5 Chapter 3: Growth Strategy 3.3 Hackney Central and PP3 Hackney Central and Surrounds - Strategic Principles

I consider these proposals to be not sound because not justified, and would therefore like to propose that they be withdrawn for the following reasons:

One proposal is to relocate Clapton Bus Garage and several Hackney Housing depots, mainly to make way for more housing.

This is certain to be largely market housing which does not meet the needs of most Hackney residents. I base this conclusion on the delivery of housing in Hackney between 2014 and 2017, where of 4800 dwellings of all housing types delivered, only 710 were ‘affordable’, 15 per cent. The figure for social rented homes, which are the only actually affordable homes to most Hackney residents, particularly to the 12,500 on the housing waiting list, and the 3000 in temporary accommodation, was minus 71. These figures have been published by London Tenants’ Federation, based on data from the London Plan Annual Monitoring Reports. It is this dominance of market housing that has driven up house prices in Hackney in the manner described elsewhere in the Plan.

Not only that, but this removes or truncates yet more workspace in a borough where only six per cent consists of priority office and industrial areas. Removing garages worsens the working conditions for bus drivers, particularly galling in the case of Clapton Bus Garage where there is a fully equipped canteen not currently in use. A caring council would, instead of encouraging the replacement of the bus garage by yet more market housing, be pressing the bus company to reinstate the canteen.

There is also a proposal to improve ‘permeability’ by linking the Narrow Way to Morning Lane by driving a way through the arches. Several small businesses have already been forced out of the arches presumably in preparation. This is to make it easier for wealthy shoppers to reach the ‘fashion hub’ on Morning Lane which consists of Burberry, Pringle, Nike and similar stores. Small businesses were also forced out of those railway arches to make room for the additional luxury stores which have been sited round the existing Burberry outlet store.

Similarly the Tesco store and car park are slated for removal and replacement by a store plus yet more market housing. This process is a gradual removal of businesses and shops serving local people to be replaced by housing and shops which do not. I wonder what has changed since Tesco’s original application to rebuild their store with market housing above it was refused by Hackney Council’s planning committee some years ago?

It seems the move to upgrade the status of Hackney Central has the primary purpose of building yet more expensive housing there, and gradually getting rid of less flashy businesses that nevertheless serve local people, and I therefore oppose it.
6 Chapter 5 Protecting and Enhancing Heritage and Leading the Way in Good Urban Design

5.12 - I consider the following sentences to be not sound because not justified and therefore propose their deletion; they relate to the BRE guidance on daylight and sunlight: 'In denser 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 urban locations such as that found in Hackney.'

This is a green light for a reduction in daylight and sunlight levels in Hackney developments. This will have a significantly adverse effect on the quality of life of Hackney citizens. It is likely to be used to approve the construction of yet more high and dense dwellings almost exclusively for market sale, which do not in any case meet the housing needs of most Hackney citizens. The BRE guidance must be adhered to in all Hackney developments.

7 Chapter 7 Meeting Hackney's Housing Needs

Kay Facts, Chapter Objectives, LP12 Housing Supply

I question these high figures for housing delivery and consider them not sound because not justified. Delivery of these high numbers of homes, both overall and in particular parts of the borough, is likely to increase density and height of buildings, and eat into precious space including green space. This will worsen the quality of life for Hackney residents.

This is particularly the case when most of these projected homes will not be social rented but will be various types of dwelling unaffordable to most Hackney residents, particularly the 12,500 on the council waiting list and the 3000 in temporary accommodation, not to mention the increasing numbers of homeless. I deduce this from recent figures for 2014 - 17, where despite 4,800 dwellings being built in Hackney, there was a net reduction of social rented homes by 71 (London Tenants’ Federation analysis, based on the London Plan Annual Monitoring Reports).

London Tenants’ Federation also points out that academic Paul Cheshire’s 2007 publication 'Segregated Neighbourhoods and Mixed Communities’ (Joseph Rowntree Foundation / LSE) provides evidence that moving wealthier residents into poorer areas results in increases in property prices and goods and services, actually making life harder for less well-off residents.

Thus building these high numbers of predominantly market homes has driven up prices for Hackney residents in the manner described elsewhere in LP33, and continuing with this policy will only make things worse.

I therefore suggest a fundamental re-writing of these sections.
8 Chapter 7 Meeting Hackney's Housing Needs

LP12 Housing Supply C

This section is in my view not sound because not justified. Its approach derives from the drive for excessive housebuilding which I have commented on elsewhere.

The 'infill housing development' referred to largely means building on the spaces on housing estates. These estates generally consist of blocks of housing, including some high buildings, where the space has been included to allow daylight, sunlight and views between buildings. Filling these spaces with yet more buildings will therefore have a detrimental effect on the quality of life of the residents of these estates, and should be avoided. To make matters worse, much of this 'infill' development is not even social rented housing meeting the real needs of most of Hackney's residents.

I propose that Hackney Council abandon the policy of infill development on housing estates.

9 Chapter 7 Meeting Hackney's Housing Needs

LP13 Affordable Housing

I consider this entire section to be not sound because not justified. The figures throughout this section are incredibly unambitious and will not result in homes that meet the needs of most Hackney residents. This whole section needs to be radically re-written.

The use of the term 'affordable housing' should be abandoned. This includes social rented housing, the only actually affordable category for most Londoners, even though even many social rent tenants require housing benefit to be able to pay the rent. It also includes London Affordable Rent, which is not equivalent to social rent, but approximately 50 percent more expensive. It further includes London Living Rent, aimed at households earning up to £60,000 who can also afford to save to buy a home, and shared ownership, aimed at households earning up to £90,000 a year. As a point of comparison, the average household income of current social rent households is £17,500.

Figures indicate that the backlog of housing need in London is 78 per cent for low cost rented, 2 per cent for intermediate, and 20 per cent for market housing. The SHMA used as a basis for Hackney LP33 is from 2014. A more recent SHMA carried out in the London boroughs of Brent, Ealing and Hammersmith and Fulham assessed that 86 per cent of the households identified as needing 'affordable homes' would need social rented homes. In addition, only 7 per cent were assessed as able to afford London Living Rent and 7 per cent able to afford 80 per cent market rent or shared ownership.
This does not in any way correspond with proposals in LP33 for 50 per cent 'affordable' housing of which only 60 per cent would be social / London Affordable Rent. This gulf is further widened by the generous approach to development of smaller sites.

This policy will only lead to the continuation of the practice of filling every available space with housing which very largely will not meet the real needs of Hackney people, and will only drive housing prices up still further. To meet real need, and to start to meet the backlog of need, the overwhelming majority of new housing needs to be for social rent.

10 Chapter 7 Meeting Hackney's Housing Needs
I consider that in order to be sound and therefore justified, this chapter requires an additional section on housing estates. This will also require the deletion of the section on Woodberry Down in the Plan, in Chapter 13 Implementation and Monitoring; Delivering the Growth Strategy, 13.7 and 13.8. I suggest the new section in Meeting Hackney's Housing Needs should be worded roughly along these lines:

No further major regeneration schemes involving demolition will be undertaken to Hackney's housing estates. Instead, the existing housing will be proactively looked after and where necessary refurbished using rental income from the Housing Revenue Account.

Current research being carried out by Loretta Lees, University of Leicester, funded by the Economic and Social Research Council (ESRC) shows that a conservative estimate of 135,000 London council tenants have been displaced since 1997, through 54,263 council homes being demolished or slated for demolition in schemes of 100 units or more.

The Mayor of London's Good Practice Guide to Estate Regeneration says: '...Estate regeneration often involves disruption and change to established communities, sometimes over several years, and can result in disagreement between residents and their landlords... The Mayor believes that for estate regeneration to be a success there must be resident support for proposals, based on full and transparent consultation from the very start of the process, and meaningful ongoing involvement of those affected.'

Regeneration schemes in Hackney as elsewhere which have involved demolition of council homes have resulted in much denser developments, with fewer social rented homes than were originally on the estate, and their replacement by market homes or other unaffordable products.

Hackney Council's Woodberry Down regeneration scheme, for example, a scheme which started in roughly the year 2000, and which will continue till at least 2032, causing immense disruption and uncertainty to the council tenants and leaseholders who live there, is projected to result in 5,557 dwellings where almost 2000 council social rented homes originally stood, with only just over 1000 being social rented or approximate equivalents, and none of these being council homes, all of them belonging to Genesis Housing Association, with all the current question marks round the operations of housing associations.
Large numbers are and will continue to be expensive market housing owned by developer Berkeley Homes, particularly commandeering the prime site overlooking the reservoir, now renamed Woodberry Wetlands. These include tall towers where most of the housing replaced was medium rise, thus also changing the nature of the neighbourhood considerably.

Such developments have only contributed to the loss of vital council social rented homes, and the mass construction of market housing which has forced up Hackney house prices so considerably in recent years. For this reason Hackney Council will conduct no further such regeneration schemes.

11 Chapter 3 Growth Strategy
Town Centres, High Streets and Employment Hubs

PP8 Shoreditch and Hoxton

I consider this section not sound because not justified for the following reasons, and therefore would propose it be rewritten:

4.68 sees Shoreditch and Hoxton, not as a place where people currently live and work, but as an adjunct to Tech City and the City Fringe Opportunity Area. There is no evidence, as the Plan claims, that 'the more residential neighbourhoods of Hoxton and Haggerston', which include a number of large housing estates, 'will share in the success of this part of the borough through improved access to high quality affordable homes and workplaces, community facilities, training and employment.'

Instead, observations made by London Tenants' Federation, based on detailed experience of another Opportunity Area, are equally true of what is developing in Shoreditch and Hoxton. Changes in the types of shops and services delivered, to meet new, wealthier incomers’ requirements, are pushing out those that once met the needs of lower income communities. Jobs that are being delivered do not meet existing local needs or provide employment for existing local people.

4.72 raises serious question marks as to what exactly it implies when it says: 'There is potential to renew and repair some residential estates and in places increase residential densities ...and explore opportunities to improve natural surveillance of significant open spaces including Shoreditch Park, Haggerston and Regents Canal...'

This appears to be a mealy mouthed way of suggesting a continuation of what is already happening to the detriment of the area.
The regeneration of the Colville Estate will result in twice as many dwellings on the site by the end of a regeneration scheme going up to at least 2032, including the already constructed two towers of 198 market flats built by developer Anthology. At the end there will be fewer council social rented homes than there were originally on the Colville.

Proposals are under way to build in the spaces in the high rise De Beauvoir Estate, depriving residents of green areas included in the design of the estate to compensate for the density of the dwellings.

The 'natural surveillance' referred to presumably refers to high rise dwellings overlooking parks and canals, like the 25, 20, 16 and 10 storey dwellings planned for the Britannia Development Plan, and the replacement leisure centre planned to be built on Shoreditch Park itself. Of the 481 dwellings planned for this development, with the council as the developer, 400 will be for market sale, and only 48 will be social rented.

These developments bode ill for the future of Shoreditch and its inhabitants.

I propose a different approach of protecting the area’s parks and green spaces, and maintaining and where necessary refurbishing the homes on its housing estates.

12 Site Allocations Local Plan

I consider many of the proposed sites for development in the Site Allocations Local Plan not sound because not justified for reasons given in my other eleven submissions. I therefore propose their removal from the Site Allocations Local Plan. These include HC1, HC2, HC3, HC4, HC5, HC6, HC8, HC9, HC10, HC15, SHX3.
We write on behalf of Paul Street Hotel LLP, to make representations pursuant to the Proposed Submission Local Plan 2033.

Our client owns the site at 49-51 Paul Street within the existing Shoreditch Priority Employment Area (PEA), now envisaged within the new document to be in a Priority Office Area (POA).

A planning application was submitted in June 2018 for the redevelopment of the site to create a new hotel with ground floor café/restaurant. The application is yet to be determined by the Council.

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

**Policy 25 Visitor Accommodation**

The Policy states that,

- **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.

The wording of the policy is not clear with regards to how the current and future room demand and supply will be reported and monitored. It is therefore not in conformity with paragraph 16 of the National Planning Policy Framework which requires,
policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

The GLA published a Working Paper in April 2017 titled ‘Projections of demand and supply for visitor accommodation in London to 2015’. Of note the Paper states that,

\[
\text{Demand for London accommodation is projected to reach 196.4 million nights by 2041 from 138.5 million visitor nights in 2015. This is driven by a 42.9 million increase in international visitor nights, and a 15.0 million increase in domestic visitor nights. Based on these demand projections it is estimated that London will need to add an additional 58,140 rooms to the serviced accommodation supply by 2041, at an average of 2,236 rooms per annum.}
\]

In terms of Hackney, the Paper advises that the Borough should provide 5.8% of London’s supply of serviced visitor accommodation up to 2041. This equates to an additional 3,382 rooms. This provides clear evidence that a significant number of additional hotel rooms are required and this should be reflected by the policy.

**Policy 27 Protecting and Promoting Office Floorspace in the Borough**

In terms of POAs the Policy states that,

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

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

\[
\text{ii. In the Dalston POA and remainder of the Wenlock POA – at least 60% of the overall new floorspace on a site is B1 use class}
\]

\[
\text{iii. In remaining POAs – at least 50% of the overall new floorspace on a site is B1 use class.}
\]

\[
\text{D. Retail, hotel, community, leisure, residential development in POAs will only be permitted if all of the following criteria are met:}
\]

\[
i. \text{The development forms part of an employment-led mixed-use scheme including conversion schemes meeting the thresholds identified in Ci. and ii. above.}
\]

Flexibility should be incorporated into the policy to explicitly recognise that it may not be possible to deliver primarily employment-led schemes on certain sites, due to site specific constraints and viability issues. In this context, we request the policy states that a non-employment led scheme in POAs will be considered in exceptional circumstances i.e. the site currently does not provide an employment function such as 49-51 Paul Street or it is demonstrated that the maximum economically feasible amount of office floorspace has been provided.
The Policy should also recognise that visitor accommodation can play an important role by supporting and complementing office development and it can create a notable contribution to job creation. A number of local businesses and written to the Council to support the current application for a hotel on the site.

Policy 44 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 relating to planning obligations 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 objectives such as creating new jobs. It is therefore recommended that Policy 44 is revised to recognise that the contributions required from a development must be:

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.

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,

[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

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
</tr>
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<tbody>
<tr>
<td>First Name:</td>
<td>Charles</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>CMA Planning</td>
</tr>
</tbody>
</table>

**Contact details:**

<table>
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<tr>
<th>Email:</th>
<th><a href="mailto:charles.moran@cma-planning.co.uk">charles.moran@cma-planning.co.uk</a></th>
<th>Telephone:</th>
<th>020 7749 7686</th>
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</thead>
<tbody>
<tr>
<td>Address:</td>
<td>113 The Timberyard, Drysdale Street. London.</td>
<td></td>
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<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:** Pause Living (Kingsland Road Developments 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

<table>
<thead>
<tr>
<th>Chapter</th>
<th>7 - Housing</th>
<th>Paragraph</th>
<th>7.28 – 7.30</th>
<th>Policy</th>
<th>LP21</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>
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<tr>
<td>(2) Sound</td>
<td>Yes</td>
<td>No</td>
<td>X</td>
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<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
<td>X</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>
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<tr>
<th>(1) Positively Prepared</th>
<th>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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<tr>
<td>(2) Justified</td>
<td>it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.</td>
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<tr>
<td>(3) Effective</td>
<td>the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</td>
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<tr>
<td>(4) Consistent with national policy</td>
<td>the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
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<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.

These representations are submitted on behalf of Pause Living (“Pause”) a highly experienced developer and operator of residential accommodation, including co-living (ie. ‘large scale purpose built-shared housing’) and other forms of specialist housing.

Pause supports the decision to include Policy LP21 in the new Local Plan LP33 which provides a much needed policy context for schemes delivering large-scale purpose built shared housing recognising that such forms of accommodation form a strategically important part of London’s housing offer which meets distinct housing needs and reduces pressure on other elements of the housing stock.

Purpose-built shared housing (which includes “co-living”) has the potential to make a meaningful contribution towards meeting both Hackney and London’s wider housing needs, as also recognised by the Draft Replacement London Plan (2017).

In general we support the criteria set out in Draft Policy LP21 which we consider will help to secure high-quality purpose-built shared housing schemes in appropriate locations. However, we strongly object to the approach under criterion (vi) for controlling rents within shared-housing which we consider needs to be re-drafted to reflect the approach taken towards the provision of affordable housing in national guidance, The London Plan (existing and emerging) and elsewhere in the emerging Hackney LP33.

Furthermore, we object to criterion (i) which, as currently drafted, will not result in an effective policy for shaping development proposals of this nature.

For the reasons expanded upon below we consider that in its current form this element of the draft policy would be unsound and would potentially fail to meet the test of legal compliance.

Large scale purpose-built housing is a specific form of build to rent accommodation and planning policy at all levels recognises the importance of the private rented sector (PRS) in contributing towards housing needs and the creation of mixed and inclusive communities.

The Council’s Housing Strategy (2015), which forms part of the evidence base for LP33, highlights the increasing importance of the private rented sector, whilst also noting that households in non-self contained accommodation places a further burden on the housing stock which is predicted to grow in line with household projections (para. 4.47).

Accordingly, it is considered that there is sufficient evidence to justify the inclusion of a policy to support the provision of large-scale purpose-built housing in the new Local Plan. However, and whilst 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 shared housing is appropriate when looked at on a site by site basis.

In terms of criterion (iv) the Council has undertaken a viability assessment to test the ability of developments to accommodate policies in the draft LP33 in accordance with the requirements of the NPPF. As set out in the report prepared by BNP Paribas (Oct 2018), the assessment tested the impact of a range of policies to determine whether they would
place an unrealistic burden on development thus preventing sufficient land from coming forward.

As set out in the BNP report the Council's draft affordable housing policy (LP13) will ensure that most developments are capable of coming forward by virtue of “the Council’s flexible approach to affordable housing delivery (ie. subject to individual site circumstances and scheme viability)” (para. 1.7).

Following on from this the report notes that “new build schemes as build to rent (rather than build for sale) is likely to have an adverse impact on the ability of schemes to meet the Council’s policy target due to the slight discount in capital values” (para. 1.7).

In addition, the BNP assessment demonstrates that compliance with the Council’s emerging employment policies (which is relevant to large scale purpose-built housing schemes which are less likely to come forward on conventional housing sites) also has a significant impact on a developments ability to deliver affordable housing.

It is, therefore, clear that the Council’s draft affordable housing policy (LP13) which sets out the borough’s strategic affordable housing objectives, whilst providing a realistically flexible framework within which to implement the policy, has been properly prepared and justified in accordance with the test of ‘soundness’ set out in the NPPF.

Conversely, it is clear that there is no evidence base, or justification, for the approach taken in draft Policy LP21 (vi) which rigidly seeks to secure at least 50% of units at rent levels relative to ward incomes without any regard to viability or other site considerations.

The Council has not produced any evidence, or undertaken any viability assessment, to justify the different approach to affordable housing taken in draft Policy LP21 (vi) to the approach set out in draft Policy LP13. Accordingly, as currently drafted this policy would not meet the test of soundness on the basis it has not been properly prepared nor justified.

Finally, we would note that as currently drafted Policy LP21 (vi) 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 towards securing affordable housing contributions from large scale purpose-built housing schemes.

We consider that this failure is likely to result in the draft Local Plan LP33 not being legally compliant.
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.

Following on from the above, we would recommend that criteria (i) and (vi) of draft Policy LP21 be amended as follows:

(i) it meets an identified need; and the use of the site for large scale-purpose built shared housing is considered the most appropriate form of housing;

...(vi) The Council will seek the maximum reasonable amount of units at rents which are affordable relative to ward-level incomes, and / or contributions towards affordable housing must be made in accordance with Policy LP13 (Affordable Housing), subject to viability and site context.

In order to provide further clarity on how the policy would be applied we would recommend that the following text is provided as part of the written justification.

Large-scale purpose built shared housing developments are a form of residential accommodation and are expected to make a contribution towards the provision of affordable housing.

Due to the nature of the development type all large-scale purpose built shared housing developments will be subject to full viability assessment to determine the maximum reasonable contribution an individual scheme can support which will be in the form of on-site discount market rent and / or a financial contribution in lieu subject to site characteristics and other planning policy requirements.

We note that this wording reflects the approach taken in the October 2017 Reg 18 Draft Local Plan which we understand was not the subject of any major objections, and is also broadly consistent with the approach taken in the Draft New London Plan (minor changes) (2018).

(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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<th>No</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: [Signature]

Charles Moran

Date: 07.01.19
Dear Sir / Madam

Thank you for consulting the Port of London authority (PLA) on the London Borough of Hackney's proposed Submission Local Plan Consultation 2033. Just to let you know the PLA have no comments to make on the draft Local Plan.

Regards

Michael Atkins
Senior Planning Officer
Port of London Authority

London River House, Royal Pier Road
Gravesend, Kent, DA12 2BG
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07712 247 115
WWW.PLA.CO.UK
Find out more: [www.pla.co.uk/Thames-Vision](http://www.pla.co.uk/Thames-Vision)

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10. Signature: SANA LAKHANY  
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10. Signature: SANA LAKHANY  
    Date: 7th January 2019
Dear Sir/Madam,

PROPOSED SUBMISSION LOCAL PLAN (LP33) ON BEHALF OF PROVEWELL LTD

I write on behalf of my client Provewell Ltd to make representations to LB Hackney’s Proposed Submission Local Plan (LP33), which is currently out for consultation.

Introduction

Provewell Ltd is a property company that seeks to provide residential and live/work properties to tackle the current housing and workspace affordability issues in London, particularly for the creative sector. Provewell Ltd have held ownership of several properties on Belfast Road for a significant amount of time. An indication of their ownership is included in Appendix 1 (shaded yellow).

Representations

Policies Map

Provewell Ltd question the soundness of the Belfast Road Priority Industrial Area (PIA) designation and request that it is removed. The soundness is questioned due to the following reasons:

- Unjustified by the evidence base; and
- Inconsistent with regional policy.

The Proposed Submission Local Plan (LP33) is supported by the Boyer Hackney Employment Land Study (May 2017). This outlines the breakdown of the Belfast Road PIA, including the breakdown of B-class and industrial floorspaces, with residential only believed to comprise 39% of the total uses. The study also outlines that the area was designated a ‘Defined Employment Area’ a significant time ago in 1995. Therefore, Provewell Ltd believe that this breakdown is incorrect and has not been updated to reflect the existing uses, with many of the buildings in this area predominantly used for residential or live/work use.

The Employment Land Study also details how the employment area is encroached by
residential use. The study also outlines that the employment uses featured in this area are small scale businesses such as funeral directors, real estate management services, screen printers and a charity. These types of businesses lack an industrial character. Therefore, the site’s designation as a PIA is not considered reflective of the characteristic of the area and the surrounding elements.

The importance for Development Plans to justify the boundaries for a Locally Significant Industrial Site (LSIS) is emphasised in the Draft Policy E6 of the New London Plan. Supporting paragraph 6.7.2 of Draft New London Plan Policy E7 also outlines the need for Local Plan policies’ map to indicate clearly the area to be retained and intensified as LSIS and the area to be released from LSIS. Therefore, due to the absence of sufficient evidence justifying the intensification of the industrial area, Provewell Ltd request the omission of the Belfast Road Priority Industrial Area designation.

**Policy LP26 New Employment Floorspace**

Part E of Policy LP26 details the Priority Industrial Areas in Hackney, including Belfast Road. As set out above, Provewell Ltd do not believe the designation of Belfast Road is sound and request for the omission of Belfast Road under Part E of Policy LP26.

**Policy LP28 Protecting and Promoting Industrial Land and Floorspace in the Borough**

**Priority Industrial Areas (Part B)**

Part B of this policy outlines the requirements for new developments or redevelopment of sites within PIAs. Part B.iii of this policy states that mixed-use development schemes should be designed with the agent of change principle in mind. Provewell Ltd welcome this approach, however further clarification to ensure that the Local Plan is sound is requested. Particularly on how mixed-use developments can be introduced on industrial sites.

