreditch POAs outside of the emerging Shoreditch AAP boundary. There appears to be no clear rationale behind the application of a 60% Class B1 floorspace threshold in the Wenlock POA, particularly as the majority of POAs will be subject to a 50% threshold. The Wenlock POA is predominately mixed-use in character, with a large number of residential developments within the POA and in the areas immediately adjacent. It is therefore considered that a 50% Class B1 floorspace threshold would be more in line with the character of the area.

As such, it is recommended that draft Policy LP27 is amended so that the 60% threshold which applies to the Wenlock POA outside of the emerging Shoreditch AAP boundary is revised to 50%, in line with the majority of POAs across the Borough.

Draft Policy LP29 – Affordable Workspace and Low-Cost Employment Floorspace

Draft Plan Policy LP29 states that, in POAs (except for the Shoreditch POA), at least 10% of the new floorspace (gross) should be affordable workspace at no more than 60% of the locality’s market rent in perpetuity, subject to viability.

To reiterate the concerns raised in our initial representations to the previous draft of the Local Plan, by outlining specific rental levels, it is considered that the current policy wording is too prescriptive and at odds with the NPPF. At present, the wording fails to reflect the many variables in an everchanging commercial market, including the growing number of innovative ways of providing ‘affordable’ workspace without reducing rental levels i.e. hot-desking.

The draft policy also requires the affordable workspace to be provided in perpetuity. However, this requirement is likely to significantly harm the viability of future schemes and place severe risk on the deliverability of developments in the borough. It is proposed that provision for a 10-year period would be more appropriate.
We trust our comments will be acknowledged in progressing the Local Plan, and we would welcome the opportunity to further engage in the planmaking process in the future. Should you have any queries please contact Alex Walker-Robson or David Shiels of this office.

Yours faithfully

[Signature]

DP9 Ltd
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

E-mail to: planmaking@hackney.gov.uk  
Posting to: Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit one copy of Part A)  
Part B – Your representation(s). Please submit a separate page for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

Part A – Submit only one copy of this

1 - Personal Details

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<thead>
<tr>
<th>Title</th>
<th>Mr</th>
</tr>
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<tbody>
<tr>
<td>First Name</td>
<td>David</td>
</tr>
<tr>
<td>Last Name</td>
<td>Shiels</td>
</tr>
<tr>
<td>Organisation where relevant</td>
<td>DP9 Ltd on behalf of Access Self Storage</td>
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Contact details:

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<tr>
<th>Email</th>
<th><a href="mailto:david.shiels@dp9.co.uk">david.shiels@dp9.co.uk</a></th>
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<td>Telephone</td>
<td>020 7004 1703</td>
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<tr>
<td>Address</td>
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<tr>
<td>Post code</td>
<td>SW1Y 5NQ</td>
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2 - If you are an agent or representing an organisation or group please provide their details below:

| Organisation     | DP9 Ltd on behalf of Access Self Storage |

Hackney Local Plan – Proposed Submission 2018 - Representation Form

Part B – Please use a separate page for each representation for parts 3-8
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
   - Hackney Local Plan Proposed Submission - [https://hackney.gov.uk/lp33](https://hackney.gov.uk/lp33)

<table>
<thead>
<tr>
<th>Chapter</th>
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4. Do you believe the Local Plan Proposed Submission is:

<table>
<thead>
<tr>
<th>(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
<td>No</td>
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If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is unsound because it is NOT:

<table>
<thead>
<tr>
<th>(1) Positively Prepared it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.</th>
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<td>(2) Justified it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.</td>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see enclosed letter.
8. Do you wish to participate at an oral part of the examination?

*Please note* the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

| No | Yes | x |

9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | x |
| (b) when the Hackney Local Plan Examination will occur | x |
| (c) when the Inspector’s Report is published | x |
| (d) when the Hackney Local Plan is adopted | x |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice.

10. Signature: [Signature]  
Date: 07/01/2019
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<td>First Name:</td>
<td>Joe</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Haines</td>
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<th>Email:</th>
<th><a href="mailto:jhaines@savils.com">jhaines@savils.com</a></th>
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<tr>
<td>Address:</td>
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<td>Post code:</td>
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Organisation: Arctic Estates LLP

Hackney Local Plan – Proposed Submission 2018 - Representation Form

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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
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Please refer to the letter accompanying this form.

(Continue on a separate sheet if necessary)

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
8. Do you wish to participate at an oral part of the examination?

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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For information about how we handle your data, please read our [privacy notice](#).

10. Signature: Joe Haines  
Date: 04/12/2019
4th January 2019

London Borough of Hackney  
Strategic Policy Team  
2 Hillman Street  
London  
E8 1FB

By email to planmaking@hackney.gov.uk

Dear Sir / Madam,

Stamford Works, Gillett Square, Dalston N16 8JH  
Representations on the Council’s proposed submission Local Plan 2023

I write on behalf of Arctic Estates LLP to make representations on the above site (allocation D9) and the Local Plan in more general terms. Whilst we support the draft Local Plan in general terms we find it to be not sound, in so far as it is not fully justified.

The Site

Stamford Works lies at the north side of Gillett Square. The entrance is through a courtyard at the north-west corner of the square.

The existing buildings are set across three floors. At ground floor are a cafe (Brunswick East) and a restaurant (Jones & Sons). B1 Uses occupy units on ground, first and second floors.

The building is not listed but does lie in the Dalston conservation area. It is to the west of an unlisted building of merit (the Cholmeley Boys’ Club at 68 Boleyn Road). Gillett Square features in the Conservation Area Appraisal (2016) (CAA) as “the only public square within the area, with its contemporary design and use of high quality materials providing a place for cultural and community events”. There is no mention of Stamford Works.

The site has a PTAL of 6a and is highly accessible by public transport. It is three minutes walk to Dalston Kingsland train station, five minutes walk to Dalston Junction, and very nearby to nine bus routes on Kingsland High Street.

Dalston is a Major Town Centre.

The site is allocated as Site L in the Dalston Area Action Plan (2013) (AAP) as an ‘Opportunity’ site that is capable of accommodating a building of 4 to 6 storeys. It lies within an area that is designated as the Core Community / Cultural / Creative Uses area but is also more specifically designated as a Mixed-Use site.

The site has been included within the allocations of the new Local Plan because of its allocation in the AAP.

Suggested changes to the allocation

We make the following suggested changes (in red) to the proposed allocation:

Timescale: Medium Term  Short Term.
**Development Principles:** There is opportunity for a mixed-use development incorporating employment, retail, residential, cultural, creative and community uses and residential with active frontage facing onto Gillett Square. An indicative appropriate height for the site is 4 to 6 storeys. Further guidance to be set out in a Supplementary Planning Document.

There are good reasons to record indicative heights within the Local Plan; chiefly that the site forms an important key corner and that development of this approximate height, allied to good design, would cause no harm to heritage assets.

The site is marked in the AAP as a ‘key corner’ with a capacity to accommodate a building of 4 to 6 storeys. We agree with this. The AAP goes on to say:

> “Within this context, the potential for new or improved key, high quality corner buildings has been identified within some of the opportunity sites. In these locations, it is proposed that buildings should accentuate these prominent punctuation points in a way that enhances the overall townscape and legibility”.

The local area has been designated as a Conservation Area since the adoption of the AAP. On consideration of the site and its setting we conclude that the development of buildings of 4 to 6 storeys would have no harmful impact on the Conservation Area because of the relatively modest scale and the presence of surrounding buildings that separate the site from frontage streets. We also note that there no impacts on other conservation areas.

The conservation area is an asset of low to medium heritage significance overall and the backland character area is the zone of lowest heritage significance. The site itself does not merit a mention in the Conservation Area Appraisal.

The only part of the Site which is regarded as making a meaningful positive contribution to the conservation area is the curve-fronted structure at its western end, as viewed from within Woolgar Mews. The south flank facing the car park and square is of very poor architectural quality and has the potential to be transformed into a feature of much better architectural character, contributing positively to Gillett Square.

The Site, while of some very limited historical interest, may be said to detract the conservation area. An upward extension of this building would create a more appropriate massing for Gillett Square.

A taller building has the potential to offer a punctuation point and landmark and is, likewise, a welcome vertical element that complements the horizontal ground plane of the square, improving its setting and thus integrating it better into the surrounding conservation area. This would also complement that of the five-storey Dalston Culture House opposite, framing the entrance to the square from Boleyn Road and helping integrate a currently fragmentary historic environment.

**Suggested changes to the draft Local Plan**

**Vision, Objectives and Growth Strategy – Aspirations for Hackney – 2033**

We support the draft key objectives of the Local Plan but it is important to ensure that the language of the policy is precise to ensure the objectives can be clearly understood and applied in practice with certainty.

Therefore to provide greater clarity on the vision and spatial objectives, we propose the following text amendments to the 3rd, 4th and 7th point of the spatial objective strategy:

- ‘To deliver high quality intensified urban neighbourhoods with distinctive architectural quality which best optimise the available land whilst responding to Hackney’s historic character whilst producing unique and innovative contemporary design that reflects Hackney’s innovative and creative culture. Individual developments will aim to contribute to this aim through a design-led townscape design
response which is appropriate to each individual site in the context of the existing and emerging urban context.

- Deliver at least 26,250 additional homes, increasing the supply of genuinely affordable homes, alongside appropriate community facilities to meet existing and future needs.
- To support a diverse and mixed economy providing at least 23,000 new jobs by providing a range of types of floorspace to include, where viable and appropriate, affordable workspace and low cost industrial space.
- To support improvements to the local public and wider transport network and maximise the community and regeneration benefits and opportunities to come from Crossrail 2.

Growth Strategy

We welcome the strategy to achieve growth in town centres, High Streets and Employment Hubs to deliver new homes, jobs and improved retail facilities and support the identification of locations for where the most significant growth should take place.

With regards to the text outlining the borough’s Growth Strategy, we suggest the following amendments:

- 3.1 ‘Development for all uses should be designed to high architectural standard whilst reflecting historic character.
- 3.4 Its arrival will support opportunities for significant growth in the area, which through careful and considered masterplanning, will be managed to ensure Dalston’s unique creative and cultural character is maintained and enhanced, whilst ensuring that the need to optimise the delivery of new homes, jobs and improved retail facilities is met.’

The strategy to intensify development to create higher densities and deliver new homes is very welcome and we support the strategy to utilise space above existing buildings to deliver more homes. This is an appropriate response to increasingly constrained supply of land. However it is not clear in which locations this planning principle will be encouraged.

At present it would seem that the principle for additional massing above existing buildings is more focused on major corridors in the borough (reference to this principle is made further in PP5 ‘Enhanced Corridors’) however we consider that it should be applied in all the key growth areas, as identified in the plan, including identified locations within the town centre hierarchy. We suggest the following amendments to the text in order to reflect this as an overarching principle:

3.7 ‘The use of space above existing buildings to deliver more homes will be encouraged along major corridors in the borough and where appropriate in the key focus areas for development intensification identified in this plan, including locations identified in the town centre hierarchy.’

Vision for Dalston

We support the overall direction of travel for PP2 ‘Dalston’ and support the opportunity for development to take advantage of its very central location, accessibility to Dalston train station and potential for increased connection with the introduction of Crossrail 2.

We request that clarification is provided with regards to the mention of Dalston Masterplan in paragraph 4.17. There appears to be no explanation anywhere else in the document as to what this will comprise.

Paragraph 4.19 provides wording in support of the illustration which indicates the required level of intervention for change to the urban context in Dalston. The arrow is more heavily weight towards ‘keep it exactly the same’ which would appear in conflict with the draft local plans ambition for ‘innovative’ design, ambition for growth and identification of a number of sites suitable for development within Paragraph 4.18.
We suggest removing section 4.19 and the illustration completely or alternatively apply the following change to the text alongside the illustration to allow for this statement to be flexibly interpreted:

4.19 ‘Notwithstanding the recognition for redevelopment and optimisation of land for creation of new homes, new jobs and improved retail in Dalston and without compromise to encouraging development of land as a vehicle to deliver plan objectives, the diagram below illustrates the nature of intervention on the spectrum of reinforce-repair-reinvent that is sought within Dalston as identified in the borough wide Characterisation Study.”

Design Quality and Local Character

Draft Policy LP1 A. states that all new development must be of the highest architectural and urban design quality. We support this approach however consider that more thought should be given to the wording of the required design criteria new development is expected to meet. Suggested changes to the wording are as follows:

- x. be adaptable and robust and flexible in use; and
- xi. use attractive, durable high quality materials which complement local buildings and character; and
- xii. thoughtfully and efficiently integrate building services equipment and avoid compromising the appearance of the building, including the appearance from long views; and
- xiii. avoid value engineering and Maintain quality through the planning process through to the completion of the development; and’

London is constantly changing place and whilst we understand that preservation of existing communities and sense of place is important, we consider that in order to accommodate changing demands in society and meet the aims of the borough to grow and keep pace with the rest of London, the urban fabric and typologies of buildings should also be allowed to grow and change

Conclusion

Thank you for giving us the opportunity to comment on the Proposed Submission Local Plan 2033 November 2018 (Regulation 19) and we would be grateful for confirmation of receipt of these representations. Please do not hesitate to contact us on the details at the head of this letter should you require any further information.

Yours faithfully,

Joe Haines
5th January 2019

Hackney Council
Planning Services - Strategic Policy Team
2 Hillman Street, 3rd Floor
Hackney
London E8 1 DY

Dear Sirs,

Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012 (as amended)

Proposed Submission Consultation Local Plan 2033: Site Allocations

Site Reference: HC1    Site Name: ARRIVA Clapton Bus Garage
By: ARRIVA LONDON (an Operating Company of ARRIVA PLC)

1. Summary

1.1 HC1 needs to take into account the key factors as described herein.

1.2 ARRIVA is the Freehold owner of the above site, is currently in discussions with the Council regarding the site, and intends to continue to liaise closely with the Council and interested parties, including TfL, as the site serves contracted operations.

1.3 The site is a critical Bus Garage within the London Bus network and has been so historically.

1.4 The site houses both local TfL Bus services and also wider TfL Bus services within London. ARRIVA’s contracts with TfL are of over-riding importance in terms of both present and future Bus operations in and around London.

1.5 The nature of the Bus service and TfL Bus Routes are such that, in the Planning future of this site, they are not tolerant to any form of disruption whatsoever. This must be clearly understood by the Council. Relocation must be closely localised.

1.6 ARRIVA will continue to consider proposals for both the relocation of the Garage and the retention of the current Use in a future development, upon the clear understanding that any such proposals must cause no disruption whatsoever to ARRIVA’s operations, and that any costs incurred by ARRIVA will be met by others.

1.7 ARRIVA is investing vast sums in the latest and future technology Buses, improving Bus services in London, benefitting both local and wider Bus Routes.
1.8 It is noted that CR2 affects this site. The site is included in the current CR2 proposals as an; ‘Area of Surface Interest’. Whilst a wide area is included in such designation, ARRIVA recognises that due to its proximity to Hackney Central Railway Station, and to the Rail route, the site may come into play in the future plans for CR2. ARRIVA considers that this is a critical factor in the future considerations for the site.

1.9 There are clear Heritage associations for the site, which must be considered in any future proposals.

1.9 It must be emphasised that modern Bus operations, ARRIVA’s being a prime example, are clean, tidy and highly efficient. The Garage is very well-maintained.

1.10 In terms of servicing the local population, it is emphasised that the current operating arrangements work very well, and clearly to the public benefit.

2.0 About ARRIVA PLC

2.1 ARRIVA is one of the largest transport services organisations in Europe, employing 61,845 people and delivering well over 2.4 billion passenger journeys across 14 European countries each year.

2.2 ARRIVA is a wholly-owned subsidiary of Deutsche Bahn AG, a World-leading passenger and logistics service providers, employing 250,000 people.

2.3 In the UK, ARRIVA operates a major network of Bus, Rail and Coach services. This includes a strategic bus network in London and the Home Counties, which naturally includes the London area in particular.

2.4 Since its inception, ARRIVA has continuously and heavily invested in its transport infrastructure, including its many depots and operating facilities.

2.5 ARRIVA’s London offering has increased and expanded in terms of facilities very considerably over recent years, based around an increasing number of Garages and Depots around the Capital.

2.6 ARRIVA has grown both through acquisition and organically, and in local terms the takeover of various local transport operators by ARRIVA has resulted in a very strong and healthy public service provision. This has been assisted by numerous linkages which have been developed.

2.7 ARRIVA operates numerous Bus Partnerships, which have been set-up with Councils, and these have proved to be very effective in serving the interests of local communities.

2.8 The Council and Arriva are both agreed that a modern, continuously evolving Public Transport service will help to achieve the Council's sustainability aspirations, at the same time as reducing demand for the private motor vehicle and assisting in the resolution of traffic congestion.

2.9 ARRIVA’s operations in London are predominantly through contracts with TfL, who are a major stakeholder in terms of ARRIVA’s London operations.

2.10 Further detailed information is available via: http://www.arriva.co.uk/
3.0 ARRIVA Clapton Garage

3.1 The ARRIVA Clapton Garage is one of 16 in its London network serving TfL routes. It currently operates over 125 Buses serving several high-frequency routes, two of which run to Central London. The Freehold of the property is owned by ARRIVA.

3.2 The Garage has its origins going back as far as 1882, when it was known as the Hackney Tram Depot, and at that time housed horse trams. In the early 1940’s some of the surrounding buildings in Bohemia Place were demolished, in order to provide more space and better access to the Garage. Since then it has housed a variety of Public Transport operations, with ARRIVA’s interest being long-standing.

3.3 The Garage features in the UK Bus Awards, based on its: Driver Quality Monitoring data; wheelchair ramp operational audit data; Customer Satisfaction Survey; Mystery Traveller Survey results; low level of Lost Mileage; Quality of Service indicators; Engineering standards; and levels of favourable public comments.

3.4 The site is a critical Bus Garage within the London Bus network and has been so historically. The site houses both local TfL Bus services and also wider TfL Bus services within London. ARRIVA’s contracts with TfL are of over-riding importance in terms of both present and future Bus operations in and around London.

3.5 The juxtapositioning of ARRIVA Garages within the London area is critical in the operation of TfL Bus Routes. Any repositioning of alternative Garages facilities, whether temporary or permanent, must be carried out extremely carefully, and without any operational or service disruption.

3.6 HC1 is clear, in that any future proposals must not compromise TfL’s ongoing Bus operations, including bus stand provision. Any relocation proposals, whether temporary or permanent, or colocation of Residential and commercial development involving the Bus Garage facility must recognise this critical factor.

4.0 Crossrail 2

4.1 ARRIVA considers that, whilst it is content to continue discussions with the Council, that both parties must fully recognise the status of CR2 in relation to the site.

4.2 As it states, will not seek Permission for the line before 2022. The Government is unlikely to give the green light until about 2024 (assuming no delays). Therefore, any actual construction would take place some years later.

4.3 HC1 makes specific mention of CR2, but not in any meaningful sense. The site is clearly and unambiguously designated as an: ‘Area of Surface Interest’ within the CR2 proposals, and is therefore Safeguarded.

4.4 Due to its proximity to both Hackney Central Railway Station, and to the Rail route, ARRIVA considers that the site is currently effectively blighted in terms of future Planning Use. The Council does not appear to take this into account in HC1, and it is necessary to make due consideration.

4.5 ARRIVA requests that the Council considers the CR2 status of the site in terms of taking any proposals forward.

4.6 ARRIVA will liaise directly with CR2 in respect of this site.
5.0 ARRIVA’s discussions with the Council

5.1 ARRIVA recognises the importance to the Council’s Planning strategy, in the form of the Hackney Central and Surrounds Masterplan SPD (2017).

5.2 However, ARRIVA considers that HC1 is deficient, in that it does not take into account numerous factors mentioned herein.

5.3 ARRIVA is involved in ongoing positive discussions with the Council regarding the site. It has also employed Architects in order to consider a strategy and scheme designs which maintain the depot on the existing site, with residential development above.

5.4 Key to the future development of the proposals is in agreeing a scheme design which ARRIVA considers viable to implement. This is obviously a very highly sustainable site in Public Transport terms, both in its own right and due to its adjacency to Hackney Central Rail Station, with attendant synergies.

5.5 NPPF 2018 and the developing changes to the London Plan encourage increased development densities and higher buildings on sites around Public Transport nodes. This site is clearly and demonstrably capable of intensive development, including storey heights very significantly in excess of those currently prevalent in the immediate area.

5.6 Equally important to the future development of proposals is in finding a suitable site in which to decant ARRIVA’s operations, in order for redevelopment to take place. Realistically, the Council needs to resolve this point before any strategy moves further forward. Whilst theoretical at this stage, a localised ‘land swap’ may prove to be the means by which the project moves forward.

5.7 In any proposals, the location of off-road stands is critical for the operational flexibility of the Garage.

5.8 ARRIVA intends to continue active and positive discussions with the Council in respect of the future of this site.

6.0 Heritage issues

6.1 ARRIVA recognises that there are key Heritage issues associated with any proposals for the Garage. These are under-played in HC1.

6.2 The main considerations are: the Clapton Square Conservation Area (in which the site is partially located, and also directly adjacent); setting of the Grade 1 Listed Building, Augustine Tower; and setting of the Grade II* Listed St John’s Church.

6.3 In addition, the NPPF 2018 has particular sensitivities relating to Heritage Assets in this type of situation, and which must be recognised.

6.4 Any future proposals must therefore fully respect the Heritage aspects of the site’s interface.

6.5 With these constraints in mind, ARRIVA considers it possible to design and develop a suitable and viable proposal, which respects the context, in both the local and wider senses.
7.0 NPPF 2018 and Public Transport

7.1 When considering the future of this site, it is imperative that NPPF in relation to Public Transport is fully taken into consideration. The latest version of the NPPF was published since the Council’s 2017 Masterplan and hence is worth mentioning.

7.2 NPPF 2018, paragraph 102, within Section 9 – Promoting Sustainable Transport, states:

‘Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.’

7.3 NPPF 2018, paragraph 103, states:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’

7.4 NPPF 2018, paragraph 108, states:

‘In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.’
7.5 The key elements here are the retention and encouragement of the Public Transport service; the requirement to avoid disruption to the Public Transport service; and the need for Councils to work with operators and site owners in order to optimise opportunities.

If any further information is needed in this matter, please let us know.

Yours faithfully,

Bob Newell

Dr. R. J. NEWELL FCIoB FCIM FRSA MRTPi MIoD IMaPS MIED, Chartered Town Planner
Dear Sir/Madam,

PROPOSED SUBMISSION HACKNEY LOCAL PLAN 2033 (NOVEMBER 2018) (REGULATION 19 CONSULTATION): REPRESENTATION ON BEHALF OF ASPIRATIONS LIMITED

On behalf of our client, Aspirations Limited, please find below representations to the London Borough of Hackney’s (LBH) Regulation 19 consultation on the Proposed Submission Hackney Local Plan 2033 (November 2018).

Our client is the owner of the Site known as 84 – 86 Great Eastern Street and 1 – 3 Rivington Street. The Site is currently designated as a Site Allocation in the adopted Site Allocations Local Plan (SALP) (Ref 137) and has previously been identified as a site allocation for a mixed-use redevelopment including hotel, employment and leisure uses. A Section 73 planning application was granted in October 2017 (Ref: 2016/4054) for a mixed-use hotel-led redevelopment and was implemented in August 2018. An amended planning application for full planning permission for the site was submitted in December 2018 (Ref: 2018/4549). This broadly reflects the principles established under the extant consent with some minor changes including:

- Changes to the external façade of the main building;
- An increase in height by 8 meters;
- A reduction in the number of basement levels from four to three;
- Moving publicly-accessible uses from the basement to above ground floor levels; and
- A change in the quantum of floorspace uses throughout the building.

The application is currently under determination.

Our client supports the broad principles of the Council’s emerging Local Plan, and it is within this context that these representations are made.
Site Allocation

As outlined above, our client’s Site is currently identified as a site allocation within the adopted SALP (2016). The current Proposed Submission Hackney Local Plan 2033 no longer identifies the Site within the list of development opportunities with PP8 (Shoreditch and Hoxton). However, it is demarcated in the draft Policy Map. The Site should continue to be identified as a Site Allocation within the emerging Local Plan given that the site still represents a significant development opportunity which will positively contribute towards the aspirations of the Council’s Local Plan over the plan-period. Furthermore, it is considered that the continued inclusion of the Site Allocation will assist the Council in meeting its target delivery of office, retail and hotel accommodation. We therefore request that the previous site allocation is included within the Proposed Submission Hackney Local Plan and welcome the opportunity to further discuss the content of the site allocation with officers during the preparation of the Future Shoreditch Area Action Plan (FSAAP) which will provide further details on the aspiration for development in each site allocation identified.