Mixed-use developments and co-location within industrial sites are emphasised in Draft Policy E7 of the New London Plan. Part C of this policy outlines the need to for Development Plans and planning frameworks to be proactive and consider whether industrial uses in selected parts of an LSIS could be co-located with residential and other uses. Part E of Draft Policy E7 outlines criteria to ensure that co-location is considered suitable. Provewell Ltd suggest that this approach should be adopted within Policy LP28 to ensure that LSIS are used optimally, including through intensification, consolidation and co-location.

Supporting paragraph 8.13 states that 100% residential schemes will not be permitted in PIAs. Provewell Ltd are concerned that this statement does not consider existing residential or live/work uses within PIAs and does not promote much needed housing delivery. Therefore, the omission of this statement is requested, with the following addition suggested:

"100% residential schemes will not be permitted in PIAs. A. Innovative forms of
housing that sync employment and living use together, including communal living and working should be explored. This is in line with the Mayor of London’s ambition to intensify and co-locate industrial uses’.

The need for flexible uses is supported by the NPPF, with paragraph 81b) stating that local policies should ‘be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances’.

Retention of Industrial Floorspace Outside of PIAs (Part D and E)

Part D and E of Policy LP28 sets out the protection and requirements for developments outside of LSISs and PIAs. In particular, part E outlines the criteria when justifying the loss of industrial land and floorspace in these areas. Provewell Ltd believe that alternative uses considered acceptable in these areas are unclear and inconsistent with the NPPF which seeks for policies to be flexible enough to accommodate needs not anticipated in the plan (paragraph 81). Therefore, Provewell Ltd request further clarification on this matter.

Conclusion

To conclude, Provewell Ltd believe that the Local Plan is unsound and not legally compliant, particularly with regards to the designation of the Belfast Road Priority Industrial Area and restrictive requirements of industrial redevelopment. Therefore, amendments to the policies map and Policy LP8 are requested.

Yours sincerely,

John Ferguson BSc (Hons), PG Dip TP, MRTP
Director

T +44 (0)208 281 0127
M +44 (0)7713 627 094
john@collectiveplanning.co.uk
Appendix 1 – Provewell Ltd ownership within Belfast Road.
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</tr>
<tr>
<td>Last Name:</td>
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</tr>
<tr>
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<th></th>
<th>Yes</th>
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<tr>
<td>(1) Legally compliant</td>
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<td>(2) Sound</td>
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<td>(3) Complies with the Duty to Co-operate</td>
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5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

<p>| | |</p>
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<td>(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.</td>
<td>X</td>
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<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>
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<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>
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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 submitted Statement of Representations for further details.

(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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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
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>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>Justin</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Kenworthy</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Barton Willmore</td>
</tr>
</tbody>
</table>

Contact details:

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:justin.kenworthy@bartonwillmore.co.uk">justin.kenworthy@bartonwillmore.co.uk</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>02074466888</td>
</tr>
<tr>
<td>Address:</td>
<td>7 Soho Square, London</td>
</tr>
<tr>
<td>Post code:</td>
<td>W1D 3QB</td>
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2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: Redington Capital Limited
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>
<thead>
<tr>
<th>Chapter</th>
<th>Appendix 3</th>
<th>Paragraph</th>
<th>p.203</th>
<th>Policy</th>
<th>Site Allocation</th>
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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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For information about how we handle your data, please read our privacy notice

10. Signature: [Signature]

   Date: 07/01/2019
 REPRESENTATION FORM PART 6 & 7  
RE: HACKNEY LOCAL PLAN 2033 – PROPOSED SUBMISSION 2018

Policy LP25

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.

We consider Draft Policy LP25 to be unsound on the basis that:

1. It has not been positively prepared;
2. It is not justified;
3. It is not effective; and
4. It is not consistent with national policy.

1. Not positively prepared

Draft Policy LP25 has been prepared with reference to GLA Working Paper 88 – Projections of demand and supply for visitor accommodation in London to 2050 (April 2017) which is intended to inform the target for serviced visitor accommodation in the next London Plan. This Working Paper does not identify a single objectively assessed need, rather it provides three different potential growth scenarios which may or may not come to pass.

Paragraph 7.1 of LBH’s Employment Land Demand Study (May 2017), which is part of the evidence base supporting the new Local Plan, further states that:

“Assessing the need for additional hotel provision is not an exact science as there is limited reliable data available on hotel usage on a Borough or small area basis and forecasts are very sensitive to external factors including national and international economic and political changes.”

On this basis, we therefore consider it to be premature to restrict the development of new hotels or extensions to existing or approved hotels on the basis of the above Working Paper and Employment Land Demand Study and believe it would be more representative to require the preparation of a bespoke Hotel Demand Assessment on a site-by-site basis to reflect the most up-to-date market conditions. We also consider there is a distinct difference between extending an existing or approved hotel and an entirely new hotel and the policy should make this difference clear.

Regarding the provision of new apart-hotels, Draft Policy E10(F) of the emerging London Plan (with Minor Suggested Changes) states that:

“The role of apart-hotels and short-term lettings should be supported whilst ensuring that they do not compromise housing provision.”

Paragraph 7.38 of LBH’s Employment Land Demand Study also states that:

“Serviced apartment companies and aparthotels generally trade at very high levels of occupancy [...] The sector is predicted to see substantial growth as UK customers begin to more fully understand the concept and how it can work for them.”

LBH’s annual average housing delivery target is currently 1,599 new homes per year as per Policy 3.4 of the adopted London Plan. This target has been reduced in the Draft London Plan with minor suggested changes (2018) to 1,330 new homes per year. Furthermore, LBH’s latest Authority
Monitoring Report 2016-17 confirms that the annual average housing delivery over the last five years has been 1,652 new homes per year which exceeds both of the above targets. In light of this excellent track record, we do not consider that housing provision would be compromised by the delivery of new apart-hotels in the Borough, and that their role should continue to be supported as a source of additional employment and revenue generation in Hackney.

In addition to the above, Draft Policy LP25 does not account for unmet requirements of neighbouring boroughs, particularly Islington, Newham, Tower Hamlets, and Waltham Forest, where there is a current undersupply of hotels as identified in the GLA’s Working Paper. Hackney is a well-connected inner London borough with good access to services and attractions and is therefore a sustainable location suitable for the accommodation of unmet need in surrounding boroughs which are less centrally-located. Draft Policy LP25 should therefore be revised to explore the extent to which Hackney can help to achieve strategic requirements across London via extensions to existing or approved hotels, and an allowance for additional hotel delivery over and above LBH’s identified local need should be considered.

2. Not justified

Working Paper 88 does not mention the growing demand for serviced apartments and aparthotels within the sector, which according to LBH’s Employment Land Demand Study (May 2017) is expected to “see substantial growth as UK customers begin to more fully understand the concept and how it can work for them”. Neither are serviced apartments and aparthotels mentioned in Draft Policy LP25. The Draft Local Plan 2033 therefore does not plan for this growing need for specialist hotel accommodation and should be found unsound on this basis.

3. Not effective

Draft Policy LP25 is not “effective” as it relies on a future assessment of current and future room demand and supply published by the Council, with no timeline for the completion of this assessment currently given. This will effectively halt extension to existing or approved hotels and the development of any new hotels or other specialist hotel accommodation indefinitely until further guidance is published and will fail to keep up with expected growth in room demand in the Borough, contrary to national policy (as explained below).

4. Not consistent with national policy

NPPF2

The National Planning Policy Framework (NPPF2) was published in July 2018 and sets out the Government’s planning policies for England and how these should be applied. The NPPF2 identifies hotels as a “main town centre use”, which are required under Paragraph 85(d) of the NPPF2 to be “allocated a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years into the future”.

LBH’s Employment Land Demand Study states that:

“Serviced apartment companies and aparthotels generally trade at very high levels of occupancy [...] The sector is predicted to see substantial growth as UK customers begin to more fully understand the concept and how it can work for them.”

Additional serviced apartments and/or aparthotels (and extensions to existing and approved hotels) are therefore likely to be needed within the next ten years, and suitable sites identified within town centre locations to accommodate this need. Draft Policy LP25 does not provide for this, and therefore is not consistent with national policy. To ensure that new hotel development is based on up-to-date forecasts of demand, we therefore believe that bespoke Hotel Demand Assessments should be prepared on a site-by-site basis to support planning applications in order to ensure that LBH is meeting national objectives for growth.

Draft London Plan
Paragraph 6.10.2 of the Draft London Plan confirms that “an additional 58,000 bedrooms of serviced accommodation” will be required in London by 2041, which is an average of 2,230 bedrooms to be delivered across London per annum. To ensure that this need is met, Policy E10(C) of the Draft London Plan (with minor suggested changes) requires that:

“A sufficient supply and range of serviced accommodation should be maintained.”

It would therefore be inappropriate to restrict the development of extensions to existing hotels and/or the development of new hotels in the Borough, as this would not support the objectives of the emerging London Plan. Policy E10(E) of the Draft London Plan further states that:

“In outer London and those parts of inner London outside the CAZ, serviced accommodation should be promoted in town centres and within Opportunity Area where they are well-connected by public transport, particularly to Central London.”

Hackney is defined as an inner London borough as per Policy 2.9 of the adopted London Plan (2016, with consolidations), the majority of which lies outside the Central Activities Zone. Much of Hackney is also well-connected by public transport, particularly in and around the Borough’s town centres where TfL have identified Public Transport Accessibility Level (“PTAL”) scores to be 6a – Excellent and above. Policy LP25 should therefore include promotion of serviced accommodation in these locations in order to ensure that strategic objectives for visitor accommodation are met.

London plan/new London plan support for extensions/new hotels
Town centres

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. 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 consider that the wording of Draft Policy LP25 should be amended to ensure that site-specific and up-to-date assessments of current hotel demand are prepared in support of planning applications for hotel extensions and new hotels, rather than ruling out any new proposals and relying on future guidance to be published by the Council, the date of which is currently unknown. We have set out our proposed revised wording in the table below:

<table>
<thead>
<tr>
<th>Original Wording</th>
<th>Proposed Wording</th>
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<tr>
<td>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.</td>
<td>A. Extensions to existing or approved hotels will be supported by the Council where demand for this extension can be proven.</td>
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<tr>
<td>B. Large scale hotels (50+ rooms) will only be permitted in the Central Activities Zones and</td>
<td>B. The amount of new visitor accommodation including short term lettings will be managed having regard to up-to-date <strong>site-specific</strong> assessments of current and future room demand and supply published by the Council Applicant. Where the assessment indicates long-term demand has been met, visitor accommodation applications will not be permitted.</td>
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<td></td>
<td>C. <strong>New</strong> Large scale hotels (50+ rooms) will only be permitted in the Central Activities</td>
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<td>major town centres where there is an identified need that the Council deems to be greater than identified need for other policy compliant uses. Small scale hotels in other areas may be permitted if they meet specific identified needs.</td>
<td>Zones and major town centres where there is an identified need that the Council deems to be greater than identified need for other policy compliant uses. Small scale hotels in other areas may be permitted if they meet specific identified needs.</td>
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<tr>
<td>C. Proposals for any new visitor accommodation including short-term lettings will only be permitted if all of the following criteria are met. The development must:</td>
<td>DE. Proposals for any new visitor accommodation including short-term lettings will only be permitted if all of the following criteria are met. The development must:</td>
</tr>
<tr>
<td>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; and</td>
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</tr>
<tr>
<td>ii. not harm the balance and mix of uses in the area, and the character and function of the area, and would not result in the loss of general-purpose housing or employment uses in line with Policies LP12 Housing Supply and LP26 New Employment Floorspace, and is fully compatible with surrounding land uses; and</td>
<td>ii. not harm the balance and mix of uses in the area, and the character and function of the area, and would not result in the net loss of general-purpose housing or employment-generating floorspace—uses in line with Policies LP12 Housing Supply and LP26 New Employment Floorspace, and is fully compatible with surrounding land uses; and</td>
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<tr>
<td>iii. not cause an unacceptable level of disturbance to, or loss of amenity to, occupiers of surrounding premises; and</td>
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<tr>
<td>iv. not lead to an over-concentration of similar uses within the locality; and</td>
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<td>v. make adequate provision for servicing, and pick up and set down points for taxis and coaches; and</td>
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<tr>
<td>vi. includes at least 10% wheelchair accessible bedrooms.</td>
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</tr>
<tr>
<td>D. Active frontages should be incorporated at ground floor level and ancillary facilities such as conference rooms, restaurants or gymnasiums should be accessible to the public, unless there are valid and appropriate reasons why such facilities should not be accessible to the public.</td>
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**Site Allocation D1 – 130 Kingsland High Street and site to the rear 130A Kingsland High Street**

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.
We consider “Site Allocation D1 – 130 Kingsland High Street and site to the rear 130A Kingsland High Street” to be unsound on the basis that:

1. It has not been positively prepared;
2. It is not justified;
3. It is not effective; and
4. It is not consistent with national policy.

1. Not positively prepared

130 Kingsland High Street is currently being redeveloped in accordance with the permission granted by LBH under LPA Ref. 2017/3600 (as amended) to provide a ground floor retail unit (Class A1) and a hotel (Class C1) with ancillary reception at ground floor level and co-working can café floorspace at lower ground floor level. Several pre-commencement conditions are in the process of being discharged, and development is expected to commence on-site in early 2019. However, this proposal does not appear to have been considered in the drafting of Site Allocation D1 which only mentions retail, residential, and employment uses.

As the principle of a hotel in this location has been deemed by LBH to be acceptable (as of April 2018), yet has not been included in the wider site allocation, we consider this site allocation has failed to meet an objectively assessed requirement for a hotel in this location and has therefore not been positively prepared on this basis.

The redevelopment of the site to the rear at 130A Kingsland High Street will need to have consideration of, and be compatible with, the emerging redevelopment of 130 Kingsland High Street.

2. Not justified

The Site Allocation is not within a Priority Employment Area or other policy designation protecting employment uses (Classes B1, B2, and B8). There is therefore no sound planning reason as to why employment use should be prioritised over hotel use in this location, especially as the principle of hotel development has already been found to be acceptable by officers and elected members.

Furthermore, the LBH Authority Monitoring Report for 2016-17 confirms that the Borough’s annual housing target over the last five years has been exceeded by 2,112 new homes (an average of 422 homes per year). There is therefore no sound planning reason as to why residential use should be prioritised over hotel use in this location.

3. Not effective

Once the development granted under 2017/3600 (as amended) is built out, the site allocation will no longer be deliverable as per the current wording of the site allocation, which does not allow for the inclusion of hotel uses. The Site Allocation is therefore not effective in facilitating the redevelopment of the rear of the site and should be found unsound on this basis.

4. Not consistent with national policy

Paragraph 23 of the NPPF2 states that:

“Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies.”
The emerging Local Plan 2033 does not currently identify any sites for the provision of hotel use, despite this being defined as a "main town centre use" in the NPPF2. This is on the basis of the findings of LBH’s Employment Land Demand Study (May 2017), which concludes that a sufficient supply of hotels will be delivered by developments that are currently being built out or which already have planning permission for hotel uses. However, this Study does confirm that the serviced accommodation/apart-hotel sector is expected to grow substantially in the next few years. Furthermore, the Draft London Plan with minor suggested changes requires a sufficient supply of serviced accommodation to be maintained in order to meet projected demand, which is calculated to be approximately 2,230 bedrooms per year across London until 2041.

By not allowing sufficient flexibility within Site Allocation D1 to accommodate growing demand for alternative employment uses (such as hotels, serviced accommodation, and/or apart-hotels), the site allocation fails to contribute towards London’s strategic priorities for sustainable growth. As this site is within a Major Town Centre and has good access to public transport and local services, it is suitable for a range of main town centre uses including retail, leisure, office, and arts, culture, and tourism development, which will contribute to creating a sustainable and diverse economy.

Paragraph 80 of the NPPF2 requires that:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

Site Allocation D1 is a sustainable brownfield site within a Major Town Centre with good public transport links and access to local services and amenities and is therefore suitable for a wide range of employment-generating uses. The site allocation should therefore consider the wider opportunities within the Dalston Major Town Centre, and account for a range of main town centre uses in order to support economic growth and productivity.

The following Paragraph 81 also states that local plans should:

“Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”

As discussed above, the GLA’s Working Paper 88 and LBH Employment Land Demand Study (May 2017) each confirm that demand for flexible apart-hotels and serviced accommodation is expected to grow in London, with the delivery of an average of 2,230 bedrooms needed per year until 2041 to meet demand, as identified in Paragraph 6.10.2 of the Draft London Plan (with minor suggested changes). It is therefore vital that sites such as Site Allocation D1 are able to accommodate for a range of employment-generating uses, including hotel use, as part of their development.

Paragraph 104(A) further states that planning policies should:

“Support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education, and other activities.”

Site Allocation D1 is located within a Major Town Centre (Dalston) where town centre uses, including hotels (Use Class C1), should be directed. The current site allocation only makes reference to retail, residential, and employment uses, the latter of which is defined as Use Classes B1, B2 and B8 only. There is therefore a lack of flexibility to allow other appropriate town centre uses to

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1 Defined in the glossary of the NPPF2 as “Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).
be developed on this site to diversify the local economy and minimise the length of journeys needed for employment. As the site is subject to an extant planning permission for hotel use on the site, at minimum we suggest that this Class C1 use be added to the “Development Principles” section as an appropriate land use.

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. 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 consider that the content of “Site Allocation D1 – 130 Kingsland High Street and site to the rear 130A Kingsland High Street” should be amended to reflect the context of the extant planning permission under LPA Ref. 2017/3600 (as amended), which is due to commence on-site in early 2019. We have set out our proposed revised wording in the table below to more accurately reflect the current situation:

<table>
<thead>
<tr>
<th>Original Wording</th>
<th>Proposed Wording</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ownership:</strong> Private</td>
<td><strong>Ownership:</strong> Private</td>
</tr>
<tr>
<td><strong>Area:</strong> 0.192ha</td>
<td><strong>Area:</strong> 0.192ha</td>
</tr>
<tr>
<td><strong>Existing Use:</strong> Retail</td>
<td><strong>Existing Use:</strong> Retail</td>
</tr>
<tr>
<td><strong>Emerging Use:</strong> Hotel</td>
<td><strong>Emerging Use:</strong> Hotel</td>
</tr>
<tr>
<td><strong>Planning Considerations:</strong></td>
<td><strong>Planning Considerations:</strong></td>
</tr>
<tr>
<td>• Dalston Major Town Centre (Primary Shopping Frontage);</td>
<td>• Dalston Major Town Centre (Primary Shopping Frontage);</td>
</tr>
<tr>
<td>• Dalston Conservation Area and St Marks Conservation Area (adjacent);</td>
<td>• Dalston Conservation Area and St Marks Conservation Area (adjacent);</td>
</tr>
<tr>
<td>• Special Policy Area (Licensing);</td>
<td>• Special Policy Area (Licensing);</td>
</tr>
<tr>
<td>• PTAL 6a.</td>
<td>• PTAL 6a.</td>
</tr>
<tr>
<td><strong>How was the site identified?</strong> Dalston Area Action Plan (2013)</td>
<td><strong>How was the site identified?</strong> Dalston Area Action Plan (2013)</td>
</tr>
<tr>
<td><strong>Timescale:</strong> Medium Term</td>
<td><strong>Timescale:</strong> Short-to-Medium Term</td>
</tr>
<tr>
<td><strong>Allocation:</strong> Mixed-use retail at ground floor with residential/employment above.</td>
<td><strong>Allocation:</strong> Mixed-use retail at ground floor <strong>fronting onto Kingsland High Street</strong> with hotel or residential/employment above. An extension of the hotel development approved under LPA Ref. 2017/3600 (as amended) is also acceptable.</td>
</tr>
</tbody>
</table>
| **Development Principles:** This site is suitable for retail uses at ground floor level facing onto the Kingsland Road Primary Shopping Frontage with residential, including genuinely affordable homes, or employment uses above. Development should have regard to development plans for Birkbeck Mews Site Allocation D7. Further guidance to be set out in a Supplementary Planning Document. | **Development Principles:** This site is suitable for retail uses at ground floor level **fronting onto Kingsland High Street** with hotel-residential, including genuinely affordable homes, or employment uses, or residential, including genuinely affordable homes, above. Development should have regard to development plans for Birkbeck Mews Site Allocation D7. Further...
| Planning Status: 2017/3600 – Demolition of existing building and redevelopment to provide a ground floor retail unit (Class A1) and a hotel (Class C1) with ancillary reception at ground floor level and co-working and café floorspace at lower ground level in a building ranging from 3 to 6 storeys. Granted. |
| guidance to be set out in a Supplementary Planning Document. |

| Planning Status: 2017/3600 (as amended) – Demolition of existing building and redevelopment to provide a ground floor retail unit (Class A1) and a hotel (Class C1) with ancillary reception at ground floor level and co-working and café floorspace at lower ground level in a building ranging from 3 to 6 storeys. Granted in April 2018. |

We trust that our representations will be considered alongside the published Local Plan 2033 when this is submitted to the Planning Inspectorate for Examination in Public. Confirmation of receipt would be greatly appreciated.

Yours sincerely

JUSTIN KENWORTHY
Director

cc: James Frost, Redington Capital Limited

Enc.
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>
</thead>
<tbody>
<tr>
<td>First Name</td>
<td>Andrew</td>
</tr>
<tr>
<td>Last Name</td>
<td>Hawkins</td>
</tr>
</tbody>
</table>

**Organisation where relevant:** Rocket Properties

**Contact details:**

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:andrew.hawkins@rocket-properties.com">andrew.hawkins@rocket-properties.com</a></th>
<th>Telephone:</th>
<th>020 7318 9935</th>
</tr>
</thead>
</table>
| Address:          | Rocket Properties  
2 St James  
London  
W1A 1EF | | |
| Post code:        | SW1A 1EF |

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

**Organisation:**
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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<table>
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<th>Chapter</th>
<th>Paragraph</th>
<th>Policy</th>
<th>LP1</th>
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4. Do you believe the Local Plan Proposed Submission is:

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</tr>
</thead>
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<td>No</td>
</tr>
<tr>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Complies with the Duty to Co-operate</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
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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 cooperate, please use this box to set out your comments.
The Policy, as drafted, sets criteria that must be met when a tall building is proposed. The criteria states, at part Bii, that in respect of proposals for tall buildings: “the top of a tall building must enhance the skyline”. This wording is not in accordance with London Plan Policy 7.7 which states that tall buildings “should not impact on local or strategic views adversely”. Similarly, draft London Plan Policy D8 states that tall buildings should not adversely affect local or strategic views.

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.

It is proposed that the draft wording of part i) of Policy 1 should be revised to be in accordance with the London Plan as follows: “the top of a tall building must not impact the skyline adversely”.

In respect of part iii) of the policy it is proposed that this is expanded upon to make clear that public realm is not necessarily required to be located within development sites. It is proposed that the wording is revised to read as follows: “makes a positive contribution to the public realm, either on-site, or off-site in the locality”.

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

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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 policy, as drafted, requires development in the Shoreditch POA to 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.

The draft policy states specific rental levels (either 40% or 60% of market rent) and is, therefore, considered too prescriptive. The current wording 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 snap-shot point in time. The wording doesn’t reflect an everchanging market with many variables including, for example, fluctuating build costs. Nor does it reflect new and innovative ways of providing ‘affordable’ workspace without reducing rental levels – examples of which include the renting of individual desks, or hot desking. From our experience, the renting of individual desks within a wider multi-tenanted workspace environment is becoming an increasingly popular form of ‘affordable’ workspace in the market.

It is also proposed that the policy is amendment to make clear that the 10% requirement relates to the uplift of office floorspace only and that any existing quantum of office floorspace does not generate a requirement for affordable workspace.

Finally, the draft wording requires the affordable workspace to be provided in perpetuity. From our experience of delivering schemes within the borough, 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.

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.

It is proposed that the policy is amended as follow:
- Provide clarity that 10% of the uplift of office floorspace should be provided as affordable workspace;
- State that rental rates should be discussed and agreed on a site by site basis; and
- Amend the length of term from ‘perpetuity’ to ‘10 years’.

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

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

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<th>No</th>
</tr>
</thead>
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<tr>
<td>(1)</td>
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<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>(2)</td>
<td>Sound</td>
<td>Yes</td>
<td>No ✓</td>
</tr>
<tr>
<td>(3)</td>
<td>Complies with the Duty to Co-operate</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.
The Policy 41, as drafted, sets out that new developments must incorporate designated spaces for deliveries within the boundaries of the development. The wording doesn’t acknowledge that on-site provision (due to site constraints, for example) may not be feasible in all instances.

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.

It is suggested that the policy is re-worded to reflect that whilst on-site is a preference, it is not always feasible, and needs to be considered on a case by case basis. The wording is proposed to read: “new development must incorporate designated spaces for deliveries within the boundaries of the development where space permits and unless there are reasons to the contrary”.

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No ☑ Yes
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5. Do you consider the Hackney Local Plan is **unsound** because it is **NOT**:

- **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.
- **Justified** it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base. ✓
- **Effective** the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy** the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.

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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 policy, as drafted, requires all major commercial developments comprising 1,000sqm of commercial floorspace to provide 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, as currently worded, is considered to be too prescriptive and, in many instances, unrealistic and undeliverable. By applying the 4sqm requirement the requisite quantum of open space required would, in many schemes, be vast and would result in large losses of floorspace, viability impacts and ultimately an increased risk in the deliverability of projects.

It is also considered that in many schemes the policy as worded is unworkable as it would yield a greater public open space requirement than that of the actual site area itself. An example of this (which is representative of our Atlas development) is set out below:

Site Area: 0.32ha (3,200sqm)
Number of Residents: 495
Number of Employees: 849

Open Space Yield (based on 14sqm per resident and 4sqm per employee): 1.326ha (10,326sqm).

As it can be seen, in this particular example, the open space requirement far exceeds the entire footprint of the development site and, therefore, is unworkable in practice. This issue is likely to be encountered for many large developments 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.

It is proposed that 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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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 draft Policy sets out that new development in the designated employment areas should maximise employment floorspace. Maximising employment space within the POAs is a consistent theme. The draft Policy does, however, continue to state, which appears contradictory, that development should incorporate other priority uses such as conventional affordable housing and have active frontages at ground floor level, where appropriate. It is suggested that the policy should be amended to reflect that development in the POAs could incorporate other priority land uses rather than that they should.

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.

See comments above.

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

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: | A. Hawkins | Date: | 20/12/2018 |
Dear Sir/Madam,

Thank you for consulting Sport England on the Local Plan Preferred Options. Sport England has an established role within the planning system which includes providing advice and guidance on all relevant areas of national and local policy as well as supporting Local Authorities in developing their evidence base for sport.

Sport England aims to ensure positive planning for sport by enabling the right facilities to be provided in the right places based on robust and up-to-date assessments of need for all levels of sport and for all sectors of the community. To achieve this aim our planning objectives are to PROTECT sports facilities from loss as a result of redevelopment, ENHANCE existing facilities through improving their quality, accessibility and management and to PROVIDE new facilities that are fit for purpose and meet demands for participation now and in the future. You will also be aware that Sport England is a statutory consultee on planning applications affecting playing fields. Further detail on Sport England’s role and objectives within the planning system can be found via the following link:

https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/

Sport England has reviewed the Proposed Local Plan in light of these planning objectives and national planning policy set out in the National Planning Policy Framework (NPPF) and does not consider that the Proposed Local Plan complies with this policy framework. Sport England, therefore, does not consider its policies and supporting text are sound and objects to the pre-submission draft. These objections and other comments relating to the document are detailed out below:

2. Challenges and Opportunities

Sport England is supportive that tackling health inequalities and creating environments which promotes good health and wellbeing is a Local Plan objective (Objective 2). Tackling health inequalities and inactivity aligns not only with Sport England’s Strategy, Towards and Active Nation, but also the Governments Strategy, Sporting Future: A New Strategy for an Active Nation. To strengthen the importance of creating healthy environments objective one could be amended to require the delivery of “high quality healthy urban neighbourhoods…” while objective six could seek to create “liveable, healthy and accessible neighbourhoods”. The inclusions of such references would draw out the key health theme of Proposed Local Plan.

4. Places for People

The stance of Policy PP1 has clear links with Active Design principles therefore Sport England welcomes this Policy. Although Active Design is referred to later in Policy LP1, Sport England recommends that Active Design is also mentioned within Policy PP1, or the supporting paragraphs, so that the Proposed Local Plan is consistent in its message to design activity into developments and addressing health equalities. This would also ensure applicants/developers are fully informed at an early stage when designing schemes of what is expected.
The beginning of the Proposed Local Plan highlights the health issues that the borough faces and the desire to create environments that promote good health within the borough but most of the place polices and supporting paragraphs do not appear to mention improving health and wellbeing through design and layouts or sport and recreation facility provision, except for encouraging active travel modes. The exceptions to this are PP4 Stamford Hill, PP5 Enhanced Corridors and PP9 Manor House. Sport England consider that the importance of improving the health of residents and reducing inactivity within the borough should be reflected with specific mention to high or higher levels of sport and activity to be undertaken within each places’ vision. These references would highlight the importance of addressing these issues.

In relation to the site allocations, given the limited sport facilities within the borough the allocations should not advocate the loss such facilities. In this respect, Bishopsgate Goods Yard has small sided artificial grass football pitches which should be retained or replaced as part of any development of site in order for the allocation to comply with the NPPF, paragraph 97, and Sport England’s Playing Field Policy. The Proposed Local Plan should state this within the allocation so that any applicant is aware. As a result Sport England object to this allocation until this matter is clarified within the allocation.

5. Protecting and Enhancing Heritage and Leading the Way in Good Urban Design

As noted above, Sport England supports that the Proposed Local Plan seeks to make the borough a healthier place. Policy LP1 endorses this by requiring developments to use the Active Design Principles and the Mayor’s Healthy Streets approach. Sport England supports the inclusion of both guidance within Policy LP1 and the links to the guidance. This would provide clarity to applicants at an early stage that health and wellbeing should be considered a priority within the borough and designed into every scheme. Sport England suggests that the supporting paragraphs could elaborate on the principles and/or the Active Design checklist to assist developers further in incorporating Active Design, and Healthy Streets, into their schemes.

6. Hackney’s People

Sport England agrees with paragraph 6.1 and Policy LP8 F. that the Council needs to plan for a range of facilities, especially given the growth expected within the borough and the increase in demand that would be caused from such growth on existing sport and recreation facilities. Sport England consider that development that increases local population, and therefore increasing demand on facilities, should contribute to the improvement of existing sports facilities or provide new facilities to accommodate the growth. This is especially important given the Local Plan’s objectives and desire to improve the health of the borough’s residents.

Policy LP8, however, does raise concerns at this stage as Sport England does not consider it reflects national policy or Sport England’s policy of Protect, Enhance and Provide. The Council currently do not have an up-to-date and robust evidence base for sports facilities therefore what is actually required to meet current and future needs is currently not clear. Any policies relating to sport, therefore, are not informed by assessments and strategies as required by the NPPF, paragraph 96, and cannot be considered justified or effective as it is not known what the Local Plan needs to achieve. As a result, although Policy LP8 does have a protection and provide stance, which has some parallels with Sport England Policy and the NPPF, it is unknown what needs to be protected and what needs to be provided and when so it is not currently clear what the current policy for sport facility provision should be. At this stage, therefore, Policy LP8 cannot be considered sound.

Sport England is currently working with the Council and stakeholders to produce a Playing Pitch Strategy that should inform the Local Plan. Once the strategy has been completed to Sport England’s satisfaction, in line with Sport England’s Playing Pitch Strategy Guidance, and the recommendations and actions are incorporated into the Local Plan, then Sport England are likely to consider that the Local Plan would be sound in relation to playing pitches provided the amendments to Policy LP8 below are also undertaken:

- B. i. – Although proposals for sport facility development should address current deficits and demands identified future needs should also be addressed. Sport England, therefore, considers that B. i. should be amended to read “meet the current and future identified needs; and”
• D. i. – Replacement facilities should be of at least equivalent (but preferably better) quality, quantity and accessibility than those lost to comply with the NPPF, paragraph 97, and Sport England’s Policy not just quality as stated in Policy LP8 D. i. In consequence, “quantity and accessibility” should be included after “quality” in Policy LP8 D. i. for it to be sound.

• D. ii. – Sport England is concerned that the wording only considers meeting current needs. In terms of sport and leisure facilities there should only be an identified surplus of current and future provision in order for a loss to be accepted not just that there are alternative facilities locality that just meets current needs without leading to any shortfalls. Sport England consider that Policy LP8 D. ii. requires rewording to comply with the NPPF.

• D. iii. – As noted above, the NPPF, and Sport England’s policy, only advocates the loss of sports facilities when there is an identified surplus. As a result, Sport England does not consider that the wording of Policy LP8 D. iii is sound and recommends it is amended to read “It has been demonstrated that the facility is surplus to its current use, it is not suitable for any other use to meet current and future needs and it has been demonstrated that it is not suitable and viable for any other forms of social infrastructure for which there is a defined need in the locality.”

• E – The implications of incorporating sport and leisure facilities within mixed use residential schemes should be fully considered at the design stage, particular consideration should be given to the operation of the sports use to ensure there are no conflicts with the residential use, such as noise, lighting, ball strike etc., which could affect the sports facility meeting the current and future local need.

• The policy appears to address the provision of new facilities and the protection of existing facilities but does not consider improvements or enhancements to existing facilities, such as drainage improvements to playing fields or sports hall upgrades, that might be required to meet needs identified in any sporting strategy. Sport England recommends that, in the interest of effective planning for sport and recreation facilities, a provision regarding enhancement is included within Policy LP8 provided the evidence base indicates that existing facilities would need improving to increase their sporting capacity to meet identified needs.

• Sport England is concerned that there is insufficient protection in Policy LP8 from the loss of sports facilities to another social and community infrastructure facility. As noted above, the NPPF, at paragraph 97, and Sport England’s Planning Policy only accepts the loss of sports facilities if there is an identified surplus of sports provision therefore Policy LP8 would not be sound if it allowed for any loss of sport facility provision (unless the sports strategies, such as the emerging Playing Pitch Strategy, indicates a surplus). Sport England therefore advises, at the very least, that the function of the social and community infrastructure is not lost unless there is an identified surplus of that particular provision as identified in up-to-date and robust strategies. This issue does raise the problems and questions the effectiveness of having one main policy relating to all forms of social and community infrastructure as it does not take into consideration the various nuances of each provision and does not guard against the loss of one form of social infrastructure to another. Sport England strongly recommends that the current approach to social infrastructure is reconsidered and instead of a general wide ranging policy covering all social and community infrastructure that is not in accordance with national policy, individual policies are pursued. In relation to sports and recreation provision, to ensure effective planning for sport and recreation Sport England recommends a specific policy for indoor/built sport provision and another for outdoor/playing field provision that takes into consideration the findings and recommendations of the emerging Playing Pitch Strategy and is in accordance Sport England’s Planning Policy and the NPPF. Sport England would be happy to advise/comment on the potential wording of such policies.

• It is recommended that the supporting paragraphs is clear that the emerging Playing Pitch Strategy should identify current and future needs sporting needs and identify what actions are required to meet such needs.

Overall, Sport England does not consider that Policy LP8, as currently drafted, is justified, effective and complies with national policy and is consequently not sound. Sport England would also like to highlight that whilst it anticipates the Council would have a robust evidence base for playing pitches once the emerging Playing Pitch Strategy is completed, Sport England is unaware of an up-to-date and robust strategy relating to indoor/built facilities for the borough. As a result, it is unclear how the need for a new sports hall and swimming pool stated in the Infrastructure Delivery Plan highlighted in paragraph 6.4 has been established. Again, without an up-to-date and robust strategy informing indoor/built sport facility provision the Local Plan’s policies relating to sport facility provision would not be in compliance with paragraph 96 of the NPPF. Guidance on how to produce such a strategy can be found at https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/assessing-needs-and-opportunities-guidance/

Sport England welcome the inclusion of Policy LP9 Health and Wellbeing, especially given the health issues in the borough described earlier in the Local Plan. Many of the requirements of Policy LP9 align with Active Design principles therefore Sport England recommends that Active Design is also referenced in this policy, in particular the Active Design Checklist which could help developers designing healthy developments. Similar to the Health Impact Assessments, the policy could require Design and Access Statements to include the Active Design Checklist or indicate how a scheme has incorporated Active Design principles.
8. A Strong and Competitive Economy Which Benefits All

Sport makes a huge contribution to the lives of individuals, to the economy and to society. Sport England has undertaken research to examine the economic value of sport in England. The main conclusions are:

In 2010, sport and sport-related activity generated Gross Value Added (GVA) of £20.3 billion – 1.9% of the total GVA in England. This placed sport within the top 15 industry sectors in England and higher than sale and repair of motor vehicles, insurance, telecoms services, legal services and accounting (*Economic value of sport in England June 2013 published by Sport England).

- Sport and sport-related activity is estimated to support over 400,000 full-time equivalent jobs – 2.3% of all jobs in England.

Sport also generates a range of wider benefits, both for individuals and society:

- The benefits of playing sport include the well-being/happiness of individuals taking part, improved health and education, a reduction in youth crime, environmental benefits, stimulating regeneration and community development, and benefits to the individual and wider society through volunteering.

- Consumption of sport benefits include the well-being/happiness of spectators, and the national pride/feel good factor through sporting success/achievement.

- The economic value of sport in terms of health and volunteering in England is estimated in 2011-2012 to have been £2.7 billion per annum for volunteering and £11.2 billion per annum for health.

Traditional forms of employment have been changing in the last 100 years unfortunately the perception of what employment land is has not. The introduction of B8 distribution challenged local authorities in the 80’s and ‘90s as more of these uses came forward. Sport is often overlooked as an employer.

It is Sport England’s contention that the Local Plan should consider D2 sports uses such as fitness clubs, gyms, climbing centres and five aside centres are considered acceptable on employment sites, as they do create sustainable employment opportunities and provide work experience and qualifications. When sports facilities are designed in as part of an employment park e.g. Wolverhampton Business Park or Harwell Science Park, it creates a better and more sustainable working environment and therefore an attractive area for business to locate in or relocate to. Furthermore, it should not be overlooked that there are usually more employment opportunities generated through a commercial gym (e.g. David Lloyd Gyms), commercial football (e.g. Football First) or a gymnastics club (D2 uses) than a 500,000m² B8 use.

Sport England therefore recommends that safeguard sites for B1, B2 and B8 uses are expanded to include sport and recreation facilities which could complement the more traditional ‘employment uses’ or create more employment opportunities and that the vision/specific place policies allow for sport uses on employment land.

10. Improving Accessibility and Promoting Sustainable Transport

The emphasis on Active Travel is welcomed as encouraging the use of such modes would considerably benefit the health and wellbeing of the borough’s residents. Again, the stance does align with Active Design, especially Policy LP41 Liveable Neighbourhoods.
11. Hackney’s Green and Open Spaces

Sport England does welcome the overriding objective to protect and enhance existing green spaces, although any enhancements should be informed by the emerging Playing Pitch Strategy. However, Policy LP46 is contradictory as B. does not allow the provision of ancillary facilities on open space but D. seems to allow them. It is also not clear if ancillary sports facilities, such as changing rooms and sports pavilions, would be permitted under D.

Furthermore, Policy LP46 could also prevent the provision of Artificial Grass Pitches and associated facilities, which are often on existing open space. Given the stance throughout the Local Plan, floodlit Artificial Grass Pitches could allow the community more opportunities to participate in sport and recreation as they allow year round play without the degradation that can be experienced from some natural turf playing pitches.

The NPPF, paragraph 97, and Sport England’s Playing Field Policy does allow for the loss of playing field if the development is for a sports facility that has benefits which outweigh the loss the playing field. As a result the wording of Policy LP46 appears to be contrary to national policy.

Policy LP46 C, in the view of Sport England, is at odds the NPPF, paragraph 97, as Policy LP46 would allow any loss of playing field land without the need for a replacement playing field of equivalent quality, quantity and accessibility as required by the NPPF. Essentially the NPPF does not differentiate between designated open space and undesignated open space in relation to playing field.

Furthermore, similar to the concerns raised in relation to Policy LP8 above, Policy 46 does not prevent the loss of one form of open space, such as a playing field, to another form of open space, for example an informal park. This again demonstrates the need to have individual policies for indoor and outdoor sport facilities rather than including such facilities within a wider ranging definition. To ensure that the Local Plan complies of National and Sport England Policy, the function of the open space should be protected or, if lost, replaced unless there are robust and up-to-date strategies indicating otherwise.

Sport England object to a standards approach for sport facility provision as expressed in Policy LP48 as this approach does not take into consideration matters such as what type of provision is needed, where and when it should be provided, as a standards approach is a more general approach. Please see Sport England CIL and s.106 note for more details on Sport England’s position in relation to standards.

In light of this, to ensure the plan is effective in planning for sport, particularly playing fields, sport facilities should be excluded from this standard approach and the emerging Playing Pitch Strategy (and an indoor/built sports facility strategy) should be used to direct future provision. Sport England strongly recommends that this is written into any policy that addresses indoor and outdoor sport provision.

The requirement for development to enhance leisure and recreation advocated in policy LP52 Waterways, Canals and Residential Moorings is welcomed but it should be clear that development should also not impact any existing sport and recreation use of the waterways and canals to ensure compliance with the NPPF.

Appendix 3 Site Allocations

Sport England notes that there are existing sports facilities within the Woodbury Down, Seven Sisters Road site allocation (MHI) however community and leisure facilities are included within the allocation specified within the document. The existing facilities, at least, should be retained or replaced by facilities of equivalent quantity and quality within the development in line with the Local Plan, NPPF and Sport England Policy.

Conclusion

Overall, Sport England does not consider that the plan is currently be positivity prepared, effective and consistent with national policy and is therefore unsound. Sport England advises addressing these issues by ensuring that the policies are informed by up-to-date and robust evidence bases, such as the emerging Playing Pitch Strategy,
creating a policy for indoor sports facilities and another for outdoor sports facilities taking into account the NPPF, paragraphs 96 and 97, and Sport England’s Planning Policy.

In addition, Sport England advise that a sufficient degree of flexibility within employment areas to accommodate sport and leisure facilities.

Sport England would be happy to work alongside the Council to develop any policy and answer any queries in relation to the sport facility policy.

Yours sincerely

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We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our website, and our Data Protection Officer can be contacted by emailing Erin Stephens

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Meeting the need for sporting provision that may be generated from new development

This document is based on Sport England’s current understanding of the use of the Community Infrastructure Levy (CIL) and planning obligations. The document will be updated following any amendments to the relevant planning legislation and guidance, as additional relevant examples and case law emerges and as any feedback is received on the advice it contains.

### Overall Approach - Top Tips

Below are some top tips regarding an overall approach a Local Authority (LA) could take to using CIL and planning obligations to help meet the needs that may be generated by new development for sporting provision. Detail behind the approach is provided in this document.

1. Develop and maintain a robust and up to date evidence base for sporting provision.

2. Use the evidence base to:
   - estimate the nature and level of needs that may be generated from new development(s) for sporting provision;
   - establish clear deliverable actions (with associated costs) that have the potential to help meet the needs that will be generated from new development in the area.

3. Based on the nature of the actions, the level of new development in an area, and the realistic ability to secure investment into sport through CIL or planning obligations, decide how best to use CIL and planning obligations alongside one another to deliver sporting infrastructure and to support development.

4. Where CIL is in place ensure any sporting provision to be placed on the Reg 123 list is:
   - project specific so it does not unnecessarily restrict the use of planning obligations;
   - focused on high level priority projects of a strategic nature that CIL has potential to deliver rather than a long list of projects that CIL will never be able to fund. This will allow the potential for other projects to be funded by planning obligations;
   - backed by strong high level officer and political support within the LA so that there is some confidence that CIL funds will be directed to the sporting provision.

5. Where CIL is not in place, or where the wording of a Reg 123 list allows for the use of planning obligations, ensure that:
   - any obligations sought are based on a tailored approach to each development, using the robust evidence base to help with clearly justifying the needs arising and how they are to be met;
   - a proactive approach is taken to planning for the use of planning obligations in the context of the current pooling restrictions (i.e. as far as is practical matching specific developments to identified projects). This could be through the use of a Planning Obligations SPD which identifies potential projects from a playing pitch strategy or sports facility strategy that could help meet the need arising from planned developments in a Local Plan.

Note: For illustrative purposes, a hypothetical example is provided in Appendix 2 of an approach to meeting the needs from a development by way of planning obligations. This example includes the use of Sport England’s calculator tools (see Question 2 on page 4).

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1 Feedback can be sent to [planningforsport@sportengland.org](mailto:planningforsport@sportengland.org)
**CIL Review** - An independent review of CIL was commissioned by the Government in 2015. Sport England inputted to the review including meeting with the review panel. The panel report was published in February 2017\(^2\). The Government responded to the panel report in the November 2017 Autumn Budget and consulted on proposals to reform the system of developer contributions (including CIL and planning obligations) in May 2018\(^3\) to which Sport England replied. The Government published a response to the consultation in October 2018\(^3\) proposing several changes including the relaxation of the pooling restrictions on the use of planning obligations.

Legislation will be required to implement changes proposed by the Government and consultation on the draft regulations is expected later this year or in early 2019. This document should therefore be regarded as providing interim advice until the Government’s proposed changes are made. Once this is the case Sport England will review and update this document.

**Introduction**

This document provides advice on meeting the need for sporting provision that may be generated from new development. It does so by presenting four questions that should be worked through and by providing advice on how each question could be answered. The questions focus on how the needs from an individual development can be determined and met. Recommendations are then presented as to the overall approach that could be taken by a Local Authority (LA).

If a LA has a robust and up to date evidence base in place for sporting provision (such as assessments of need and related strategies developed in line with Sport England guidance\(^4\)), then they will already have a significant amount of the information required to answer the questions. This will place the LA in a good position to ensure the needs can be met.

It is recognised that conventional local quantitative standards of provision are included in some adopted Local Plans and Supplementary Planning Documents (SPDs). However, this document highlights limitations with their use in answering the questions and therefore in determining and securing appropriate provision.

The advice provided has been primarily informed by:

1. legal advice sought by Sport England on the use of the CIL and planning obligations, in relation to the application of the CIL Regulations, notably Part 11 - Regulations (Regs) 122 and 123.
2. advice from the Planning Officers Society (POS) within their ‘Section 106 Obligations and CIL’ advice note (2015). This includes advice from the Planning Inspectorate to Planning Inspectors on the evidence required to secure obligations (see Appendix 1).

The above advice and this document particularly relates to CIL Reg 122. This states that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Reg 122 puts the need for a planning obligation to meet all three tests into law and not just policy as set out in the National Planning Policy Framework (NPPF, paragraph 56). The effect being that when assessing proposed obligations against the tests, case law indicates that Planning Inspectors are now seeking firm evidence that all three tests are met, regardless of whether a LA and applicant have agreed the obligation (see Appendix 1). The questions and advice in this document seek to highlight the evidence required.

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2 A new approach to developer contributions: a report by the CIL review team ([link to report on MHCLG website](https://www.gov.uk/guidance/a-new-approach-to-developer-contributions))
3 Supporting housing delivery through developer contributions ([link to the consultation paper and Government response on the MHCLG website](https://www.gov.uk/guidance/supporting-housing-delivery-through-developer-contributions))
Q1. Can planning obligations be used to secure the need for sporting provision?

To answer this question the following action will be required:

- If an adopted CIL charging schedule is in place for the area, establish whether the Reg 123 list limits the use of planning obligations for sporting provision.

If a LA does not have an adopted CIL charging schedule in place then planning obligations can be used to meet the needs generated from a development. However, if a LA has an adopted CIL in place then the wording of its Reg 123 list will need to be looked at to establish if planning obligations can be used.