LP1: Design Quality and Local Character

Part A of draft Policy LP1 states that “development will only be permitted if all of the following criteria are met.” The draft policy outlines 17 criteria which as currently required, is considered to be overly prescriptive. Likewise, the current wording of the policy does not provide sufficient flexibility to allow development to come forward where suitable evidence or justification is provided in cases where all of the criteria cannot be met. We therefore suggest that the wording of the policy is altered to allow for adequate evidence and/or justification to be submitted alongside development proposals where it is not possible to meet all of the criteria set out.

The Proposed Submission Hackney Local Plan defines tall buildings as “buildings or structures that are significantly taller than surrounding development.” Part B of draft Policy LP1 states that tall buildings are defined as buildings taller than the existing context, whilst support text (Paragraph 5.6) suggests that tall buildings are those which “will generally be an exception to the prevailing townscape.” In addition, Paragraph 5.6 also adds that the Council may consider a building of three storeys to be tall in an area characterised by two-storey buildings. It is considered that the proposed definition of tall buildings is inconsistent throughout the document and further clarification is sought on the thresholds for tall buildings in the borough. Notwithstanding, the tall building example used in paragraph 5.6 (i.e. 1 storey above the surrounding built context) seems particularly onerous and would indicate that the majority of developments in Hackney would be considered tall. On this basis, we request that further clarification is provided regarding the definition of tall buildings and indicate the general tall buildings heights as required in draft Policy D8 of the emerging London Plan.

Part B of draft Policy LP1 specifically refers to the criteria required to be met for tall buildings. Part B (ii) states that for the top of tall buildings these “must enhance the skyline.” It is considered that this requirement is inconsistent with draft Policy D8 of the emerging London Plan which states that tall buildings “should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views.” On this basis, we suggest that the current requirement for the top of tall buildings is amended to be consistent with draft Policy D8.
Policy LP3: Designated Heritage Assets

The current wording of Part E (Conservation Areas) of Policy LP3 suggest that proposals will only be acceptable where they preserve and enhance the existing character of conservation areas and buildings. This is considered to be inconsistent with the NPPF (2018) which states:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

On this basis we suggest that the wording of Part E is redrafted to be consistent with the NPPF (2018).

Policy LP9: Health and Wellbeing

Part C of draft Policy LP9 outlines that major developments of 50+ residential units or non-residential developments of 10,000sqm or more are required to submit a Health Impact Assessment. As drafted, there is no justification for this threshold or why this requirement is only applicable to major developments. Notwithstanding, we would suggest that additional text is added into the policy to require developments to provide such assessments where it is justified and appropriate.

Policy LP25: Visitor Accommodation

Policy LP25 states:

A. The amount of new visitor accommodation including short term lettings will be managed having regard to up to date assessments of current and future room demand and supply published by the Council. Where the assessment indicates long-term demand has been met, visitor accommodation applications will not be permitted.

B. Large scale hotels (50+ rooms) will only be permitted in the Central Activities Zone and major town centres where there is an identified need that the Council deems to be greater than identified need for other policy compliant land uses. Small scale hotels in other areas may be permitted if they meet specific identified needs.

Overall, it is considered that the current wording of draft policy LP25 is unclear and further clarification should be provided on how the Council will monitor future room demand and supply, particularly as this should also take into account existing consents and may not necessarily reflect the market-demand. Likewise, further clarification is also sought on whether Part A will be applied to a gross or net uplift in visitor accommodation. We therefore suggest that additional wording is included within the policy to require a Hotel Demand Analysis or equivalent supplementary evidence as part of future planning applications to ensure that new developments can adequately demonstrate demand for visitor accommodation. It is considered that this approach will allow sufficient flexibility to meet future demand and support the function of the CAZ and the wider area.
It should also be noted that the GLA’s Working Paper in April 2017 titled ‘Projections of demand and supply for visitor accommodation in London to 2015’ notes that:

“Demand for London accommodation is projected to reach 196.4 million nights by 2041 from 138.5 million visitor nights in 2015. This is driven by a 42.9 million increase in international visitor nights, and a 15.0 million increase in domestic visitor nights.

“Based on these demand projections it is estimated that London will need to add an additional 58,140 rooms to the serviced accommodation supply by 2041, at an average of 2,236 rooms per annum.”

With regard to Hackney specifically, the Paper advises that the Borough should provide 3,382 rooms (5.8%) towards London’s supply of serviced visitor accommodation up to 2041. It is therefore considered that there is a demonstrable need for a significant number of additional hotel rooms in the borough and this should be reflected in draft Policy LP25 to encourage the delivery of visitor accommodation.

**Draft Policy LP27: Protecting and Promoting Office Floorspace in the Borough**

The site is proposed to be designated within the Shoreditch Priority Office Area (POA) and the FSAAP, within the Proposed Submission Hackney Local Plan 2033. Part C of draft Policy LP27 states that:

C. New development within designated POAs will only be permitted if it is employment-led where B1 use class is the primary use in line with the below thresholds, subject to viability.

   i. Within the Future Shoreditch AAP (Shoreditch POA and part of the Wenlock POA) - at least 60% of the floorspace across the area as a whole is B1 employment floorspace.”

It is considered that the threshold approach detailed in Part C of draft Policy LP27 is overly restrictive and does not allow sufficient flexibility to meet future market demands. Likewise, further clarification is sought on how the Council will monitor the level of B1 floorspace within the FSAAP. Again, we would suggest that additional wording is added to the policy to require Office Demand Analysis or an equivalent report to demonstrate demand for such floorspace to justify the quantum of floorspace uses in future developments in the POA.

It is considered that this suggested approach would encourage a viable mix of uses to come forward which could support the function of POAs whilst maintaining a high percentage of office floorspace.

Lastly, further clarification is sought on whether the draft policy will apply to the gross or the net uplift in floorspace in new developments.

**Draft Policy LP29: Affordable Workspace and Low-Cost Employment Floorspace**

Part C of draft Policy LP29 states that

“Where low cost employment floorspace equates to less than 10% gross new employment floorspace or there is no low-cost workspace to be re-provided as part of a major development scheme, new affordable workspace should be provided as follows:
Development in the Shoreditch POA: at least 10% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace (gross) should be affordable at no more than 40% of the locality’s market rent for a period of 10 years, subject to viability.

“In remaining POAs, CAZ and town centres: at least 10% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace(gross) should be affordable at no more than 60% of the locality’s market rent for a period of 10 years, subject to viability.”

It is considered that the proposed level of affordable rent (40% of a locality’s market rent) within the Shoreditch POA is unviable and unachievable as well as too prescriptive to account for changes to market conditions over the lifetime of the plan. On this basis, it is not considered that the draft policy wording adequately reflects the requirements for plan-making as set out within paragraph 11(a) of the NPPF (2018) which states:

“Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.”

In addition to the above, it is unclear why two separate rates are applied for the Shoreditch POA and other POAs in the borough, given that the Council’s aspirations for these locations are the same and will likely penalise the viability of future schemes to come forward in the Shoreditch POA. We therefore suggest that the same percentage of market rents used in other POAs is also used in the Shoreditch POA.

Draft Policy LP48: New Open Space

Part B of draft Policy LP48 states that 4sqm of communal open space per employee should be provided in all major mixed-use and commercial developments. It is considered that the proposed level of communal open space is unjustified and will likely prejudice future development coming forward on constrained sites. Adequate flexibility should be incorporated into the policy wording to allow future developments to make an alternative contribution towards open spaces in the borough, for example to existing open space provision or via a financial contribution in order to realistically allow future development to come forward.

We trust that these representations will be considered as part of this round of consultation on the Proposed Submission Hackney Local Plan (November 2018) and would be grateful if you could confirm receipt of these representations. Should you have any questions regarding the above, please do not hesitate to contact either Holly Farrow or Katharine Bramson at this office.

Yours faithfully,

DP9 Ltd
We write on behalf of Baysan Hassan and Digby Developments Limited, to make representations pursuant to the Proposed Submission Local Plan 2033.

Our client has significant landholdings within the existing Homerton Priority Employment Area (PEA), now envisaged within the new document to be in a Priority Industrial Area (PIA).

The comments made below relate to the soundness of specific policies proposed within the Proposed Submission Local Plan.

**LP14 Dwelling Size Mix**

Policy LP14 sets preferred dwelling mixes for all tenures, including intermediate and market housing. Whilst it may appear that some degree of flexibility is built into the policy in respect of 1 and 2 bedroom units for intermediate and market housing, the inclusion of a prescriptive requirement of 3+ bedroom units for market and intermediate housing has the effect of fixing minimum requirements for other dwelling sizes.

The requirement for 33% of market housing to be 3+ bedrooms, along with the requirement for 2-bedroom units to be provided at a higher proportion than 1-bedroom units, means that a minimum proportion of 34% is set for 2-bedroom units and a maximum proportion of 33% is set for 1 bedroom units. Prescribing the requirement for one unit size locks in minimum and maximum requirements for other unit sizes. This approach is inconsistent with draft London Plan Policy H12 ‘Housing Size Mix’ which states at Part C that ‘boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes’.

Prescribing dwelling size mixes for intermediate and market housing is inconsistent with the draft London Plan and therefore the dwelling mix requirements for intermediate and market housing within Policy PL14 ought to be deleted, in order to be made sound.

**Policy 23 New Employment Floorspace**

The Council’s current adopted policy approach requires employment-led development within designated Priority Employment Areas (PEAs). This leaves the market to influence what type of B use
class floorspace is delivered within new development. We support this approach in adopted policy and propose that this is maintained in the LP33.

Policy 26 states that,

New employment floorspace (B class) in the Borough will be supported in Locally Significant Industrial Areas, Priority Office Areas, Priority Industrial Areas and designated town centres.

We support this approach as it allows flexibility with regards to the type of employment floorspace proposed. However, Part E states that,

Within Priority Industrial Areas, industrial uses will be supported.

Whilst we understand that there is a requirement for industrial uses in the borough, we propose that this part of the policy is amended to allow for the full range of B use classes to be delivered within PIAs subject to market need and viability.
This is particularly of relevance in this part of the Borough given the excellent access to public transport, and an emerging office market as a consequence.

Policy 28 Protecting and Promoting Industrial land and floorspace in the Borough

In terms of Priority Industrial Areas, the Policy states that,

B. New development or redevelopment of sites within Priority Industrial Areas will only be permitted if they:

i. maximise the delivery of employment floorspace by maintaining or re-providing the same amount of industrial floorspace (as either B1c, B2, B8); and

ii. include the maximum viable amount of employment floor space; and

iii. in the case of mixed use development schemes, are designed to ensure that there are no environmental impacts or conflicts between uses, applying the agent of change principle.

The current approach to this policy is not considered to be in consistent with the National Planning Policy Framework (NPPF) which states that,

planning policies should encourage multiple benefits from both urban and rural land, including through mixed use schemes...

and
promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...

As stated above in relation to these policies we believe that there should be further flexibility to broaden the range of uses to include B1(a) and provide more clarity on other uses that are acceptable in these locations such as residential.

There should be a recognition that not all uses within these locations are optimally located, and that flexibility should be allowed to reflect the precise nature of the existing uses and the site circumstances.

Policy 29 Affordable Workspace and Low Cost Employment Floorspace

Part A of the Policy states that,

*New major employment and mixed use development in the borough’s designated employment areas, Central Activities Zone and town centres should provide affordable or low cost workspace, equating to a minimum of 10% of gross new employment floorspace.*

It is considered that in order for this policy to be deliverable, the 10% requirement for low cost/affordable workspace should be required on the uplift in employment floorspace only and it is recommended that the policy is clarified as such.

There is also a concern that the amount of affordable workspace required and the requisite rent levels of the affordable workspace is not justified or based on proportionate evidence, as required by Paragraph 35 of the NPPF.

Part B of the Policy states that,

*Major employment and mixed use schemes involving the redevelopment of existing low cost employment floorspace must re-provide the maximum economically feasible amount of low cost employment floorspace in perpetuity, at equivalent rents and service charges, suitable for the existing or equivalent uses, subject to current lease arrangements and the desire of existing businesses to remain on-site.*

The draft wording requires the low cost employment floorspace to be provided in perpetuity. From our experience, this requirement is likely to significantly harm the viability of future schemes and place severe risk on the deliverability of developments in the borough. It is proposed that provision for a 10 year period would be more appropriate as per recent schemes approved in the borough.

LP44 Public Transport and Infrastructure

As drafted, Policy LP44 states that new major development must:

“B. Make a financial contribution towards improvements to the bus network and associated infrastructure including new bus services, bus priority measures and frequency upgrades.
C. Contribute to improving rail infrastructure at local stations including travel interchange facilities and step free access.
D. Support car club development, cycle hire facilities and other sustainable transport initiatives, such as electric vehicle charging infrastructure and pocket parks,
E. Improve access to public transport facilities by promoting walking and cycling.”
The wording of the policy does not relate the contributions required of a development to be proportionate to their impact on the existing infrastructure, subject to viability considerations, or to be required only where applicable to that development. This is inconsistent with Paragraph 34 of the NPPF which states that policies which set out the contributions expected from development should not undermine the deliverability of the plan. With no consideration of viability or policy provision for contributions to the public transport network and infrastructure to be proportionate to the scale or impact of a proposed development, the policy as drafted may impact on the deliverability of development proposals which would otherwise contribute to delivering the plan’s identified need for 26,250 new homes, 23,000 new jobs and 34,000sqm of retail and leisure floorspace over the plan period. It is therefore recommended that Policy LP44 is revised to recognize that the contributions required from a development must be proportionate to the impacts of a development and will be subject to viability considerations.

**LP48 New Open Space**

Policy LP44, as drafted, requires all development proposals for 10 or more residential units and / or more than 1,000sqm of commercial floorspace to provide the following levels of communal amenity open space:

1. 14sqm per person for residential development schemes;
2. 4 sqm per employee for commercial development schemes.

The policy, as drafted, does recognise that there may be instances where it is not possible to deliver public open space. For sites outside of Open Space Deficiency Areas the policy includes an alternative option for a financial and / or physical contribution for the enhancement of public open space in the vicinity. As currently drafted, this option does not apply to sites that are within Open Space Deficiency Areas.

The policy requirements for residential, commercial and mixed use developments proposed within Policy LP44 in respect of open space provision are considered to be wholly unsound due to their effect of the deliverability of developments which are integral in meeting the objectively assessed needs of the borough as contained within the plan, principally 26,250 new homes and 23,000 new jobs.

The Hackney Open Space Assessment 2018, prepared by LUC, found that the current rate of open space provision is good at 1.36 ha per 1,000 head of population. However, the policy requirement of 14sqm of open space per resident is entirely unrealistic and undeliverable; in order to provide additional homes for an increased population it is inevitable that the ratio of open space per head of population is reduced. New developments will categorically not be able to deliver open space at the rate of existing provision due to constraints on the availability of land and urban nature of the borough. The open space requirements set in respect of residential developments significantly impacts the deliverability of 26,250 new homes required over the plan period.

The Hackney Open Space Assessment does not include any evidence to demonstrate that communal open space is required from commercial developments in order to provide acceptable amounts of open space across the borough. No recommendation with regards to communal open space and commercial/mixed use developments are made. The policy requirement to provide 4sqm of communal open space per employee for major developments is therefore considered to be unjustified, not being based on proportionate evidence as stipulated in Paragraph 35 of the NPPF.

Paragraph 16 of the NPPF requires plans to be positively prepared in a way that is aspirational but deliverable. The open space requirements set for both residential development and commercial/mixed use development are considered to compromise the deliverability of new homes and employment floorspace, which are central aims of the plan.
We look forward to receiving acknowledgement of receipt of these representations and request that we be notified of further opportunities to comment on the draft plan accordingly.

Yours faithfully,

DP9 LTD.
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by **5pm on 7th January 2019** by:

**E-mail to:** planmaking@hackney.gov.uk  
**Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit **one** copy of Part A)  
Part B – Your representation(s). **Please submit a separate page** for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

**Part A – Submit only one copy of this**

### 1 - Personal Details

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<tr>
<td>First Name:</td>
<td>KATHARINE</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>DP9 Limited</td>
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Contact details:

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<tr>
<th>Email:</th>
<th><a href="mailto:Katharine.bramson@dp9.co.uk">Katharine.bramson@dp9.co.uk</a></th>
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**2 - If you are an agent or representing an organisation or group please provide their details below:**

Organisation: Aspirations Ltd
Part B – Please use a separate page for each representation for parts 3-8

3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
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If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

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If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to co-operate, please use this box to set out your comments.
As outlined above, our client’s Site is currently identified as a site allocation within the adopted SALP (2016). The current Proposed Submission Hackney Local Plan 2033 no longer identifies the Site within the list of development opportunities with PP8 (Shoreditch and Hoxton). However, it is demarcated in the draft Policy Map. The Site should continue to be identified as a Site Allocation within the emerging Local Plan given that the site still represents a significant development opportunity which will positively contribute towards the aspirations of the Council’s Local Plan over the plan-period. Furthermore, it is considered that the continued inclusion of the Site Allocation will assist the Council in meeting its target delivery of office, retail and hotel accommodation.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We therefore request that the previous site allocation is included within the Proposed Submission Hackney Local Plan and welcome the opportunity to further discuss the content of the site allocation with officers during the preparation of the Future Shoreditch Area Action Plan (FSAAP) which will provide further details on the aspiration for development in each site allocation identified.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

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| No | X | Yes |
Hackney Local Plan – Proposed Submission 2018 - Representation Form

Part B – Please use a separate page for each representation for parts 3-8

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If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Part A of draft Policy LP1 states that “development will only be permitted if all of the following criteria are met.” The draft policy outlines 17 criteria which as currently required, is considered to be overly prescriptive. Likewise, the current wording of the policy does not provide sufficient flexibility to allow development to come forward where suitable evidence or justification is provided in cases where all of the criteria cannot be met.

The Proposed Submission Hackney Local Plan defines tall buildings as “buildings or structures that are significantly taller than surrounding development.” Part B of draft Policy LP1 states that tall buildings are defined as buildings taller than the existing context, whilst support text (Paragraph 5.6) suggests that tall buildings are those which “will generally be an exception to the prevailing townscape.” In addition, Paragraph 5.6 also adds that the Council may consider a building of three storeys to be tall in an area characterised by two-storey buildings. It is considered that the proposed definition of tall buildings is inconsistent throughout the document and further clarification is sought on the thresholds for tall buildings in the borough. Notwithstanding, the tall building example used in paragraph 5.6 (i.e. 1 storey above the surrounding built context) seems particularly onerous and would indicate that the majority of developments in Hackney would be considered tall.

Part B of draft Policy LP1 specifically refers to the criteria required to be met for tall buildings. Part B (ii) states that for the top of tall buildings these “must enhance the skyline.” It is considered that this requirement is inconsistent with draft Policy D8 of the emerging London Plan which states that tall buildings “should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views.”

Part A of draft Policy LP1 states that “development will only be permitted if all of the following criteria are met.” The draft policy outlines 17 criteria which as currently required, is considered to be overly prescriptive. Likewise, the current wording of the policy does not provide sufficient flexibility to allow development to come forward where suitable evidence or justification is provided in cases where all of the criteria cannot be met.

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For the purposes of Part A, we suggest that the wording of the policy is altered to allow for adequate evidence and/or justification to be submitted alongside development proposals where it is not possible to meet all of the criteria set out.

We request that further clarification is provided regarding the definition of tall buildings and indicate the general tall buildings heights as required in draft Policy D8 of the emerging London Plan.

We suggest that the current requirement for the top of tall buildings is amended to be consistent with draft Policy D8.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
The current wording of Part E (Conservation Areas) of Policy LP3 suggest that proposals will only be acceptable where they preserve and enhance the existing character of conservation areas and buildings. This is considered to be inconsistent with the NPPF (2018) which states:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We suggest that the wording of Part E is redrafted to be consistent with the NPPF (2018).

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| No  | ☒   | Yes |
### Hackney Local Plan – Proposed Submission 2018 - Representation Form

**Part B – Please use a separate page for each representation for parts 3-8**

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  - No
- (2) Sound  
  - Yes  
  - No  
  - X
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*If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.*
Part C of draft Policy LP9 outlines that major developments of 50+ residential units or non-residential developments of 10,000sqm or more are required to submit a Health Impact Assessment. As drafted, there is no justification for this threshold or why this requirement is only applicable to major developments.

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We would suggest that additional text is added into the policy to require developments to provide such assessments where it is justified and appropriate.

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5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

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6. Please give details of why you consider the Hackney Local Plan 2033 Submission **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Policy LP25 states:

A. The amount of new visitor accommodation including short term lettings will be managed having regard to up to date assessments of current and future room demand and supply published by the Council. Where the assessment indicates long-term demand has been met, visitor accommodation applications will not be permitted.

B. Large scale hotels (50+ rooms) will only be permitted in the Central Activities Zone and major town centres where there is an identified need that the Council deems to be greater than identified need for other policy compliant land uses. Small scale hotels in other areas may be permitted if they meet specific identified needs.

Overall, it is considered that the current wording of draft policy LP25 is unclear and further clarification should be provided on how the Council will monitor future room demand and supply, particularly as this should also take into account existing consents and may not necessarily reflect the market-demand. Likewise, further clarification is also sought on whether Part A will be applied to a gross or net uplift in visitor accommodation.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We suggest that additional wording is included within the policy to require a Hotel Demand Analysis or equivalent supplementary evidence as part of future planning applications to ensure that new developments can adequately demonstrate demand for visitor accommodation. It is considered that this approach will allow sufficient flexibility to meet future demand and support the function of the CAZ and the wider area.

It should also be noted that the GLA’s Working Paper in April 2017 titled ‘Projections of demand and supply for visitor accommodation in London to 2015’ notes that:

“Demand for London accommodation is projected to reach 196.4 million nights by 2041 from 138.5 million visitor nights in 2015. This is driven by a 42.9 million increase in international visitor nights, and a 15.0 million increase in domestic visitor nights.

“Based on these demand projections it is estimated that London will need to add an additional 58,140 rooms to the serviced accommodation supply by 2041, at an average of 2,236 rooms per annum.’”

With regard to Hackney specifically, the Paper advises that the Borough should provide 3,382 rooms (5.8%) towards London’s supply of serviced visitor accommodation up to 2041. It is therefore considered that there is a demonstrable need for a significant number of additional hotel rooms in the borough and this should be reflected in draft Policy LP25 to encourage the delivery of visitor accommodation.
Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. Do you wish to participate at an oral part of the examination?

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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Part B – Please use a separate page for each representation for parts 3-8

3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
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4. Do you believe the Local Plan Proposed Submission is:

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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
C. New development within designated POAs will only be permitted if it is employment-led where B1 use class is the primary use in line with the below thresholds, subject to viability.

i. Within the Future Shoreditch AAP (Shoreditch POA and part of the Wenlock POA) - at least 60% of the floorspace across the area as a whole is B1 employment floorspace.”

It is considered that the threshold approach detailed in Part C of draft Policy LP27 is overly restrictive and does not allow sufficient flexibility to meet future market demands. Likewise, further clarification is sought on how the Council will monitor the level of B1 floorspace within the FSAAP.

Lastly, further clarification is sought on whether the draft policy will apply to the gross or the net uplift in floorspace in new developments.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We would suggest that additional wording is added to the policy to require Office Demand Analysis or an equivalent report to demonstrate demand for such floorspace to justify the quantum of floorspace uses in future developments in the POA.

It is considered that this suggested approach would encourage a viable mix of uses to come forward which could support the function of POAs whilst maintaining a high percentage of office floorspace.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

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Hackney Local Plan – Proposed Submission 2018 - Representation Form

Part B – Please use a separate page for each representation for parts 3-8

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4. Do you believe the Local Plan Proposed Submission is:

| (1) Legally compliant | Yes | X | No |
| (2) Sound            | Yes | No | X  |
| (3) Complies with the Duty to Co-operate | Yes | X | No |

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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Part C of draft Policy LP29 states that:

“Where low cost employment floorspace equates to less than 10% gross new employment floorspace or there is no low-cost workspace to be re-provided as part of a major development scheme, new affordable workspace should be provided as follows:

i. Development in the Shoreditch POA: at least 10% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace (gross) should be affordable at no more than 40% of the locality’s market rent for a period of 10 years, subject to viability.

ii. “In remaining POAs, CAZ and town centres: at least 10% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace(gross) should be affordable at no more than 60% of the locality’s market rent for a period of 10 years, subject to viability.”

It is considered that the proposed level of affordable rent (40% of a locality’s market rent) within the Shoreditch POA is unviable and unachievable as well as too prescriptive to account for changes to market conditions over the lifetime of the plan. On this basis, it is not considered that the draft policy wording adequately reflects the requirements for plan-making as set out within paragraph 11(a) of the NPPF (2018) which states:

“Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.”