Planning obligations will not be able to be used for any infrastructure types or projects that are included within the Reg 123 list (unless this is to mitigate the loss of existing sporting facilities in line with the requirements of Paragraph 97 of the NPPF). This includes any facility types that may fall under a generic infrastructure heading included in a Reg 123 list (e.g. outdoor sports facilities). In this situation, by including the provision in the Reg123 list the LA has taken the decision that the needs generated from new development for the relevant sports facilities will be met through their CIL. However, there is no requirement on a LA to ensure that the infrastructure listed in the Reg 123 list is delivered as it will be their decision which facility types/projects on the list are funded with CIL receipts. In addition, there are likely to be a number of competing infrastructure priorities on the list. Advocacy is therefore important with, and within, a LA to help ensure that CIL funds are directed to appropriate sporting provision to meet the needs generated by new development.

If sports facilities are not included in a Reg 123 list, or a particular facility type/project is not included and does not fall under a generic title, then planning obligations can be used to meet the needs generated from a development for the facility type(s)/project. A LA may also state in their Reg 123 list that specific facility types or developments are excluded from the list therefore enabling planning obligations to be used, e.g. strategic scale developments such as urban extensions.

Limitations with using standards of provision

Standards will not help in answering this question but by answering it some of the limitations of using standards are exposed. For example:

i. Where CIL is in place and an obligation cannot be secured, unless provision is to be provided on site, standards do not have a role to play in determining the needs generated by a development and how it can be met. This will be addressed through the payment and spending of CIL funds.

ii. In this situation, to stand a chance of CIL funds being spent on sporting provision specific priority sports facility projects should be identified in the LA’s Infrastructure Delivery Plan (IDP), and subsequently on its Reg 123 list. These projects should be derived from a LA’s robust and up to date evidence base e.g. sports facility and playing pitch strategies. The projects should also have significant high level LA officer and political support to ensure that CIL funds will be directed to them to help ensure their delivery. If a LA uses standards as their approach to addressing identified needs, and as a basis for Local Plan policies, rather than using their evidence base to set out specific projects and actions to meet the needs generated from new development, there is a danger that the necessary evidence will not be in place to justify appropriate provision for sport being included in an IDP and subsequently a Reg 123 list.
Q2. If planning obligations can be used, is meeting the need necessary to make the development acceptable in planning terms?

To answer this question the following actions will be required:

- **Identify the policy framework.**
  The relevant NPPF policies, along with Local Plan policies and other development plan documents (e.g. any Supplementary Planning Document or Guidance), which set out the requirement to provide for the needs generated by new development for sporting provision, and/or wider community infrastructure, should be identified.

- **Establish for which facility type(s) needs may be generated.**
  This should be a local decision depending on the population profile of the proposed development. In the vast majority of cases it can be assumed the population, and therefore sporting profile, of a development will be similar to the LA area. Relevant Local Plan policies or other development plan documents may identify certain facility types. Relevant evidence base documents (e.g. Facility and/or Playing Pitch Strategies) may also help with establishing the facility types.

- **Quantify the need for the facility types.**
  Quantified evidence is required of the additional need for facilities or infrastructure which are likely to arise from a proposed development. This evidence should first of all demonstrate the potential increase in usage of a facility type (e.g. matches and training sessions of a type of playing pitch, or visits to a swimming pool). If appropriate (see Question 3), the potential increase in usage should then be converted into the relevant level of new provision for the specific facility type (e.g. x number of new adult football pitches or x sqm of new swimming pool space, as opposed to something generic that is not linked to the evidence base such as x hectares of outdoor sports provision). Although the population of a single development (e.g. on a small site or an individual stage of a larger site) may not in itself generate the needs for a full facility it will still generate additional demand which should be quantified and met.

  Sport England’s strategic planning guidance and tools can help with quantifying the need for sporting provision. For example, its sports facility calculator (SFC)\(^5\) can help to indicate how much additional demand may be generated for key facility types (e.g. swimming pools and sports halls) from the population of a proposed development. It also provides an indication of the cost of meeting this demand through new build provision should this be the best way forward (see Questions 3 and 4).

  Sport England has also developed a draft playing pitch calculator which performs the same function as the SFC but for playing pitches. However, the draft pitch calculator requires information from an up to date assessment of playing pitches for a local area. It will therefore primarily be of benefit to LAs who have recently developed, or are in the process of developing, a playing pitch strategy. If such LAs are interested in the draft pitch calculator then they should contact their relevant Sport England Planning Manager\(^6\) to discuss its potential use.

  See Appendix 2 for a hypothetical example of how the above calculators can be used.

- **Identify whether the need for the facility types can be met by existing facilities.**

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\(^5\) The SFC can be found within Sport England’s [Active Places Power](http://www.sportengland.org/) website. Further guidance on its use is also available via the [planningtoolsandguidance](http://www.sportengland.org/) page of the Sport England website.

\(^6\) Planning team contact emails: [North](http://www.sportengland.org/) (North West, North East, Yorkshire), [Central](http://www.sportengland.org/) (West Midlands, East Midlands, East), [South](http://www.sportengland.org/) (London, South East, South West).
Quantifying the need in terms of the potential increase in usage of a facility type (see above) will allow for an evaluation of whether existing provision, within an appropriate catchment of a development, is able to meet the additional need. If a LA has a robust evidence base in place for the relevant facility type(s) then this should enable such an evaluation to be undertaken. However, without being able to demonstrate that the need cannot be met by existing provision, without exacerbating existing deficiencies and/or adversely affecting existing users, it will be difficult to make a case that meeting the need for the facility type is necessary.

**Limitations with using standards of provision**

Standards are sometimes used to help quantify the need that may be generated from a development. However, as set out below there are some risks and weaknesses with their use that should be highlighted:

i. The NPPF does not advocate the use of local standards for assessing the needs or providing for sporting provision (unlike PPG17 (2002) which it replaced). It terms of planning for sport and recreation it advises that information gained from robust and up-to-date assessments of need for sport and recreation facilities should be used to determine what provision is needed, which plans should seek to accommodate (NPPF paragraph 96). The Government’s Planning Practice Guidance (PPG) points to Sport England’s guidance on assessing needs for sporting provision. Rather than advocating the development of standards this guidance (see footnote 4 to the Introduction above), takes the requirements of paragraph 96 of the NPPF and helps the user develop this more specific evidence.

ii. The existence of a local standard in a Local Plan, or other development plan document, does not necessarily in itself justify the requirement to seek provision for a specific facility type from an individual development. It would need to be underpinned by a robust assessment of need and developed further to provide a specific local requirement (e.g. an identified project or contribution to an identified project) informed by appropriate feasibility studies, costings etc.

iii. If the underlying evidence base, and how the standard has been developed, is not robust and up to date then it may be difficult to justify its use.

iv. Standards propose a certain amount of new provision for a given population. This level of new provision may not be necessary and may not relate to identified needs and actions as set out in a supporting evidence base document. For example, improving the quality or accessibility of existing provision to increase its capacity may be a more appropriate way to meet the need generated by a development.

v. Standards do not provide details of the needs that may be generated for the actual use of a facility. Standards therefore have limitations when seeking to improve existing provision to increase its capacity.

vi. Standards can be too generic with a single standard covering a number of facility types (e.g. x hectares for outdoor sport as opposed to a local assessment that may identify a shortfall of cricket and youth football pitches but adequate provision of adult football pitches). Such standards do not reflect the range of needs for different facility types that fall under a generic heading, or provide any certainty as to what specific needs will be generated from a development and therefore what provision is necessary;

vii. Applying a standard without robust evidence that existing provision, within a reasonable catchment of the individual development and in its current condition, is unable to meet the additional need will fail to demonstrate that the provision sought is necessary.
Q3. If meeting the need is necessary, how can it best be met?

To answer this question the following actions will be required:

- **Establish for the facility types whether the need is most appropriately met by on or off-site provision.**
  
  A LA’s Local Plan, and/or its evidence base for sporting provision, may help a local decision to be taken on the most appropriate way of meeting the need (i.e. on and/or off-site) based on the size of the development, the resulting level of need for a facility type and the nature and proximity of existing provision. Where there are a number of small developments proposed in an area, or individual stages of a larger development, which are unlikely by themselves to generate additional need for a full facility, a LA should take a proactive approach to deciding the most appropriate way to meet their combined and cumulative needs.

  When making any such decisions long term management, maintenance and sports development considerations should be taken into account. For example, rather than providing a single playing pitch on site to meet the need from a small development, or from an individual stage of a larger development, it would be more efficient and effective from a management, maintenance and sports development perspective to provide the new pitch as an extension to an existing or proposed off-site multiple pitch site, to improve the quality of an existing or already proposed off-site multiple pitch site to enhance its capacity, or to meet the combined needs from a number of developments by providing a new off-site multi-pitch site.

  There may be occasions when the applicant proposing a development is able to provide payment ‘in kind’ to meet (fully or in part) the identified need arising from their development e.g. provision of land at no cost to the LA either on or off-site. Where this is an option care should be taken to ensure that it is an appropriate and effective way of meeting the need (e.g. taking into account the location and nature of the land, feasibility and cost of providing the necessary facilities and long-term management and maintenance).

- **If off-site, decide whether the best approach would be to increase the capacity of existing or proposed facilities or provide new provision.**
  
  This decision should be based on i) the potential to improve existing facilities within an appropriate catchment of a development to create additional capacity, and ii) how realistic it is given the nature of the local area to provide new provision. For example, there may be some poor quality playing fields that could potentially be improved with additional drainage and long term maintenance works, along with enhanced changing provision, to enable their use to be increased, thereby creating additional capacity to meet the needs generated. If there are no potential options to improve existing, or already proposed, provision to create additional capacity then new provision will be required. If the LA has a robust evidence base in place, then the necessary information should exist on existing facilities for an initial view to be taken on their potential to be improved, and therefore the additional use they could accommodate.

- **Be aware of how the restrictions on pooling planning obligations may affect how the needs can be met.**
  
  If planning obligations can be used, regardless of whether or not a LA has an adopted CIL in place, there are current restrictions on the pooling of obligations. An obligation cannot currently be secured if there has already been five obligations secured for a specific project (e.g. x swimming pool or x playing field improvements), or for a generic infrastructure type (e.g. outdoor sport) that it is proposed the obligation will be put to. This restriction applies to obligations secured from April 2010. Therefore, if the LA’s Reg 123 list allows obligations to be used, it will be useful to have an understanding of what obligations have already been secured since April 2010 towards sporting provision, and on which projects and/or generic infrastructure types they have been spent/pooled towards. In cases where LA’s have been pooling contributions towards generic infrastructure types, the pooling limits are likely to have been reached by now so continuing this may not be possible. Being aware of the restrictions,
and the use of obligations to date in the area, will help with identifying specific works to meet the needs generated from an individual development (see Question 4).

**Limitations with using standards of provision**

Standards could be used to help quantify the level of new provision that may be required. However, in addition to the points under Question 2:

i. They do not alone provide a robust justification that new provision is necessary or provide informed assistance with deciding how best to meet the needs generated.

ii. Where standards are used they should be supported by robust and up to date evidence justifying applying the standard to the individual development and therefore seeking new provision.

iii. Without also quantifying the need in terms of the increased potential usage of a facility, applying a standard to a number of developments, and for a number of facility types, tends to result in a suggested need for a proportion of a new facility. This may be unrealistic to provide if no wider project has been identified to which an appropriate financial contribution can be secured, and/or any contribution fails to meet with the pooling restrictions for planning obligations.

iv. In the past a significant number of LA’s have converted quantitative standards into standardised developer contributions e.g. £x per dwelling towards outdoor sport. These contributions have been secured through planning obligations. These have been pooled under a generic sports facility infrastructure heading to be spent at a later date on unidentified projects, rather than being pooled to deliver specific projects which have been clearly identified to meet the needs of the specific developments they have been secured from. If there is a lack of additional evidence relating to specific projects then there would be difficulties with maintaining this approach given requirements of the Reg 122 tests. In addition, the current pooling restrictions introduced by Regulation 123 would limit the scope for this in the future, in relation to generic infrastructure types, as the pooling limit is likely to be reached very quickly if it has not been reached already.

v. The current pooling restriction can be addressed by identifying appropriate contributions from individual developments towards relevant specific projects. However, there needs to be a robust evidence base in place which includes appropriate prioritised projects which can meet the needs generated by new developments in the area. Without this level of evidence standards by themselves may be of limited use in informing the identification of projects, or justifying them in the context of demonstrating that the CIL Regulation 122 tests have been met.
Q4. How can it be ensured a planning obligation is directly related, and is fairly and reasonably related in scale and kind, to the development?

To answer this question the following actions will be required:

- Identify specific works that can be undertaken to meet the needs identified and the nature of the obligation required.

  The existing provision to be enhanced or site(s) for new provision should be identified. When doing so the distance of the provision or site(s) from the development site should take into account how the relevant sports are played in the area, along with the time (by appropriate travel modes) it can reasonably be expected for users of a specific facility type to travel. This will vary by facility type e.g. it may be reasonable to meet the need for swimming pool provision further from the development site than for other provision such as youth playing pitches.

  Discussions should be held with relevant parties (e.g. landowners, facility operators and user groups), and any further necessary evidence gathered (e.g. a feasibility study), to help identify the specific works that are required, and to ensure they will provide the necessary additional capacity to meet the needs. It will also be important to demonstrate that the specific works can be delivered within an appropriate timescale in relation to the occupation of the development site.

  If there is some uncertainty about the deliverability of the works it would be prudent to agree a degree of flexibility within the obligation. This could be done by identifying contingency works that meet the Reg122 tests which have more certainty of delivery, or by including a clause which enables provision for alternative works which meet the Reg 122 tests to be agreed in writing between the relevant parties.

  When deciding on the specific works care should be taken to avoid the pooling restrictions on the use of planning obligations (see Question 3). If the works themselves do not represent a single separate project (i.e. the obligation will help to fund a wider project) then no more than four previous obligations can have already been pooled towards that project.

  Any works should be informed by a robust evidence base for the area (i.e. as set out in the action plan of a sports facility or playing pitch strategy) to ensure they will fit with the wider strategic provision and context for the facility type(s). If they do not already exist then it is essential that any obligation also secures appropriate ancillary facilities (e.g. changing rooms) to support and enable the use of the new or enhanced provision.

- Highlight the direct relationship between the needs the development will generate and the specific works the obligation will enable.

  By working through the above questions and taking into account the advice provided, a clear relationship should be able to be established between the development and the specific works any obligation will secure. This should present a clear rationale and justification for the obligation covering the facility type(s) included, the level of need that will arise for the facility type(s) as a direct result of the development and why the needs cannot be met by existing provision. It should also justify why the specific works have been proposed, the appropriateness of their location and how they will meet the identified needs. In doing so it will be important to be able to demonstrate that the works, and associated costs (see below) are proportionate to the scale of the development and the need it generates.
- **Provide clarity as to how any financial contribution to secure the specific works has been calculated?**

A clear and transparent methodology for calculating up to date costs for the specific works, including appropriate ancillary provision, should be presented. Where appropriate, depending on how the needs are to be met, the cost of any required land purchase should be included in the financial contribution. If an obligation will be directed to a wider project it should be ensured the costs are proportionate and limited to meet the needs of the individual development.

Along with any capital costs for the works, an obligation should ensure an appropriate level of lifecycle costs towards the new or enhanced provision. This is required to cover the day to day maintenance for an agreed long-term period and to help ensure a sinking fund exists for any major replacement work, e.g. the future resurfacing of an Artificial Grass Pitch.

Wherever possible specific local costs should be used, especially if the works are to improve the existing quality of a site to increase capacity as there may be a number of site specifics to take into account. Sport England does provide indicative costs for new provision ([Cost Guidance](#)) and its sports facility calculator and draft playing pitch calculator (see Question 2) can provide costs for the proportionate element of new provision that may be required to meet the needs from an individual development.

### Limitations with using standards of provision

The limitations raised above with the use of standards under questions 2 and 3 would also be applicable when assessing whether a planning obligation is directly related, and is fairly and reasonably related in scale and kind, to the development. Limitations of particular relevance to this question include:

i. The robustness of the underlying evidence base;

ii. The relationship with the identified needs and actions in a supporting evidence base, especially where improving the quality or accessibility of existing provision to increase its capacity is a priority for meeting the needs generated by a development.

iii. The application of standards in scenarios where there is no robust evidence that existing provision, within a reasonable catchment of the individual development and in its current condition, is unable to meet the additional need.

iv. The limited value standards provide in informing how best to meet the needs generated by a development.

v. The application of standards in scenarios where a need for only a proportion of a facility is generated, and no project has been identified to which an appropriate financial contribution can be secured.

vi. The pooling of contributions towards unidentified projects.
Conclusions and Recommendations

A LA’s approach to the CIL will have a major influence on the ability to meet the needs arising from a development for sporting provision in an area. The nature and precise wording of a Reg 123 list is key to understanding how the needs can be met. For CIL to provide for sporting provision there needs to be high level LA officer and political commitment to any sporting infrastructure and projects on a Reg 123 list.

Where CIL is not in place, or a Reg 123 list allows for planning obligations to be used for sporting provision, then a tailored approach to each individual development is most appropriate to provide the evidence that the Reg 122 tests have been met, especially in scenarios where applications are considered by Planning Inspectors. Unless provision is to be provided entirely on site then relying on a generic policy approach and/or the application of quantitative local standards are unlikely meet the tests. Evidence is required of the specific needs that will be generated by an individual development and why they cannot be met by existing provision. Where any works are proposed to meet the needs they should be identified, justified and proportionate to the development. As far as is practically possible it should be demonstrated that the identified works are deliverable within a set timeframe.

Further to the advice in this document, below are some top tips regarding the overall approach a LA could take to using CIL and planning obligations to help meet the needs that may be generated by new development for sporting provision.

Overall Approach – Top Tips

1. Develop and maintain a robust and up to date evidence base for sporting provision;

2. Use the evidence base to:
   - estimate the nature and level of needs that may be generated from new development(s) for sporting provision;
   - establish clear deliverable actions (with associated costs) that have the potential to help meet the needs that will be generated from new development in the area;

3. Based on the nature of the actions, the level of new development in an area, and the realistic ability to secure investment into sport through CIL or planning obligations, decide how best to use the CIL and planning obligations alongside one another to deliver sporting infrastructure and to support development.

4. Where CIL is in place ensure that any sporting provision to be placed on the Reg 123 list is:
   - project specific so it does not unnecessarily restrict the use of planning obligations,
   - focused on high level priority projects of a strategic nature that CIL has potential to deliver rather than a long list of projects that CIL will never be able to fund. This will allow the potential for other projects to be funded by planning obligations;
   - backed by strong high level officer and political support within the LA so that there is some confidence that CIL funds will be directed to the sporting provision.

5. Where CIL is not in place, or where the wording of a Reg 123 allows for the use of planning obligations, ensure that:
   - any obligations sought are based on a tailored approach to each development, using the robust evidence base to help with clearly justifying the needs arising and how they are to be met;
   - a proactive approach is taken to planning for the use of planning obligations in the context of the current pooling restrictions (i.e. as far as is practical matching specific
developments to identified projects). This could be through the use of a Planning Obligations SPD which identifies potential projects from a playing pitch strategy or sports facility strategy that could help meet the need arising from planned developments in a Local Plan.

**Note:** For illustrative purposes, a hypothetical example is provided in Appendix 2 of an approach to meeting the needs from a development by way of planning obligations. This example includes the use of Sport England’s calculator tools (see Question 2 on page 4).

**Note:** As set out above a LA’s CIL Regulation 123 list should be project specific and therefore enable the continued use of planning obligations for provision that is not listed. However, for clarity it is recommended that a list includes text which explicitly excludes the provision of infrastructure that is required to mitigate, where necessary, the loss of existing provision and which meets the legal tests of Regulation 122 of the CIL Regulations.

This text will enable a LA to retain its discretion to negotiate planning conditions and obligations (section 106 agreements) to secure necessary infrastructure to meet relevant policy requirements, e.g. to meet the need for replacement sporting provision in line with the requirements of paragraph 97 of the NPPF.

**Disclaimer:** The purpose of this document is to help all parties engaged in the planning system, and the system as a whole, plan positively for sport. The contents are based on Sport England’s understanding and interpretation of relevant policy, guidance and legislation at the time the document was produced. Whilst care has been taken to ensure the accuracy of the content Sport England cannot guarantee that the contents are up to date or reflect all relevant policy, guidance and legislation.

Any reliance placed on the contents are at the readers’ own risk. Neither Sport England, nor any contributor to the content of the document, shall be responsible for any outcomes arising from decisions or action taken as a result of a readers’ use of or reliance on the document. Sport England recommends that a reader obtains their own planning and where appropriate legal advice before taking, or refraining from, any action on the basis of the contents of this document.
Appendix 1

Planning Officers Society ‘Section 106 Obligations and the Community Infrastructure Levy’ advice note (2015) - Extract – Paragraphs 16-18

16. If an obligation does not meet all of the tests it cannot in law be taken into account in granting planning permission. While these tests are a consolidation of the 05/05 advice, they are now a legal requirement giving them much greater force. Whereas previously there was a view among LPAs and developers that if a S106 had been signed voluntarily (or if a unilateral undertaking had been freely offered) it would not be scrutinised too closely, the statutory status of the tests brings a much greater need to demonstrate that the terms are lawful. There is clear evidence that the Planning Inspectorate and the Secretary of State are taking a much more forensic interest in S106 agreements to ensure the statutory tests are met.

<table>
<thead>
<tr>
<th>S106 Financial Contributions failing to meet the statutory tests - examples from Secretary of State and PINS decisions.</th>
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</thead>
<tbody>
<tr>
<td>Mersea Homes CBRE, Land at Westerfield Rd, Ipswich: The Secretary of State gave no weight to a number of financial contributions for education, playing fields and a Country park on the grounds that they did not meet the statutory tests. The site was considered to already make a good contribution to open space, the country park was not directly related to the development and there was sufficient capacity within existing schools. The Contributions were not fair and reasonable.</td>
</tr>
<tr>
<td>Doepark Ltd, American Wharf Southampton: The Secretary of State gave no weight to financial contributions for public open space, play space, sports pitches and transport infrastructure on the basis that there was insufficient information to decide whether they met the tests of being necessary to make the development acceptable in planning terms, directly related to the development and reasonable in scale and kind.</td>
</tr>
<tr>
<td>Tesco Springfields Retail Park, Stoke on Trent: The Secretary of State found that contributions to environmental improvements related to off-site work not directly related to the development and employment contributions were not necessary in planning terms to make the development acceptable.</td>
</tr>
<tr>
<td>Scott Bailey, Raglan Rd, Plymouth: City wide formula based standard charges were not supported by any specific evidence on the needs arising directly as a result of the development. Found to fail all three of the statutory tests, and inspector awarded costs against the authority.</td>
</tr>
<tr>
<td>Yap, Knoll Drive, Barnet: Inspector found insufficient evidence to substantiate the local need for contributions or the specific use to which they would be put to mitigate impact of the development and awarded costs against the authority.</td>
</tr>
<tr>
<td>Shahidi, Queens Avenue, Barnet: The Inspector found that the tariffs were not directly related to the local and particular circumstances of the appeal and awarded costs against the authority.</td>
</tr>
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</table>

17. For the LPA to take account of a S106 in granting a permission it needs to be convinced that without the obligation permission should be refused. **It is not sufficient to rely on a generic LDF policy or adopted SPD.** This is particularly relevant where there is an authority wide tariff scheme. The LPA should be able to provide evidence of the specific impact of the particular development, the proposals in place to mitigate that impact and the mechanisms for implementation.

18. PINS advises Inspectors that for obligations in the form of financial contributions to meet the Reg 122 tests (now also set out in the NPPF para 204) evidence will be needed in respect of:

- The relevant development plan policy or policies, and the relevant section of any SPD or SPG
▪ Quantified evidence of the additional demand on facilities or infrastructure which are likely to arise from the proposed development
▪ Details of existing facilities or infrastructure, and up to date, quantified evidence of the extent to which they are able or unable to meet those additional demands
▪ The methodology for calculating any financial contribution which is shown to be necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet additional demand
▪ Details of the facilities or infrastructure on which any financial contribution will be spent.
Appendix 2

For illustrative purposes a hypothetical example is provided below of an approach to meeting the needs that may be generated from a development by way of planning obligations. The example seeks to demonstrate the information required to meet the Reg 122 tests and uses Sport England’s sports facility calculator and draft playing pitch calculator.

Example: A development proposing 700 new homes

The Local Authority (LA) has an up to date Sport Facility Strategy (SFS) and Playing Pitch Strategy (PPS) and no sporting provision is included in the LA’s CIL Reg 123 list. Information in the strategies indicates that in terms of meeting the needs from the new development the priorities are swimming pool provision and youth football pitches. This is due to the pressures on existing provision for these facility types within the catchment of the development. The LA has discussed use of the draft playing pitch calculator with Sport England and it has been agreed that it is appropriate for it to be used.

1. **Estimate the population of a new development using development specific figures or the average household size for the area.**

   700 new homes in the LA area is estimated to generate a population of 1,694 people (using the average household size for the area of 2.42).

2. **Estimate the need that may be generated from the population of the new development.**

   **Swimming:** Selecting the area of interest within the sports facility calculator and entering the population of 1,694 suggests the development will generate a need for 113 visits to a swimming pool per week in the peak period (vpwpp). This equates to a need for 19 square metres (sqm) of water space. The findings of the SFS suggest that participation in swimming is estimated to remain stable in the foreseeable future so no increase in demand is factored in.

   **Youth football:** The total number of 10-15yrs olds in the LA area (the youth football age groups), along with the number of 10-15yr olds that it takes to generate one youth team in the area (the team generation rate) is entered into the draft playing pitch calculator. This information is taken from the LA’s PPS. The specific LA is then selected in the draft calculator and the total population for the LA area is entered. Then, by entering the population of 1,694, the draft calculator uses the PPS information to suggest that the development will generate a need for 1.8 match equivalent sessions for youth football.

   The PPS indicates that participation in youth football is forecasted to increase by 7% by the time the development is complete. A 7% increase in demand is entered into the draft calculator which increases the number of projected match equivalent session to 1.95. The PPS suggests this play would need to be accommodated during the peak period for junior play therefore suggesting the development would generate a need for 2 youth pitches.

3. **Determine whether the need identified can be met by existing provision**

   **Swimming:** The LA’s SFS suggests that there is little spare capacity at publicly available swimming pools within the LA area. What little spare capacity does exist is outside of a reasonable catchment of the proposed development.
Youth football: The LA’s PPS is clear that the current youth football pitches that are available to the community within the catchment of the development are already being overplayed. There are a couple of adult pitch sites with a small amount of spare capacity but it is not practical for them to accommodate the projected additional youth play.

4. Establish the best way of meeting the identified need and the specific works required.

Swimming: A key action in the LA’s SFS is replacing the current main swimming pool in the town where the development is located with a new pool with greater capacity. The pool requires replacing due to its age and the need to cater for increased demand in the area, including from housing growth. The strategy provides a clear timescale for the delivery of the replacement pool.

Youth football: Rather than developing any new playing pitch sites in the area the recommendations in the PPS focus on enhancing existing provision to maximise its capacity. The PPS indicates that part of an existing nearby playing field site is rarely used due to it being of poor quality and prone to waterlogging. The PPS includes an action to undertake drainage works to this land which has the potential to accommodate four new youth football pitches.

5. Establish the associated cost of undertaking the specific works

Swimming: Based on Sport England’s latest costings the sports facility calculator estimates that the cost of providing for the identified need of 19sqm of water space is £362,995.

Youth football: Sport England’s draft pitch calculator provides an indication of the capital costs of providing for the two new youth pitches along with per annum lifecycle costs. However, due to the particular nature of the area of land proposed for drainage works the LA has sought locally specific costings. As the new development is estimated to generate a need for two pitches, half of the estimated local costs for the work to develop the four new pitches, and appropriate long-term maintenance, are apportioned to the new development.

6. Outcome

The LA seeks to secure, by way of planning obligations, off-site contributions for:

a. Swimming pool provision of £362,995 towards the cost of the replacement pool.
b. Youth football pitches of £X [half of the cost of the drainage works to the named site] and a per annum maintenance contribution of £X for X years.

The LA have put forward realistic plans for how they anticipate securing the remaining funds for the proposed playing pitch works and a timescale for delivery. However, to cater for any unforeseen circumstances a clause is proposed to enable provision for alternative playing pitch works which meet the Reg 122 tests to be agreed in writing between the relevant parties. No such clause is proposed for the swimming pool provision due to the lack of alternative options for meeting the identified need.
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>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>John</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Parmiter</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Churchwarden - St John at Hackney</td>
</tr>
</tbody>
</table>

**Contact details:**

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:john@stjohnathackney.org">john@stjohnathackney.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>07796177426</td>
</tr>
<tr>
<td>Address:</td>
<td>Lower Clapton Road</td>
</tr>
<tr>
<td>Post code:</td>
<td>E5 0PD</td>
</tr>
</tbody>
</table>

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

Organisation: St John at Hackney is the civic church of Hackney, located in central Hackney, surrounded by 10 acres of churchyard gardens.
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>
<th>Paragraph</th>
<th>Policy</th>
<th>HC1</th>
</tr>
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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>
</tr>
</thead>
<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>
</tr>
</tbody>
</table>

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</th>
<th>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>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Justified</td>
<td>it is not the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.</td>
</tr>
<tr>
<td>(3) Effective</td>
<td>the plan is not deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</td>
</tr>
<tr>
<td>(4) Consistent with national policy</td>
<td>the plan will not enable the delivery of sustainable development in accordance with policies in the National Planning Framework.</td>
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</table>

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.
HC1 – Clapton Bus Garage

We support the redevelopment of this site and the plan’s general approach; however, we consider there are some missed opportunities, which we would wish to see incorporated.

The site has very visible boundaries to the churchyard gardens on its northern and eastern sides. There are significant opportunities for designing a wholly new relationship. And a link through the site from Bohemia Place to the central north-south footpath in the gardens is a very important requirement, and followed through to the Tesco site.

There is a pressing need for resolving the future of the Narrow Way frontage areas. Generally, we consider that the masterplan proposals for the site including the land around St Augustine’s Tower, the southern section of the Narrow Way and the new (unnamed) square – and the links to Bohemia Place - need to be brought into the plan’s proposals for the bus garage. There is an opportunity for a cultural hub in this location, which could include resolving the unsatisfactory current use of the old Town Hall.

There is scope on this site – which is former church land - to include two specific types of affordable housing:

1. Key worker housing, such as youth workers, teachers, nurses to support the work of local institutions (church, school, hospital) in meeting local needs (that can otherwise fall on a resource-starved Council); and

2. Almshouses, especially at the eastern end of the site, fronting open space and in lower scale context. Almshouses respond to the growing and ageing population and meet the needs of the elderly in a very affordable way and are not subject to Right-to-Buy.

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.

Additional site-specific proposals should be developed that include the Narrow Way frontage area, drawn from the Hackney Central masterplan.
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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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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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: John Parmiter  
    Date:  7.1. 2019
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>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>John</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Parmiter</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Churchwarden - St John at Hackney</td>
</tr>
</tbody>
</table>

Contact details:

<table>
<thead>
<tr>
<th>Email</th>
<th><a href="mailto:john@stjohnathackney.org">john@stjohnathackney.org</a></th>
</tr>
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<tbody>
<tr>
<td>Telephone</td>
<td>07796177426</td>
</tr>
<tr>
<td>Address</td>
<td>Lower Clapton Road</td>
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<tr>
<td>Post code</td>
<td>E5 0PD</td>
</tr>
</tbody>
</table>

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

As churchwarden of St John at Hackney, the civic church of Hackney, located in central Hackney, surrounded by 10 acres of churchyard gardens.
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)

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

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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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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.
PP3 Hackney Central and surrounds

We support the Vision (4.20+ and the Strategic Principles (un-numbered paras between 4.27 and 4.28) for this area of which the church is a prominent part. However, we feel that more of the material in the Hackney Central Masterplan could be incorporated into the plan, given it is to be a statutory plan. In particular we consider that the masterplan proposals for resolving the future of the area around St Augustine’s Tower, the southern section of the Narrow Way and the new (un-named) square – and the links to Bohemia Place – all need to be brought into the plan. There is an opportunity for a cultural hub in this location, which could include resolving the unsatisfactory current use of the old Town Hall – and see our reps to HC1

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.

A new set of site-specific proposals should be included for the area, drawn from the Hackney Central masterplan.

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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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: John Parmiter  
Date: 7.1.2019
Hi,

I write to you in regards to the local plan to outline my disapproval of Hackney’s clear misalignment between their design principles in respect to green space, and their actions in respect to green space encroachment as evidenced by the Britannia Leisure Centre Redevelopment plan.

How is the council able to articulate a plan that emphasizes the need for replacement of green space with that of equivalent quality, yet continues to disregard this in the encroachment of over 700 square meters of green space next to Shoreditch park?

There is a level of ineptitude and disingenuousness reflected in this that is astounding.

I look forward to hearing how the council aims to address this.

Kian Poon
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.

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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>
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<th>Mr</th>
</tr>
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<tbody>
<tr>
<td><strong>First Name:</strong></td>
<td>Barry</td>
</tr>
<tr>
<td><strong>Last Name:</strong></td>
<td>Rankin</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Summix Capital Ltd</td>
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**Contact details:**

<table>
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<tr>
<th>Email:</th>
<th><a href="mailto:barry.rankin@summix.com">barry.rankin@summix.com</a></th>
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<td></td>
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<tr>
<td><strong>Address:</strong></td>
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<tr>
<td><strong>Post code:</strong></td>
<td>London W1J 6BU</td>
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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:

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<tr>
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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 Policy, as drafted, sets criteria that must be met when a tall building is proposed. The criteria states, at part Bii, that in respect of proposals for tall buildings: “the top of a tall building must enhance the skyline”. This wording is not in accordance with London Plan Policy 7.7 which states that tall buildings “should not impact on local or strategic views adversely”. Similarly, draft London Plan Policy D8 states that tall buildings should not adversely affect local or strategic views.

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.

It is proposed that the draft wording of part i) of Policy 1 should be revised to be in accordance with the London Plan as follows: “the top of a tall building must not impact the skyline adversely”.

In respect of part iii) of the policy it is proposed that this is expanded upon to make clear that public realm is not necessarily required to be located within development sites. It is proposed that the wording is revised to read as follows: “makes a positive contribution to the public realm, either on-site, or off-site in the locality”.

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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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 LP21 and its support for large scale purpose-built shared housing products, including co-living. We have the following comments to make on the policy in relation to the contribution of shared housing towards affordable housing requirements.

Criterion vi states that large scale purpose-built housing will only be permitted where “at least 50% of all units provided at rental levels which do not exceed one-third of ward-level incomes (excluding utility bills)”.

LP21 does not refer to the option of a financial contribution towards the delivery of off-site affordable housing, as per Policy 19 of the previous version of the Local Plan (Regulation 18 - November 2017).

In this context, it is noted that Policy H18 of the Draft London Plan requires large scale purpose-built shared housing schemes to provide a cash in lieu contribution towards conventional C3 affordable housing (the policy does not make reference to a discount market rent approach), as either an:

   a. upfront cash in lieu payment to the local authority, or
   b. in perpetuity annual payment to the local authority.

Therefore, so that the Hackney Local Plan is consistent with the draft London Plan, and to ensure shared housing schemes have flexibility to maximise their contribution towards mixed and balanced communities, we request that LP21 is updated to include the flexibility for shared housing to focus any subsidy available for affordable housing in one or both of the following ways:

1. A financial payment to the Borough to bring forward conventional affordable housing to meet the specific local needs, in accordance with Policy H18 of the Draft London Plan (2017); or
2. A discounted market rent approach.

The above proposed approach is consistent with paragraph 62 of the NPPF which states that where there is an identified need for affordable housing, policies should be set for meeting this need on-site, unless:

“Off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.”

Importantly, the level of financial contribution or rental discount needs to be subject to viability testing to take account of changing market conditions, build costs and individual site circumstances, in accordance with National Planning Policy Framework (Paragraph 122), the Planning Practice Guidance and the London Plan (Policy 3.12).

It is noted that Hackney’s Local Plan and Community Infrastructure Levy Viability Assessment (October 2018), which forms part of the evidence base for the Local Plan, does not appear to test the requirement in LP21 for at least 50% of units to be capped at one third of ward level incomes. We therefore welcome clarification from Hackney as to whether this level of discount has been tested in order to ensure the policy is realistic and deliverable, in accordance with national guidance on plan-making. We also request further clarity from officers regarding how ‘ward-level incomes’ will be defined and calculated, although we anticipate it will be related to household incomes. We look forward to discussing this further with officers.
Notwithstanding the above, LP21 needs to explicitly state that the requirement for affordable housing from shared housing products will be subject to viability – as per the wording of LP13 (Affordable Housing), which states that “the Council will seek the maximum reasonable amount of affordable housing, subject to viability and site context.”

Furthermore, Criterion vi notes that utility bills are excluded from the rental level cap. We support this as occupants of the shared living accommodation rooms would pay an all-in cost, including all utility bills, as well as council tax and other services over and above conventional C3 residential (i.e. gym membership, cleaning etc.). Accordingly, we request that the rental cap referred to in the policy also explicitly excludes council tax and services over and beyond conventional C3 residential.

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.

Based on the comments above, we request criterion vi of LP21 is updated as follows (suggested alterations in bold):

“Development involving the provision of new large-scale purpose-built shared housing comprising of at least 50 units will only be permitted if all of the following criteria are met:

vi. at least 50% of all units provided at rental levels which do not exceed one-third of ward-level incomes (excluding utility bills, council tax and services over and beyond conventional C3 residential), or an equivalent financial payment is made towards conventional C3 affordable housing, subject to viability.”

In the context of the above comments on LP21, we request that Part B of LP13 is updated to explicitly clarify that affordable housing requirements for shared housing will be sought in accordance with the approach set out in LP21.

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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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

| Yes | No |
4 January 2019

Our Ref: Commercial Development/LBH Reps/BH/PCP
Your Ref:

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

By email: planmaking@hackney.gov.uk

Dear Sir or Madam

Proposed Submission Draft Local Plan 2033, Regulation 19

Thank you for the opportunity to make representations in respect of the proposed submission (Regulation 19) version of the draft Local Plan 2033.

TfL is a significant land owner in the borough. Please note that our responses below represent the views of the Transport for London Commercial Development (TfL CD) planning team in its capacity as a significant landowner in the borough only, and do not form part of the TfL corporate response. Our colleagues in TfL Spatial Planning will provide a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.

TfL CD has made representations at previous stages of consultation and these are attached with this letter to assist the Council and Inspector:

- Draft Local Plan 2033 Consultation and ‘Call for Sites’: letter dated 13 December 2017 and call for sites forms (Ash Grove Bus Garage, Holywell Lane and Hackney Wick Bus Stand)
- Key challenges, issues and opportunities consultation: letter dated 14 December 2016

Some of the matters raised in these letters remain relevant to this Regulation 19 consultation.

Council Aspirations

TfL CD has had a number of meetings with Council Members¹ and senior officers² to discuss the Council’s aspirations for redevelopment of the Clapton Bus Garage and environs and the Leabridge roundabout, and potentially linked redevelopment of the Ash Grove Bus Garage.

¹ The Mayor, and Cabinet Members for Planning and Transport
² Including the Chief Executive (Tim Shields), Director of Strategic Property (Chris Pritchard), Head of Property Strategy & Projects (Peter Edwards), Head of Planning (Ian Rae) and Head of Streetscene (Andrew Cunningham)
In summary, the Council is promoting the redevelopment of Clapton Bus garage as a residential opportunity and to improve permeability, local linkages and public realm. It would like to relocate bus storage capacity principally to Ash Grove Bus Garage with, possibly, some additional storage at Leabridge roundabout.

**Clapton Bus Garage, Bohemia Place**: the bus garage is owned by Arriva and TfL has no ownership interests. TfL and Arriva do not consider that an operational case has been successfully made to completely shut down the Clapton Bus Garage. Until such a case has been made, TfL will require bus storage and operations to be retained there.

Although TfL does not have any ownership interests at this site, TfL CD has undertaken feasibility work to explore whether the site could be redeveloped to accommodate new homes within a mixed-use development which also provides a modern bus garage (probably with reduced capacity if an operationally acceptable alternative location for re-provision of bus parking can be found). The feasibility scheme, which has been shared with your Chief Executive, Tim Shields, reduces bus parking capacity from 100 to 70 spaces; the reduced footprint of the more efficient, modern facility frees up space on the site for c. 350 new homes, active frontages onto to the park and Bohemia Place, and improved permeability / linkages.

**Ash Grove Bus Garage**: the bus garage is owned by TfL and provides overnight storage for c. 200 buses operated by Arriva and HCT, together with fuelling, repairs and servicing, offices and staff training, and mess facilities. The garage was built in the early 1980s, operates at full capacity and is no longer fit for purpose due to poor access, layout, build and facilities. TfL is exploring options for re-providing the garage to meet current demands, including increased capacity, improved bus access / egress, provision for electric vehicles, and improved repairs and servicing facilities. The Council’s aspiration for the new garage to accommodate buses from Clapton Garage would require a significant increase in the footprint at Ash Grove. This could only be accomplished by acquiring adjoining land, which would have to include the Council-owned depot at 40-43 Andrew Road, and may need to include other adjacent land. A new bus garage could only be provided as part of a mixed-use scheme with revenue from new housing and commercial development paying the capital costs and potentially some of the running costs of the garage.

**Leabridge Roundabout**: TfL owns land at and around the roundabout and has been contacted by Council officers to discuss the potential for redevelopment. It is not clear at the present time whether there is an operational imperative for bus storage at this location.

The Council has said that it will prepare a masterplan for these three sites and TfL intends to work in partnership to investigate the operational, development and placemaking opportunities that this may provide.

**“Conditions for Growth”**

In the context of the Council’s aspirations, it is imperative for there to be a planning policy framework in place which, generally, *will create the conditions for growth* (as
referring to in draft Policy LP12) and, specifically, will deliver an appropriate type and scale of development on each of these sites. We consider that some aspects of the draft Local Plan, in its current form, do not provide such a framework. We would like to work with the Council in order to help to ensure that the new Local Plan can deliver the Council’s aspirations (as well as those of TfL and TfL CD) and that it is positively prepared, justified, effective and consistent with national policy (as well as adopted and draft versions of the London Plan) as required by the NPPF. We would welcome a meeting with Officers, at the earliest opportunity, to discuss what minor and major alterations could be made prior to the draft Plan being submitted for Examination.

**TfL CD Representations**

Given the importance of promoting appropriate, viable and deliverable development at the Ash Grove Bus Garage, and potentially linked development at Clapton Bus Garage and Leabridge roundabout, we deal with the relevant place-based (‘Places for People’) policies first: PP3 Hackney Central and Surrounds, and PP7 Clapton and Leabridge Roundabout. We follow this with representations on the relevant draft allocations for these sites and others in TfL ownership. We then address some of the general draft strategic and development management policies which affect TfL CD’s ability to develop and optimise the delivery of housing and jobs at Ash Grove and other land in its ownership in Hackney.

We note that place-based policies and site allocations were not included in the Regulation 18 consultation version of the draft Local Plan and, therefore, this Regulation 19 consultation is our first opportunity to make representations on these important matters.

**PP3 Hackney Central (p. 19)**

Hackney Central covers a relatively small part of the borough focussed on Mare Street. It encompasses Clapton Bus Garage at Bohemia Place, just to the north of Morning Lane.

The boundary of this area, as shown on the maps on p. 20 and 21, appears to extend only as far as Richmond Road to the south. It does not appear to include the Ash Grove Bus Garage or the adjoining Council-owned site at 40-43 Andrews Road, which is located over 900m south of Richmond Road. Therefore, either the maps are incorrect or it is an error that 40-43 Andrews Road is identified as a development opportunity within this area (p. 23). This must be clarified. **In any case, Ash Grove Bus Garage (in addition to adjoining 40-43 Andrews Road) must be identified as a development opportunity (for transport infrastructure, housing, retail and other commercial uses) within this or another suitable area.**

The **Strategic Principles** for Hackney Central (p. 22) include:

> “Potentially relocate Clapton Bus Garage (without compromising ongoing bus operations) to an alternative location such as Ash Grove and the Leabridge roundabout (see Place Policies for Clapton), freeing up a key town centre site for redevelopment and improving permeability throughout and arrival into the town centre.”
The case has not yet been made for relocation of all or part of the operations at Clapton Bus Garage. TfL’s agreement that Clapton is no longer needed for a bus garage is first required before development proposals could be realised. This must be acknowledged in the 3rd Strategic Principle and in the supporting text. The draft Plan must recognise and be consistent with Policy SPG 16 (Buses: garages, stations, passenger infrastructure, coaches) of the Mayor’s Land for Industry and Transport SPG (2012) which states:

“In implementing London Plan policies the Mayor will and boroughs, TfL and other partners should:

i) “Safeguard existing land and identify future requirements for additional land, for bus operations (including depot storage and maintenance) in agreement with TfL;

ii) “Resist the loss of any bus garage through redevelopment unless a suitable alternative site that results in no overall loss of capacity can be found in the immediately adjacent area, or TfL agrees formally that the particular facility is no longer required.” [Our emphasis]

We would suggest that the 3rd Strategic Principle is amended as follows (additions underlined):

“Subject to TfL agreement, potentially relocate all or part of the parking and operations at Clapton Bus Garage (without compromising ongoing bus operations) to an alternative location such as Ash Grove and the Leabridge roundabout (see Place Policies for Clapton), freeing up a key town centre site for redevelopment and improving permeability throughout and arrival into the town centre.”

If the Ash Grove Bus Garage is included in this area, reference must be made to the strategic development opportunity for this major site to provide improved transport infrastructure, new homes and jobs. We suggest an additional Strategic Principle:

“Encourage the redevelopment of Ash Grove Bus Garage and adjoining land to provide for increased capacity (potentially including relocation of some parking and operations from Clapton Bus Garage), improved bus access / egress and facilities, as part of a mixed-use development also providing new housing and commercial development adjacent and above.”

PP7 Clapton and Lea Bridge Roundabout (p. 37)

TfL’s comments and representations on the Leabridge Roundabout aspect of the draft Plan will be made by TfL Spatial Planning. TfL CD add that it looks forward to working with the Council to explore any opportunities for delivery of new homes and jobs on land it controls in this area.

In paragraph 4.66, it is said that the “key to improving this piece of Hackney is accommodating the buses elsewhere which take up so much of the opportunity space.”
This appears to contradict other sections of the draft Plan which identify Leabridge roundabout as a potential location for relocation of bus operations from Clapton Bus Garage. This discrepancy must be eliminated from the Plan in order to provide clarity on the Council’s aspirations for both Leabridge roundabout and Clapton Bus Garage.

PP8 Shoreditch and Hoxton (p. 41)

The TfL-owned site at Holywell Lane, E1 6LG (promoted by TfL CD in response to the Council’s ‘call for sites’ - please see our letter dated 13 December 2017 and accompanying ‘call for sites’ form), which is a vacant / underutilised, gap-in-the-townscape should be included as a Development Opportunity (for housing and/or commercial-led, mixed-use and repair of the townscape) in paragraph 4.78.

Site Allocation - HC10 - 40-43 Andrews Road and Ash Road [sic] Bus Garage (p. 192)

As currently worded, this draft allocation would not create the conditions required to deliver a new bus garage, including additional capacity to accommodate buses from Clapton Bus Garage, and nor would it optimise the development potential of the site. We suggest a number of revisions below to make the draft allocation more positive and effective, and consistent with the NPPF and adopted / draft versions of the London Plan.

This site allocation includes the Ash Grove Bus Garage and the title should reflect this (ie. replace “Road” with “Grove”).