In addition to the above, it is unclear why two separate rates are applied for the Shoreditch POA and other POAs in the borough, given that the Council’s aspirations for these locations are the same and will likely penalise the viability of future schemes to come forward in the Shoreditch POA. We therefore suggest that the same percentage of market rents used in other POAs is also used in the Shoreditch POA.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Part B of draft Policy LP48 states that 4sqm of communal open space per employee should be provided in all major mixed-use and commercial developments. It is considered that the proposed level of communal open space is unjustified and will likely prejudice future development coming forward on constrained sites.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Adequate flexibility should be incorporated into the policy wording to allow future developments to make an alternative contribution towards open spaces in the borough, for example to existing open space provision or via a financial contribution in order to realistically allow future development to come forward.

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<th>9. Do you wish to be notified of any of the following? Please mark all that apply.</th>
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<td>(c) when the Inspector’s Report is published</td>
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Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice

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<td>D09 Ltd</td>
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Dear Sir/Madam,

LOCAL PLAN 2033 (LP33) - A NEW LOCAL PLAN FOR THE BOROUGH (REG 19)
CONSULTATION RESPONSE ON BEHALF OF BISHOPSGATE GOODS YARD REGENERATION LIMITED

These representations are submitted on behalf of Bishopsgate Goods Yard Regeneration Limited (‘BGYRL’), a 50/50 joint venture between Hammerson plc and Ballymore, in relation to the London Borough of Hackney’s ‘Draft Local Plan 2033’ document.

BGYRL jointly own the rights to develop Bishopsgate Goods Yard which is the largest development site in the City Fringe Opportunity Area. In 2010, together with London Borough of Tower Hamlets and Hackney, the Greater London Authority published Interim Planning Guidance (IPG) for the site that provides a framework for the future comprehensive development of the site and acts as a material consideration in determining future planning applications. The nature and extent of the guidance document emphasises the strategic importance of the site and explains the various opportunities and challenges associated with its redevelopment.

The opportunity is welcomed at this stage to respond to this consultation and actively support the positive approach the document takes in promoting growth and development in Hackney.

REPRESENTATIONS

Our client is generally supportive of the positive approach taken by the draft Local Plan in seeking to maximise the growth potential of LBH to accommodate additional housing and employment floorspace to meet the growing population in the Borough.

BISHOPSGATE GOODS YARD

The draft Local Plan identifies the Bishopsgate Goods Yard site as a development opportunity within the Shoreditch and Hoxton area. This is supported by our client; however further guidance should be provided on the type of development that it envisaged. The Bishopsgate Goods Yard site represents the
largest vacant brownfield site within the City Fringe which is considered to be a strategically important opportunity to deliver a commercial led mixed use development.

Given the excellent public transport accessibility of the site as a result of its close proximity to Shoreditch High Street Station and its central location, high density development should be supported. Furthermore, for the reasons outlined above, the draft Local Plan should also state that large scale and tall buildings of a central London scale are entirely appropriate within this site allocation area. This is already acknowledged within the IPG.

POLICY LP1 (DESIGN QUALITY AND LOCAL CHARACTER)

The draft policy states that all new development must be of the highest architectural and urban design quality. It goes on to say that development will only be permitted if all of the following criteria are met. The current wording of the policy is too onerous and restrictive and does not allow for site specific constraints to be considered. From our experience, schemes can rarely meet all policy criteria in full and as such a judgment needs to be made by the Local Planning Authority as to whether the benefits of the scheme outweigh the disbenefits of departing from policy.

The policy goes on to note that taller buildings will only be permitted where they meet all of the following criteria:

I. “have a legible and coherent role in the immediate and wider context and where relevant be fully justified in respect of the Council’s place policy vision for the area; and

II. relate and respond to its immediate and wider surrounding context: the base of the building must enhance the existing streetscape, and the top of a tall building must enhance the skyline; be of exceptional design quality both in materiality and form and not lead to unacceptable overshadowing of public spaces, especially public open spaces and watercourses/canals; and

III. make a positive contribution to the quality of the public realm; and

IV. preserve and enhance the Borough’s heritage assets, their significance, and their settings in line with policies LP3 ‘Designated Heritage Assets’ and LP4 ‘Non Designated Heritage Assets’.”

Our client strongly supports the use of tall buildings in appropriate locations within the Borough, such as the Bishopsgate Goods Yard site that can accommodate additional height.

In respect of the first part of the policy, the current wording does not permit tall buildings that would have a neutral impact on the skyline. This is at odds with London Plan policy and other strategic objectives of the draft Local Plan which identifies the need for new housing and higher density development.

The draft Local Plan also sets out key strategic objectives including the delivery of 23,000 new jobs and 30,000 new homes by 2033. It is considered that tall buildings can play a key role in contributing to the delivery of these strategic objectives and should not be resisted if they have only a neutral (rather than enhancing) impact on the skyline. Therefore, we recommend that the policy wording be amended as follows: “the top of a tall building must not adversely impact the skyline’.”
POLICY LP12 (HOUSING SUPPLY)

The draft Local Plan acknowledges the increasingly overwhelming need for additional housing in the Borough. The draft Local Plan identifies that 1,750 homes are needed to be built each year between now and 2033. Our client supports the direction taken by the draft Local Plan to promote new housing in the Borough to meet current and future demand and the acknowledgement that additional housing above the draft London Plan minimum target of 1,330 per annum for the period 2019/2029 is required.

POLICY LP13 (AFFORDABLE HOUSING)

The draft policy states that a minimum 50% of net housing delivered will be sought as on-site affordable housing for schemes of 10 residential units or more, subject to financial viability. Although our client acknowledges the increasing need for affordable housing, the requirement to provide a minimum of 50% is seen to be unrealistic given our experience working in Hackney and within London as a whole. A more realistic target should be identified within the policy of 35%, subject to viability.

POLICY LP27 (PROTECTING AND PROMOTING OFFICE FLOORSPACE IN THE BOROUGH)

The draft Local Plan notes that in Priority Office Areas (POAs) new development will only be permitted if it is employment-led where B1 use class is the primary use, subject to viability.

Part C (i) of the policy states that within the Future Shoreditch AAP, at least 60% of the floorspace across the area as a whole is B1 employment floorspace. The current wording of the policy is unclear as to whether the 60% relates to the entire POA area or per development. This should be clarified, particularly for larger sites such as the Bishopsgate Goods Yard, which spans two boroughs.

Part D of the policy states that retail, hotel, community, leisure and residential development in POAs will only be permitted if all of the following criteria are met:

“i. The development forms part of an employment-led mixed-use schemes including conversion schemes meeting the thresholds identified in Ci. and ii. above.

ii. Proposals must be appropriate to the characteristics and functioning of the site and will not compromise the on-going operations of businesses in the POA.

iii. Proposals must satisfy the requirements of Policies including; other employment policies, Policy LP8 (Social and Community Infrastructure), Policy LP25 (Visitor Accommodation) Policy LP32 (Town Centres) and Policy LP38 (Evening and Night Time Economy).

iv. Residential uses are not provided at ground floor level.”

Adopted Policy DM17 currently advises that in exceptional circumstances the amount of C1 and C3 floorspace may exceed commercial floorspace if it is appropriate to the characteristics and functioning of the site and does not compromise the on-going operations of business in the PEA. We seek justification as to why this approach has not been maintained in the draft Local Plan. The current wording of the policy could restrict development sites from coming forward which are only made viable through the delivery of alternative land uses, such as residential.
POLICY LP29 (AFFORDABLE WORKSPACE AND LOW COST EMPLOYMENT FLOORSPACE)

The draft policy requires development in the Shoreditch POA to provide at least 10% of the new floorspace to be ‘affordable’ at no more than 40% of the locality’s market rent in perpetuity, subject to viability.

The 40% reduction is double that required by adopted Policy DM16 of the LB Hackney Development Management Local Plan. This is a significant increase which will impact the viability and deliverability of schemes coming forward. The reduction in market rent should be considered on a case by case basis and as such wording to this effect should be included within the policy.

The draft London Plan Policy E3 part C states that “Boroughs, in their Development Plans, are encouraged to consider more detailed affordable workspace policies in light of local evidence of need and viability.” The evidence base (Hackney Employment Land Study 2017) concludes that the adopted affordable workspace policy equates to a cost of £90 psqm (10% of floorspace at 80% market rent) whilst the proposed draft affordable workspace policy comes at a cost of £221 psqm (10% of floorspace at 60% market rent). The report notes that the provision of affordable workspace represents a significant cost to development and much higher than the Council’s current charges for CIL and Crossrail s106. The Hackney Employment Land Study 2017 does not provide evidence to support the dramatic change in cost for affordable workspace from 80% to 60% market rent. We request that the adopted policy position remain until such time as suitable evidence supporting the proposed change has been provided.

The draft policy identifies specific rental levels for affordable workspace which are considered to be too ridged and is at odds with the NPPF which requires local plans to have “sufficient flexibility to adapt to rapid change”. As currently worded the draft policy reflects what the London Borough of Hackney deem appropriate at this particular point in time and does not give flexibility to adapt and evolve as the climate and market change over the plan period.

The term ‘affordable’ should be given greater flexibility as it can relate to rent, lease length and size of the accommodation provided.

Co-working scheme are becoming increasingly popular within the city as they offer flexible and affordable workspace for businesses. Further clarity is required on how Policy LP29 would apply to co-working schemes as they are already considered to be an affordable and low cost workspace product.

Finally, the draft wording requires the affordable workspace to be provided in perpetuity. This requirement is likely to significantly harm the viability of future schemes and place increased risk on the deliverability of developments in the borough. It is proposed that provision for a 5 - 10 year period would be wholly more appropriate.

POLICY LP38 (EVENING AND NIGHT TIME ECONOMY)

The draft policy promotes evening and night time economy uses within town and local centres. It is proposed that the policy should also encourage the provision of evening and night time economy uses
(and all other retail uses) within the Central Activities Zone, including Shoreditch. This addition would be consistent with the draft Local Plan which states that such uses can form part of an employment-led mixed-use scheme within the Central Activities Zone.

POLICY LP48 (NEW OPEN SPACE)

The draft policy states that all development proposals for 10 or more residential units and / or more than 1000 sqm of commercial floorspace must provide the following level of communal amenity open space: 14sqm per person and an urban greening factor score of at least 0.4 for residential development and 4sqm per employee and an urban greening factor score of at least 0.3 from commercial development schemes. This policy is not supported by our client as it is considered to be too prescriptive and undeliverable in central and urban locations in London where high density development takes place. The policy, as currently worded, is too restrictive which may stifle development from coming forward. The policy should, instead, seek to promote and encourage the integration of communal open space within developments, where appropriate. As such, the policy wording should be revised as follows:

i. Where possible developments should provide on-site communal amenity open space, or where this is not practicable,

ii. Development should make physical improvements to the public realm to improve access to existing open spaces, or where this is not practicable,

iii. Provide a financial contribution for the enhancement of existing public open space in the locality of the development.

The policy should also note that where it is not possible to provide new open space, green roofs and / or walls and other green infrastructure measures may be used to contribute to meeting the open space requirement.

APPENDIX 2 (CYCLE PARKING STANDARDS)

The draft cycle parking standards found at Appendix 2 of the draft Local Plan would yield a greater number of cycle parking spaces for commercial schemes than that which would be required under the London Plan standards. This is not supported and justification is required to understand why a deviation from the London Plan standards is deemed to be necessary.

We trust that you will take these comments into consideration during the Council’s deliberations, and we request to be kept informed of the ongoing preparation of the Local Plan.

If you require any additional information or clarification on the above, please do not hesitate to contact Dean Jordan or Julian Shirley of this office.

Yours faithfully,

DP9 Ltd
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by **5pm on 7th January 2019** by:

- **E-mail to:** planmaking@hackney.gov.uk
- **Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:
- Part A – Personal Details (You need only submit **one** copy of Part A)
- Part B – Your representation(s). **Please submit a separate page** for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

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#### 2 - If you are an agent or representing an organisation or group please provide their details below:

**Organisation:** Bishopsgate Goods Yard Regeneration Limited

---

**Hackney Local Plan – Proposed Submission 2018 - Representation Form**

**Part B – Please use a separate page for each representation for parts 3-8**
3. Please give the number or name of the Paragraph or Policy your comment relates to.

Documents can be found at the following links:
- Hackney Local Plan Proposed Submission - https://hackney.gov.uk/lp33

<table>
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<tr>
<th>Chapter</th>
<th>Paragraph</th>
<th>Policy</th>
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</table>

4. Do you believe the Local Plan Proposed Submission is:

<table>
<thead>
<tr>
<th>(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No</td>
<td>X</td>
</tr>
<tr>
<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
<td>No</td>
<td>X</td>
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If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is unsound because it is NOT:

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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Please refer to our covering letter dated 07.01.19.

(Continue on a separate sheet if necessary)

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to our covering letter dated 07.01.19.

(Continue on a separate sheet if necessary)

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
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9. Do you wish to be notified of any of the following? Please mark all that apply.

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<tr>
<td>(c) when the Inspector’s Report is published</td>
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<tr>
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Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice.

10. Signature: DP9Ltd   Date: 07.01.19
About You

So we can best understand our service users and residents please complete the optional information about you. All information is used under the strict controls of the Data Protection Act.

1. Gender: Are you:

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If you prefer to use your own term please provide this here:

2. Age: what is your age group?

<table>
<thead>
<tr>
<th>Under 16</th>
<th>16-17</th>
<th>18-24</th>
<th>25-34</th>
<th>35-44</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>45-54</td>
<td>55-64</td>
<td>65-74</td>
<td>75-84</td>
</tr>
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<tr>
<th>Yes</th>
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4. Caring responsibilities: A carer is someone who spends a significant proportion of their time providing unpaid support to a family member, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. Do you regularly provide unpaid support caring for someone?

<table>
<thead>
<tr>
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<th>No</th>
</tr>
</thead>
</table>

5. Religion or belief: Are you or do you have...

<table>
<thead>
<tr>
<th>Atheist/no religious belief</th>
<th>Secular beliefs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>Charired</td>
</tr>
<tr>
<td>Muslim</td>
<td>Jewish</td>
</tr>
<tr>
<td>Buddhist</td>
<td>Sikh</td>
</tr>
<tr>
<td>Hindu</td>
<td>Other (please state if you wish)</td>
</tr>
</tbody>
</table>

6. Ethnicity: Are you:

<table>
<thead>
<tr>
<th>Asian or Asian British</th>
<th>White or White British</th>
<th>Black or Black British</th>
<th>Mixed background</th>
<th>Other ethnic group</th>
<th>Other (please state if you wish):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

7. Sexual orientation: Are you:

<table>
<thead>
<tr>
<th>Bisexual</th>
<th>Gay man</th>
<th>Lesbian or Gay woman</th>
<th>Heterosexual</th>
<th>Other (please state if you wish):</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
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Guidance Notes to Accompany Representation Form

1. Introduction

The Hackney Local Plan 2033 – Proposed Submission is published in order for representations to be made prior to submission. The representations will be considered alongside the published Plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (as amended) (PCPA) states that the purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

2. Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following before making a representation on legal compliance:

- The Plan in question should be included in the current Local Development Scheme (LDS)* and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any Plans which the LPA proposes to bring forward for independent examination. If the Plan is not in the current LDS it should not have been published for representations.

- The process of community involvement for the Plan in question should be in general accordance with the LPA’s Statement of Community Involvement (SCI). The SCI sets out the LPA’s strategy for involving the community in the preparation and revision of LDDs (including Plans) and the consideration of planning applications.

- The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations)² and subsequent amendments. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the Local Plan bodies (as set out in the Regulations) and any persons who have requested to be notified.

- The LPA is required to provide a Sustainability Appraisal Report when it publishes a Plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

- The Plan must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the LPA’s area. The SCS is subject to consultation but not to an independent examination.

The documents referred to above are available on the Council’s website³.

You should consider the following before making a representation on compliance with the duty to co-operate:

---

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.

- The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the Plan. Therefore the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

3. Soundness

Soundness is explained in paragraph 182 of the National Planning Policy Framework (March 2012) (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

- **Positively prepared**
  The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified**
  The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective**
  The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy**
  The plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

4. General advice

If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as

---

4 A new National Planning Policy Framework was published in July 2018. Under national guidance, in the Examination in Public the Hackney Local Plan will be assessed against the previous NPPF.
there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

E-mail to: planmaking@hackney.gov.uk
Posting to: Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:
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Organisation: Bishopsgate Goods Yard Regeneration Limited

Part B – Please use a separate page for each representation for parts 3-8
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- (a) when the Hackney Local Plan is submitted to the Planning Inspectorate: X
- (b) when the Hackney Local Plan Examination will occur: X
- (c) when the Inspector’s Report is published: X
- (d) when the Hackney Local Plan is adopted: X

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- Female
- If you prefer to use your own term please provide this here:

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- No

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- Yes
- No

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<td>Secular beliefs</td>
</tr>
<tr>
<td>Christian</td>
<td>Charedi</td>
</tr>
<tr>
<td>Muslim</td>
<td>Jewish</td>
</tr>
<tr>
<td>Buddhist</td>
<td>Sikh</td>
</tr>
<tr>
<td>Hindu</td>
<td>Other (please state if you wish)</td>
</tr>
</tbody>
</table>

6. Ethnicity: Are you:

- Asian or Asian British
- White or White British
- Black or Black British
- Mixed background
- Other ethnic group
- Other (please state if you wish):

7. Sexual orientation: Are you:

- Bisexual
- Gay man
- Lesbian or Gay woman
- Heterosexual
- Other (please state if you wish):
Guidance Notes to Accompany Representation Form

1. Introduction

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• **Justified**
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largest vacant brownfield site within the City Fringe which is considered to be a strategically important opportunity to deliver a commercial led mixed use development.

Given the excellent public transport accessibility of the site as a result of its close proximity to Shoreditch High Street Station and its central location, high density development should be supported. Furthermore, for the reasons outlined above, the draft Local Plan should also state that large scale and tall buildings of a central London scale are entirely appropriate within this site allocation area. This is already acknowledged within the IPG.

**POLICY LP1 (DESIGN QUALITY AND LOCAL CHARACTER)**

The draft policy states that all new development must be of the highest architectural and urban design quality. It goes on to say that development will only be permitted if all of the following criteria are met. The current wording of the policy is too onerous and restrictive and does not allow for site specific constraints to be considered. From our experience, schemes can rarely meet all policy criteria in full and as such a judgment needs to be made by the Local Planning Authority as to whether the benefits of the scheme outweigh the disbenefits of departing from policy.

The policy goes on to note that taller buildings will only be permitted where they meet all of the following criteria:

I. “have a legible and coherent role in the immediate and wider context and where relevant be fully justified in respect of the Council’s place policy vision for the area; and

II. relate and respond to its immediate and wider surrounding context: the base of the building must enhance the existing streetscape, and the top of a tall building must enhance the skyline; be of exceptional design quality both in materiality and form and not lead to unacceptable overshadowing of public spaces, especially public open spaces and watercourses/canals; and

III. make a positive contribution to the quality of the public realm; and

IV. preserve and enhance the Borough’s heritage assets, their significance, and their settings in line with policies LP3 ‘Designated Heritage Assets’ and LP4 ‘Non Designated Heritage Assets’.”

Our client strongly supports the use of tall buildings in appropriate locations within the Borough, such as the Bishopsgate Goods Yard site that can accommodate additional height.

In respect of the first part of the policy, the current wording does not permit tall buildings that would have a neutral impact on the skyline. This is at odds with London Plan policy and other strategic objectives of the draft Local Plan which identifies the need for new housing and higher density development.

The draft Local Plan also sets out key strategic objectives including the delivery of 23,000 new jobs and 30,000 new homes by 2033. It is considered that tall buildings can play a key role in contributing to the delivery of these strategic objectives and should not be resisted if they have only a neutral (rather than enhancing) impact on the sky line. Therefore, we recommend that the policy wording be amended as follows: “the top of a tall building must not adversely impact the skyline”.

2
POLICY LP12 (HOUSING SUPPLY)

The draft Local Plan acknowledges the increasingly overwhelming need for additional housing in the Borough. The draft Local Plan identifies that 1,750 homes are needed to be built each year between now and 2033. Our client supports the direction taken by the draft Local Plan to promote new housing in the Borough to meet current and future demand and the acknowledgement that additional housing above the draft London Plan minimum target of 1,330 per annum for the period 2019/2029 is required.

POLICY LP13 (AFFORDABLE HOUSING)

The draft policy states that a minimum 50% of net housing delivered will be sought as on-site affordable housing for schemes of 10 residential units or more, subject to financial viability. Although our client acknowledges the increasing need for affordable housing, the requirement to provide a minimum of 50% is seen to be unrealistic given our experience working in Hackney and within London as a whole. A more realistic target should be identified within the policy of 35%, subject to viability.

POLICY LP27 (PROTECTING AND PROMOTING OFFICE FLOORSPACE IN THE BOROUGH)

The draft Local Plan notes that in Priority Office Areas (POAs) new development will only be permitted if it is employment-led where B1 use class is the primary use, subject to viability.

Part C (i) of the policy states that within the Future Shoreditch AAP, at least 60% of the floorspace across the area as a whole is B1 employment floorspace. The current wording of the policy is unclear as to whether the 60% relates to the entire POA area or per development. This should be clarified, particularly for larger sites such as the Bishopsgate Goods Yard, which spans two boroughs.

Part D of the policy states that retail, hotel, community, leisure and residential development in POAs will only be permitted if all of the following criteria are met:

“i. The development forms part of an employment-led mixed-use schemes including conversion schemes meeting the thresholds identified in Ci. and ii. above.

ii. Proposals must be appropriate to the characteristics and functioning of the site and will not compromise the on-going operations of businesses in the POA.

iii. Proposals must satisfy the requirements of Policies including; other employment policies, Policy LP8 (Social and Community Infrastructure), Policy LP25 (Visitor Accommodation) Policy LP32 (Town Centres) and Policy LP38 (Evening and Night Time Economy).

iv. Residential uses are not provided at ground floor level.”

Adopted Policy DM17 currently advises that in exceptional circumstances the amount of C1 and C3 floorspace may exceed commercial floorspace if it is appropriate to the characteristics and functioning of the site and does not compromise the on-going operations of business in the PEA. We seek justification as to why this approach has not been maintained in the draft Local Plan. The current wording of the policy could restrict development sites from coming forward which are only made viable through the delivery of alternative land uses, such as residential.
POLICY LP29 (AFFORDABLE WORKSPACE AND LOW COST EMPLOYMENT FLOORSPACE)

The draft policy requires development in the Shoreditch POA to provide at least 10% of the new floorspace to be ‘affordable’ at no more than 40% of the locality’s market rent in perpetuity, subject to viability.

The 40% reduction is double that required by adopted Policy DM16 of the LB Hackney Development Management Local Plan. This is a significant increase which will impact the viability and deliverability of schemes coming forward. The reduction in market rent should be considered on a case by case basis and as such wording to this effect should be included within the policy.

The draft London Plan Policy E3 part C states that “Boroughs, in their Development Plans, are encouraged to consider more detailed affordable workspace policies in light of local evidence of need and viability.” The evidence base (Hackney Employment Land Study 2017) concludes that the adopted affordable workspace policy equates to a cost of £90 psqm (10% of floorspace at 80% market rent) whilst the proposed draft affordable workspace policy comes at a cost of £221 psqm (10% of floorspace at 60% market rent). The report notes that the provision of affordable workspace represents a significant cost to development and much higher than the Council’s current charges for CIL and Crossrail s106. The Hackney Employment Land Study 2017 does not provide evidence to support the dramatic change in cost for affordable workspace from 80% to 60% market rent. We request that the adopted policy position remain until such time as suitable evidence supporting the proposed change has been provided.

The draft policy identifies specific rental levels for affordable workspace which are considered to be too ridged and is at odds with the NPPF which requires local plans to have “sufficient flexibility to adapt to rapid change”. As currently worded the draft policy reflects what the London Borough of Hackney deem appropriate at this particular point in time and does not give flexibility to adapt and evolve as the climate and market change over the plan period.

The term ‘affordable’ should be given greater flexibility as it can relate to rent, lease length and size of the accommodation provided.

Co-working scheme are becoming increasingly popular within the city as they offer flexible and affordable workspace for businesses. Further clarity is required on how Policy LP29 would apply to co-working schemes as they are already considered to be an affordable and low cost workspace product.

Finally, the draft wording requires the affordable workspace to be provided in perpetuity. This requirement is likely to significantly harm the viability of future schemes and place increased risk on the deliverability of developments in the borough. It is proposed that provision for a 5 - 10 year period would be wholly more appropriate.

POLICY LP38 (EVENING AND NIGHT TIME ECONOMY)

The draft policy promotes evening and night time economy uses within town and local centres. It is proposed that the policy should also encourage the provision of evening and night time economy uses
(and all other retail uses) within the Central Activities Zone, including Shoreditch. This addition would be consistent with the draft Local Plan which states that such uses can form part of an employment-led mixed-use scheme within the Central Activities Zone.

**POLICY LP48 (NEW OPEN SPACE)**

The draft policy states that all development proposals for 10 or more residential units and / or more than 1000 sqm of commercial floorspace must provide the following level of communal amenity open space: 14sqm per person and an urban greening factor score of at least 0.4 for residential development and 4sqm per employee and an urban greening factor score of at least 0.3 from commercial development schemes. This policy is not supported by our client as it is considered to be to be too prescriptive and undeliverable in central and urban locations in London where high density development takes place. The policy, as currently worded, is too restrictive which may stifle development from coming forward. The policy should, instead, seek to promote and encourage the integration of communal open space within developments, where appropriate. As such, the policy wording should be revised as follows:

i. Where possible developments should provide on-site communal amenity open space, or where this is not practicable,

ii. Development should make physical improvements to the public realm to improve access to existing open spaces, or where this is not practicable,

iii. Provide a financial contribution for the enhancement of existing public open space in the locality of the development.

The policy should also note that where it is not possible to provide new open space, green roofs and / or walls and other green infrastructure measures may be used to contribute to meeting the open space requirement.

**APPENDIX 2 (CYCLE PARKING STANDARDS)**

The draft cycle parking standards found at Appendix 2 of the draft Local Plan would yield a greater number of cycle parking spaces for commercial schemes than that which would be required under the London Plan standards. This is not supported and justification is required to understand why a deviation from the London Plan standards is deemed to be necessary.

We trust that you will take these comments into consideration during the Council’s deliberations, and we request to be kept informed of the ongoing preparation of the Local Plan.

If you require any additional information or clarification on the above, please do not hesitate to contact Dean Jordan or Julian Shirley of this office.

Yours faithfully,

DP9 Ltd
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
- Hackney Local Plan Proposed Submission - [https://hackney.gov.uk/lp33](https://hackney.gov.uk/lp33)

<table>
<thead>
<tr>
<th>Chapter</th>
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<th>Policy</th>
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4. Do you believe the Local Plan Proposed Submission is:

<table>
<thead>
<tr>
<th>(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
<th>X</th>
</tr>
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<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No</td>
<td>X</td>
</tr>
<tr>
<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
<td>No</td>
<td>X</td>
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**If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6**

5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

<table>
<thead>
<tr>
<th>(1) <strong>Positively Prepared</strong> it is not prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirement, including unmet requirement from neighbouring boroughs where it is reasonable to do so and consistent with achieving sustainable development.</th>
<th></th>
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<tr>
<td>(2) <strong>Justified</strong> it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.</td>
<td>X</td>
</tr>
<tr>
<td>(3) <strong>Effective</strong> the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</td>
<td></td>
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<tr>
<td>(4) <strong>Consistent with national policy</strong> the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
<td>X</td>
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6. Please give details of why you consider the Hackney Local Plan 2033 Submission **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to our covering letter dated 07.01.19.

(Continue on a separate sheet if necessary)

**Please note:** Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**
8. Do you wish to participate at an oral part of the examination?

*Please note* the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination

<table>
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<tr>
<th>No</th>
<th>X</th>
<th>Yes</th>
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9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | X |
| (b) when the Hackney Local Plan Examination will occur | X |
| (c) when the Inspector’s Report is published | X |
| (d) when the Hackney Local Plan is adopted | X |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our [privacy notice](#).

10. Signature: DP9Ltd  
    Date: 07.01.19
About You

So we can best understand our service users and residents please complete the optional information about you. All information is used under the strict controls of the Data Protection Act.

1. Gender: Are you:
   - Male
   - Female
   - If you prefer to use your own term please provide this here:

2. Age: what is your age group?
   - Under 16
   - 16-17
   - 18-24
   - 25-34
   - 35-44
   - 45-54
   - 55-64
   - 65-74
   - 75-84
   - 85+

3. Disability: Under the Equality Act you are disabled if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities. Do you consider yourself to be disabled?
   - Yes
   - No

4. Caring responsibilities: A carer is someone who spends a significant proportion of their time providing unpaid support to a family member, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. Do you regularly provide unpaid support caring for someone?
   - Yes
   - No

5. Religion or belief: Are you or do you have...
   - Atheist/no religious belief
   - Secular beliefs
   - Christian
   - Charedi
   - Muslim
   - Jewish
   - Buddhist
   - Sikh
   - Hindu
   - Other (please state if you wish)

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**E-mail to:** planmaking@hackney.gov.uk  
**Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit one copy of Part A)  
Part B – Your representation(s). **Please submit a separate page** for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

**Part A – Submit only one copy of this**

### 1 - Personal Details

<table>
<thead>
<tr>
<th>Title:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>Last Name:</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>DP9 Ltd</td>
</tr>
</tbody>
</table>

**Contact details:**

<table>
<thead>
<tr>
<th>Email:</th>
<th>Telephone:</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:Hannah.willcock@dp9.co.uk">Hannah.willcock@dp9.co.uk</a></td>
<td>02070041700</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>100 Pall Mall</td>
<td></td>
</tr>
<tr>
<td>Post code:</td>
<td>SW1Y 5NQ</td>
</tr>
</tbody>
</table>

**2 - If you are an agent or representing an organisation or group please provide their details below:**

Bridges Fund Management & Hobart Partners  
Bridges & Hobart own the buildings directly adjacent to Worship Square, referred to as Quick and Tower House, 65 Clifton House through a vehicle called Shoreditch QT Guernsey Ltd
Part B – Please use a separate page for each representation for parts 3-8

3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
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<th>PP8</th>
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</table>

4. Do you believe the Local Plan Proposed Submission is:

   (1) Legally compliant | Yes | No |
   (2) Sound | Yes | No | √ |
   (3) Complies with the Duty to Co-operate | Yes | No |

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is **unsound** because it is NOT:

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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

   If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
The Council within PP8 (Shoreditch and Hoxton) identifies some key development opportunities/sites that could be considered suitable for development. It could be implied by reading PP8 that developments should only be encouraged on these sites. It is recommended that the policy should further emphasise that development will be encouraged in Shoreditch and Hoxton generally, not just on development sites.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Refer to comments above (6).

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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Draft Policy LP1 Design Quality and Local Character, part B refers to tall buildings. The Draft New London Plan Policy D8 requires that new Developments Plans should define what is considered a tall building. Hackney define tall buildings as “buildings taller than the existing context” and that “in Hackney tall buildings will generally be an exception to the prevailing townscape.” The supplementary text goes into further detail and states that in areas characterised by buildings of two storeys, buildings taller than three storeys might be considered tall. Whilst Hackney has provided a definition in line with the draft new London Plan, we do not agree that a building of three storeys should/could be considered a “tall building.” If this definition is applied then, the majority of new developments in Hackney would likely be considered tall buildings. We query the justification and evidence base for this and believe this could negatively constrain new development proposals within the Borough.

Part A of the policy states “that development will only be permitted if all of the following criteria are met”. The policy then goes on to list 17 criteria excluding part B on tall buildings. The current wording is too prescriptive and it is recommended that this is redrafted to be more flexible and allow for justification/evidence to be provided if all of 17 criteria cannot be met in full.

Part B ii states that tall buildings must “relate and respond to its immediate and wider surrounding context: the base of the building must enhance the existing streetscape, and the top of a tall building must enhance the skyline: be of exceptional design quality both in materiality and form.” Specifically, we refer to the section highlighted in bold which is contrary to emerging policy D8 of the New London Plan which requires instead, that tall buildings “should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views.” The draft Hackney Local Plan Policy LP1 is inconsistent as it states that tall buildings should “enhance the skyline.” The wording of policy LP1, part B ii should be amended to be consistent with the emerging London Plan.

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<td>In addition, the definition of tall buildings should be further justified as outlined above.</td>
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If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
We welcome the general approach of policy LP2 and its assessment of proposals of the potential impacts developments have on amenity of occupiers and neighbours and welcome the flexible approach Hackney is proposing to take with regards to Daylight and Sunlight as set out in paragraph 5.12 which follows draft Local Plan Policy LP2. In particular, where Hackney recognises that “the Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria will therefore be operated flexibly in relation to planning applications in dense inner urban locations such as that found in Hackney.” We agree that a flexible and pragmatic approach should be taken by Hackney in its application across the Borough.

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n/a

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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Part E of Policy LP3 states that “development proposals affecting Conservation Areas or their settings will be permitted only where they preserve and enhance the established, positive characteristics of the area including the special local character of individual buildings and groups of buildings (in terms of height, massing, scale, form, design, materials, detailing and use) and the rhythms and historical form of the area (in terms of the spaces between buildings, density, settings, building lines, siting, pattern of development, urban grain and plot coverage).”

The wording as highlighted in bold (our emphasis added) is inconsistent with the provisions of the National Planning Policy Framework 2018 (NPPF), specifically paragraph 200, which requires local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Policy LP3, part E should be redrafted to be consistent with the NPPF 2018, paragraph 200.

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| No | √ | Yes |
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| (1) Legally compliant | Yes | No |
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Policy LP6, part B requires that where development is proposed on sites of archaeological significance or potential significance, desk based assessments and, where necessary, archaeological field evaluation, will be required before the development proposals are determined. Whilst it is understood that on sites of archaeological significance or potential significance, certain assessments will need to be undertaken, the policy needs to ensure that it does not result in delay to development being bought forward by a requirement for pre-determination on site investigations. This simply may not be feasible in some instances and an insistence on such will likely prevent development coming forward in a timely manner.

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Part C of policy LP9 requires that for major schemes of 50 housing units or more, non-residential developments of 10,000 sqm or more will be required to submit a Health Impact Assessment (HIA). We query why a HIA is needed for all major schemes and what the justification is for this? There should be some flexibility incorporated into the wording of part C.

Part D states that for large scale commercial developments in major town centres and highly accessible locations should incorporate free public accessible toilets. We again query why this has been included and what the justification is for this? If every scheme provided public toilets, this will likely lead to an overconcentration within town centres and highly accessible locations.
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Part B of policy LP26 outlines that new development in the designated employment areas should maximise employment floorspace in line with policy LP27 and floorspace in the borough should incorporate other priority uses such as conventional affordable housing and have active frontages at ground floor level, where appropriate.

This policy as currently worded is too prescriptive. Within Priority Office Areas, providing affordable housing will not always be feasible or practical. An exception within the policy should be made to ensure that the Council policy and objectives (intensification of employment floorspace) for these areas are achieved.

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It is proposed to change the wording to;

“New development in the designated employment areas should maximise employment floorspace in line with policy LP27 Protecting and Promoting Office floorspace in the borough and policy LP28 Protecting and Promoting Industrial land and floorspace in the borough and should incorporate other priority uses such as conventional affordable housing (excluding Priority Office Areas) and have active frontages at ground floor level, where appropriate.”

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If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
We query Part 1 of LP27 which outlines that "new development involving the provision of new office (B1a) floorspace must comprise well designed, high quality buildings and floorspace that is flexible / adaptable to accommodate a range of unit sizes and types with good natural light." Whilst we understand the aspiration for providing good natural light in offices, the policy lacks clarity as to how Hackney will assess this going forward. If office developments do not provide an appropriate amount of "good natural light", will development be refused?

In paragraph 5.12 of the draft local plan, it states that Hackney will use the BRE guidance in assessing the development proposed. The BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011 is drafted primarily for residential uses and those uses with a ‘reasonable expectation of light’. Further understanding from Hackney is required as to whether offices are considered such uses.

Unless further clarity is provided then it is recommended that this section of the policy is removed.

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Subject to Hackney providing further justification, part 1 of the policy should be reworded as follows "new development involving the provision of new office (B1a) floorspace must comprise well designed, high quality buildings and floorspace that is flexible / adaptable to accommodate a range of unit sizes and types, suitable for sub-division and configuration for new uses and activities, including for occupation by small or independent commercial enterprises."

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Policy LP29 as drafted seeks that in the Shoreditch POA, new developments should provide at least 10% of the new floorspace (gross) to be ‘affordable’ at no more than 40% of the locality’s market rent in perpetuity, subject to viability. In remaining POAs at least 10% of the new floorspace (gross) to be ‘affordable’ at no more than 60% of the locality’s market rent in perpetuity, subject to viability.

Firstly, it is unclear how affordable and low cost workspace is defined. Paragraph 8.16 begins to make a distinction but who is the arbiter of what is low cost and what is affordable? There is potential for confusion and this should be clarified within the policy.

Paragraph 11 of the National Planning Policy Framework (NPPF) July 2018, part a requires that “plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.”
Policy LP29 is therefore considered inconsistent with the NPPF in that seeking 10% of gross floorspace is not considered to be sufficiently flexible. In order for this policy to be flexible, it is recommended that the 10% requirement for low cost / affordable workspace should be sought on the net additional uplift of employment floorspace only. Whilst it is recognised that providing affordable workspace on site is subject to viability considerations (and could be seen as providing “flexibility” within the policy) this will add greatly to the planning process if each application has to be accompanied by a viability analysis.

If the policy remains as currently drafted in LP29 there will be no incentive to bring forward development proposals that meet the Council policy objectives of either improving or increasing employment floor area in the borough and particularly PEA’s (LP26). Why promote a redevelopment to create new floorspace if the existing floor area is included in any assessment of the provision of affordable workspace? The default will be to leave buildings as they are.

Whilst not addressed directly, the Inspector to the Examination of the Development Management Plan (August 2015), at para 53, clearly implies the policy would relate to uplift floor area when it is stated:

“53. Through Policy DM16, 10% of new floorspace in major commercial developments should be affordable workspace.”

It is apparent from the Inspectors report that any uplift in floor area would be new i.e. an increase over already existing floor area. This should be bought forward in the draft Local Plan policy LP29.

The wording in part i and ii which sets out specific rental levels that should be provided in perpetuity is contrary to NPPF paragraph 11. The wording is too prescriptive and does not reflect an everchanging market that has and will continue to have many fluctuating variables, such as construction costs and the current uncertainties of the political climate which, could significantly impact the deliverability of developments in the borough. In addition, requiring that the affordable workspace is provided in perpetuity is likely to significantly harm the viability of development proposals. The policy framework should not be too prescriptive as too much intervention could have a repressing impact on the wider market.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Policy LP31 requires developments to contribute towards employment skills and training programmes through S106 legal agreements to equip residents with the skills required to gain employment, and demonstrate how the new development offers employment opportunities to residents. Whilst we do not disagree with the principle of this, the likely implications of these obligations for scheme viability must be factored in. Regard should also be had to the nature of the scheme proposal and the actual practical employment and training measures that might in any event be included i.e. there may be instances where a monetary obligation is not required or a lesser sum justified.

Fundamentally, the policy should ensure that as per the NPPF at para 56 that planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.
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Policy LP46, part E as drafted, requires that in all major developments schemes that include roofplates of over 100sqm should provide a living roof. The principle of providing further greenery and biodiversity is supported. It is however recommended that some flexibility is incorporated into part E, ii as there will be some instances where it is not practicable or achievable to provide living roofs on all developments with over 100sqm of roofplates.

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It is recommended that part E, ii of the policy is reworded as follows; Living roofs should be provided where possible and practicable on major development schemes that include roof plates of over 100sqm.

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Policy LP47, part C requires that for all major schemes a biodiversity survey should be included. We query why this has been set out a 1000sqm threshold? There will be some instances in certain location or constrained sites where biodiversity surveys will not be required and it is recommended that the Council is flexible in the application of this.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
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Chapter 11  Paragraph  Policy LP48

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Policy LP48, as drafted, requires all development proposals for 10 or more residential units and / or more than 1,000sqm of commercial floorspace to provide the following levels of communal amenity open space:

1. 14sqm per person for residential development schemes;
2. 4 sqm per employee for commercial development schemes.

The policy does recognise that there may be instances where it is not possible to deliver public open space. For sites, outside of Open Space Deficiency Areas the policy includes an alternative option for a financial and / or physical contribution for the enhancement of public open space in the vicinity. As currently drafted, this option does not apply to sites that are within Open Space Deficiency Areas.

We wish to outline our concerns about the practicality of achieving these standards irrespective of location in area of deficiency. Providing 4sqm per employee will significantly hinder the provision of employment floorspace within the Borough which is contrary to the vision and objectives set out within the draft Local Plan, in particular 23,000 new jobs.

By applying the 4sqm and / or 14sqm requirements, the required quantum of open space would, in many schemes, result in large losses of floorspace, viability impacts and impacts upon the deliverability of projects. In addition, there are likely to be many scenarios where the required communal amenity open space will be significant and jeopardise the potential to increase the amount of commercial floorspace (and number of jobs resulting from this increase). For example, an office building of approximately 15,000 sq.m would give rise to circa 1000 employees. If the 4sqm threshold per person was applied, then 4,000 sqm of amenity space would be required. This would not be feasible within the majority of new commercial developments.

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The option to provide financial and / or physical contributions in lieu of on-site open space provision should also apply to sites within Open Space Deficiency Areas.

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Policy LP55 outlines a number of criteria that need to be met for all residential and non-residential developments. Whilst we don’t disagree with the principle of this, we believe that the Council when assessing planning applications need to be pragmatic in its application in order to avoid constraining developments.

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| No | √ | Yes |
9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | √ |
| (b) when the Hackney Local Plan Examination will occur | √ |
| (c) when the Inspector's Report is published | √ |
| (d) when the Hackney Local Plan is adopted | √ |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney's Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice.

10. Signature: [Signature]  Date: 07.01.2019
Dear Sir/Madam,

PROPOSED SUBMISSION HACKNEY LOCAL PLAN 2033 (NOVEMBER 2018) (REGULATION 19 CONSULTATION): REPRESENTATION ON BEHALF OF BRITISH LAND FIXED UPLIFT FUND LIMITED PARTNERSHIP


As set out in our previous representations, our client is the owner of Mercury and Wakefield House, Chart Street, N1. The Site is currently allocated in the Council’s adopted Site Allocations Local Plan (SALP) (Ref: 206) for a mixed-use redevelopment, suitable for tall buildings on part of the site. The Site is referenced within the Proposed Submission Hackney Local Plan for redevelopment although further details regarding the Site Allocation are due to come forward in the draft Future Shoreditch Area Action Plan (FSAAP).

Our client welcomes the broad principles of the Council’s emerging Local Plan 2033 and it is within this context that these representations are made.

Proposed Submission Policy Map

As stated above, the existing Site Allocation is proposed to be carried forward and detailed in the FSAAP. Notwithstanding, the Site Allocation is not currently identified within the proposed submission Policy Map and we therefore request that the Policy Map is updated to reflect the inclusion of the Site Allocation.
**Draft Policy LP27: Protecting and Promoting Office Floorspace in the Borough**

The Site is located within the Wenlock Priority Employment Area (PEA) and the draft Shoreditch Priority Office Area (POA). As per our previous representations dated 4 December 2017 regarding draft Policy LP27, it is considered that the threshold approach detailed in Part C is overly restrictive and does not allow sufficient flexibility to meet future market demands. In particular, the requirement for 60% of the floorspace in the Future Shoreditch Area Action Plan (FSAAP) to be designated as Use Class B1 employment space is considered to be unrealistic and unachievable and no clear justification for a separate approach to other POAs when the aspiration for office development in these locations are the same. We therefore suggest that the same approach (i.e. 40% of floorspace) is applied to all POAs to reflect a fair approach to office development throughout the borough.

Furthermore, it should be noted that the Shoreditch POA also falls within the Central Activities Zone (CAZ) and therefore it is considered that the draft policy could prejudice the quantum of uses which the emerging London Plan encourages within CAZ, given the level of office floorspace required in new developments.

Lastly, supporting paragraph 8.10 states that proposals consisting of a loss in office floorspace will not be supported. It is considered that this approach should be applied to a POA in its entirety as oppose to on a site-by-site basis.

We suggest that a similar approach as set out in adopted Policy DM17 (Development Proposals in Priority Employment Areas) should be included in draft Policy LP17. It is considered that this approach would encourage a viable mix of uses to come forward which could support the function of POAs whilst maintaining a high percentage of office floorspace. A copy of policy DM17 is enclosed as part of these representations for reference. In addition, further clarification is sought on whether the draft policy will apply to the gross or the net uplift in floorspace in new developments.

**Draft Policy LP29: Affordable Workspace and Low-Cost Employment Floorspace**

We welcome the changes made to the wording of draft Policy LP29 to allow the delivery of affordable workspace which largely reflects our proposed wording submitted as part of our previous representations. Notwithstanding, it remains our client’s view that the requirement for affordable workspace to be delivered in perpetuity will significantly harm the viability of future developments and on this basis, places severe risk on the deliverability of new development and the Council’s vision for the borough. In particular, the draft wording of Part B of LP29 which requires major employment and mixed-use scheme to deliver low cost employment space at “equivalent rents and service charges” does not provide sufficient flexibility to meet changes in market conditions as required in Paragraph 122 of the NPPF. Furthermore, we also suggest that Part Ci and Cii of the draft policy are re-worded to the following:
"Development in the Shoreditch POA: at least 10% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace (gross) should be affordable at no more than 65% of the locality’s market rent for a period of 10 years, subject to viability.

ii. “In remaining POAs, CAZ and town centres: at least 10% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace (gross) should be affordable at no more than 60% of the locality’s market rent for a period of 10 years, subject to viability.”

Further clarification should also be provided regarding the approach to affordable workspace and how this will be applied to sites designated both within a POA and the CAZ, confirming whether such sites will be double-charged.

Draft Policy LP45: Parking and Car-free Development

We recognise the Council’s aspirational commitment to reduce the level of car ownership through promoting car-free development in the borough. Notwithstanding, it is considered that applying strict standards could prejudice the requirements for future residents in the borough, particularly for affordable family units. We therefore request that a transitional ‘car-lite’ approach is adopted by the Council to ensure that new developments can continue to meet the needs of future occupiers.

In addition to the above, the proposed Cycle Parking Standards in Appendix 2 is considered to be particularly high and in excess of the London Plan standards. We therefore suggest that the current cycle parking standards are revised to be consistent with the emerging London Plan.

Draft Policy LP48: New Open Space

It is considered that the current wording of draft Policy LP48 is overly prescriptive and does not allow sufficient flexibility for constrained sites located in Open Space Deficiency Areas to provide an alternative, financial or physical contribution towards enhancing local public open spaces where it is not possible to deliver on-site communal open spaces. Furthermore, it is considered that the urban and dense nature of the borough does not lend itself to delivering such communal open spaces in large-scale developments and on this basis, the prescribed threshold remains unrealistic and unachievable. As per our previous representations to the previous version of the draft Local Plan, we suggest that the following text is included:
“In the identified areas of deficiency, shown on Map 1, the preference is for on-site provision of open space. Planning permission for major developments will only be approved if the applicant can clearly demonstrate that they will:

i. Where possible provide on-site communal amenity open space, or where this is not practicable,
ii. Make physical improvements to the public realm to improve access to existing open spaces, or where this is not practicable,
iii. Provide a financial and / or physical contribution for the enhancement of existing public open space in the locality.

Where it is not possible to provide new open space, green roofs and / or walls and other green infrastructure measures may also contribute to meeting the open space requirement.”

In addition to the above, the proposed Urban Greening Factor targets detailed under Part A of draft Policy LP48 requires all development proposals to deliver an Urban Greening Factor (UGF) of 0.4. UGF is relatively new concept and the proposed levels may not be possible on all major mixed-use schemes. In the first instance, the proposed policy should be revised to be in-line with the emerging London Plan policy (Ref: G5) and that a flexible approach is adopted in order to ensure that a realistic UGF is achieved on new developments.

**Draft Policy LP51: Tree Management and Landscaping**

We share the Council’s view that trees are an important factor in the design process. Notwithstanding this, further clarification is required in Paragraph 11.23 regarding the methodology that the Council will expect for replacing trees i.e. calculated through the Capital Asset Value for Amenity Trees (CAVAT) or based on existing tree canopy cover.

**Draft Policy LP56: Decentralised Energy Networks**

Part B of draft Policy LP56 states that:

“New major development should connect to an existing network; unless it is clearly demonstrated that it is not technically feasible or economically viable.”

It is considered that additional wording should be added into Part B of the policy to incorporate an additional test demonstrating that where a suitable CO2 reduction can be demonstrated, developments should not be required to connect to an existing network. As such we suggest that the following wording is included (highlighted in bold):
“New major development should connect to an existing network; unless it is clearly demonstrated that it is not technically feasible or economically viable or where a suitable CO2 reduction can be demonstrated.”