The map and satellite image do not show the full extent of the bus garage site. The site allocation must include the full extent of the bus garage and should be drawn to extend as far as Bush Road to the north and to the railway lines to the east. Please see the OS plan attached to the Ash Grove Garage ‘call for sites’ form (included with these representations).

The emphasis of the allocation should be reversed to prioritise the bigger opportunity. Currently the allocation deals principally with the Council’s depot (40-43 Andrews Road); however, the strategic opportunity is for redevelopment of the bus garage. This could help to begin to unlock the Council’s aspiration for relocating buses from the Clapton Bus Garage.

In addition to the existing bus garage site, the Council depot would need to be brought into the site to increase capacity, and other adjoining land may also be required. Without this, it would not be possible to accommodate any buses from Clapton Bus Garage.

TfL CD’s initial feasibility work has indicated that a viable scheme for a site comprising the bus garage, 40-43 Andrews Road and other adjoining land could comprise:

- Larger bus garage to accommodate additional buses (up to 20% capacity increase).
- Provision for the parking, charging and fuelling of hybrid, electric and hydrogen buses, in line with the MTS commitment for a zero emissions fleet by 2037.
- State of the art maintenance and repair facilities, and improved administration and staff welfare.
- New access arrangements to minimise queuing on-street and reduce the potential for noise and disturbance to local residents.
- Delivery of c. 800 new homes including a high proportion of affordable housing (c. 40%).
- C. 2,000 m$^2$ of commercial development (Classes A1 – A4 and B1) on the lower floors and within adjacent railway arches.
- New public realm and landscape setting.

Currently the site is located within the Mare Street Priority Office Area (POA). Although TfL CD is likely to include an element of office floorspace within a mixed-use scheme, this can never be the predominant use as required by draft Policy LP27 (Protecting and Promoting Office Floorspace in the Borough). As the site is a major element of transport infrastructure which will be required into the foreseeable future, covering almost a whole street block, it is not appropriate for the POA policies to apply. In addition, the bus garage and the routes it supports is a major employer in the borough, but only a relatively small number of office jobs are provided (strictly ancillary to bus operations). Given the operational requirement to retain a bus garage at this site, office floorspace could not be the predominant use on the site and the draft designation for such could harm the prospects for redevelopment of this key element of public transport infrastructure. Therefore, the site (including 40-43 Andrews Road) should preferably be excluded from the Mare Street POA; alternatively, it should be made clear in the site allocation that it would not be appropriate for the POA policy to apply to this site.

The Allocation should be for re-provision of a new bus garage, together with new housing and commercial floorspace.

The Development Principles need to be rewritten to reflect the above and TfL CD would be keen to assist the Council in positively preparing this part of the Local Plan.

Options 1 and 2 should be switched to prioritise redevelopment of the bus garage. The option for redevelopment of the bus garage would need to be strengthened along the lines of:

"Create a larger bus garage, potentially incorporating 40-43 Andrews Road and other adjacent land, together with mixed-use development providing residential, including affordable new homes, and commercial (Class A1-A4 and B1) floorspace. The adjacent railway arches should be converted for employment (workspace use)."

The ‘indicative capacity’ for this site should reflect TfL CD’s initial feasibility work outlined above (ie. c. 800 new homes and 2,000 m$^2$ of commercial floorspace). We would also be interested to see the Council’s viability assessment in respect of this draft site allocation.
Site Allocation - HC1 – Clapton Bus Garage (p. 174)

TfL Spatial Planning and Arriva will make representations on this draft site allocation, from operational and ownership perspectives.

We reiterate our representation above that the case has not yet been made for relocation of all or part of the operations at Clapton Bus Garage. TfL’s agreement that Clapton is no longer needed for a bus garage is first required before development proposals could be realised. Therefore, the following text must be amended; we suggest:

“Subject to TfL’s agreement, there may be potential to relocate all or part of the parking and operations at Clapton Bus Garage site (without compromising TfL’s ongoing bus operations, including existing bus stand provision) to an alternative location, or reconfigure the site to facilitate the continuation and use of existing operations whilst achieving redevelopment aspirations.”

As has been made clear above, TfL and TfL CD are keen to work with the Council to explore acceptable, feasible and viable opportunities for development at this site and Ash Grove Bus Garage.

It would be prudent to include an option which includes re-provision of a bus garage on this site, together with new housing and commercial development. As stated above, TfL CD has been assessing the feasibility of such a scheme.

Other Site Allocations - HC12 - 230 Dalston Lane and Hackney Downs Station Entrance (p. 196)

TfL / Rail for London has a leasehold interest on part of this site and manages commercial lettings. We look forward to discussing this site with the Council and freehold owner (Network Rail) in due course.

Policies Map

The extent of the Ash Grove Bus Garage site should be shown correctly – it should be drawn to extend as far as Bush Road to the north and to the railway lines to the east.

Policy LP1 Design Quality and Local Character (p. 56)

We generally support the high design standards promoted in paragraph A. However, we are concerned that the requirement for development to meet all of the i – xvii criteria sets the bar so high that no development would ever be permitted under this policy. This policy should be reworded so that it promotes high design standards without completely inhibiting development.

TfL CD notes the changes the Council has made to paragraph B in respect of Taller Buildings in response to our previous representations.

TfL CD has strong concerns in respect of the following paragraph 5.6 definition:
“In Hackney tall buildings are defined as those which are taller than their neighbours or which significantly change the skyline.”

This definition only takes into account the context provided by immediately adjoining buildings; it fails to take into account the wider context and character of an area. This unclear and unhelpful definition must be rewritten in order to properly define, in planning and townscape terms, what is a tall building.

The following reference, later in the same paragraph, should be deleted: “… in an area characterised by buildings of two storeys, buildings taller than three storeys might be considered tall”. This is confusing and is not what is meant by for eg. Policy D8 (Tall Buildings) of the draft London Plan.

LP4 Non Designated Heritage Assets (p. 63)

This policy must be amended to reflect circumstances in which the public benefits of a scheme would outweigh the loss of undesignated heritage assets. We suggest the following:

“A. Development proposals affecting non-designated heritage assets should conserve, reveal and enhance the significance of the assets and their settings. Loss of non-designated heritage assets will take into account the significance of the undesignated asset and will only be supported where the benefits (including public benefits) of a development outweigh the scale of harm or loss to the undesignated heritage asset.”

This would bring the draft Policy into line with national planning policy (eg. NPPF paragraph 197).

LP13 Affordable Housing (p. 77)

We reiterate our suggestion that the affordable housing target should be expressed in terms of habitable rooms (as opposed to units) in order to encourage developers to provide a mix of unit sizes to meet local needs (ie. including larger sized family units). This approach is supported by the Mayors SPG Homes for Londoners – Affordable Housing and Viability, 2017 (paragraph 2.8) and the draft London Plan (paragraph 4.6.3).

LP27 Protecting and Promoting Office Floorspace in the Borough (p. 97)

Development at Ash Grove Bus Garage will substantially increase the employment opportunities supported on the site, not only by expanding the size and capacity of the garage, and improving the facilities, but also by providing a range of other independent workspaces, retail and food and drink floorspace as part of a sustainable mix of uses on the site. For viability reasons, to deliver the new bus garage facility, it will be necessary for a substantial amount of new housing development to also be provided as part of the development. If the POA policies (eg. LP27 C requiring at least 50% of the overall new floorspace on the site to be B1 use class; and LP27 G requiring affordable and low cost industrial floorspace) are imposed in respect of this site, it would not be
possible to provide a new bus garage facility. For this reason, and also the exceptional circumstances relating to the long-term retention and operation of this substantial existing transport infrastructure, the Ash Grove Bus Garage and adjoining land must be excluded from the POA policy requirements in order to assist delivery of the new bus garage and also help to facilitate redevelopment of Clapton Bus Garage (please also see above).

LP30 Railway Arches (p. 104)

The wording of this policy remains unchanged from the Regulation 18 draft version of the Local Plan. Our representations in respect of the policy and supporting text remain as set out in our letter of 13 December 2017 (pages 4 and 5).

Concluding Remarks

We hope that these representations are helpful and we look forward to working with the Council over the coming years to deliver high quality, transport / housing-led, mixed use schemes to meet needs in the borough. If you need any further information or would like to discuss any of the issues raised in our representations, please do not hesitate to contact me or my colleague Patricia Cazes-Potgieter.

Yours faithfully

Brendan Hodges | Principal Commercial Planner
TfL Commercial Development

Tel: 020 3054 8146
Mob: 07710 852864

cc.
Patricia Cazes-Potgieter – Commercial Development Planning Manager, TfL
Richard Carr / Spatial Planning, TfL
Conor Brady –
Peter Elliot – Head of Property Development, TfL Property Development
Tom Burnage – Senior Property Development Manager, TfL Property Development
Rosa McShane - Senior Transport Planner, TfL bus services planning
Do you know of any sites or areas suitable for development? If so, please give us details by completing the tables below and returning it to us.

### Site details

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<tr>
<th>What is the address or location of the site?</th>
<th>Holywell Lane, London E1 6LG (TfL ref: NEW142)</th>
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<tr>
<td>How big is the site? If possible in sq metres?</td>
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<td>What is current or last use if vacant?</td>
<td>Car park</td>
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### Proposals / Intentions

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<tr>
<th>Suggested Use(s)</th>
<th>Mixed use with retail or other active use to ground floor, office and residential above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suggested type and scale of development i.e. new build 30 flats, refurbish, change of use, extension.</td>
<td>New build mixed use building with floorspace and dwelling numbers to be confirmed</td>
</tr>
</tbody>
</table>

Please indicate your interest in this site; and give details (name and address) of the owners / agents if known:

Transport for London, Commercial Development, 3rd Floor, Wing Over Station, 55 Broadway, London SW1H 0BD

Interest: Freeholder / Leaseholder / Potential Developer / Other... The site is owned by TfL and/or associated entities

Owner/s (freeholder)/ agents... Brendan Hodges / Conor Brady...
13 December 2017

Our Ref: Commercial Development/LBH Reps/ BH/PCP

Your Ref:

Hackney Council
Plan Making
Hackney Service Centre
1 Hillman Street
E8 1DY

By email: planmaking@hackney.gov.uk

Dear Sir or Madam

Draft Local Plan 2033 Consultation and ‘Call for Sites’

Thank you for the opportunities to submit sites for potential development and to comment on the draft Local Plan 2033.

TfL is a significant land owner in the borough. Please note that our responses below and attached represent the views of the Transport for London Commercial Development (TfL CD) planning team in its capacity as a significant landowner in the borough only, and do not form part of the TfL corporate response. Our colleagues in TfL Borough Planning will provide a separate response, to this consultation, in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.

Call for Sites

TfL CD wishes to promote a number of sites within the borough, which are owned by TfL and associated entities, for transport and / or housing-led, mixed-use development. These are predominantly sites adjacent to public transport hubs and / or in town centre locations where development should be optimised to provide significant amounts of new housing (and which will include high proportions of affordable housing). These sites are available, developable and deliverable, and have the potential to come forward during the Plan period, mostly within the next five years. They, therefore, represent a significant contribution towards achieving the borough’s housing target and sustainable development across the borough.

The sites are:

1. Ash Grove Bus Garage, E8
2. Land at Holywell Lane / Shoreditch High Street, E1
3. Hackney Wick Bus Stand, Eastway, E9

We have completed a form for each site (attached) and would welcome discussions with the Council in respect of their development potential.

In addition, TfL CD is discussing, with the LLDC and GLA, the future development potential of the Bartrip Street site located to the north of Wick Road, E9 (plan attached, ref: NEW081). This site will be promoted by TfL CD via the emerging update to the LLDC Local Plan in due course.

Draft Local Plan 2033

Chapter 1 - Introduction

In general, TfL CD supports the Council’s Vision and particularly the aspirations for growth and ensuring that the whole community benefits from this. Through the housing-led, mixed-use development of our sites in the Borough, TfL CD will help the Council realise its vision for residents to have access to decent, stable and genuinely affordable housing that meets local needs, and also access to high quality employment in a range of sectors [paragraphs 1.12 and 1.13].

We support the focus for growth being the town centres, high streets and employment hubs [paragraphs 1.15 – 1.19] and key rail / transport corridors [paragraphs 1.20 – 1.21] as these are the most accessible / sustainable locations for higher-density housing-led development.

Chapter 2 - Protecting and Enhancing Heritage and Leading the way in Good Urban Design

The Council recognises that pressures for growth are leading to a demand for higher density development throughout the Borough [paragraph 2.1]. The Mayor has recently launched his new draft London Plan which promotes densification of housing development near stations and other public transport hubs. This push for higher density near to transport infrastructure should be reflected in Policy 1 – Design Quality and Local Character in accordance with the growth strategy.

In respect of part B of this policy, there is a strong ‘placemaking’ argument in favour of tall buildings at and close to public transport hubs. This maximises density in the most accessible / sustainable locations and, therefore, optimises housing provision in the Borough. It can also provide a landmark which aids wayfinding and promotes the use of public transport. This should be recognised in part B of Policy 1.

We consider that paragraph Biii of Policy 1 should be deleted or reworded as all buildings create a shadow and therefore have potential to overshadow public
spaces. In its present form, the condition would unnecessarily (and presumably unintentionally) prevent development around public spaces.

**Chapter 4 - Meeting Hackney’s Housing Need**

TfL CD applauds the Council’s aspiration to deliver up to 30,000 new homes between 2018 and 2033 and increase the supply of genuinely affordable housing [Policy 10 – Housing Supply]. To do so, it will be necessary to optimise brownfield redevelopment opportunities, including densification of housing development near stations and other public transport hubs (see above). This should be incorporated in Policy 10, paragraph B as an important component of housing supply.

In addition, to meet the housing target, the Council will need to consider other sources of housing supply. Recognising the need to provide protection for employment land and floorspace capacity in the Borough, this could include the co-location of new housing development with employment activities (most likely retained on the lower floor/s). There are also similar opportunities for the co-location of housing development with transport infrastructure eg. ‘over station development’ at railway and bus stations and depots. This highly sustainable form of development would optimise developments and help the Borough to achieve important objectives for both housing and employment provision. Policy E7 of the Draft London Plan addresses this issue.

We support the Policy 11 – Affordable Housing objective to maximise opportunities to supply genuinely affordable housing. The Mayor requires TfL CD to deliver 50% affordable housing (by habitable rooms) across our portfolio of development sites, amounting to more than 5,000 new affordable homes across London by 2021. We would suggest that consideration is given to relating your 50% target to habitable rooms (as opposed to units) in order to encourage developers to provide a mix of unit sizes to meet local needs (ie. including larger sized family units).

We also support inclusion of Policy 13 – Build to Rent (BtR) in order to encourage the provision of good quality, well managed private rented housing to meet local needs. To ensure the delivery of affordable housing in association with BtR, we suggest that consideration is given to specifying the affordable housing tenure in accordance with paragraphs 4.20 – 4.29 of the Mayor’s SPG ‘Homes for Londoners’ ie. the affordable housing offer could be entirely discounted market rent (DMR) with a preference for lettings at London Living Rent levels. The Mayor is seeking city-wide consistency in the approach to affordable housing provided in association with BtR developments [paragraph 4.23 of ‘Homes for Londoners’].

TfL CD is currently considering the implications of other draft housing policies on the delivery of various tenures on our land within the borough. We have
ongoing liaison within the GLA family in respect of this and will revert to you again with additional representations when our discussions have concluded.

**Chapter 5 - A Strong and Competitive Economy which Benefits All**

Please see our comments above in respect of co-locating new housing development with employment activities. The Council may consider it appropriate to also make reference in this chapter.

TfL CD lets railway arches throughout the borough and recognises the valuable and enduring contribution that this makes to provision of industrial, storage and other workspace to local SMEs. It is also an important source of revenue for TfL, which is invested into public transport infrastructure and operation. TfL CD will maintain employment floorspace within its arches, and increase it where it is feasible to do so (through refurbishment and extension).

We therefore appreciate the support given in Part A of **Policy 27 - Railway Arches** to the proposed use of railway arches for industrial and office development. We suggest that this policy should also enable consideration of retail and / or food and drink uses, particularly at railway arches located in town centres, where it can be demonstrated that there is no reasonable prospect of the premises continuing in an industrial or office use. Retail and food and drink uses are suitable in town centres, serve local residents and businesses, contribute to local character and place-making, provide active frontages and can deliver a higher employment density than traditional Class B work / storage uses.

We consider that part B of Policy 27, which relates to redevelopment of railway arches, duplicates support elsewhere in the Draft Plan for existing affordable and low cost workspace (eg. Policy 26). Furthermore, we consider that, as presently worded, it is likely to be infrequently applied as:

i) Railway arches are an integral part of railway infrastructure and are unlikely to be the subject of major redevelopment\(^1\) over the lifetime of the Local Plan.

ii) Redevelopment or other major works affecting railway arches are likely to be undertaken as ‘permitted development’ under the provisions of Schedule 2, Part 8, Class A\(^2\) of the T&CP General Permitted Development Order (GPDO) 2015. Part A of the policy would then apply to any new Class B floorspace sought within new arches.

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\(^1\) This is not defined in the Draft Plan Glossary and we therefore interpret this in line with the Oxford English Dictionary meaning in connection with construction: “Construction of new buildings in an urban area, typically after demolishing the existing buildings”.

\(^2\) Railway or light railway undertakings
iii) More modest refurbishment within railway arches would not require planning permission (subject to there being no material change of use).

iv) Many external alterations, including extensions, could be argued to benefit from permitted development rights under Schedule 2, Part 7, Class H³ of the GPDO.

Local Plan policies would not apply in these circumstances.

In the limited number of cases where the policy might apply, we have the following concerns in respect of the requirements for “low cost employment floorspace” (which is not defined; the supporting text also refers to “relatively cheap accommodation”) to be reprovided “in perpetuity, in terms of rents and service charges, for these existing uses, subject to scheme viability, current lease arrangements, and the desire of existing businesses to remain on-site”:

i) TfL CD considers this to be inflexible and that it goes beyond the Draft London Plan requirements set out in Policies E2 and E3 which, for example, would enable changes of use of B1 floorspace in defined circumstances, including where it can be demonstrated that there is no reasonable prospect of the site being used for business purposes.

i) This part of the policy, in the opinion of TfL CD, goes beyond appropriate development management and seeks to introduce an inappropriate control over rents and tenants beyond the statutory controls. Instead the policy should be re-drafted to enable the Council to seek S106 obligations in appropriate defined circumstances. Policy E3 of the Draft London Plan suggests that it might be appropriate to seek affordable workspace via planning obligations in respect of: a specific social, cultural or economic development purpose.

iii) TfL CD considers the “in perpetuity” reference to be unduly and inappropriately restrictive. The Local Plan must recognise that future physical development or change of use of any site should be determined in accordance with adopted Local Plan policies and other material considerations which apply at the time of application.

These representations also apply to part B of Policy 26.

As presently drafted, we consider these policies could provide a disincentive for upgrading and improving this type of business accommodation. TfL would welcome the opportunity to meet the borough in order to discuss how we can help you to provide affordable workspace.

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³ The erection, extension or alteration of an industrial building or a warehouse
Chapter 7 - Improving Accessibility and Promoting Sustainable Transport

TfL CD supports the **Policy 37** concept for **Liveable Neighbourhoods** and particularly measures to encourage walking and cycling, reduce on street car parking and promote ‘healthy streets’.

We also support **Policy 39 – Transport and Development** and especially the requirement that new development “reduces the need to travel and encourages high-density and high-trip generating development around transport nodes and highly accessible areas”.

Concluding Remarks

We hope that these representations are helpful and we look forward to working with the Council over the coming years to deliver high quality, housing-led, mixed use schemes to meet needs in the borough. If you need any further information or would like to discuss any of the issues raised in our representations, please do not hesitate to contact me or my colleague Patricia Cazes-Potgieter.

Yours faithfully

Brendan Hodges  
Principal Planner, Commercial Development  
Transport for London

cc.
Patricia Cazes-Potgieter – Commercial Development Planning Manager, TfL  
Cameron Wallace – Town Planner, TfL  
Kelly Lopez – Development Manager, TfL Commercial Development
Dear Sir/Madam,

RE: London Borough of Hackney Local Plan 2033 Consultation

Thank you for consulting Transport for London (TfL) on the Local Plan 2033 Consultation. The following comments represent the views of officers in Transport for London Commercial Development Property Team (TfL Property) in its capacity as a significant landowner and it does not form part of the TfL corporate response. Our colleagues in TfL Planning will provide a separate view as part of the GLA response, regarding TfL wide operational and planning/policy matters.

TfL Property recognises that this plan is in its early forms and this consultations role is to develop a vision for Hackney and any opportunities for change. TfL Property supports development on previously development land and the intensification of areas within the Borough towards Borough-Wide objective of making better use of housing land.

### Housing Growth

TfL Property supports the delivery of homes within Hackney to meet local need, and as part of this consultation response have identified two potential sites for development, listed below. TfL Property have recently reviewed our entire portfolio of land and the sites we have included within this consultation response have been identified with the potential to come forward for residential or mixed use development, they therefore may aid in meeting the Boroughs 29,886 homes needed by 2033 (pg3 Local Plan 2033 Introducing Hackney A Place for Everyone)

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<td>Bus Garage</td>
<td>Mixed use residential led development, including retained reconfigured bus garage</td>
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<tr>
<td>Hackney Wick Bus Stand</td>
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<td>Bus stand</td>
<td>Residential development</td>
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We would welcome discussions with the London Borough of Hackney on these sites and their development potential, in addition to any further consultation as part of the emerging Local Plan. Should you have any queries in the meantime please do not hesitate to call me 020 3054 4739.

Yours sincerely

Polly Barker
Planning Advisor, Commercial Development

Cc:
Patricia Cazes-Potgieter, Planning Development Manager, Commercial Development
Do you know of any sites or areas suitable for development? If so, please give us details by completing the tables below and returning it to us.

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<tbody>
<tr>
<td>Suggested type and scale of development i.e. new build 30 flats, refurbish, change of use, extension.</td>
<td>TfL is considering the feasibility of developing this site and considers that it may have the capacity for circa 400-450 new homes co-located above a reconfigured bus garage, including a policy-compliant quantum of affordable housing.</td>
</tr>
</tbody>
</table>

Please indicate your interest in this site; and give details (name and address) of the owners / agents if known:  
Transport for London, Commercial Development, 3rd Floor, Wing Over Station, 55 Broadway, London SW1H 0BD

Interest: Freeholder / Leaseholder / Potential Developer / Other .................................................................

The site is owned by TfL and/or associated entities

Owner/s (freeholder)/ agents  Brendan Hodges / Conor Brady .................................................................
Do you know of any sites or areas suitable for development? If so, please give us details by completing the tables below and returning it to us.

<table>
<thead>
<tr>
<th>Site details</th>
<th>Hackney Wick Bus Stand, Eastway London E9 5JA (TfL ref: NEW157)</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the address or location of the site?</td>
<td>Hackney Wick Bus Stand, Eastway London E9 5JA (TfL ref: NEW157)</td>
</tr>
<tr>
<td>How big is the site? If possible in sq metres?</td>
<td>0.1 ha</td>
</tr>
<tr>
<td>What is current or last use if vacant?</td>
<td>Bus stand</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposals / Intentions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Suggested Use(s)</td>
<td>Housing</td>
</tr>
<tr>
<td>Suggested type and scale of development i.e. new build 30 flats, refurbish, change of use, extension.</td>
<td>Circa 10-15 flats</td>
</tr>
</tbody>
</table>

Please indicate your interest in this site; and give details (name and address) of the owners / agents if known:

Transport for London, Commercial Development, 3rd Floor, Wing Over Station, 55 Broadway, London SW1H 0BD

Interest: Freeholder / Leaseholder / Potential Developer / Other

The site is owned by TfL and/or associated entities

Owner/s (freeholder)/ agents Brendan Hodges / Conor Brady

Have your say
Dear Sir/Madam,

Re: Hackney Local Plan 2033

Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL’s role as a transport operator and highway authority in the area. These comments also do not necessarily represent the views of the Greater London Authority (GLA). A separate response has been prepared by TfL Property to reflect TfL’s interests as a landowner and potential developer.