We trust that our representations will be taken into consideration as part of this round of consultation on the Proposed Submission Hackney Local Plan 2033. We would be grateful if you could confirm receipt of these representations and keep us informed of any progress on the Local Plan moving forward. Should you have any questions regarding the above, please do not hesitate to contact either Sam Hine or Katharine Bramson at this office.

Yours faithfully,

DP9 Ltd
(Enc.)
4.10.10 Thus, the following policy also sets out the requirements for at least reprovision but preferably uplift of office floorspace in the CAZ and Shoreditch and Wenlock PEAs. Proposals within those PEAs but outside of the CAZ should comply with the other main requirements of Policy DM17. Proposals in the CAZ for redevelopment of floorspace other than office floorspace must comply with the other requirements of Policy DM17. In PEAs located outside town centres a sequential approach and impact assessment should be followed by any proposer of a use prioritised for town centres as set out in the London Plan and NPPF, including the need for an impact assessment, in compliance with Policy DM7 and paragraph 4.2.2.

4.10.11 Policy DM17 needs to be read together with Policies DM14, DM15, and DM16. Specifically in relation to Policy DM14, an applicant must consider the commercial opportunities and potential use of a site in the first instance, and seek to maximise its employment potential. The additional requirement in Policy DM17 is that, if a mixed-use scheme is acceptable, the majority of the floorspace must be for commercial, employment-generating use unless satisfying the criteria in the policy. An additional policy context is that the complete loss of commercial floorspace in a proposed scheme in PEAs will not be granted planning permission in any circumstance. Policy DM17 supersedes policies 11.1 and 12.1 on employment land contained in the Council’s adopted South Shoreditch SPD. That SPD will be reviewed in due course.

POLICY DM17 - DEVELOPMENT PROPOSALS IN PRIORITY EMPLOYMENT AREAS (PEAS)

B1, B2 and B8 uses are appropriate uses within PEAs. A Class, C1, C3 and D1 uses are considered acceptable within PEAs, subject to the following criteria:

i. Proposals must satisfy the requirements of Policies DM7, DM14, DM15 and DM16;

ii. C1 and C3 uses as part of mixed use schemes are acceptable in the following circumstances:
   • As part of an employment-led mixed use development including conversion schemes where proposals for such development must ensure that the commercial use is the primary use, in that the majority of floorspace should be for such use; and
   • Appropriate to the characteristics and functioning of the site and will not compromise the on-going operations of businesses in the PEA.

In exceptional circumstances, such as for proposals within Dalston PEA, and where there are strong planning reasons or other material considerations, the amount of C1 and C3 floorspace may exceed commercial floorspace if meeting the second bulleted criteria above. The amount of commercial floorspace proposed should match existing or preferably result in a significant uplift in floorspace.
C1 and D1 uses are generally only appropriate in areas with a PTAL rating of 5 or above.

Proposals solely for residential use within PEAs will be refused planning permission. The change of use of ground floor commercial uses to residential use will generally not be permitted, a wide range of non-residential uses should be considered.

D2 and sui generis uses may be acceptable where they are considered to be ‘alternative employment generating uses’ consistent with paragraph 4.7.2 and it is not possible to provide the other uses identified for PEAs (as demonstrated through marketing evidence).

Proposals for development that are within the Shoreditch and Wenlock PEAs and the Central Activities Zone (CAZ) to redevelop office floorspace must reprovide, and should result in an increase of office floorspace compared to the existing amount.

4.11 Railway Arches

4.11.1 The Core Strategy and Policy DM17 set out the mix of uses appropriate within the Council’s employment designations. Hackney contains a number of railway arches with adjacent land. Railway arches and adjacent land, both inside and outside of those designations, provide good sites for the location of some of the ‘heavier’ type industries, such as B2 and B8 uses, which they have traditionally been used for. Although these uses do not fit the profile of a re-structuring economy, they are important employment-generator businesses for local people, and assist in serving the London economy. Many of them provide relatively cheap accommodation for a range of activities which play an essential role in the functioning of the local economy. Also, space within railway arches can be flexible and used innovatively to provide other employment-generating uses, such as a range of B1 activities e.g. workshops. A1 and A3 uses may also be appropriate in certain locations in order to upgrade such premises.

4.11.2 Thus, in order to protect and support the continued use of railway arches and adjacent land for ‘heavier type’ industries, but to facilitate a wider range of uses and activities and encourage the upgrade of railway arches, the following policy is applied. In certain locations, railway arches can very successfully contribute to the regeneration and visual improvement of town centre and edge-of-centre locations, through accommodating active frontage uses and accommodating new vibrant uses. Proposals for town centre uses (e.g. Classes A1, A3, D2 uses) must meet the requirements for sequential approach and impact assessment for such uses proposed outside of designated Shopping Centres, and comply with other policies in this Plan namely Policies DM7, DM11, DM1 and DM2 for example.
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

**E-mail to:** planmaking@hackney.gov.uk  
**Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit one copy of Part A)  
Part B – Your representation(s). **Please submit a separate page** for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

**Part A – Submit only one copy of this**

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<th>1 - Personal Details</th>
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<tbody>
<tr>
<td><strong>Title:</strong> MISS</td>
</tr>
<tr>
<td><strong>First Name:</strong> KATHARINE</td>
</tr>
<tr>
<td><strong>Organisation where relevant:</strong> DP9 Limited</td>
</tr>
</tbody>
</table>

**Contact details:**

<table>
<thead>
<tr>
<th>Email: <a href="mailto:Katharine.bramson@dp9.co.uk">Katharine.bramson@dp9.co.uk</a></th>
<th>Telephone: 020 7004 1723</th>
</tr>
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<tbody>
<tr>
<td>Address: 100 Pall Mall, London</td>
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<tr>
<td><strong>Post code:</strong> SW1Y 5NQ</td>
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**2 - If you are an agent or representing an organisation or group please provide their details below:**

**Organisation:** British Land Fixed Uplift Fund Limited Partnership
3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
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   ● Integrated Impact Assessment Report - [https://hackney.gov.uk/lp33](https://hackney.gov.uk/lp33)

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| No | X | Yes |
### Hackney Local Plan – Proposed Submission 2018 - Representation Form

**Part B – Please use a separate page for each representation for parts 3-8**

3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:

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| (2) Sound | Yes | No | X |
| (3) Complies with the Duty to Co-operate | Yes | X | No |

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We also suggest that Part Ci and Cii of the draft policy are re-worded to the following:

i. “Development in the Shoreditch POA: at least 10% (offset by the amount of low cost employment floorspace provided) of the new employment floorspace (gross) should be affordable at no more than 65% of the locality’s market rent for a period of 10 years, subject to viability.

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In addition to the above, the proposed Urban Greening Factor targets detailed under Part A of draft Policy LP48 requires all development proposals to deliver an Urban Greening Factor (UGF) of 0.4. UGF is relatively new concept and the proposed levels may not be possible on all major mixed-use schemes. In the first instance, the proposed policy should be revised to be in-line with the emerging London Plan policy (Ref: G5) and that a flexible approach is adopted in order to ensure that a realistic UGF is achieved on new developments.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

As per our previous representations to the previous version of the draft Local Plan, we suggest that the following text is included:

“In the identified areas of deficiency, shown on Map 12, the preference is for on-site provision of open space. Planning permission for major developments will only be approved if the applicant can clearly demonstrate that they will:

i. Where possible provide on-site communal amenity open space, or where this is not practicable,

ii. Make physical improvements to the public realm to improve access to existing open spaces, or where this is not practicable,

iii. Provide a financial and / or physical contribution for the enhancement of existing public open space in the locality.

Where it is not possible to provide new open space, green roofs and / or walls and other green infrastructure measures may also contribute to meeting the open space requirement.”

The proposed policy should be revised to be in-line with the emerging London Plan policy (Ref: G5) and that a flexible approach is adopted in order to ensure that a realistic UGF is achieved on new developments.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
8. Do you wish to participate at an oral part of the examination?

*Please note* the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination

| No |  | Yes |
Part B – Please use a separate page for each representation for parts 3-8

3. Please give the number or name of the Paragraph or Policy your comment relates to. Documents can be found at the following links:
   - Hackney Local Plan Proposed Submission - [https://hackney.gov.uk/lp33](https://hackney.gov.uk/lp33)

<table>
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<th>11.23</th>
<th>Policy</th>
<th>LP51</th>
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4. Do you believe the Local Plan Proposed Submission is:

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<tr>
<td>(1) Legally compliant</td>
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If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to **support** the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
We share the Council’s view that trees are an important factor in the design process. Notwithstanding this, further clarification is required in Paragraph 11.23 regarding the methodology that the Council will expect for replacing trees i.e. calculated through the Capital Asset Value for Amenity Trees (CAVAT) or based on existing tree canopy cover.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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If you wish to support the legal compliance or soundness of the Local Plan 2033 Proposed Submission or its compliance with the duty to cooperate, please use this box to set out your comments.
Part B of draft Policy LP56 states that:

“New major development should connect to an existing network; unless it is clearly demonstrated that it is not technically feasible or economically viable.”

It is considered that additional wording should be added into Part B of the policy to incorporate an additional test demonstrating that where a suitable CO2 reduction can be demonstrated, developments should not be required to connect to an existing network.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We suggest that the following wording is included (highlighted in bold):

“New major development should connect to an existing network; unless it is clearly demonstrated that it is not technically feasible or economically viable or where a suitable CO2 reduction can be demonstrated.”

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

| No |  ×  | Yes |
9. Do you wish to be notified of any of the following? Please mark all that apply.

| (a) when the Hackney Local Plan is submitted to the Planning Inspectorate | Yes |
| (b) when the Hackney Local Plan Examination will occur | Yes |
| (c) when the Inspector’s Report is published | Yes |
| (d) when the Hackney Local Plan is adopted | Yes |

Please note that all responses will be held by the Council in accordance with the data protection legislation. Your name, organisation (if relevant) and comments may be made available to the public, in council committee papers and matters relating to Hackney’s Local Plan 2033 review. Your contact details i.e. postal addresses, emails and telephone numbers will not be shared with the public.

However, your contact details will be shared with the Programme Officer & Inspector for the purposes of the Public Examination. We will use your contact details to notify you about future stages of the plan process, if you agree. By submitting this form you are agreeing to these purposes.

For information about how we handle your data, please read our privacy notice

10. Signature: [Signature] Date: 07/01/2019
Hackney Local Plan 2033- Proposed Submission 2018

Dear Sir/ Madam,

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Our waterways, including the adjacent towpaths, provide important areas for recreation, biodiversity, sustainable transport (with a related air quality benefit), business, tourism, a focal point for cultural activities and, increasingly, a space where Londoners are choosing to live. They can also provide a resource that can be used to heat and cool buildings, a corridor in which new utilities infrastructure can be installed, a way of sustainably draining surface water away from new developments and providing non-potable water. We would welcome on-going engagement with Hackney and developers about the wide range of opportunities that our waterways provide.

The Trust does not have overall soundness concerns about the revised Hackney Local Plan. We welcome many of the policies in the plan and consider that the borough’s waterways have an important role to play in the sustainable development and wellbeing of the area. We note that a number of amendments have been made to respond to our comments during the Reg. 18 consultation. However, we suggest that point D(iv) of LP52 is unsound because it does not represent an appropriate strategy, and is, therefore, not justified. Please see our attached representation form. In addition, we wish to suggest a number of amendments that we believe could result in better planning outcomes, if accepted as minor modifications. These are set out below.

Policy LP1 and LP2 (pages 56 and 58)

We continue to welcome the reference to the need to consider the impact of overshadowing of watercourses and canals. We also welcome reference to the impact tall buildings have on heritage, overshadowing, biodiversity and microclimate, along with the canyoning effect referenced in para 11.24.

Policy LP3 (page 59), Policy LP4 (page 63) and LP5 (page 63)

In responding to the regulation 18 consultation, we highlighted the heritage value of our network and its features. The Regent’s Canal is covered by its own Conservation Area but the Lee Navigation is not. We note that where a Non-Designated Heritage Asset is identified through the delivery of normal planning duties, the case for identifying a non-designated heritage asset should be considered against the local listing ‘inclusion criteria’. We consider that this provides the scope for our structures to be identified as
non-designated heritage assets and for LP4 to apply where LP3 does not. Nevertheless, we suggest that it would be beneficial to decision makers and developers if the heritage value of the borough’s waterways was referenced in this section or in policy LP52 or its supporting text.

We note that the plan does not seek to identify local views but LP5 provides the scope to do this. We would suggest that views along our waterways could be considered important local views when these are assessed as part of the development of future policies or the development management process.

**Policy LP9 (page 72)**

We strongly support points A and B of policy LP9 (Health and Wellbeing).

**Policy LP42 (page 127) and Policy LP43 (p129)**

It is pleasing to see improved wayfinding along canal towpaths included in this policy.

We welcome the fact that development will be required to ‘fully mitigate any adverse impacts upon the capacity of transport infrastructure and public transport services, including pavements and other walking routes (and) cycle routes’ under policy LP43.

Policy LP43 does not reference opportunities to develop waterborne freight, especially for the movement of construction materials and demolition waste related to developments adjacent to them. As this would need to be considered in accordance with the existing and emerging London Plan, we suggest that the lack of inclusion here is not a soundness issue but it may aid decision makers and applicants for a reference to be included in policy LP43. LB Hackney previously conducted a trial of waterborne transport for domestic waste, and the Trust would be happy to engage with the borough in assessing this further.

**Policy LP52 (page 143)**

The following comments are submitted in addition to the representation form that sets out our comments on LP52 D(iv).

We welcome the inclusion of a policy requirement to ensure that development does not adversely impact upon the structural integrity of the waterway in part B iv.

We are content that point C requires development proposals to have regard to the Park Plan and Area Proposals of the Lee Valley Park Authority rather than be in accordance with them. We have previously suggested that the Council should consider which aspects of the plan remain relevant. The proposed wording of the policy appears to delegate this to the decision maker on a planning application.

We would reiterate our willingness to discuss any plans that the Council, as a housing authority, has to undertake an assessment of the needs of boaters under the Housing & Planning Act. You may be aware that since our previous representations, the Trust has published its London Mooring Strategy, which, amongst other things, attempts to address some of the challenges that have resulted from the rapid growth in the number of people living on boats in London, especially in the east. A reference to it could be included in the supporting text to this policy.

It is disappointing that no reference to commercial moorings has been included in policy LP52. On-water businesses including those on long-term commercial moorings can help the waterway attract more people and support the local economy. Successful examples of this are currently found a short distance from the Hackney stretch of the River Lee Navigation, in the LLDC area near Hackney Wick. We would like to see this policy encouraging these uses in appropriate locations. Notwithstanding our points about point D(iv) of this policy, we would expect the same considerations currently set out in LP52 D to be appropriate for commercial moorings.

We welcome point 11.25 being updated with our suggested wording. However, it appears the word ‘visitor’ has been missed in the first sentence. We suggest that it should read:

> “There is demand in Hackney for both permanent private moorings and visitor moorings that are open to all licenced craft...”

We welcome the inclusion of waterborne freight within para 11.24. It would be useful to also reference this in Policy LP43. Developers are often unfamiliar with waterborne freight and reluctant to make use of it for waterside sites, although we often request that a condition to assess the feasibility of waterborne freight be added to decision notices for waterside sites, in accordance with the London Plan. We would, therefore, welcome waterborne freight being included in policy LP43 to further highlight the opportunity to developers.
It is good to see inclusion of the reference to applicants obtaining our permission for new moorings and it would also be useful for this point (11.25) to encourage developers for all waterside or on-water developments to seek pre-application advice from us prior to submitting a planning application.

Policy LP53 (page 148)

The canal can sometimes accept clean surface water drainage from adjacent developments, subject to an agreement with the Trust’s Utilities team. We would therefore ask that this be included in this policy (or at least its supporting text) as a potential option for developments to explore.

Policy LP55 (p150) and LP56 (p151)

We note that point B of policy LP55 requires compliance with the London Plan energy hierarchy. We consider that the Trust’s waterways can contribute to meeting the heating and cooling needs of new developments and existing buildings. They should be considered local secondary energy sources, for the purposes of assessing opportunities in accordance with the London Plan energy hierarchy. The Trust would welcome early engagement in master planning and the development of energy networks to identify opportunities for our waterways to support sustainable development in this manner.

Allocation HC10 - 40-43 Andrews Road and Ash Road Bus Garage (p192)

We welcome the fact that the proposed allocation should consider public realm improvements along the towpath and The Regent’s Canal. We suggest that the development principles should also reference the need for regard to be had to the Regent’s Canal Conservation Area, adjacent to the site.

Allocation SHX3 - 48 Eagle Wharf Road, Hackney, London, E1 7ED (p221)

The Trust recently commented on planning application 2018/3517 for this site in October 2018 (our reference CRTR-PLAN-2018-25788). We had concerns about the impact of the height and massing of the development and highlighted the need for the impact on the structural integrity of the canal wall to be considered. Whilst we suggest that it would be helpful to add these considerations to the development principles section of the allocation, we are content that any decision would be made in the context of policy LP1, LP2 and LP52 (following adoption).

Proposals Map

Whilst it is not entirely clear at the scale that the draft proposals map has been produced, we interpret it as excluding the River Lee Navigation from the adjacent Metropolitan Open Land (MoL). The map appears to show the green boundary line of the MoL area running adjacent to the Green Corridor of the navigation. If this is not the intention then we suggest that a further opportunity should be provided to comment on the appropriateness of including the River Lee Navigation, which is established in statute (the Transport Act 1968 as amended) as a Commercial Waterway, within the MoL.

Kind regards,

Tessa Craig
Area Planner

07917616832

Tessa.Craig@canalrivertrust.org.uk

https://canalrivertrust.org.uk/specialist-teams/planning-and-design
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

**E-mail to:** planmaking@hackney.gov.uk  
**Posting to:** Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:  
Part A – Personal Details (You need only submit one copy of Part A)  
Part B – Your representation(s). Please submit a separate page for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

### Part A – Submit only one copy of this

#### 1 - Personal Details

<table>
<thead>
<tr>
<th>Title</th>
<th>Ms</th>
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<tbody>
<tr>
<td>First Name</td>
<td>Tessa</td>
</tr>
<tr>
<td>Last Name</td>
<td>Craig</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Canal &amp; River Trust</td>
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</tbody>
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**Contact details:**

<table>
<thead>
<tr>
<th>Email</th>
<th><a href="mailto:Tessa.craig@canalrivertrust.org.uk">Tessa.craig@canalrivertrust.org.uk</a></th>
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<tbody>
<tr>
<td>Telephone</td>
<td>07917616832</td>
</tr>
<tr>
<td>Address</td>
<td>The Toll House, Little Venice, Delamere Terrace, London</td>
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<td>Post code</td>
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#### 2 - If you are an agent or representing an organisation or group please provide their details below:

| Organisation: | as above |

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**Hackney Local Plan – Proposed Submission 2018 - Representation Form**

**Part B** – Please use a separate page for each representation for parts 3-8
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Following our Reg. 18 comments, we note that no further explanation of 'detrimental impact on leisure provision' is provided in policy LP52 D(iv). We previously advised that this could be used to frustrate the development of mooring schemes that would have a beneficial impact on the waterway. For example, the development of formal residential moorings can lead to the provision of utilities, services and better storage facilities, which can result in improvements to the environment and appearance of the waterway. The Trust welcomes the fact that its waterways offer an important leisure facility in the borough. However, our waterways can legitimately be used for non-leisure purposes. The evidence base to our London Mooring Strategy highlights the extent to which people are living on boats in London. At an individual site level, it may be acceptable for development of residential moorings to lead to a loss of long-term leisure moorings, for example, if this leads to the provision of more appropriate facilities, better management of the network and local area and better conditions for all users. In the event that no change to the policy is made, we would consider that the policy lacks flexibility and does not represent an appropriate strategy for the management of the borough’s waterways.

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We previously requested that the policy be amended so that it seeks to ensure that the waterways in the borough, when taken as a whole, remain important leisure resources. We would suggest that point D(iv) of the policy is amended accordingly. Alternatively, new supporting text could be added in this section to explain that this is how the policy should be interpreted by a decision maker.

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10. Signature: Tessa Craig  Date: 07/01/19
Dear Sir, Madam

REPRESENTATIONS TO HACKNEY PROPOSED SUBMISSION LOCAL PLAN 2033

318 GREEN LANES, MANOR HOUSE

We write on behalf of Castlewood Properties Ventures Ltd to make representations to the Hackney Proposed Submission Local Plan 2033 (abbreviated to LP33). The representations are made specifically with regard to 318 Green Lanes, which is proposed by LP33 to be allocated as site MH2.

SITE AND LOCATION BACKGROUND

The site is a single-storey warehouse building which is used to store furniture and antiques. This use falls under Use Class B8 (storage and distribution). The site is located to the rear of Ivy House and a number of buildings fronting Green Lanes, at the Green Lanes and Seven Sisters Road junction, next to Manor House London Underground station. Pedestrian and road access to the site is gained from Green Lanes.

The buildings surrounding the site are in a range of uses – Ivy House is used as a homeless hostel (we are unaware whether this is the lawful use), the buildings to the west fronting Green Lanes are in mixed-use commercial (lower floor) and residential (upper floors), and the to the east is a block of flats which will be redeveloped as part of the Woodberry Down scheme.

Building heights surrounding the site are generally between three and five storeys. The building height context, however, is one of change. The block of flats directly east of the site will be redeveloped as part of the Woodberry Down scheme – the building heights will be increased to up to 15 storeys (see Masterplan Design Principles pursuant to permission 2013/3223).
Currently the site is allocated in the Manor House AAP (2013) as part of a wider site which incorporates Ivy House. The allocation is for a mixed-use development of residential, retail and commercial uses.

A pre-application request was submitted in June 2018 in respect of the redevelopment of the site (plus the single-storey takeaway unit to the front, next to Ivy House) (Hackney ref: 2018/2251/PA). The redevelopment proposed a new six-storey building with retail floorspace at ground floor level and 39 flats above. After a meeting, a formal pre-application advice letter was received in September 2018. We do not wish to summarise the advice here point by point; we will however state that the principle of site redevelopment was supported, but officers thought that the existing amount of employment floorspace should be reprovided and that the height should be lowered to four storeys. We do not agree with these aspects (which have been carried forward to the proposed allocation explained below). This is explained further in this letter as part of our representations.

**PROPOSED SITE ALLOCATION**

LP33 seeks to allocate the site (identified as site MH2) for mixed use redevelopment. See the image below for the full allocation:

MH2 - Yard Buildings, 318 Green Lanes

**Ward:** Woodberry Down

**Ownership:** Private (Multiple ownership)

**Area:** 0.13ha

**Existing Use:** Furniture warehouse

**Planning Considerations:**
- Manor House Local Shopping Centre
- PTAL 6a

**How was the site identified?** Manor House AAP (2012)

**Timescale:** Long term

**Allocation:** Mixed use development.

**Development Principles:**
This is a backland site located to the rear of Ivy House and 320 Green Lanes, with access off Green Lanes. Any redevelopment should respond to the locally listed Ivy House. An indicative appropriate building height for the development is 4-5 storeys. The new development should re-provide the industrial accommodation on site and maximising the delivery of genuinely affordable new homes.

**Indicative Capacity:** Re-provided industrial floorspace and approximately 30 residential units.

**Planning Status:** Current pre-application for commercial / residential building
COMMENTS ON PROPOSED SITE ALLOCATION

Local plans that are submitted for examination on or before 24 January 2019 are required to be consistent with the 2012 NPPF. Local plans submitted after this date are required to be consistent with the current 2018 NPPF.

Hackney intends to submit LP33 in January 2019 – although we do not know the exact day i.e. whether it will be assessed against the 2012 NPPF or the 2018 NPPF. Nonetheless we set out below why we consider that the proposed allocation as worded fails to be consistent with either NPPF, thus rendering this part of LP33 unsound.

Employment floorspace re-provision

Hackney’s LP33 evidence base document on employment (Employment Land Study 2017) concludes that existing employment floorspace, outside of designated employment land, should be retained in order to meet the need for such space, particularly for SMEs. Unless, that it is, it can be demonstrated that the site is not needed.

Despite this, we do consider that there should not be a requirement to re-provide the employment floorspace like-for-like as part of a redevelopment of the site, because of the site-specific characterises and the desire (under the current allocation and proposed allocation) for a mixed use development, which will facilitate the delivery of much needed housing.

At present the building on site is a storage warehouse (Use Class B8), which generates little, if any, employment. And the building is not attractive to any new employers, hence why it is being used as it is. Any redevelopment at the site to provide new employment units, at a lesser floorspace, will result in an uplift to the meaningful employment floorspace and number of jobs.

Furthermore, the site is physically small and the current warehouse building is tight against the boundary. A redevelopment cannot replicate the existing footprint, as there would be limited room for accesses to the new employment units and any flats above and limited room for required amenities (such as refuse and cycle parking), plus there would likely be adverse amenity impacts on neighbouring buildings if the footprint were to be replicated. Please see the images below which help explain this. The image on the left is the existing site and the image on the right is the ground floor of the previously mentioned pre-application scheme.
In another hypothetical scenario, if the existing amount of employment floorspace were to be provided over more than one floor (in a building footprint the same as/similar to the above pre-application scheme), then the amount of residential units lost on that upper floor would make the scheme unviable (unless ten storeys and above be permissible). Also, a first floor industrial unit would not likely work from a practical perspective.

We therefore propose that the allocation text should be reworded to:

- Delete the requirement for like-for-like re-provision of employment floorspace;
- Require any redevelopment to demonstrably provide an employment benefit (e.g. better quality floorspace or increased job density or amount); and
- Allow the complete loss of employment floorspace if marketing/viability evidence can demonstrate this is justified.

These amendments will make the proposed site allocation consistent with the 2012 NPPF and the 2018 NPPF, both of which require flexibility of employment land having regard to market signals.

As it stands, the building is not attractive to the market. And the allocation as proposed is not viable and will prevent the site’s redevelopment.

Residential uses

We welcome that the proposed allocation allows for residential development at the site, as the current allocation does. We have already set out above why the residential use cannot be delivered if there is a requirement for a high amount of employment floorspace.

Our only comment on this matter is that the scope of the residential allocation should be widened to include specialist residential accommodation (Use Class C2), such as older people accommodation, or co-living accommodation (Use Class dependent on particulars of scheme) where it can be demonstrated that there is a genuine need in this location.

This amendment will ensure that LP33 is consistent with the 2012 and 2018 NPPFs, as they both require the needs of groups with specific housing requirements to be met.

Building heights (and densities)

The suggested building height for any new buildings is four to five storeys. We do not agree that the height should be capped this way. As explained already, new buildings abutting the site to the east, built as part of the Woodberry Down scheme, will be up to 15 storeys. Therefore there is a changing height context which does not seem to have been considered as part of the proposed allocation.

Our suggestion therefore is to remove the reference to the appropriate building heights being four to five storeys. Instead, the allocation should allow heights of an unrestrictive amount so long as they can be justified in terms of design, and without having an adverse impact on the surrounding character. This would shift the onus on the applicant to demonstrate appropriate heights, working in collaboration with the planning officers at the pre-application stage.

It is worth noting that the 2012 NPPF does not preclude building at increased densities, indeed the most recent outline permission for Woodberry Down, with its taller buildings, was permitted under the 2012 NPPF. It is also worth stressing that the current 2018 NPPF goes as far as stating that if density is not optimised, planning permission should be refused, and that plans should contain policies which
significantly uplift the density in accessible areas. Therefore allowing the applicant to achieve a greater height and a density (where justified) will meet the aims of national policy.

SUMMARY AND CONCLUSION

Overall we welcome that the site is proposed to be retained as an allocated mixed use site, but have concerns that the allocation as proposed make any redevelopment unviable.

Changes necessary to make a redevelopment possible should:

- Remove the requirement for like-for-like re-provision of employment floorspace;
- Widen the permissible residential use to include specialist housing such as older people housing (Use Class C2) and co-living (Use Class dependent on particulars of scheme); and
- Allow the applicant to demonstrate the appropriate heights, instead of heights being capped at four to five storeys.

We trust that this is acceptable and that our comments will be taken into account. If you have any queries, please contact me or my colleague Peter Lawson.

Yours faithfully

Craig Slack
Senior Planner
craig.slack@turley.co.uk
Dear Natalie

Thank you for consulting the City of London Corporation on Hackney’s Proposed Submission Local Plan. We are responding by letter form rather than using the representations form, but for clarification the City Corporation does not have any legal compliance, soundness or duty to cooperate concerns regarding LP33.

The City Corporation supports the overall vision and objectives of LP33, and specifically it welcomes:

- The protection of Strategic Views which extend into Hackney within Policy LP5, and in particular references to taking account of the policies and guidance of relevant neighbouring authorities within supporting paragraph 5.29.

- Hackney’s commitment in Policy LP12 to meeting as a minimum the emerging draft London Plan housing target of 1,330 homes per year, and the intention to seek to bring forward new growth areas to enable 1,750 homes per year to be delivered. Increasing the supply of housing will not only help meet the needs of a rapidly growing population, but will also contribute towards sustaining the economic competitiveness of the City and London as a whole.

- The approach to the development of flexible/adaptable new office floorspace and the retention of existing office space in Priority Office Areas in Policy LP26, and the use of an Article 4 Direction to require planning permission for the change of use from office to residential in the CAZ. This aligns with the approach taken within the City of London.

- The references to use of low emission, freight consolidation and sustainable last mile delivery vehicles in Policy LP43 and the commitment to car-free developments in Policy LP45.
We note that specific cross-boundary issues which may affect the City of London are more likely to be contained within the Shoreditch Area Action Plan (AAP) than LP33, and we look forward to meeting you next month to discuss the emerging proposals in the AAP.

We note, and in principle support, the intention for at least 60% of the floorspace across the AAP area as a whole to be used for B1 employment floorspace. We would, however, like to discuss how this might affect the overall mix of uses in Hackney’s part of the CAZ, including any implications for other strategic CAZ functions such as retail, leisure, tourism and cultural uses.

We look forward to continuing to work with you as both the Hackney Local Plan LP33 and the City Plan 2036 progress, and in the context of emerging policy requirements such as Statements of Common Ground.

Yours sincerely

Adrian Roche
Development Plans Team Leader
Submissions to consultation on LP33

Clare Joseph
To: "planmaking@hackney.gov.uk" <planmaking@hackney.gov.uk>

Title Miss
First name Clare
Last name Joseph
Organisation Hackney councillor and resident

I wish to be notified of when Hackney LP is submitted to the Planning Inspectorate; when the Hackney EiP will occur; when the Inspector's report is published; and when the Hackney LP is adopted.
Signature: C Joseph Date: 7.1.19

Submission 1

PP8 Shoreditch and Hoxton

4.73 and 4.70 I object to these as being not sound, because they are not justified. They summarise Shoreditch as being 'closely related to the City' and the entire piece discusses the benefits of a City Fringe Opportunity Area whilst ignoring the needs of residents living in Shoreditch, particularly those in social housing, who have not benefited from the drive to make the area 'tech city' and have instead seen the closure of the few remaining affordable shops and the overdevelopment of the area to create luxury flats and expensive office space. The final sentence 'There are opportunities for offices, retail and residential development along with supporting community infrastructure' is contradictory, as community infrastructure inevitably suffers when private development is prioritised. For example, local people in the area have recently lost shops, pavement space and will soon lose a proportion of some of the only green space available at Shoreditch park. 4.70 states 'The creative industries and arts have been attracted by the historic character and affordability of the area' this is not sound, because it is not justified; it is out of date by more than twenty years as the area is now very highly unaffordable for most creative people and the approach outlined in this plan will ensure it gets even less affordable and increasingly homogeneous as poorer people are priced out. I would instead like a plan for Shoreditch drawn up in collaboration with local residents and small businesses, and rather than an incessant drive to develop, some analysis of how many buildings and flats are currently unoccupied in the area would be most welcome.

Submission 2

LP12 Housing Supply 1.i Schemes of 10 units or more 1.ii Proportion of tenure requested - no evidence that this is the proportion needed - therefore this is unsound, because it is not justified. Viability reports should be demanded at various stages, and particularly after completion and once some sales have been made so the council can assess the actual figures and profits, rather than just the projected figures, which can easily be inaccurate. Shared ownership etc is an unaffordable tenure for most people in Hackney, even based on the average income, which is a poor test because it can be vastly inflated by higher earners. There should be a higher, more ambitious demand for social rent since we
have 13,000 on the waiting list and currently spend a great deal of money paying housing benefit for people in the private sector who would benefit from a socially rented home. I also challenge the comments in the Strategic Housing Market Assessment 2014 which is provided alongside the Hackney Plan and presumably justifies some of its policies. The report states in 5.11 that ‘Whilst housing benefit supported private rent does not have the same tenancy rights as full social rent, it nevertheless contributes to the effective supply of affordable housing’. I strongly refute this statement. Private rented accommodation is in fact now the most expensive tenure, more expensive than owner occupying and more expensive than social rented (Shelter and Joseph Rowntree Foundation). This means that either the council pays far more for a tenant receiving housing benefit than they would if that tenant was housed in secure social housing, or the tenant shoulders the financial burden themselves and pays a rent that is likely to be more than a third of their earnings. Since private rented accommodation is also the least secure and affords the tenant the least rights, the tenant runs the risk of large rent increases and of being evicted at short notice, quite possibly leading to more expense if the council have a duty to house them in temporary accommodation. There is no way this tenure can be considered part of the affordable supply, and therefore I question any housing need figures that have been informed by this report.

Submission 3
Housing
13.6 page 156

I question the principle of the council building private market housing and shared ownership in order to fund a small amount of social housing, particularly when it is using public land. I find it unsound, and unjustified. We have a finite amount of space in Hackney, much of which is currently recreational space for council tenants. It should only be used if residents agree and if it meets genuine housing need. The greatest need is for social housing, the building of which has steadily declined, whilst market housing clearly does not solve housing need, therefore I do not think a Labour Council should be building it. There are very many developers doing this job in Hackney already. If Hackney Council wishes to build shared ownership (which I have frequently highlighted as being very poor value) the council should maintain a 51% equity stake in order to a) maintain a majority interest in the property so as to use the property as genuine council housing should the right economic conditions arise in future and b) to ensure that the shared ownership 'affordable housing' aspect is not only enjoyed by the first occupants and lost once they have stair cased to 100%. Once they have done this the home becomes nothing more than another privately owned market home unless the council maintains a stake. I have suggested this before and feel it must be prioritised if the aim really is to provide long term affordable housing.

All the best,

Clare
By Email

Planning Service
London Borough of Hackney
Hackney Service Centre
1 Hillman Street
London
E8 1DY

7th January 2019

Dear Sir / Madam,

Proposed Submission Local Plan 2033 (LP33) - Representations Made by CMA Planning

We are writing with regard to the above draft policy document and would like to take this opportunity to set out our views on the issues raised. We act for a number of developers, operators, housing associations, charitable institutions and land owners who have interests in the borough and these representations are submitted on their behalf.

In general we support the policy direction and thrust of draft Local Plan. However, we feel that there are a number of issues with the document as currently drafted that will need to be addressed before the Local Plan is adopted, which are set out below. These follow on from our previous comments, dated 4th December 2017.

Growth Strategy – Town Centres, High Streets and Employment Hubs

Paragraph 3.5 – this text indicates that the Council is seeking to safeguard all existing industrial land. Such a blanket approach is contrary to GLA’s position, which promotes safeguarding together with the managed release of surplus industrial land as set out in London Plan Policy 4.4(A)(b).

As currently drafted this would fail to meet the requirement set out under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004, that all development plan documents must be ‘in general conformity’ with The London Plan as it would take a materially different approach.

This section of the Local Plan should also refer to the GLA’s presumption in favour higher density residential development on sites located close to transport hubs and town centres, as set out in draft replacement London Plan Policy H1.
As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been properly prepared nor justified and would potentially fail to meet the test of legal compliance.

**Places for People**

**PP6** covers Hackney Wick. For most of Hackney Wick, the London Legacy Development Corporation (LLDC) is the planning authority, with plan making and decision making power. The LLDC has a recent (2015) adopted Local Plan in place which covers this area. This is an important consideration, yet nowhere in this section is this mentioned. Nor is it explained how this section should be read alongside the LLDC Local Plan.

There is an argument for saying this section should be removed, as it is covered by the LLDC Local Plan, but if it is to stay, then the LLDC should be referenced and an explanation given to readers about the planning context and how the two documents should be considered.

It does appear as if there has not been co-operation on this point and it also appears unsound. Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it has not been properly prepared nor justified.

**Policy LP1. Design Quality and Local Character**

**Part A** - We support the principle of design quality, but do feel that part A of this policy might be unworkable in practice. The test sought is that “Development will only be permitted if all of the following criteria are met” and “Development must” [our underlining] comply with all the points set out.

An application for change of use from B1 to A2 with no physical works is still ‘development’, but there is no real way such an application could “respond positively to natural features and other open space”, for example. Equally, how would a rear extension to a house “contribute positively to an active street frontage”?

The policy is unsound as drafted as it is not effective, nor positively prepared and needs to be amended to make it clear that the relevant criteria should be met where actually applicable.

As a more general point, we would also highlight that part v requires an active street frontage, part viii requires improvement to the frontage to the street and part xiv requires an active street frontage. Perhaps these three could be combined? Equally, points viii and xvii are similar.

**Part B** – criterion (iv) of this policy states ‘preserve and enhance’, which should be changed to ‘preserve or enhance’. We note that the correct preserve or enhance test (as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990) is given in Part A above (point iv), and feel that Part B should be amended to follow this.
Policy LP3 Designated Heritage Assets

Part C – criterion (ia) and Part E – criterion (i) of this policy both state ‘preserve and enhance’, which should be changed to ‘preserve or enhance’, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. We note that the correct preserve or enhance test in relation is given in adopted DMLP Policy DM28(A)(i) (Managing the Historic Environment). We consider this is unsound, not being consistent with national policy.

Part C – criterion (iia) says extensions / new development in the curtilage of listed buildings should be subservient. We feel this is overly perspective and may not result in the best outcome on all occasions.

We also object to criterion iv and again feel the requirement for change of use to only be permitted where it is demonstrated that the proposed use is the optimum viable use [our underlining] overly perspective. We feel the policy should be amended to more closely follow the NPPF (para 196) which says that any less than substantial harm “should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” [our underlining].

Securing a designated heritage asset in its optimum viable use is but one or a wide range of public benefits that could be brought by a given proposal, which together would be weighed against any less than substantial harm. We consider that the policy as currently drafted is not in general conformity with the NPPF and is unsound.

Policy LP11 Utilities and Digital Connectivity Infrastructure

Part A contains a requirement that any major residential and commercial schemes will be required to demonstrate, in conjunction with utility providers, that there will be adequate utility infrastructure capacity. Utility providers are typically slow to respond and often unwilling to respond until planning permission has been granted. Getting them to demonstrate this could be difficult in practice and would just place another hurdle in the way of speeding up the planning system, which could then hinder the delivery of new homes.

Equally, as currently worded, this policy would apply to all schemes of 10 dwellings and above. Whilst there may be a case for this type of policy in relation to strategic development schemes (i.e. 150 dwellings plus), it is considered unduly onerous to capture all major development. We would therefore suggest amending the wording of the policy to replace ‘major’ with ‘strategic’.

Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it is not effective, given the impact it could have on housing delivery.

Part D is vague and relates to areas covered by other legislation. What is meant by “achieve” greater digital speeds than Building Regulations? And should the amount of ducting space really be a matter of planning policy?
Part E (incorrectly labelled as D) simply repeats the Building Regulations. We can see no point to this and it should be removed.

These parts also appear unsound and not consistent with national policy.

Policy LP12 Housing Supply

Part D says proposals involving the provision of other forms of residential accommodation will only be permitted where applicants can demonstrate that it is not feasible to deliver C3 residential development on site.

Whilst it is acknowledged that conventional (C3) housing will remain the borough’s priority accommodation type, as currently drafted criterion (D) does not provide the necessary scope to allow an informed judgement to be made as to whether other forms of residential accommodation is appropriate when looked at on a site by site basis. As such, the policy may rule out some perfectly desirable outcomes, such as on a site located next to an education facility, suitable for C3 accommodation, being unable to provide student housing to serve that facility.

Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it is not effective.

We feel it would be better if the test was to require ‘other forms of residential accommodation’ to set out that that use was the best use for that site, i.e. the use of the site for other forms of residential accommodation is considered the most appropriate form of housing.

Policy LP13 Affordable Housing

Part B – This part of the policy should stipulate that where the type of alternative housing being provided (e.g. nursing home) means that it would not be feasible or appropriate to provide affordable housing on-site, then off-site provision or a payment in lieu would be accepted.

Part 1 – With regard to criterion (i), we consider that the Council’s affordable housing target should align with both the Mayor’s Affordable Housing and Viability SPG and the draft replacement London Plan, so whilst it would be appropriate for the Council to apply a strategic, borough-wide target of 50% affordable housing, the policy should then require 35-50% affordable housing provision on individual sites as part of major residential developments, and also make it clear that 35% affordable housing would qualify for viability ‘fast track’ (subject to the land not having been in public ownership and the proposals providing an appropriate tenure split with no loss of industrial floorspace).

Criterion (i) should also make it clear that affordable housing provision will be dependent on development meeting other planning objectives (for example, development within designated employment areas).
In addition, the way criterion (i) is currently worded appears to indicate that affordable housing provision would be calculated on a unit basis, rather than a habitable room basis. This part of the policy should clarify the basis on which affordable housing will be calculated (which is traditionally done on a habitable room basis in Hackney, and is the approach we would support).

**Part 2 –** We strongly object to this part of the policy. As set out in the Written Ministerial Statement dated 28th November 2014, which has been given legal effect by the order of the Court of Appeal dated 13th May 2016, planning obligations (including affordable housing) should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000sqm. This is set out in the Government’s Planning Practice Guidance at Paragraph: 031 Reference ID: 23b-031-20161116.

Furthermore, it is considered a requirement for minor residential developments to provide a financial contribution towards affordable housing, which in turn would need to be supported by a financial viability appraisal, would be unduly onerous and could potentially frustrate the planning process for numerous minor residential schemes, and hamper the Council’s ability to determine such applications within the statutory 8 week timeframe.

**Paragraph 7.8 –** In accordance with the GLA’s Affordable Housing and Viability SPG, the supporting text should make it clear that where development proposals qualify for the viability ‘fast track’ route they will not be subject to review mechanisms, provided an agreed level of progress has been made on implementing the permission within two years of permission having been granted.

As currently drafted this policy would fail to meet the requirement set out under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004, that all development plan documents must be ‘in general conformity’ with The London Plan as it would take a materially different approach. As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been properly prepared nor justified and would potentially fail to meet the test of legal compliance.

**Policy LP16 Self/Custom-Build Housing**

**Part B –** We object to the requirement for large developments of 0.25ha or more to explore options to make provision for serviced plots of land for self/custom build housing. In the first instance, it is unclear what type of assessment would need to be undertaken, and what level of detail would need to be provided to the Council, as part of an exercise to ‘explore options’ to make provisions for such serviced plots as part of large development schemes.

Secondly, large development schemes are tasked with delivering significant planning requirements, including the provision of much needed affordable housing, highway improvement works, and S106 and CIL contributions towards local infrastructure and services. Providing serviced plots of land for self/custom build housing would impact on scheme viability and would invariably come at the expense of other policy requirements or planning obligations, such as the provision of affordable housing.
In addition, from a physical standpoint, allocating sections of development sites for serviced plots for self/custom builds would create range issues that could hinder the delivery comprehensive development proposals.

Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it is not effective, given the impact it could have on housing delivery.

**Policy LP20. Student Housing**

**Part A** – we object to criteria (i) and feel this is too onerous. As with policy LP12, it is acknowledged that conventional (C3) housing will remain the borough’s priority accommodation type, as currently draft criterion (i) does not provide the necessary scope to allow an informed judgement to be made as to whether purpose-built student housing is appropriate when looked at on a site by site basis. A site may be suitable for C3 housing, but also next to an academic institution wanting to build some student housing. It would seem to be poor planning to force them to build elsewhere. The test instead should be proving that the student housing represents the best use of the land, given the location and context.

We would suggest the amended text below

(i) the use of the site for student housing is considered the most appropriate form of housing for the site; and

We object to criteria (vii) and (viii). As with residential developments, we consider that any provision of affordable student accommodation should be subject to viability, which should be explicitly stated in the policy. In addition, we object to a requirement for the provision of affordable student accommodation where that student accommodation is being provided in association with specific educational institutions.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified

**Policy LP25 Visitor Accommodation**

**Part B** – In addition to the CAZ and Major Town Centres, we also consider that the City Fringe Opportunity Area is a suitable location for large scale hotels. The previous draft also considered that hotels were suitable in the District Centres as well – a point we would agree with and suggest is re-instated.

**Part C** – Criteria (v) references servicing with coaches. This is not applicable to all types of visitor accommodation, so “(where applicable)” should be added in brackets.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been justified nor is effective.
Policy LP26 New Employment Floorspace

Part C – We continue to object to De Beauvoir being designated a Priority Industrial Area (PIA) as there is no meaningful amount of industrial floorspace left within this part of the borough to protect and enhance. However, as this area includes B1 office floorspace it may be appropriate to designate De Beauvoir as a Priority Office Area (POA).

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

Policy LP27. Protecting and Promoting Office Floorspace in the Borough

Part C – The adopted DM17 policy sought employment-led mixed use, but allowed for commercial use to be the primary use. The new policy tightens this to be B1 use only. We feel this is overly restrictive and may hinder schemes from coming forward and prevent a greater range of uses from taking place within proposals, which may be considered desirable – ie a coffee shop being proposed as part of a scheme to add a good facility for local workers and add some active frontages, whilst also employing staff. We consider the reference to commercial use should remain as before.

We object to the 60% employment threshold in the Dalston, Shoreditch and Wenlock POAs, which will adversely impact on scheme viability and limit development proposals’ ability to meet other policy requirements, including the delivery of affordable housing and affordable workspace within POAs. We consider that a 50% threshold is appropriate across all POAs.

Part D – For the sake of clarity, we would ask that this part of the policy specifies the Use Classes which may be permissible in POAs, subject to the stated criteria being met (i.e. Use Class A1-A5, C1, C3, D1 and D2).

Part G – This part of the policy requires existing industrial uses to be reprovided. We object to this. Often the reason these sites come forward is because the previous use is no longer required. Certain industrial uses often do not sit comfortably next to offices and flats. A requirement to reprovide the use would often have the effect of preventing redevelopment.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

Policy LP29 Affordable and Low Cost Workspace

Part A – We object to the new requirement for the provision of affordable workspace within designated town centres as part of major employment or mixed use developments. The principal function of town centres is to provide local shops and services to meet local needs, together with complimentary food, drink and leisure uses (generally A and D Class uses). Whilst town centres invariably include an element of employment use, larger scale employment uses (i.e. those of a type and scale capable of supporting affordable workspace) should be directed to designated employment areas.
**Part C** - We also object to the proposed affordable workspace rent level cap within the Shoreditch POA (i.e. 40% of market rent), which is unjustifiably low. Any rent level cap must be evidence based and we would ask for the evidence base for this policy to be published and signposted so that it can be reviewed and tested. Failure to publish the evidence base for the proposed rent caps would render the policy unsound.

In addition, we consider that the definition of affordable workspace should not only relate to the rental levels of the workspace, but also the size of the workspace units to be provided, whereby the provision of workspaces suitable for occupation by micro and small enterprises should be taken to count towards a scheme’s overall affordable workspace provision.

**Part F** – We object to this part of the policy, which is unduly onerous and could potentially penalise landowners seeking to rationalise and/or improve the quality of their commercial developments through post-approval amendments.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

**Policy LP30. Railway Arches**

**Part A** - As per DMLP Policy DM18, we consider that A and D Class uses are appropriate uses within railway arches in certain parts of the borough, and the emerging policy, which seeks to restrict railway arches to employment uses (workspace and industrial) is unduly restrictive and fails to recognise the positive role arches can play in providing accessible, low-cost accommodation for retail, community and leisure type uses, particularly within and adjacent to designated town centres.

**Part B** – It is considered that this requirement is unduly restrictive as it affords existing B class uses within railway arches with a greater level of protection that B class uses elsewhere in the borough. As set out in our comments on Part A, we consider that railway arches are potentially suitable for non-employment uses (such and A and D class uses), which would not be possible if there is a requirement to retain or reprovide the existing low-grade employment uses.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

**Policy LP33 Hackney Central and Dalston**

This policy should specify which uses are appropriate within the Major Town Centre, subject to the relevant criteria being met (i.e. Class A1-A5, B1, D1 and D2 and some Sui Generis uses).

**Policy LP34 Stoke Newington, Stamford Hill and Finsbury Park**

As per our comments on Policy LP33 above.
Policy LP37. Small and Independent Shops

Part B – We object to this part of the policy, Firstly, planning permission is not required to amalgamate two adjoining units where there are no external alterations, where there is no change of use, and where there are no planning conditions preventing such an amalgamation. Secondly, there will be instances where small retail units, due to their location, small size and lack of storage space, will fail to attract retail occupiers, but where smaller-scale local retail operators would be prepared to take a slightly larger, amalgamated unit. In such instances, rather than a blanket ban (as proposed by Part C), the proposals should be considered on their planning merits on a case-by-case basis, and the policy should provide sufficient flexibility and foresight to do so.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

Policy LP38 Evening and Night Time Economy

The growth of Hackney’s evening and night-time leisure economy has contributed to wider economic growth and to making Hackney a vibrant and fashionable place for people to live, work, visit and locate their businesses. It brings many benefits to the Borough, including employment and regeneration. This is an area that should been seen as a positive feature and supported by the Borough and by the Local Plan.