Thank you for giving Transport for London (TfL) the opportunity to comment on the Hackney Local Plan 2033. We welcome the aspiration of the draft local plan to support growth while enabling people to get around by walking, cycling and public transport. In particular we welcome the approach set out in the draft local plan to reduce car use and that development must be car-free. TfL will continue to work with the Council to ensure that new development enables people to travel by walking, cycling and public transport.

The draft London Plan was published in December 2017 and was open for public consultation until March 2018. Following the consultation, a revised draft was published in August 2018 showing Minor Suggested Changes made in response to consultation comments. The draft London Plan is a material consideration in assessing local policy and determining planning applications.
TfL is sponsoring a number of street improvements in Hackney, and will continue to work with the Council on developing these schemes. TfL will continue to work with Hackney to develop improvements at Dalston Junction as part of the Healthy Streets Approach. We encourage the Healthy Streets ‘wheel diagram’ (see Appendix B) to be included in the Hackney Local Plan to fully embed the Healthy Streets Approach into planning decisions in the borough.

The draft local plan sets out policies that support the development of new cycle routes across the borough. TfL will continue to work with Hackney on developing designs for new cycle routes from Camden to Tottenham Hale, Lea Bridge to Dalston, and Hackney to Isle of Dogs. We support proposals to enhance walking and cycling connections to neighbouring boroughs as set out in PP5 Enhanced Corridors.

TfL is currently considering Hackney Council’s response to our recent consultation on the Central London Bus Services Review and will publish the outcome in 2019. We support the Council’s plan to submit a January bid to the GLA Homebuilding Capacity Fund seeking approximately £250,000 for exploratory analysis of bus operations and network development in and around Ash Grove, Clapton and Lea Bridge Roundabout bus facilities, with the objective of maximising housing delivery.

Redevelopment of Lea Bridge Roundabout should improve the bus passenger experience, for example through:

- The provision of adequate space on the highway to facilitate the bus service, including space for high quality stops, shelters, and standing space. Wherever possible, standing will be located to avoid negative impacts upon the surrounding area;
- Streetscape and highway engineering measures to improve bus journey times and reliability, such as general bus priority and in particular the central London Bus Priority Grid;
- The simplification of the bus network, where possible, with frequencies adjusted to provide sufficient capacity to meet changing levels of demand.

We are pleased that Crossrail 2 remains supported in the Hackney Local Plan 2033, and in particular that the spatial objectives of the draft local plan support regeneration benefits and opportunities that come from Crossrail 2. We recognise that the draft text has been amended following our previous comments at Regulation 18 stage.

We have set out a number of comments and proposed changes on the following pages which we hope are helpful. We look forward to continuing to work together in drafting the final document and are committed to continuing to work closely with the GLA to deliver integrated planning and make the case for continued investment in transport capacity and connectivity to enable Good Growth.
Sincerely,

Josephine Vos | Acting Manager
London Plan and Planning Obligations team | City Planning
Email: josephinevos@tfl.gov.uk
## Appendix A: Specific suggested edits and comments from TfL on the Hackney Local Plan 2033

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
<th>Track change/comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.6</td>
<td>3</td>
<td>Please amend mentions of “Crossrail2” to “Crossrail 2”</td>
</tr>
<tr>
<td>Figure 2</td>
<td>5</td>
<td>Please add a reference to this figure to provide clarity on forecast growth of passenger interchange at stations.</td>
</tr>
<tr>
<td>Objectives</td>
<td>8</td>
<td>Objective 6 – please include a reference to the role of streets in enabling people to walk and cycle and as an essential element of creating liveable and accessible neighbourhoods.</td>
</tr>
<tr>
<td>PP1 Public Realm</td>
<td>12</td>
<td>Please include a reference to putting the community at the heart of multi-functional shared public space for uses of all ages. See TfL’s Small Change, Big Impact guide to changing London’s public spaces: <a href="http://content.tfl.gov.uk/small-change-big-impact.pdf">http://content.tfl.gov.uk/small-change-big-impact.pdf</a>.</td>
</tr>
<tr>
<td>PP5</td>
<td>29</td>
<td>TfL requests clarity on what is intended by “improved legibility of stations along these corridors”.</td>
</tr>
<tr>
<td>n/a</td>
<td>31</td>
<td>The key in the figure on page 31 differs from that on page 49. The former has yellow points referring to “public realm opportunity” while the latter has yellow lines referring to “potential public realm improvements”. Consistency across keys would be helpful in achieving good public realm outcomes.</td>
</tr>
<tr>
<td>PP9</td>
<td>47</td>
<td>The section dealing with the area around Manor House only makes passing reference to the station. Significant design work was undertaken in the early 2000s to develop a step-free access scheme; however, this was never progressed further owing to the scheme’s complexity, high cost and disruption to the road junction. Nevertheless, this project could warrant being revisited, especially given the high level of interchange at this location and the fact that the draft local plan refers to wanting to make this area “accessible to all”.</td>
</tr>
<tr>
<td>4.85</td>
<td>50</td>
<td>This section references Dalston, but the chapter is on Manor House. Please clarify whether the associated diagram refers to Dalston or Manor House.</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
<td>Track change/comment</td>
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<tr>
<td>PP10</td>
<td>51</td>
<td>This section on Homerton is less detailed than the Places for People sections for other sub-areas. TfL requests greater clarity in setting out barriers to walking and cycling movement and how integration of the high street with public transport could be improved. This is particularly important given the regional importance of the nearby hospital as a significant destination.</td>
</tr>
<tr>
<td>5:3</td>
<td>55</td>
<td>TfL supports the guiding principles of ‘reinforce, repair, reinvent’ in achieving a high quality of design for buildings and public realm.</td>
</tr>
<tr>
<td>LP1</td>
<td>56</td>
<td>LP1 – it is important that development supports delivery of the Healthy Streets Approach. New buildings must contribute to successful streets for example through ensuring that microclimate and shade is appropriate at street level so as to support place and active travel functions. The Healthy Streets Approach should be embedded throughout LP1.</td>
</tr>
<tr>
<td>LP2</td>
<td>58</td>
<td>The Healthy Streets Approach should be embedded into LP2. Please consider including the Healthy Streets ‘wheel diagram’ in this or other policies to ensure that the Healthy Streets Approach is embedded in all development.</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (i) – Please amend text: “Create an environment where people actively choose to walk and cycle as part of everyday life, including by improving access to open space and town centres.”</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (ii) – Please amend text: “Reduce the dominance of private motor vehicles cars both in terms of traffic and congestion on our roads and managing excessive car parking on our streets.” The dominance of cars extends beyond the private car, and also encompasses taxis, private hire vehicles and car clubs, including electric and hybrid versions. The dominance of all of these types of cars should be reduced, including managing related on-street and off-street parking.</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (iii) – Please amend text: “Contribute to the Healthy Streets approach to improve air quality, reduce manage congestion and make Hackney’s diverse communities become greener, healthier and more attractive places in which to live, play and do business.”</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (iv) – Please amend text: “Contribute to a safe reducing road environment danger where traffic accident casualties are steadily reduced and reducing deaths and serious injuries, supporting Vision Zero objectives.”</td>
</tr>
<tr>
<td>Section</td>
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<td>Track change/comment</td>
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</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (vii) – TfL requests clarity on this policy, and specifically how development will reduce people’s exposure to transport-related pollution.</td>
</tr>
<tr>
<td>LP41</td>
<td>126</td>
<td>LP41 B (ix) – This policy should clarify how new development will support permeability, including how development of larger sites should be expected to create new 24-hour access streets to improve permeability.</td>
</tr>
<tr>
<td>LP41</td>
<td>127</td>
<td>LP41 10.3 – The supporting texts states that ‘Reducing car use and promoting active travel also contributes to the Hackney Health and Wellbeing Strategy priority to reduce childhood obesity’. This is the first reference to ‘reducing car use’ in this Chapter. Reducing car use needs to be more explicitly introduced and incorporated in the policy text under LP41 rather than this brief mention in the policy’s supporting text.</td>
</tr>
<tr>
<td>LP41</td>
<td>127</td>
<td>LP41 10.4 – Please amend text: “[...] and to continue to reduce the need for private car use”. Car use encompasses more than private cars. Taxis, private hire vehicles, and car clubs must also be covered when referring to reducing car use.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>TfL would encourage Hackney Local Plan policy to support development that enables sustainable travel among vulnerable or marginalised communities, for which there are particular barriers to walking and cycling.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 – TfL supports this policy which prioritises walking and cycling in Hackney. Part of promoting sustainable transport involves rebalancing how streets are used by different modes. The policy provides greater clarity, however, on how a better balance can be achieved in practice, for example by restricting motorised traffic, reducing car parking, and maximising permeability for active travel modes. The phrasing and terms used in this policy need to be made clearer in order to avoid ambiguity, which could lead to the spirit of the policy not being followed.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 B (i) – Please clarify what is meant by “high quality safe road crossings”.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 B (iii) – The Healthy Streets Approach and the Mayor’s Transport Strategy make clear that streets are not only for pedestrian movement, but also function as places where people want to spend time and engage in various activities. Streets make up 80 per cent of London’s public space and should be designed in line with the Healthy Streets Approach, which provides the framework for putting human health and experience at the heart of planning the city. The policy should refer to the various functions of streets beyond simply their movement function.</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
<td>Track change/comment</td>
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<tr>
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</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 C (iii) – Please clarify what is meant by “an adequate level of parking suitable for accessible bicycles, tricycles and cargo bikes”. This needs to define what is meant by “adequate”. Minimum cycle parking standards should be at least equal to those set out in Table 10.2 of the draft London Plan.</td>
</tr>
<tr>
<td>LP42</td>
<td>127</td>
<td>LP42 10.4 – Please include a reference in this section of the supporting text for policy LP42 to the recently published TfL Cycling Action Plan.</td>
</tr>
<tr>
<td>LP42</td>
<td>128-129</td>
<td>TfL supports the inclusion of this supporting text. In particular this links well with future cycling routes in Hackney.</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 C – Please amend text: “Major development proposals are required to include the submission of either a Transport Assessment and Travel Plan, or a Transport Statement and Local Level Travel Plan, in accordance with the London Borough of Hackney thresholds and TfL’s latest online guidance”</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 D (i) – This comment refers to both bullet points labelled as (i) under policy LP43 D. TfL supports the mitigation of adverse impacts of development on capacity of transport infrastructure, public transport services, footways and cycle routes. There needs to be greater clarity between this policy element, and that which sets out that “new development will only be permitted where it […] encourages high-density and high-trip generating development around transport nodes”.</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 D (iii) – Please amend text: “Minimises the demand for private car trips, and enables new residents to make journeys by active modes and public transport”.</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 D (iv) – Please amend text: “The transport and environmental impacts of development construction must be minimised and mitigated through Constructions and Logistics Plans (CLPs) produced in accordance with TfL’s latest online guidance, incorporating adherence to the Construction and Logistics Community Safety Scheme (CLOCS) and the Freight Operator Recognition Scheme (FORS)”</td>
</tr>
<tr>
<td>LP43</td>
<td>129</td>
<td>LP43 D (v) – TfL requests greater clarity on deliveries and servicing, which give rise to some of the most significant transport challenges for new development, particularly development on constrained sites.</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
<td>Track change/comment</td>
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<td>---------</td>
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</tr>
<tr>
<td>LP44</td>
<td>130</td>
<td><strong>LP44 A</strong> – Please amend text: “Protect existing and proposed transport infrastructure, particularly routes for walking, cycling and public transport, from removal or severance which could compromise their use or operation. Development should aim to reduce severance by creating new walking and cycling routes through development sites. Proposals which are contrary to the safeguarding of strategic infrastructure improvement projects, including Crossrail 2 will be refused.”</td>
</tr>
<tr>
<td>LP44</td>
<td>130</td>
<td><strong>LP44 D</strong> – TfL does not consider car clubs a sustainable transport mode. They are only appropriate when delivered in conjunction with an overall reduction in parking or other effective demand management measures. Electric vehicle charging infrastructure should only be installed where there is no negative impact on walking, cycling and public transport modes or on the street environment. Please amend the policy to reflect this.</td>
</tr>
<tr>
<td>LP45</td>
<td>130</td>
<td><strong>LP45 A</strong> – TfL supports policy LP45 A, which states that all new development in Hackney must be car-free.</td>
</tr>
<tr>
<td>LP45</td>
<td>131</td>
<td><strong>LP45 B</strong> – TfL considers the exceptions to car-free development set out in policy LP45 B too generous. Policy LP45 B (iii) in particular could allow for many exceptions which would undermine car-free development. Where there is an “an overall package of measures improving legibility, including walking and cycling routes, and making improvements to the public realm”, there is even less need to re-provide car parking spaces. We request that greater clarity is provided for policy LP45 B, emphasising that parking should only be re-provided in exceptional situations, and even then only as a last resort after walking, cycling and public transport improvements have been maximised.</td>
</tr>
<tr>
<td>LP45</td>
<td>131</td>
<td><strong>LP45 F</strong> – TfL does not consider car clubs a sustainable transport mode. Policy LP45 F, which requires all major residential developments to contribute towards the expansion of the local car club network, therefore does not encourage sustainable transport modes and is not car-free development. The draft London Plan sets out that all residential development in the Central Activities Zone, inner London Opportunity Areas, Metropolitan and Major Town Centres, and inner London areas of PTAL 4-6 should be car-free. In areas where the draft London Plan maximum car parking standard is not car-free, any parking may be provided by car clubs. TfL requests that policy LP45 F is altered or removed. TfL officers would be happy to discuss this in person.</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
<td>Track change/comment</td>
</tr>
<tr>
<td>---------------</td>
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<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Site D2</td>
<td>204</td>
<td>If a new station is to be brought forward at Dalston as part of Crossrail 2, it is envisaged that works would be required to the existing Dalston Kingsland station. We support Site Allocation D2 and proposed improvements to the station, and we recognise that it is located within the Limits of Safeguarding as set out in the 2015 Crossrail 2 Safeguarding Directions.</td>
</tr>
<tr>
<td>Sites D3 and D5</td>
<td>205 and 207</td>
<td>As referenced within the text for Site Allocations D3 and D5 these sites contain land that is currently Safeguarded for Crossrail 2 worksites. We support Hackney’s recognition that this is safeguarded. We note reference to a proposed Supplementary Planning Document which will provide further guidance on the development principles and request that we are engaged from an early point to ensure development opportunities are optimised. We suggest amending the text for Site Allocation D3 to delete “maximising the provision of genuinely affordable new homes” given that Policy LP13 Affordable Housing already seeks to maximise opportunities to supply genuinely affordable housing on all sites.</td>
</tr>
<tr>
<td>Site SHX3</td>
<td>221</td>
<td>Site allocation SHX3 Eagle Wharf Road is located outside the Limits of Safeguarding as set out in the 2015 Crossrail 2 Safeguarding Directions. This site was identified as a potential location for a shaft in 2015; however, in the event that powers to deliver Crossrail 2 are approved, this site could be required to deliver and/or construct the Crossrail 2 scheme. We therefore suggest that Hackney continues to engage with Crossrail 2 around how this site could be required.</td>
</tr>
<tr>
<td>Appendix 3</td>
<td>n/a</td>
<td>The site “Morrison’s site / 41-45 Stamford Hill” is not included in the sites identified in Appendix 3, but is shown as part of the Proposed Submission Policies Map. We understand that this site will come forward as part of the Stamford Hill Area Action Plan. We remind the Council that this site has been identified in the Crossrail 2 Safeguarding Directions 2015 as a potential Crossrail 2 worksite. Therefore this safeguarding should be recognised in preparing the Stamford Hill AAP. We suggest Hackney continue to engage with Crossrail 2 around how this site could be bought back into use in order to maximise overall benefits.</td>
</tr>
</tbody>
</table>
Appendix B: Healthy Streets Wheel

Source: Lucy Saunders
Hackney Proposed Submission Local Plan 2033 Consultation

Dear Sir/Madam,

Thank you for consulting Thames Water on the above document. Thames Water are the statutory water and sewerage undertaker for the whole Borough. Please find enclosed completed response forms containing our comments on the Proposed Submission Local Plan. Further background and supporting information is also provided below.

Background

From the 1st April 2018 all network reinforcement work required to support development will be delivered by Thames Water and funded through the Infrastructure Charge applied to each property connected to the water and wastewater networks. The Infrastructure Charge will also cover all modelling and design work required to deliver any necessary upgrades. However, in most circumstances Thames Water will not commit to undertaking detailed modelling and design work until there is certainty of development coming forward. This is because without certainty of development coming forward the modelling and design work may be abortive.

As a result of this change in approach, Thames Water will no longer require developers to fund impact studies or ask them to demonstrate, at the application stage, what infrastructure reinforcement works are required. However, it will still be critical that any necessary upgrades are delivered ahead of the occupation. As Thames Water cannot prevent connection of development to their networks, the planning system will still play a key role in assisting that development does not outpace the delivery of any necessary infrastructure provision. It is therefore important that developers engage with us at an early stage, pre-planning.

In order to ensure that any necessary upgrades are delivered ahead of the occupation of development, Thames Water are keen to work closely with Local Planning Authorities and Developers to understand the scale of development and the likely timescales for delivery. In this respect we would request that Local Planning Authorities encourage developers to contact Thames Water at an early stage [i.e. pre application submission] to provide details of their proposed development. Developers can make a pre-planning enquiry to Thames Water Developer Services at no cost to confirm whether or not there are capacity concerns. Previously there was a charge for this service but this is being removed to encourage its use.

Where there are significant capacity concerns or developers have rapid programmes for delivery following the approval of planning permission, they may wish to underwrite Thames Waters costs

Registered address: Thames Water Utilities Limited, Clearwater Court, Vastern Road, Reading RG1 8DB
Company number 02366661 Thames Water Utilities Limited is part of the Thames Water Plc group. VAT registration no GB 537-4569-15
for modelling and solution design work in advance of submitting planning applications. This would help ensure that any necessary infrastructure can be delivered more swiftly, following the grant of consent. Adopting this approach would provide developers and local authorities with greater certainty that any necessary infrastructure reinforcement can be delivered in line with proposed development programmes. In the event that permission is not granted Thames Water may seek to recoup aborted expenditure from developers.

Specific Policy Comments

Comments on the policies within the draft Local Plan are contained in the appended response forms. I trust that these comments will be taken into consideration in preparing the submission version of the Local Plan.

Site Specific Comments

Comments on the proposed allocations within the preferred options Local Plan document have been appended to this letter for information.

Further Comments

Foul flows from Hackney drain to Beckton Sewage Treatment Works in the London Borough of Newham. The works also serves more than 10 other local authorities on the north side of the River Thames. Upgrade to the works are likely to be required in order to serve the growth identified in the plan and elsewhere in London. It is therefore important for there to be engagement between Hackney and the other local authorities, Thames Water and developers so that the wastewater infrastructure needs can be understood and any upgrade solutions delivered in a timely manner.

The time to deliver infrastructure should not be underestimated. It can take 18 months to 3 years to understand, plan and deliver local upgrades and 3-5 years for more strategic solutions.

In relation to our comments above and within the response form where we make reference to encouraging developers to contact us early to discuss proposals. Further information for developers and land promoters on pre-planning enquiries can be found at:

https://www.thameswater.co.uk/preplanning

It may be beneficial for the Council to include a link to this page on their own website or relevant SPDs. Further information on the new connection charging approach can be found at:

https://developers.thameswater.co.uk/New-connection-charging

Our draft Business Plan for the 2020-2025 can also be found at:


I trust the above and enclosed comments are satisfactory, but please do not hesitate to contact me if you have any queries.
Yours sincerely,

Richard Hill
Head of Property
### All Sites for Development Plan Hackney - Consultation on Hackney’s Proposed Submission Local Plan 2033, Regulation 19

<table>
<thead>
<tr>
<th>Created Date</th>
<th>Site ID</th>
<th>Site Name</th>
<th>Service Type</th>
<th>Water Response</th>
<th>Waste Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>26/11/2018</td>
<td>19438</td>
<td>CL1 - Tram Depot, 38 - 40 Upper Clapton Road London E5 8BQ</td>
<td>Both</td>
<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
<td>The scale of development/s is likely to require upgrades to the wastewater network. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to agree a housing and infrastructure phasing plan. The plan should determine the magnitude of spare capacity currently available within the network and what phasing may be required to ensure development does not outpace delivery of essential network upgrades to accommodate future development/s. Failure to liaise with Thames Water will increase the risk of planning conditions being sought at the application stage to control the phasing of development in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development. The developer can request information on network infrastructure by visiting the Thames Water website <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development</a>.</td>
</tr>
<tr>
<td>Date</td>
<td>Code</td>
<td>Location</td>
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<td>Description</td>
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<td></td>
</tr>
<tr>
<td>26/11/2018</td>
<td>60018</td>
<td>HC1 - Clapton Bus Garage</td>
<td>Both The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered</td>
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<tr>
<td>26/11/2018</td>
<td>60028</td>
<td>HC10 - 40-43 Andrews Road and Ash Road Bus Garage</td>
<td>Both</td>
<td>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered.</td>
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<td>26/11/2018</td>
<td>60029</td>
<td>HC11 - Travis Perkins, 111 Dalston Lane E8 1NH</td>
<td>Both</td>
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<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
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<tr>
<td>26/11/2018</td>
<td>HC12 - 230 Dalston Lane and Hackney Downs Station Entrance</td>
<td>Both</td>
<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
<td>The scale of development/s is likely to require upgrades to the wastewater network. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to agree a housing and infrastructure phasing plan. The plan should determine the magnitude of spare capacity currently available within the network and what phasing may be required to ensure development does not outpace delivery of essential network upgrades to accommodate future development/s. Failure to liaise with Thames Water will increase the risk of planning conditions being sought at the application stage to control the phasing of development in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development. The developer can request information on network infrastructure by visiting the Thames Water website <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development</a>.</td>
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<tr>
<td>26/11/2018</td>
<td>HC13 - Lower Clapton Health Centre</td>
<td>Both</td>
<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
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<tr>
<td>26/11/2018</td>
<td>33411</td>
<td>HC14 - 164 - 170 Mare Street E8 3RH</td>
<td>Both</td>
<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
<td>The scale of development/s is likely to require upgrades to the wastewater network. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to agree a housing and infrastructure phasing plan. The plan should determine the magnitude of spare capacity currently available within the network and what phasing may be required to ensure development does not outpace delivery of essential network upgrades to accommodate future development/s. Failure to liaise with Thames Water will increase the risk of planning conditions being sought at the application stage to control the phasing of development in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development. The developer can request information on network infrastructure by visiting the Thames Water website <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development</a>.</td>
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<td>26/11/2018</td>
<td>60032</td>
<td>HC15 - Tesco Metro, Well Street (180 Well Street, E9 6QU)</td>
<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
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<tr>
<td>Date</td>
<td>Reference</td>
<td>Area</td>
<td>Water Network Capacity</td>
<td>wastewater network upgrades</td>
<td>Liaison with Thames Water</td>
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<td>26/11/2018</td>
<td>60020</td>
<td>HC2 - 55 Morning Lane (Tesco Site)</td>
<td>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered.</td>
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<td>Date</td>
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<tr>
<td>26/11/2018</td>
<td>60022</td>
<td>HC3 - Hackney Central Overground Station and Car Park</td>
<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
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The scale of development/s is likely to require upgrades to the wastewater network. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to agree a housing and infrastructure phasing plan. The plan should determine the magnitude of spare capacity currently available within the network and what phasing may be required to ensure development does not outpace delivery of essential network upgrades to accommodate future development/s. Failure to liaise with Thames Water will increase the risk of planning conditions being sought at the application stage to control the phasing of development in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development. The developer can request information on network infrastructure by visiting the Thames Water website [https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development).
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<tr>
<td>26/11/2018</td>
<td>60023</td>
<td>Both</td>
<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
</tr>
<tr>
<td></td>
<td>HC4 - 333-337 Mare Street (Iceland Foods) &amp; 231-237 Graham Road</td>
<td>Both</td>
<td>The scale of development/s is likely to require upgrades to the wastewater network. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to agree a housing and infrastructure phasing plan. The plan should determine the magnitude of spare capacity currently available within the network and what phasing may be required to ensure development does not outpace delivery of essential network upgrades to accommodate future development/s. Failure to liaise with Thames Water will increase the risk of planning conditions being sought at the application stage to control the phasing of development in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development. The developer can request information on network infrastructure by visiting the Thames Water website <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development</a>.</td>
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https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development.
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<th>26/11/2018</th>
<th>60025</th>
<th>HC6 - Florfield Road Cluster</th>
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<tr>
<td>26/11/2018</td>
<td>33408</td>
<td>HC8 - 27-37 Well Street (Lidl), London E9 7QX</td>
<td>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered.</td>
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<td>Infrastructure Needs</td>
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<tr>
<td>26/11/2018</td>
<td>60027</td>
<td>Both</td>
<td>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered.</td>
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<td>26/11/2018</td>
<td>7849</td>
<td>MH1 - Woodberry Down, Seven Sisters Road N4 1DH</td>
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<td><strong>The water network capacity in this area is unlikely to be able to support the demand anticipated from this development. Strategic water supply infrastructure upgrades are likely to be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what water infrastructure is required, where, when and how it will be delivered.</strong></td>
<td><strong>The scale of development/s is likely to require upgrades to the wastewater network. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to agree a housing and infrastructure phasing plan. The plan should determine the magnitude of spare capacity currently available within the network and what phasing may be required to ensure development does not outpace delivery of essential network upgrades to accommodate future development/s. Failure to liaise with Thames Water will increase the risk of planning conditions being sought at the application stage to control the phasing of development in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development. The developer can request information on network infrastructure by visiting the Thames Water website <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development</a>.</strong></td>
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<td>26/11/2018</td>
<td>60016</td>
<td>MH2 - Yard Buildings, 318 Green Lanes</td>
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<tr>
<td>26/11/2018</td>
<td>60017</td>
<td>MH3 - Boys Club and Deaf Centre, 258 Green Lanes</td>
<td>Both</td>
<td>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered.</td>
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<td>27/11/2018</td>
<td>55979</td>
<td>SH1 - 71-73 Lordship Road (St Mary's Lodge)</td>
<td>Both</td>
<td>On the information available to date we do not envisage infrastructure concerns regarding Water Supply capability in relation to this site.</td>
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<tr>
<td>Date</td>
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<td>Site Description</td>
<td>Observations</td>
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| 27/11/2018 | 33401 | SHX1 - Former Rose Lipman Library, Downham Road N1 5TH  | Both  
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<td>27/11/2018</td>
<td>60033</td>
<td>SHX3 - 48 Eagle Wharf Road, Hackney, London N1 7ED</td>
<td>The water network capacity in this area may be unable to support the demand anticipated from this development. Local upgrades to the existing water network infrastructure may be required to ensure sufficient capacity is brought forward ahead of the development. The developer is encouraged to work Thames Water early on in the planning process to understand what infrastructure is required, where, when and how it will be delivered.</td>
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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>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>Chris</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Colloff</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Savills</td>
</tr>
</tbody>
</table>