However, the policy and supporting text is worded in a negative manner, failing to recognise in detail the positive aspects and simply looking at restrictions. It is acknowledged that controls are needed, but the policy could take a much more positive role on this topic and offer more support.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

Policy LP42 Walking and Cycling

Part C – Clarification is requested on criterion (v) which requires development to ‘provide links to public transport nodes as well as facilities and amenities’. As currently worded, it is not clear whether the facilities and amenities in question are related to public transport, or whether the policy seeks the creation of links to facilities and amenities more generally. If they are related to public transport, we would suggest rewording to: ‘provide links to public transport nodes, facilities and amenities.’

Policy LP45 Parking and Car Free Development

Part D – We object to this part of the policy, as on smaller, constrained sites it will not be possible to incorporate space for servicing on-site, and deliveries and servicing will therefore need to be undertaken from the street. This part of the policy should make it clear that there will be certain circumstances where on-street servicing will be acceptable, subject to such proposals being supported by a Delivery and Servicing Management Plan to
demonstrate that the proposed on-street servicing arrangements will not adversely impact on the safety and capacity of the road network.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

**Policy LP48 New Open Space**

**Part A** – We note that the communal amenity open space requirement for residential development has increased from the current requirement for 10sqm, as set out in DMLP Policy 31, to 14sqm per person, as proposed in Policy LP48. In areas of open space deficiency (which covers a large area of the Borough), the policy at **Part C** seeks on-site provision.

Whilst the aims of this policy are understood, it is questioned how achievable it could be to achieve in practice. It is notable that the current policy tends not to be referenced much by Development Management Officers, who recognise it would make it difficult for sites to come forward. Whilst more open space is always going to be welcome, there has to be some recognition that with a fixed level of land, it is just not possible to increase it at these levels.

It is felt that the previous level should be maintained and the definition extended to allow for private open space (i.e. gardens) to count towards the figure.

Part B covers office space. No justification is set out as to why employees need open space and generally it is not something that is practical to provide. This part should be deleted.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

**Policy LP51 Tree Management and Landscaping**

**Part A** – We object to the requirement to retain existing ‘landscape features’ of amenity value, which is ambiguous in its scope. Any such features would need to be clearly defined in the supporting text, and we also have concerns that this requirement would not be in general conformity with the NPPF and the London Plan. Equally their replacement with new and better ‘features’ may be considered appropriate in some cases, which the policy should allow for.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been properly prepared nor justified and would potentially fail to meet the test of legal compliance.

**Policy LP53 Building Resilience to Climate Change – Flooding**

**Part F** – This part of the policy should only be applicable to ‘major’ developments.
Appendix 1: Marketing Evidence and Marketing Strategy

Paragraph 1.7 (Designated Heritage Assets) – we object to the requirement for proposals that include significant alterations to a designated heritage assets to be supported by two years marketing evidence, which is not in general conformity with Paragraph 196 of the NPPF.

Paragraph 1.10 (Components of Active Marketing) – we object to criterion 10, which requires professional valuations from at least three agents to confirm the value/rental levels, which is unduly onerous.

We consider that the appendix as currently drafted is not in general conformity with the NPPF and is unsound.

We hope that you find these comments helpful and that they aid the development of the Local Plan 2033. If you have any queries or need any clarification on the points we have raised, do please contact us.

Yours faithfully

Tim Gaskell
CMA Planning
The best way for you to make representations is by using this form. Representations should be returned to the Strategic Policy Team by 5pm on 7th January 2019 by:

E-mail to: planmaking@hackney.gov.uk
Posting to: Strategic Policy, Hackney Council, The Annex, 3rd Floor, 2 Hillman Street, London E8 1FB.

This form has two parts:
Part A – Personal Details (You need only submit one copy of Part A)
Part B – Your representation(s). Please submit a separate page for each representation you wish to make.

Before completing this representation form please refer to the attached guidance notes.

Part A – Submit only one copy of this

1 - Personal Details

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
</tr>
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<tbody>
<tr>
<td>First Name:</td>
<td>Tim</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Gaskell</td>
</tr>
<tr>
<td>Organisation</td>
<td>CMA Planning</td>
</tr>
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</table>

Contact details:

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:Tim.gaskell@cma-planning.co.uk">Tim.gaskell@cma-planning.co.uk</a></th>
</tr>
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<tbody>
<tr>
<td>Telephone:</td>
<td>020 7749 7686</td>
</tr>
<tr>
<td>Address:</td>
<td>113 The Timberyard, Drysdale Street, London.</td>
</tr>
<tr>
<td>Post code:</td>
<td>N1 6ND</td>
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2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: CMA Planning
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<th>Policy</th>
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4. Do you believe the Local Plan Proposed Submission is:

| (1) Legally compliant | Yes | No |
| (2) Sound | Yes | No | X |
| (3) Complies with the Duty to Co-operate | Yes | No |

If you have entered No to 4.(2), continue with Q5, otherwise please go straight to Q6

5. Do you consider the Hackney Local Plan is unsound because it is NOT:

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6. Please give details of why you consider the Hackney Local Plan 2033 Submission is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Growth Strategy – Town Centres, High Streets and Employment Hubs

**Paragraph 3.5** – this text indicates that the Council is seeking to safeguard all existing industrial land. Such a blanket approach is contrary to GLA’s position, which promotes safeguarding together with the managed release of surplus industrial land as set out in London Plan Policy 4.4(A)(b).

As currently drafted this would fail to meet the requirement set out under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004, that all development plan documents must be ‘in general conformity’ with The London Plan as it would take a materially different approach.

This section of the Local Plan should also refer to the GLA’s presumption in favour higher density residential development on sites located close to transport hubs and town centres, as set out in draft replacement London Plan Policy H1.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been properly prepared nor justified and would potentially fail to meet the test of legal compliance.

---

7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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    Date: 07/01/2019
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| (2) **Justified** it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. | X |
| (3) **Effective** the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities. | |
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Places for People

PP6 covers Hackney Wick. For most of Hackney Wick, the London Legacy Development Corporation (LLDC) is the planning authority, with plan making and decision making power. The LLDC has a recent (2015) adopted Local Plan in place which covers this area. This is an important consideration, yet nowhere in this section is this mentioned. Nor is it explained how this section should be read alongside the LLDC Local Plan.

There is an argument for saying this section should be removed, as it is covered by the LLDC Local Plan, but if it is to stay, then the LLDC should be referenced and an explanation given to readers about the planning context and how the two documents should be considered.

It does appear as if there has not been co-operation on this point and it also appears unsound. Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it has not been properly prepared nor justified.

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<tr>
<th><strong>Policy LP1. Design Quality and Local Character</strong></th>
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<tr>
<td><strong>Part A</strong> - We support the principle of design quality, but do feel that part A of this policy might be unworkable in practice. The test sought is that “Development will only be permitted if all of the following criteria are met” and “Development must” [our underlining] comply with all the points set out.</td>
</tr>
<tr>
<td>An application for change of use from B1 to A2 with no physical works is still ‘development’, but there is no real way such an application could “respond positively to natural features and other open space”, for example. Equally, how would a rear extension to a house “contribute positively to an active street frontage”?</td>
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<tr>
<td>The policy is unsound as drafted as it is not effective, nor positively prepared and needs to be amended to make it clear that the relevant criteria should be met where actually applicable.</td>
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<tr>
<td>As a more general point, we would also highlight that part v requires an active street frontage, part viii requires improvement to the frontage to the street and part xiv requires an active street frontage. Perhaps these three could be combined? Equally, points viii and xvii are similar.</td>
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<tr>
<td><strong>Part B</strong> – criterion (iv) of this policy states ‘preserve and enhance’, which should be changed to ‘preserve or enhance’. We note that the correct preserve or enhance test (as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990) is given in Part A above (point iv), and feel that Part B should be amended to follow this.</td>
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Policy LP3 Designated Heritage Assets

Part C – criterion (ia) and Part E – criterion (i) of this policy both state ‘preserve and enhance’, which should be changed to ‘preserve or enhance’, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. We note that the correct preserve or enhance test in relation is given in adopted DMLP Policy DM28(A)(i) (Managing the Historic Environment). We consider this is unsound, not being consistent with national policy.

Part C – criterion (iiia) says extensions / new development in the curtilage of listed buildings should be subservient. We feel this is overly perspective and may not result in the best outcome on all occasions.

We also object to criterion iv and again feel the requirement for change of use to only be permitted where it is demonstrated that the proposed use is the optimum viable use [our underlining] overly perspective. We feel the policy should be amended to more closely follow the NPPF (para 196) which says that any less than substantial harm “should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” [our underlining].

Securing a designated heritage asset in its optimum viable use is but one or a wide range of public benefits that could be brought by a given proposal, which together would be weighed against any less than substantial harm. We consider that the policy as currently drafted is not in general conformity with the NPPF and is unsound.

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Policy LP11 Utilities and Digital Connectivity Infrastructure

Part A contains a requirement that any major residential and commercial schemes will be required to demonstrate, in conjunction with utility providers, that there will be adequate utility infrastructure capacity. Utility providers are typically slow to respond and often unwilling to respond until planning permission has been granted. Getting them to demonstrate this could be difficult in practice and would just place another hurdle in the way of speeding up the planning system, which could then hinder the delivery of new homes.

Equally, as currently worded, this policy would apply to all schemes of 10 dwellings and above. Whilst there may be a case for this type of policy in relation to strategic development schemes (i.e. 150 dwellings plus), it is considered unduly onerous to capture all major development. We would therefore suggest amending the wording of the policy to replace ‘major’ with ‘strategic’.

Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it is not effective, given the impact it could have on housing delivery.

Part D is vague and relates to areas covered by other legislation. What is meant by “achieve” greater digital speeds than Building Regulations? And should the amount of ducting space really be a matter of planning policy?

Part E (incorrectly labelled as D) simply repeats the Building Regulations. We can see no point to this and it should be removed.

These parts also appear unsound and not consistent with national policy.

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Policy LP12 Housing Supply

Part D says proposals involving the provision of other forms of residential accommodation will only be permitted where applicants can demonstrate that it is not feasible to deliver C3 residential development on site.

Whilst it is acknowledged that conventional (C3) housing will remain the borough’s priority accommodation type, as currently drafted criterion (D) does not provide the necessary scope to allow an informed judgement to be made as to whether other forms of residential accommodation is appropriate when looked at on a site by site basis. As such, the policy may rule out some perfectly desirable outcomes, such as on a site located next to an education facility, suitable for C3 accommodation, being unable to provide student housing to serve that facility.

Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it is not effective.

We feel it would be better if the test was to require ‘other forms of residential accommodation’ to set out that that use was the best use for that site, ie the use of the site for other forms of residential accommodation is considered the most appropriate form of housing.

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**Policy LP13 Affordable Housing**

**Part B** – This part of the policy should stipulate that where the type of alternative housing being provided (e.g. nursing home) means that it would not be feasible or appropriate to provide affordable housing on-site, then off-site provision or a payment in lieu would be accepted.

**Part 1** – With regard to criterion (i), we consider that the Council’s affordable housing target should align with both the Mayor’s Affordable Housing and Viability SPG and the draft replacement London Plan, so whilst it would be appropriate for the Council to apply a strategic, borough-wide target of 50% affordable housing, the policy should then require 35-50% affordable housing provision on individual sites as part of major residential developments, and also make it clear that 35% affordable housing would qualify for viability ‘fast track’ (subject to the land not having been in public ownership and the proposals providing an appropriate tenure split with no loss of industrial floorspace).

Criterion (i) should also make it clear that affordable housing provision will be dependent on development meeting other planning objectives (for example, development within designated employment areas).

In addition, the way criterion (i) is currently worded appears to indicate that affordable housing provision would be calculated on a unit basis, rather than a habitable room basis. This part of the policy should clarify the basis on which affordable housing will be calculated (which is traditionally done on a habitable room basis in Hackney, and is the approach we would support).

**Part 2** – We strongly object to this part of the policy. As set out in the Written Ministerial Statement dated 28th November 2014, which has been given legal effect by the order of the Court of Appeal dated 13th May 2016, planning obligations (including affordable housing) should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000sqm. This is set out in the Government’s Planning Practice Guidance at Paragraph: 031 Reference ID: 23b-031-20161116.

Furthermore, it is considered a requirement for minor residential developments to provide a financial contribution towards affordable housing, which in turn would need to be supported by a financial viability appraisal, would be unduly onerous and could potentially frustrate the planning process for numerous minor residential schemes, and hamper the Council’s ability to determine such applications within the statutory 8 week timeframe.

**Paragraph 7.8** – In accordance with the GLA’s Affordable Housing and Viability SPG, the supporting text should make it clear that where development proposals qualify for the viability ‘fast track’ route they will not be subject to review mechanisms, provided an agreed level of progress has been made on implementing the permission within two years of permission having been granted.

As currently drafted this policy would fail to meet the requirement set out under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004, that all development plan documents must be ‘in general conformity’ with The London Plan as it would take a materially different approach. As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been properly prepared nor justified and would potentially fail to meet the test of legal compliance.

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Policy LP16 Self/Custom-Build Housing

Part B – We object to the requirement for large developments of 0.25ha or more to explore options to make provision for serviced plots of land for self/custom build housing. In the first instance, it is unclear what type of assessment would need to be undertaken, and what level of detail would need to be provided to the Council, as part of an exercise to ‘explore options’ to make provisions for such serviced plots as part of large development schemes.

Secondly, large development schemes are tasked with delivering significant planning requirements, including the provision of much needed affordable housing, highway improvement works, and S106 and CIL contributions towards local infrastructure and services. Providing serviced plots of land for self/custom build housing would impact on scheme viability and would invariably come at the expense of other policy requirements or planning obligations, such as the provision of affordable housing.

In addition, from a physical standpoint, allocating sections of development sites for serviced plots for self/custom builds would create range issues that could hinder the delivery comprehensive development proposals.

Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it is not effective, given the impact it could have on housing delivery.

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Policy LP20. Student Housing

Part A – we object to criteria (i) and feel this is too onerous. As with policy LP12, it is acknowledged that conventional (C3) housing will remain the borough’s priority accommodation type, as currently draft criterion (i) does not provide the necessary scope to allow an informed judgement to be made as to whether purpose-built student housing is appropriate when looked at on a site by site basis. A site may be suitable for C3 housing, but also next to an academic institution wanting to build some student housing. It would seem to be poor planning to force them to build elsewhere. The test instead should be proving that the student housing represents the best use of the land, given the location and context.

We would suggest the amended text below

(i) the use of the site for student housing is considered the most appropriate form of housing for the site; and

We object to criteria (vii) and (viii). As with residential developments, we consider that any provision of affordable student accommodation should be subject to viability, which should be explicitly stated in the policy. In addition, we object to a requirement for the provision of affordable student accommodation where that student accommodation is being provided in association with specific educational institutions.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified

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4. Do you believe the Local Plan Proposed Submission is:

1. Legally compliant
   - Yes
   - No

2. Sound
   - Yes
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   - X

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Policy LP25 Visitor Accommodation

**Part B** – In addition to the CAZ and Major Town Centres, we also consider that the City Fringe Opportunity Area is a suitable location for large scale hotels. The previous draft also considered that hotels were suitable in the District Centres as well – a point we would agree with and suggest is re-instated.

**Part C** – Criteria (v) references servicing with coaches. This is not applicable to all types of visitor accommodation, so “(where applicable)” should be added in brackets.

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Policy LP26 New Employment Floorspace

**Part C** – We continue to object to De Beauvoir being designated a Priority Industrial Area (PIA) as there is no meaningful amount of industrial floorspace left within this part of the borough to protect and enhance. However, as this area includes B1 office floorspace it may be appropriate to designate De Beauvoir as a Priority Office Area (POA).

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### Policy LP27. Protecting and Promoting Office Floorspace in the Borough

**Part C** – The adopted DM17 policy sought employment-led mixed use, but allowed for commercial use to be the primary use. The new policy tightens this to be B1 use only. We feel this is overly restrictive and may hinder schemes from coming forward and prevent a greater range of uses from taking place within proposals, which may be considered desirable – i.e. a coffee shop being proposed as part of a scheme to add a good facility for local workers and add some active frontages, whilst also employing staff. We consider the reference to commercial use should remain as before.

We object to the 60% employment threshold in the Dalston, Shoreditch and Wenlock POAs, which will adversely impact on scheme viability and limit development proposals’ ability to meet other policy requirements, including the delivery of affordable housing and affordable workspace within POAs. We consider that a 50% threshold is appropriate across all POAs.

**Part D** – For the sake of clarity, we would ask that this part of the policy specifies the Use Classes which may be permissible in POAs, subject to the stated criteria being met (i.e. Use Class A1-A5, C1, C3, D1 and D2).

**Part G** – This part of the policy requires existing industrial uses to be reprovided. We object to this. Often the reason these sites come forward is because the previous use is no longer required. Certain industrial uses often do not sit comfortably next to offices and flats. A requirement to reprovide the use would often have the effect of preventing redevelopment.

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| 10. Signature: | Tim Gaskell | Date: | 07/01/2019 |
Chapter | Paragraph | Policy | LP29

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Policy LP29 Affordable and Low Cost Workspace

Part A – We object to the new requirement for the provision of affordable workspace within designated town centres as part of major employment or mixed use developments. The principal function of town centres is to provide local shops and services to meet local needs, together with complimentary food, drink and leisure uses (generally A and D Class uses). Whilst town centres invariably include an element of employment use, larger scale employment uses (i.e. those of a type and scale capable of supporting affordable workspace) should be directed to designated employment areas.

Part C - We also object to the proposed affordable workspace rent level cap within the Shoreditch POA (i.e. 40% of market rent), which is unjustifiably low. Any rent level cap must be evidence based and we would ask for the evidence base for this policy to be published and signposted so that it can be reviewed and tested. Failure to publish the evidence base for the proposed rent caps would render the policy unsound.

In addition, we consider that the definition of affordable workspace should not only relate to the rental levels of the workspace, but also the size of the workspace units to be provided, whereby the provision of workspaces suitable for occupation by micro and small enterprises should be taken to count towards a scheme’s overall affordable workspace provision.

Part F – We object to this part of the policy, which is unduly onerous and could potentially penalise landowners seeking to rationalise and/or improve the quality of their commercial developments through post-approval amendments.

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Policy LP30. Railway Arches

Part A - As per DMLP Policy DM18, we consider that A and D Class uses are appropriate uses within railway arches in certain parts of the borough, and the emerging policy, which seeks to restrict railway arches to employment uses (workspace and industrial) is unduly restrictive and fails to recognise the positive role arches can play in providing accessible, low-cost accommodation for retail, community and leisure type uses, particularly within and adjacent to designated town centres.

Part B – It is considered that this requirement is unduly restrictive as it affords existing B class uses within railway arches with a greater level of protection than B class uses elsewhere in the borough. As set out in our comments on Part A, we consider that railway arches are potentially suitable for non-employment uses (such as A and D class uses), which would not be possible if there is a requirement to retain or reprovide the existing low-grade employment uses.

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Policy LP37. Small and Independent Shops

Part B – We object to this part of the policy, Firstly, planning permission is not required to amalgamate two adjoining units where there are no external alterations, where there is no change of use, and where there are no planning conditions preventing such an amalgamation. Secondly, there will be instances where small retail units, due to their location, small size and lack of storage space, will fail to attract retail occupiers, but where smaller-scale local retail operators would be prepared to take a slightly larger, amalgamated unit. In such instances, rather than a blanket ban (as proposed by Part C), the proposals should be considered on their planning merits on a case-by-case basis, and the policy should provide sufficient flexibility and foresight to do so.

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Policy LP38 Evening and Night Time Economy

The growth of Hackney's evening and night-time leisure economy has contributed to wider economic growth and to making Hackney a vibrant and fashionable place for people to live, work, visit and locate their businesses. It brings many benefits to the Borough, including employment and regeneration. This is an area that should have been seen as a positive feature and supported by the Borough and by the Local Plan.

However, the policy and supporting text is worded in a negative manner, failing to recognise in detail the positive aspects and simply looking at restrictions. It is acknowledged that controls are needed, but the policy could take a much more positive role on this topic and offer more support.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

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Policy LP42 Walking and Cycling

Part C – Clarification is requested on criterion (v) which requires development to ‘provide links to public transport nodes as well as facilities and amenities’. As currently worded, it is not clear whether the facilities and amenities in question are related to public transport, or whether the policy seeks the creation of links to facilities and amenities more generally. If they are related to public transport, we would suggest rewording to: ‘provide links to public transport nodes, facilities and amenities.’

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Policy LP45 Parking and Car Free Development

Part D – We object to this part of the policy, as on smaller, constrained sites it will not be possible to incorporate space for servicing on-site, and deliveries and servicing will therefore need to be undertaken from the street. This part of the policy should make it clear that there will be certain circumstances where on-street servicing will be acceptable, subject to such proposals being supported by a Delivery and Servicing Management Plan to demonstrate that the proposed on-street servicing arrangements will not adversely impact on the safety and capacity of the road network.

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| (2) **Justified** it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. | X |
| (3) **Effective** the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities. | |
| (4) **Consistent with national policy** the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework. | |

6. Please give details of why you consider the Hackney Local Plan 2033 Submission **is** or **is not** legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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<table>
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**Part A** – We note that the communal amenity open space requirement for residential development has increased from the current requirement for 10sqm, as set out in DMLP Policy 31, to 14sqm per person, as proposed in Policy LP48. In areas of open space deficiency (which covers a large area of the Borough), the policy at **Part C** seeks on-site provision.

Whilst the aims of this policy are understood, it is questioned how achievable it could be to achieve in practice. It is notable that the current policy tends not to be referenced much by Development Management Officers, who recognise it would make it difficult for sites to come forward. Whilst more open space is always going to be welcome, there has to be some recognition that with a fixed level of land, it is just not possible to increase it at these levels.

It is felt that the previous level should be maintained and the definition extended to allow for private open space (i.e. gardens) to count towards the figure.

**Part B** covers office space. No justification is set out as to why employees need open space and generally it is not something that is practical to provide. This part should be deleted.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been positively prepared nor justified.

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7. Please set out what modification(s) you consider necessary to make the Hackney Local Plan 2033 Proposed Submission legally compliant or sound. Please have regard to any answer you have given at 5 and 6 above. (NB: Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet if necessary)

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Policy LP51 Tree Management and Landscaping

Part A – We object to the requirement to retain existing ‘landscape features’ of amenity value, which is ambiguous in its scope. Any such features would need to be clearly defined in the supporting text, and we also have concerns that this requirement would not be in general conformity with the NPPF and the London Plan. Equally their replacement with new and better ‘features’ may be considered appropriate in some cases, which the policy should allow for.

As such, we consider that in its current form this element of the draft plan would be unsound on the basis it has not been properly prepared nor justified and would potentially fail to meet the test of legal compliance.

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Policy LP53 Building Resilience to Climate Change – Flooding

**Part F** – This part of the policy should only be applicable to ‘major’ developments.

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Appendix 1: Marketing Evidence and Marketing Strategy

Paragraph 1.7 (Designated Heritage Assets) – we object to the requirement for proposals that include significant alterations to a designated heritage assets to be supported by two years marketing evidence, which is not in general conformity with Paragraph 196 of the NPPF.

Paragraph 1.10 (Components of Active Marketing) – we object to criterion 10, which requires professional valuations from at least three agents to confirm the value/rental levels, which is unduly onerous.

We consider that the appendix as currently drafted is not in general conformity with the NPPF and is unsound.

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| 10. Signature: | Tim Gaskell | Date: | 07/01/2019 |
Dear Hackney Council,

**Response to Local Plan Consultation**

CPRE London is grateful for the opportunity to respond to this important consultation. We are a membership based charity with 2500 members around London concerned with the preservation and enhancement of London’s green spaces and with London’s environment more generally.

Due to the fact that no-one has been in the office until today over the Christmas period, we are one day late in submitting this response and very much hope you will still be able to accept it.

- We strongly object to policy LP46 because it is not compatible with the designation and directly undermines it. It leaves open the potential to build on open space as a means of ‘enhancing it’ but this in fact simply means that open space is lost and the amenity of open space (its openness) is undermined. This is not compatible with the NPPF or the London Plan.
- Alternatively, a policy should be put in place which does not allow building on Hackney’s limited and extremely valuable green spaces in any circumstances. There should be no qualification of the designation: the designation is defined elsewhere.

Please could you confirm that these comments will be taken into account, given the difficulty of submitting a response while the office has been unmanned.

Yours sincerely

Alice Roberts

Head of Green Space Campaigns

CPRE London
Dear Sir/Madam,

Hackney’s Proposed Submission Local Plan 2033
Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Dalston Kingsland Shopping Centre (‘the site’)

We welcome the opportunity to comment on London Borough of Hackney’s (LBH) Proposed Submission Local Plan 2033 November 2018 (Regulation 19) on behalf of our client Criterion Capital.

Our client owns the freehold of the site, thus the first part of this representation focuses on the site specific allocation, followed by our observations and suggested amendments to the emerging local plan draft policies. Throughout the rest of this representation we propose text amendments (in red text).

We look forward to working with you to ensure that the plan can facilitate sustainable development and responds positively to the government’s agenda for growth.

The Site

Kingsland Shopping Centre (‘the centre’) is a large indoor shopping complex dating back to the 1980s. It is located in Dalston Major town centre within the Primary Shopping Area and, comprises the central retail focus of Kingsland High Street and the wider town centre. The centre is anchored by a large Sainsbury’s supermarket plus an array of larger multiple retailers.

The centre sits in close proximity to Ridley Road Market providing a juxtaposition against the retail offer of the market which largely provides affordable everyday produce and household goods to locals.

The western end of the site is extremely well situated at the heart of the town centre and on the doorstep of Dalston Kingsland Overground station to the north west and Dalston Junction Overground station circa 100 metres southwards along Kingsland High Street. Subsequently the site benefits from a high PTAL level of 6a. Crossrail 2 is expected to arrive in the future therefore the accessibility of the site will increase further.

Despite the prominence of the centre, it is outdated and no longer fit for purpose. We therefore support the site’s allocation as a development site as it would benefit from redevelopment and has the capacity for significant intensification to best optimise the potential of the site. LBH has already recognised the need for redevelopment and identifies the site in the Dalston Area Action Plan (AAP) 2013 within the ‘Dalston Town Centre Opportunity Sites’ allocation affording it site specific policy and design principles in relation to the opportunity for comprehensive redevelopment.

This site specific allocation has been carried forward as D5 ‘Kingsland Shopping Centre’ site allocation to be incorporated in the lifetime of the new emerging plan.
D5 – Kingsland Shopping Centre

The site allocation (Appendix 1) broadly follows the previous allocation with the Dalston AAP for comprehensive mixed use development. However the introduction of ‘commercial’ use is noted. As the role and nature of town centres change, we welcome the flexibility this brings to potentially incorporate other uses on site which might include short and long stay visitor accommodation, and housing accommodation of a range of tenure, alongside other commercial uses.

No indication of heights is provided under site allocation D5. Under the adopted Dalston AAP we note up to 6 storey with punctuated taller buildings (10-15 storeys) is acceptable on the site and Draft Policy LP1 ‘Design Quality and Local Character’ states that for guidance on heights reference should be made back to AAPs. We note however that the Dalston AAP will be superseded by the adoption of the new Local Plan 2033. Whilst it will be for the development management process to determine the ultimate form of any development here, the plan shall positively regard the site’s appropriateness for tall buildings.

We understand that the emerging Dalston SPD is currently being prepared and we would consider this document provides a further opportunity to define how the redevelopment of this site can be optimised.

The emerging plan refers to the Hackney Characterisation Study which promotes height around areas of high PTAL, which we support. The site, as noted above benefits from a PTAL of 6a. Therefore it is considered that the site allocation should incorporate wording which allows for significant intensification and increase in building height. This will help to deliver a viable development to help meet broader local plan objectives, and specifically enable development to make a positive contribution to the town centre. Given the allocation of safeguarding for Crossrail 2, we consider that this site has the potential for considerable development intensification.

The emerging Local Plan recognises the need for town centres to attract a shopping and leisure offer to increase the number of visitors to the town centre and the amount of time they spend on the high street. We recognise the importance of the Kingsland Shopping Centre however in order for the current retail offer it provides to evolve with changing retail patterns, the site allocation and associated retail policy as currently worded does not allow for that flexibility. This is important for a strategic and centrally located site within one of Hackney’s Major town centres to deliver a place where people want to visit.

With regards to the wording included within the D5 site allocation we therefore suggest the following amendments:

‘Timescale: Medium Term (phased in line with lease expiry)’

and;

‘Comprehensive redevelopment of the Kingsland Shopping Centre will be encouraged and must contribute beneficially to the role and function of the designated town centre. Specifically, development proposals will need to demonstrate how the capacity of the site has been optimised across a mix of uses and how any scheme relates positively to Ridley Road market.”

We consider that the entirety of the Kingsland Shopping Centre should be removed from the proposed Primary Shopping Area as denoted by the blue line in the image below. We consider this is appropriate given that many retailers are struggling to adapt to the increasing proportion of online sales which is reducing their need for physical floor space. It is considered that in order to facilitate optimum delivery of development on the site which is not restricted to retail, which may remain unoccupied as a result of a climate where considerable evolution/change in the patterns of retailing is happening, then flexibility is required for the quantum of retail space that needs to be re-provided as part of redevelopment of the site. This will ensure the success of a mixed use scheme which can contribute to the vitality of the town centre. We agree that the Primary Frontage should remain along Kingsland High Street to retain the existing retail offer.
We talk in further detail about suggested changes to local plan policy in relation to retail later on in this representation.

**Representations to Regulation 19 Consultation Draft Policies**

Hackney is a borough with a strong civic and cultural identity. The borough offers many opportunities to strengthen its role in London as a place for focused and sustainable growth particularly with regards to delivery of new homes and creation of jobs through increased provision of employment workspaces.

We are pleased to note that an ambition for growth is captured in the emerging Local Plan and we would expect all decisions on policy direction to be framed in and responsive to this context, concurrent with the objectives of the Revised NPPF to achieve sustainable development.

**Vision, Objectives and Growth Strategy – Aspirations for Hackney – 2033**

We support the draft key objectives of the Local Plan but it is important to ensure that the language of the policy is precise to ensure the objectives can be clearly understood and applied in practice with certainty.

Therefore to provide greater clarity on the vision and spatial objectives, we propose the following text amendments to the 3rd, 4th and 7th point of the spatial objective strategy:
‘To deliver high quality intensified urban neighbourhoods with distinctive architectural quality which best optimise the available land whilst responding to Hackney’s historic character whilst producing unique and innovative contemporary design that reflects Hackney’s innovative and creative culture. Individual developments will aim to contribute to this aim through a design-led townscape design response which is appropriate to each individual site in the context of the existing and emerging urban context.

- Deliver at least 26,250 additional homes, increasing the supply of genuinely affordable homes, alongside appropriate community facilities to meet existing and future needs.
- To support a diverse and mixed economy providing at least 23,000 new jobs by providing a range of types of floorspace to include, where viable and appropriate, affordable workspace and low cost industrial space.
- To support improvements to the local public and wider transport network and maximise the community and regeneration benefits and opportunities to come from Crossrail 2.’

Growth Strategy

We welcome the strategy to achieve growth in town centres, High Streets and Employment Hubs to deliver new homes, jobs and improved retail facilities and support the identification of locations for where the most significant growth should take place.

With regards to the text outlining the borough’s Growth Strategy, we suggest the following amendments:

- 3.1 ‘Development for all uses should be designed to high architectural standard whilst reflecting historic character.
- 3.4 Its arrival will support opportunities for significant growth in the area, which through careful and considered masterplanning, will be managed to ensure Dalston’s unique creative and cultural character is maintained and enhanced, whilst ensuring that the need to optimise the delivery of new homes, jobs and improved retail facilities is met.’

The strategy to intensify development to create higher densities and deliver new homes is very welcome and we support the strategy to utilise space above existing buildings to deliver more homes. This is an appropriate response to increasingly constrained supply of land. However it is not clear in which locations this planning principle will be encouraged.

At present it would seem that the principle for additional massing above existing buildings is more focused on major corridors in the borough (reference to this principle is made further in PP5 ‘Enhanced Corridors’) however we consider that it should be applied in all the key growth areas, as identified in the plan, including identified locations within the town centre hierarchy. We suggest the following amendments to the text in order to reflect this as an overarching principle:

3.7 ‘The use of space above existing buildings to deliver more homes will be encouraged along major corridors in the borough and where appropriate in the key focus areas for development intensification identified in this plan, including locations identified in the town centre hierarchy.’

Vision for Dalston

We support the overall direction of travel for PP2 ‘Dalston’ and support the recognition of the Kingsland Shopping Centre as a key focal part of the major town centre in terms of the existing retail offer and opportunity for development to take advantage of its very central location, accessibility to Dalston train station and potential for increased connection with the introduction of Crossrail 2. We are in agreement that the centre is not of high architectural merit and as previously stated presents an opportunity suitable for phased development in line with lease expiry.

We request that clarification is provided with regards to the mention of Dalston Masterplan in paragraph 4.17. There appears to be no explanation anywhere else in the document as to what this will comprise.
Paragraph 4.19 provides wording in support of the illustration which indicates the required level of intervention for change to the urban context in Dalston. The arrow is more heavily weight towards ‘keep it exactly the same’ which would appear in conflict with the draft local plans ambition for ‘innovative’ design, ambition for growth and identification of a number of sites suitable for development within Paragraph 4.18.

We suggest removing section 4.19 and the illustration completely or alternatively apply the following change to the text alongside the illustration to allow for this statement to be flexibly interpreted:

4.19 ‘Notwithstanding the recognition for redevelopment and optimisation of land for creation of new homes, new jobs and improved retail in Dalston and without compromise to encouraging development of land as a vehicle to deliver plan objectives, the diagram below illustrates the nature of intervention on the spectrum of reinforce-repair-reinvent that is sought within Dalston as identified in the borough wide Characterisation Study.’

**Design Quality and Local Character**

Draft Policy LP1 A. states that all new development must be of the highest architectural and urban design quality. We support this approach however consider that more thought should be given to the wording of the required design criteria new development is expected to meet. Suggested changes to the wording are as follows:

- ‘x. be adaptable and robust and flexible in use; and
- xi. use attractive, durable high quality materials which complement local buildings and character; and
- xii. thoughtfully and efficiently integrate building services equipment and avoid compromising the appearance of the building, including the appearance from long views; and
- xiii. avoid value engineering and maintain quality through the planning process through to the completion of the development; and’

We also note repetition of point v. and xiv. ‘contribute positively to an active street frontage’.

Part B. of the draft policy discusses Taller Buildings, which we broadly support. We welcome the rationale for taller buildings to be located in areas of high accessibility as set out in the Hackney Characterisation Study which, in accordance with the draft policy supporting text, the Council will use to assess proposals for tall buildings. We suggest the following wording should be included in the policy:

‘Tall building proposals should be considered in the context of existing and future transport improvements and supported in areas of high PTAL level.’

London is constantly changing place and whilst we understand that preservation of existing communities and sense of place is important, we consider that in order to accommodate changing demands in society and meet the aims of the borough to grow and keep pace with the rest of London, the urban fabric and typologies of buildings should also be allowed to grow and change.
This urban change should positively respond, but not be restricted, to the existing urban context therefore we consider flexibility should be incorporated into the draft policy by way of the following amendments to the draft policy wording:

‘A taller building must:
i. have a legible and coherent role in the immediate and wider context and where relevant be fully justified in respect of the Council’s place policy vision for the area; and

ii. have regard to its immediate and wider surrounding context: the base of the building should seek to enhance the existing streetscape, and the top of a tall building must enhance the skyline; be of exceptional design quality both in materiality and form and seek to protect the amenity of public spaces, especially public open spaces and watercourses/canals; and

iii. make a positive contribution to the quality of the public realm; and

iv. preserve and enhance the Borough’s heritage assets, their significance, and their settings in line with policies LP3 ‘Designated Heritage Assets’ and LP4 ‘Non Designated Heritage Assets’.’

Housing

We recognise the much needed delivery of new homes to meet demand in the borough and across wider London. However we suggest the following textual amendments to the policy wording to ensure that an appropriate balance can be achieved between competing policy objectives and to enable a ‘wide range of development options’ (as set out in the draft London Plan para 1.4.5) and residential products to be delivered to meet the aspirations of the Borough and to respond to the demands of the wider London market.

‘D. Self-contained residential units are the priority residential land use in the borough and type of land use for which there is the greatest need whilst C3 residential development will be the preferred development option it is recognised that in highly accessible locations other forms of accommodation should be supported as part of a mix of uses that could include market, affordable, rented, affordable rented, long stay visitor, short stay visitor and innovative products including live/ work and co living products.’

Part A of draft policy LP13 ‘Affordable Housing’ states:

‘A. New development must maximise opportunities to supply genuinely affordable housing on-site. The Council will seek the maximum reasonable amount of affordable housing, subject to viability and site context.’

In order to be able to ascertain how sound this policy could be, we suggest that the policy wording clarifies what is meant by ‘genuinely affordable’ and what the Council will use as a measure for determining what is or is not affordable.

We fully acknowledge the role which affordable housing plays in the delivery of a varied housing offer to the market however we suggest the following text amendments to the draft policy to ensure flexibility to deliver viable development schemes to meet housing delivery demands in the borough and to encourage continued investment in residential development:

Schemes of 10 units or more

‘i. A minimum 50% of net housing delivered will be sought (subject to viability) as on-site affordable housing, subject to the requirements set out in part A; and’

‘iv. Off-site affordable housing or payments in-lieu will only be considered in truly exceptional circumstances where the Council is satisfied that off-site provision would secure a better outcome in meeting housing need. Off-site affordable housing and payments in lieu will be sought at an equivalent level to the 50% requirement, subject to viability.’

We also note the supporting text which states:
‘7.7 A local plan viability assessment demonstrates that requiring new housing development to contribute a minimum 50% affordable housing is viable.’

This statement is generalised with no regard to context. We would suggest removing or altering this text. The policy supportive text under paragraph 7.6 suggests that affordable homes should be delivered with regard to different parts of Hackney and so too should viability be considered in the context of different localities in the borough i.e. 50% affordable housing provision might not be viable in all parts of the borough.

Part ii. of the section for schemes of 10 units or more states that the affordable housing tenure split is 60% Social and 40% Intermediate. We suggest that clarity is provided on whether this percentage provision is applicable to total number of units or habitable rooms. We note, the Mayor’s Affordable Housing and Viability SPG adopted in August 2017 uses habitable rooms as a measure.

Draft Policy LP14 ‘Dwelling Size Mix’ sets out expectations for mix of dwellings for market and affordable tenures. We require clarification on the percentage provision of the different mix of units and whether this is based upon units or habitable rooms.

We welcome Part C of the draft policy which offers a flexibility on providing variations to the dwelling size mix which is sought.

Town Centres

We support the principle of significant retail and leisure development being channelled to Dalston Major Centre as stated within Draft Policy LP32 ‘Town Centres’.

Draft Policy LP33 ‘Hackney Central and Dalston’ states the types of uses which will be promoted within the major centres of Hackney and Dalston. We are supportive of the suggested uses in Part A, however suggest the following amendments to policy wording to encompass residential use within the supported uses given that some town centre site allocations include residential use and the Draft London Plans promotion of building more housing as part of development in town centres to help sustain local communities in well-connected places and to .

‘New retail, commercial, leisure, cultural development and residential as part of mixed-use schemes, where appropriate*, will be permitted within the major town centres of Hackney Central and Dalston.

* in well-connected sustainable locations and subject to meeting other relevant policy objectives.

Increasingly within the industry it is acknowledged that there is a need for flexibility for a provision of a mix of uses within town centres in order to attract a wider range of customers and support diversification of the traditional retail offer on the high street. Retailing patterns have changed and evolved with the increased popularity of online shopping which has created a strain on the retail market. We believe there is a need for flexibility to provide a higher quality of retail floorspace as part of a mix of vibrant town centre uses but not necessarily replacement of the same quantity of existing retail floorspace. We believe a degree of flexibility should be shown here.

The key for longevity and growth of the high street is to encourage more attractive shopping and leisure experiences that internet shopping cannot match, including a strategy whereby a mix of uses, appropriate to the town centre, can create vibrancy and increase the frequency of visits and time individuals spend in the town centre.

The commercial leisure sector has become an increasingly important factor in contributing to the vitality and viability of town centres whereby individuals are increasingly choosing to spend on ‘experiences’ as opposed to material goods. Work and living spaces also enhance the quality of town centres outside core retail hours. This is not to say that traditional A1 retail no longer has a role to play but it should be recognised that a balance needs to be struck. The emerging Local Plan and the Hackney Town Centre & Retail Study 2017 both recognise
this need for diversification in town centres and yet the policy position remains restrictive over how the high street can respond over time to market conditions. Therefore we believe flexibility should be incorporated in local plan policy to create more successful town centres.

With regards to Dalston, we note that the Hackney Retail Study (2017) recognises that Dalston could be performing more strongly and that there is a gap in terms of the quality of the shops on offer. Notwithstanding the wider leisure offer in Dalston, the leisure offer in the Kingsland Shopping Centre is relatively low in terms of quantum of units provided.

Redevelopment of the Dalston Kingsland shopping centre provides the opportunity to create a higher quality of retail offer amongst other mix of uses. In order to allow for a mixed use scheme which can meet policy objectives of boosting the vibrancy and vitality of the town centre we suggest the following amendments to the policy wording:

‘B. Any redevelopment of larger A1 retail units over 1,000sqm must should re-provide at least the existing quantum of A1 retail floorspace.’

Given that we consider that the Kingsland Shopping Centre should be removed from the Primary Shopping Area, as previously stated earlier on in this representation, we suggest that parts C, D and E should not be included in Draft Policy LP33.

In relation to the following policy we suggest changes to reflect the need for flexibility in bringing the site forward to achieve a retail offer which is not restricted to solely traditional A1 retail uses.

‘F. A1 retail uses should be the predominant use within the primary frontages, constituting at least 60% of all units within the primary frontage as a whole. Development involving the loss of A1 uses will only be permitted where the proposal does should not result in the overall proportion of A1 falling below 60%, and does not result in the equivalent of a group of two or more adjoining standard size shop units being in non-retail (A1) uses.

For the below policy not all retail is necessarily a shop therefore we think it is more appropriate for the policy to read as follows:

H. All proposals must incorporate a shop front, have an active frontage and contribute to the vitality and viability of the town centre.’

Affordable Workspace

We support the ambition to facilitate space for start-ups, SMEs and cultural and creative enterprises such as artists’ studios and designer-maker spaces, as well as charities and social enterprises. However in order to allow Hackney to remain an attractive investment prospect for development we suggest the following amendment to draft policy LP29.

‘New major employment and mixed used development in the borough’s designated employment areas, Central Activities Zone and town centres should provide affordable or low cost workspace, equating to a minimum of 10% of gross new employment floorspace, subject to viability.’

Visitor Accommodation

We acknowledge the Council’s approach to provision of visitor accommodation however consider it particularly restrictive to require in Draft Policy LP 25 Part C i that proposed visitor accommodation development and short term lettings should be restricted by external influences such as delivery of pipeline development which may or may not come forward. Thus we suggest the following amendment to the policy wording in Part C:

‘C. i not result in a total supply (which includes approved schemes not yet built) of visitor accommodation rooms significantly greater than the projected demand for rooms’.
Street Markets

Policy should be supportive of development that can demonstrably enhance the sustainable provision of the street markets in the borough.

It is noted that Draft Policy LP40 ‘Street Markets’ promotes protection of street markets including Ridley Road Market to retain the contribution they make towards economic, social and cultural life in the borough. Should the site come forward for development in the future, consideration will be given to any new development’s potential impact upon neighbouring Ridley Road.

Conclusion

Thank you for giving us the opportunity to comment on the Proposed Submission Local Plan 2033 November 2018 (Regulation 19) and we would be grateful for confirmation of receipt of these representations. Please do not hesitate to contact us on the details at the head of this letter should you require any further information.

Yours faithfully

Savills
Appendix 1: Site Allocation D5 - Proposed Submission Local Plan 2033

D5 - Kingsland Shopping Centre

Ward: Dalston

Ownership: Private
Area: 2.6ha
Existing Use: Retail
Planning Considerations:
- Dalston Major Town Centre - Primary Shopping Area
- Special Policy Area (Licensing) - Partial
- Crossrail 2 Safeguarding
- Adjacent to the Dalston Conservation Area
- PTAL 6a

How was the site identified? Dalston Area Action Plan (2013)

Timescale: Medium Term
Allocation: Mixed-use development with retail, commercial and residential

Development Principles:
Comprehensive redevelopment of the Kingsland Shopping Centre will be encouraged and must re-provide the equivalent or greater quantum of A1 retail floor space. Further guidance to be set out in a Supplementary Planning Document.

Planning Status: No recent planning activity
Dear Sir/Madam,

Re: Hackney Local Plan 2033

Consultation under Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012

Submission of the Department for Education

1. The Department for Education (DfE) welcomes the opportunity to contribute to the development of planning policy at the local level. This follows the EFA (as we were then named) response submitted to the LB Hackney Local Plan: (LP33) Issues and Options Consultation in December 2016.

2. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and the DfE is the delivery body for many of these, rather than local education authorities. As such, we aim to work closely with local authority education departments and planning authorities to meet the need and demand for new school places and new schools. In this capacity, we would like to offer the following comments in response to the proposals outlined in the above consultation document.

Comments on the Local Plan

3. As you will be aware, the primary focus at this stage of the Local Plan’s preparation is on the soundness of the plan, with regard to it being positively prepared, justified, effective and consistent with national policy. The following detailed comments set out the DfE’s view of the plan’s soundness in respect of education provision.

4. The DfE supports the Council’s policy to plan for infrastructure including schools in LP8 ‘Social and Community Infrastructure’ and note that in the longer term site allocations and safeguarding land for schools will be required. The DfE support the Council’s expectation at LP8(F) that developers will contribute to the provision of social infrastructure via on-site provision or through off-site contributions. The identification of broad locations to meet the anticipated need specifically for secondary provision would however be helpful and provide clarity, including in terms of seeking developer contributions from relevant developments.

5. Policy LP 55 ‘Mitigating Climate Change’ indicates that all non-residential development (which would include schools) must achieve a standard of BREEAM ‘Excellent’. DfE centrally funded schools are built to a specification that incorporates the BREEAM ‘Very Good’ standard without certification. In the
context of the need to maximise value for money in education spending and make efficient and effective use of public funds, we question whether requirement for schools to achieve BREEAM 'Excellent' rather than 'Very Good' is justified.

**Evidence base/ background documents**

6. The Infrastructure Delivery Plan (IDP) (2018) outlines trends and capacity in primary, secondary, post-16 and SEND provision. This concludes that there is currently a surplus of primary and sufficient secondary provision in the medium term in the borough. However, it does highlight the under-provision of secondary provision in the longer term, which is reflected in the Local Plan proposed submission version subject of this consultation. In the absence of a published or signposted methodology used to establish the figures in the IDP, it is not possible to assess how robust they are. Hackney’s Planning Contributions SPD (2015) includes the GLA’s child yield calculator, but this is for illustrative purposes only. We would suggest Hackney publish or signpost their methodology to support the relevant local plan policies, including those seeking developer contributions and longer-term safeguarding of school sites and site allocations. This will then help to provide a clear ‘story’ from the IDP and education background documents (what/when/where schools are needed in the longer term) for the Inspector by demonstrating more clearly that the approach to the planning and delivery of education infrastructure is justified based on proportionate evidence. If required, the DfE can assist in providing good practice examples of such background documents relevant to this stage of your emerging Plan.

**Developer Contributions and CIL**

7. One of the tests of soundness is that a Local Plan is ‘effective’ i.e. the plan should be deliverable over its period. In this context and with specific regard to planning for schools, there is a need to ensure that education contributions made by developers are sufficient to deliver the additional school places required to meet the increase in demand generated by new developments. The DfE notes that Hackney have produced a Planning Obligations SPD which provides a formula for calculating financial contributions to education. Further, Hackney’s CIL rates adopted in 2015 levy no charge to D1 uses, and the Regulation 123 list appropriately includes education. The DfE supports the Council’s approach to ensure developer contributions address the impacts arising from growth.

8. The DfE would be particularly interested in responding to any update to the Infrastructure Delivery Plan or review of infrastructure requirements, which will inform any CIL review and/or amendments to the Regulation 123 list. As such, please add the DfE to the database for future CIL consultations.

**Conclusion**

9. Finally, I hope the above comments are helpful in finalising Hackney’s Local Plan, with specific regard to the provision of land for new schools.

10. Please notify the DfE when the Local Plan is submitted for examination, the Inspector’s report is published and the Local Plan is adopted. At this stage it is unlikely we will wish to attend the EiP.
11. Please do not hesitate to contact me if you have any queries regarding this response. The DfE looks forward to continuing to work with Hackney to develop a sound Local Plan which will aid in the delivery of new schools.

Yours faithfully,

SJ Powell

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