Contact details:

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:thameswaterplanningpolicy@savills.com">thameswaterplanningpolicy@savills.com</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>01189 520502</td>
</tr>
<tr>
<td>Address:</td>
<td>Savills, Napier Court, Napier Road, Reading, Berkshire</td>
</tr>
<tr>
<td>Post code:</td>
<td>RG1 8BW</td>
</tr>
</tbody>
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2 - If you are an agent or representing an organisation or group please provide their details below:

Organisation: Thames Water Utilities Limited
### 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>
<th>Paragraph</th>
<th>Policy</th>
<th>LP53</th>
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### 4. Do you believe the Local Plan Proposed Submission is:

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<td>(3) Complies with the Duty to Co-operate</td>
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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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### 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.
Thames Water support the content of Policy LP53. However, it is considered that amendments to the text within the policy are required to ensure that the policy is effective at delivering water efficiency improvements and preventing adverse impacts from sewer flooding. Some of these changes are proposed as a result of the changes to the way that water and wastewater infrastructure reinforcement works are delivered as set out in our response to Policy LP11.

In relation to Part J of the policy it is our understanding that the water efficiency standards of 105 litres per person per day is only applied through the building regulations where there is a planning condition requiring this standard. As the whole of London is defined as water stressed it is considered that such a condition should be attached as standard to all planning approvals for new residential development in order to help ensure that the standard is effectively delivered through the building regulations.

(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.

In order to ensure that Policy LP53 is effective at minimising water use and preventing adverse impacts such as sewer flooding the following amendments are proposed:

"E. Development which includes the creation or extension of basements must demonstrate that they will not increase the potential for groundwater flooding to itself or to the surrounding area. **Basements which connect to the sewerage network will only be approved where they are fitted with an appropriate positive pumped device.**" This amendment is considered necessary to ensure that new basement development is adequately protected from sewer flooding.

"H. Where necessary, and as advised by Thames Water, the Council will use phasing conditions to ensure any necessary improvements to water and/or sewerage infrastructure required as a result of development related and appropriate to the development so that improvements are is completed prior to occupation of the relevant phase of development. **Developers are encouraged to discuss their proposals with Thames Water prior to the submission of any application.**" This amendment is required in order to ensure that the policy aligns with the revised approach to the delivery of water and wastewater network reinforcement works which came into effect from the 1st April 2018.

J. Development must be designed to be water efficient and reduce water consumption. Refurbishments and other non-domestic development will be expected to meet BREEAM water-efficiency credits. Residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption). **Planning conditions will be applied to new residential development to ensure that the water efficiency standards are met.**" The additional text is proposed to justify the inclusion of planning
conditions on new approvals helping to ensure that the efficiency standards are delivered through building regulations approvals.

(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.

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

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<td></td>
<td>✓</td>
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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 | ✓ |
| (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
7 January 2019

Local Plan 2033 (LP33) Part 1 Consultation
Strategic Planning Team,
The Annex,
2 Hillman Street,
London,
E8 1FB

Dear Sir / Madam,

LOCAL PLAN 2033 CONSULTATION
REPRESENTATIONS ON BEHALF OF THE COLLECTIVE

These representations are made by The Collective in relation to the draft Local Plan 2033, known as ‘LP33’ Part 1 consultation (November 2018 – January 2019). We refer to your website which notes that following this consultation, LP33 will be submitted to the Secretary of State for independent examination. We would expect to make repeat and/or further representations at this time.

Introduction

The Collective Ltd is a property development and management company that specialises in delivering and operating high-quality, shared-living rental accommodation across London. Our developments are comparable to serviced apartments or a long-stay hotel. However, given the focus on shared communal facilities between the residents throughout all our buildings, they are distinct from other products on the market.

Established in 2010, we currently operate circa 750 shared living units across 7 sites in London. We have an immediate pipeline consisting of a further 1,200 shared living units and a programme to deliver 5,000 units in London by 2022. We are involved in all stages, from site procurement and development through to letting and management.

Discussions opened with the Greater London Authority (GLA) in 2013 with the aim of establishing a pan-London approach to delivering large scale shared living buildings ranging from 200 to 750 units and focused on providing high-quality affordable accommodation for London’s young working population. Not only are we market leading this new approach, but are a company, involved with the day-to-day operations and lettings of our shared living schemes, we understand how to create spaces in which London’s young professionals want to live. Given the focus on shared communal space, shared living schemes are not just a home, but create a social experience, bringing people together and creating communities. The result is that people wish to remain within our schemes for several years until they reach the next stage of their life. As such, we offer a stepping stone on the ladder between studying and
more traditional forms of residential accommodation, at a rental price point affordable to London’s young working population. The affordability of our product will help to keep London’s young workers living in London, rather than being forced away from their places of work.

A complementary use in many of our schemes is serviced office space. Creating synergy between flexible working spaces in the same building as vibrant living communities.

Our existing smaller properties that we manage and operate under previous permissions for HMO’s have been rebranded and operate along the shared living concept described above. The product has now evolved considerably and The Collective Old Oak (546 co-living units and 3,000 sqm of serviced office floorspace), is a perfect example of the opportunity for both scale and quality of communal facilities. 5 mins walk from Willesden Junction Station, the scheme was completed in May 2016 and fully-let by October 2016, proving the huge demand for the product.

**Policy LP21 Large-scale purpose-built shared housing**

We support the inclusion of a specific policy on shared living accommodation. However, we consider that some of the stated policy requirements are in part either not necessary, too onerous or too subjective, which will result in unnecessary uncertainty for the development industry.

Part A(i) of the policy states:

1. **It meets an identified need; and the site is not suitable for development for conventional self-contained units.**

The product is about creating new homes for Londoners aimed at London’s young workers who may not be able to afford conventional housing in the local area. There is a critical need across all of London for this type of accommodation.

The National Planning Policy Framework (2018) states that housing policies should be based on full objectively assessed needs for market and affordable housing in the market area. The draft policy is based on an up to date assessment of housing need which identifies significant growth amongst single person households across the stated plan period with nearly 8,000 more single person households expected to form in the Borough of the next 20 years.

A further point to note is that the Mayor has amended Draft London Plan Policy H18 to remove the requirement for shared living proposals to meet an identified need. This has been replaced by a requirement to ensure such developments contribute towards mixed and inclusive neighbourhoods.

The first part of Part a, criterion i is therefore unnecessary and should be removed from the draft policy.

The second part (ii) of Part a, states that large scale shared housing will only be acceptable where ‘the site is not suitable for development for conventional self-contained units’.
This housing product is acknowledged by the Council in LP33 to be a ‘strategically important part of London’s housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock’.

The policy as currently worded would result in a large-scale purpose-built shared housing schemes not being acceptable in principle where a site is developable with fewer conventional homes. Such a policy requirement is considered to be contrary to the guidance of the NPPF and Draft London Plan, which: 1) promote a positive approach to applications for alternative uses of land which are currently developed but not allocated for a specific use; and 2) seek to optimise housing delivery, meet specific housing needs and contribute towards the creation of mixed and inclusive neighbourhoods.

The preamble of the LP33 also advises that ‘Whilst it is recognised that shared accommodation is an increasingly valuable form of accommodation in the borough, C3 residential is still the priority land use in the borough and type of accommodation for which there is the greatest need. Shared housing proposals will usually be resisted on sites allocated for residential development and sites already with planning permission for residential development’.

As a result of the above, it is considered unnecessary to have a specific requirement, which requires a subjective exercise to be undertaken to confirm whether a site may or may not be suitable for conventional residential development. The restriction of the use to only sites not allocated for residential development and sites already with planning permission for residential development is already suffice, and accordingly creates uncertainty in relation to potential development sites.

The second part of Part a, criterion i, is therefore unnecessary onerous and should be amended.

Part A(vi) of the policy states:

vi) **At least 50% of all units provided at rental levels which do not exceed one-third of ward-level incomes (excluding utility bills);**

In terms of affordable housing, whilst we accept that affordable housing products are required as part of shared living schemes, it is a market product that relies on no public subsidy and typically provides accommodation at rental levels that can be afforded to those who would otherwise qualify for traditional affordable housing provided by boroughs or Registered Providers.

As a rental product, which the London Plan recognises has a distinct economic model, it is important that the right balance is struck between delivering an element of discounted rented units and safeguarding the affordability of the remaining market rented product for others, which is itself an affordable product.

As such, to ensure that shared living products maximise the contribution towards mixed and balanced communities and meet a range of housing needs, our suggested approach as schemes come forward is to undertake viability appraisals to determine if 50% of the units can be provided at rental levels which do not exceed one-third of ward-level salaries (excluding utility bills);
For the avoidance of doubt, the following sets out our suggested updated draft text for policy LP21 Large-scale purpose-built shared housing:

A. Development involving the provision of new large-scale purpose-built shared housing comprising of at least 50 units will only be permitted if all of the following criteria are met:

i. The site is not allocated for residential development and does not have a live planning consent for a residential development;

ii. It is located in an area well-connected to local services and facilities, and in an area with high-transport accessibility; and

iii. It is under single management; and

iv. Its units are all for rent with minimum tenancy lengths of no less than three months; and

v. A management plan is provided with the application; and

vi. At least 50% of all units provided at rental levels which do not exceed one-third of ward-level salaries (excluding utility bills) (subject to viability); and

vii. Rooms and communal spaces are of a high quality and of adequate size and the development provides a good standard of accommodation in terms of space standards, management requirements, facilities, daylight and sunlight, aspect and amenity space; and

viii. Suitable communal facilities amenity space is provided to meet the needs of

Yours faithfully,

Jermaine Browne [Associate Director – Planning]
The Collective

Encs.
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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1 - Personal Details

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name:</td>
<td>Tom</td>
</tr>
<tr>
<td>Last Name:</td>
<td>Clarke MRTPI</td>
</tr>
<tr>
<td>Organisation where relevant:</td>
<td>Theatres Trust</td>
</tr>
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Contact details:

<table>
<thead>
<tr>
<th>Email:</th>
<th><a href="mailto:planning@theatrestrust.org.uk">planning@theatrestrust.org.uk</a></th>
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<tbody>
<tr>
<td>Telephone:</td>
<td>020 7836 8591</td>
</tr>
<tr>
<td>Address:</td>
<td>22 Charing Cross Road, London</td>
</tr>
<tr>
<td>Post code:</td>
<td>WC2H 0QL</td>
</tr>
</tbody>
</table>

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

Organisation: Theatres Trust

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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:
- Hackney Local Plan Proposed Submission - https://hackney.gov.uk/lp33

| Chapter | 6 | Paragraph | Policy | LP10 |

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

<table>
<thead>
<tr>
<th>(1) Legally compliant</th>
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<th>X</th>
<th>No</th>
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<tr>
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<td>No</td>
</tr>
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<td>(3) Complies with the Duty to Co-operate</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**:

| (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. |
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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 Trust is supportive of this policy, and welcome the protection afforded to Hackney’s valued arts, cultural and entertainment facilities.

(Continue on a separate sheet if necessary)

<table>
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<th>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.</th>
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While we support the objective of this policy, we would suggest that paragraph 9.23 should be amended for clarity. We recommend that reference is added to restricting drinking establishments, otherwise the policy could be considered counter-productive as it may unintentionally prevent uses coming forward that form part of the evening and night-time economy without the potentially negative impacts cited in paragraph 9.22.

Suggested text is set out below:

“Managed expansion is permitted in town centres but expansion of night-time economy uses drinking establishments should be limited in Shoreditch and Dalston where concentrations already exist and Special Policy Areas have been implemented through the Council’s Licensing Policy.”
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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 do not object to the inclusion of this site allocation or the principle of mixed use development, however we have some concern regarding the potential proximity of residential development to the neighbouring Arcola Theatre and suggest amended text within the Development Principles as set out below.
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 recommend the addition of further text within the Development Principles which sets out that there must be separation between any future residential units and the theatre, and that future residential units are appropriately soundproofed or that necessary works to provide acoustic insulation to the theatre are funded should this be required.

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<td>(c) when the Inspector’s Report is published</td>
<td>X</td>
</tr>
<tr>
<td>(d) when the Hackney Local Plan is adopted</td>
<td>X</td>
</tr>
</tbody>
</table>

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: [Handwritten Signature] Date: 07/01/19
Planning Policy Team  
London Borough of Hackney  
1 Hillman Street  
London  
E8 1DY

Dear Sir/Madam,

**Draft Hackney Local Plan 2033 (LP33) Regulation 19 Consultation**  
**Representations submitted on behalf of Travis Perkins (Properties) Limited**

We are instructed by our client, Travis Perkins plc (TP), to submit the enclosed representations to the emerging Hackney Local Plan 2033 (Regulation 19 Version). Our client has three *sui generis* builders’ merchant branches in LB Hackney at Kingsland Road; Dalston Lane; and Matthias Road.

Representations can be made until 7th January 2019 and on the basis that this letter is submitted within those timescales we trust that our comments will be taken into account

**Background**  
TP has three *sui generis* builders’ merchant branches in Hackney, at Kingsland Road; Dalston Lane and Matthias Road. With regard to Local Plan 33 allocations, the Kingsland Road branch has been allocated in the Priority Office Area; the Dalston Lane branch has a draft mixed use allocation (HC11); and the Matthias Road branch remains as unallocated white land.

Details of the branches are outlined in Table 1:

**Table 1: Travis Perkins Branches LB Hackney**

<table>
<thead>
<tr>
<th>TP Branch</th>
<th>Address</th>
<th>Proposed Allocation</th>
<th>Ownership</th>
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</thead>
<tbody>
<tr>
<td>TP Hackney</td>
<td>305a Kingsland Road, E8 4DL</td>
<td>Priority Office Area</td>
<td>Leasehold</td>
</tr>
<tr>
<td>TP Dalston</td>
<td>113 Dalston Lane, E8 1NH</td>
<td>Employment Led Mixed Use</td>
<td>Freehold</td>
</tr>
<tr>
<td>TP Stoke Newington</td>
<td>Matthias Road, N16 8NU</td>
<td>Unallocated</td>
<td>Leasehold</td>
</tr>
</tbody>
</table>

Builders’ merchants provide an essential service to London’s construction industry, providing access to building materials and helping London to build. It is therefore worrying the number of builders’ merchants that are being lost to residential, retail and office uses throughout the city.
There are two matters in the draft Local Plan 33, which are of relevance to our clients existing businesses, that we consider require modifications before the Local Plan can be considered to be sound.

1 Draft Site Allocation HC11 (Travis Perkins, 111 Dalston Lane)

Our clients’ site at Dalston Lane has a draft allocation (HC11) in the Local Plan 33 for an employment led mixed use development. The allocation has fundamental errors with regard to the existing lawful use of the site. We also have concerns with the limitations within the allocation which could restrict development coming forward.

Existing Lawful Use

The allocation as drafted states that the site is currently in use as a builders’ merchant with ancillary retail uses and that the ancillary retail floorspace should be retained in any future redevelopment. There is no retail (Class A1) floorspace on the site. The site has a lawful sui generis builders’ merchant use with ancillary trade counter.

There is an abundance of case law which confirms that builders’ merchants have a sui generis lawful use. At Section 21.1, the Development Control Practice (DCP) manual, which is a road map of factors to consider in making and deciding planning applications, states:

“builders’ and contractors’ yards, whilst they clearly have a storage function, are also an operational base for an active business, a depot for associated trucks or vans, and a place where industrial processes can take place such as prefabrication. For this reason, such uses have never normally been considered to fit comfortably within any one Use Class and therefore are accorded sui generis status”

In terms of case law, the Brazil (Concrete) Ltd v Amersham RDC 1967 case is the normal authority for builder’s yard uses being considered sui generis. In this case an enforcement notice was directed against a ready mixed concrete company (Class B2) which had replaced a builder’s yard. It was held that the existing yard did not fall within any of the classes within the Use Classes Order, and was a use on its own i.e. sui generis. In this case it was considered that an incoming manufacturing use needed planning permission to change from sui generis to Class B2. There are a number of subsequent judgements which refer to this case.

The previous representations submitted in December 2016 and the London Plan SHLAA submission in June 2016 stated that the site may be suitable for mixed use development, so long as the existing builders’ merchant use is protected. In line with discussions held with the LPA in June 2018, the site may become available for an expanded or intensified sui generis builders’ merchant or for a sui generis builders’ merchant / residential use, but is unlikely to be redeveloped to provide a retail or alternative industrial development, which would not fit with the land owner’s business operations.

The allocation as drafted does not protect the existing builders’ merchant use and should therefore be redrafted to ensure that the existing sui generis builders’ merchant must be provided in any future redevelopment. The allocation as drafted is therefore not effective as it is not deliverable as currently drafted.
Development Principles

The draft allocation provides detailed development principles for the site which includes the parts of the site that can be developed and an indicative number of units that will be accepted. This level of detail is unnecessary and can be dealt with through the development management process. For example, the development principles states that the land to the east of the house and the backdrop shall remain “unbuilt”. This statement puts unnecessary restrictions on a future development of the site. It is not based the recommendations of a heritage assessment or any other evidence and should therefore be removed.

The indicative figure of 40 units equates to just 121 units per hectare, which is relatively low for a PTAL 6a site, and should therefore be removed. Paragraph 128 of the NPPF sets out that design quality should be considered through the evolution and assessment of individual proposals. Providing that the setting of the listed building is not adversely affected and that other development management standards are met there is no need for an indicative number of units to be set out in the allocation.

The impact of a future redevelopment of the listed building cannot be assessed until a detailed design is prepared. The quantum of future development on the site can be managed through the development management process. The policy limits development on the site, without justification for doing so and is therefore not positively prepared. The reference to a 40 unit indicative scheme and specific areas of the site that can be built upon should therefore be removed.

2 Draft Policy LP26 (Priority Office Areas)

Our client is currently the long term leasehold occupier of their branch on Kingsland Road which has been allocated within the proposed Kingsland Road Priority Office Area (POA). In the short term, this branch is currently under serious threat of redevelopment by the freehold owner and a relocation site has not been sourced. This will result in a forced closure of a viable business and the loss of long term jobs.

The emerging local plan provides no policy protection for this business and other existing non B1 Class occupiers in the POA. The 2017 Employment Land Study Update found that there is currently not sufficient planning pipeline development to meet employment need to 2033. Throughout London, businesses with a lower employment density are being lost to Class B1 uses, which are considered to provide “more suitable” and a “higher standard” of jobs. As such, there an ongoing significant loss of industrial type development. This is reflected in the LB Hackney Employment Land Study and Update (2017) which found that there is an expected loss of 54,623 square metres of industrial type floorspace over the lifetime of the Local Plan. There is a heavy reliance on intensification sites coming forward to replace this loss.

Policy LP26 encourages the loss of existing successful Class B2/B8 and similar sui generis businesses to be replaced by Class B1 space. The City fringe area is expanding beyond Shoreditch and into Kingsland Road, Dalston and Hackney, however new Class B1 development can operate alongside existing industrial type businesses. The Employment Land Study found that there has been a significant loss of all employment space in the borough and the emerging policies should at least protect existing viable and successful businesses who have been operating long term from Kingsland Road, providing them with the opportunity to remain in the POA (formerly PEA).
Encouraging the loss of operating and viable businesses such as the TP Kingsland Road is not in line with the evidence base and therefore not justified. It is also inconsistent with the NPPF which seeks to support businesses.

Policy LP26 therefore must include a provision for existing industrial type occupiers to remain and/or be found a suitable relocation site in the vicinity and same catchment area.

3 Policy LP28 (Protecting and Promoting Industrial Land and Floorspace in the Borough)

The 2017 Employment Land Study Update found that there is currently not sufficient planning pipeline development to meet employment need to 2033. As a result, draft policy LP28 seeks to provide general protection of existing employment land. This is welcomed, however it could go further to protect existing businesses or occupiers on non-designated employment sites.

Policy LP28 as currently drafted provides options for the loss of existing occupiers and promotes “high quality and higher density” floorspace as a replacement. This wording will result in the loss of Class B8 / *sui generis* builders’ merchants and similar uses with lower employment densities to be replaced with Class B1a / B1c uses. This is occurring all over London resulting in a continuous and significant loss of industrial type uses on non-allocated employment sites through forced closures. Emerging employment policies must protect existing businesses, particularly leaseholders and those long term businesses with lower employment densities that are being pushed out of London. Policies should seek to retain these businesses within redevelopment proposals or have them relocated to a suitable and viable alternative site within the same catchment area.

We therefore suggest the following amendments to the policy to ensure that the policy can be considered to be sound:

“Retention of Industrial Floorspace Outside of PIAs

E. The loss of industrial land and floorspace outside of Priority Industrial Areas and Locally Significant Industrial Sites will only be permitted where all of the following criteria are met:

i. The existing occupier is offered suitable space within the redevelopment or the existing occupier is relocated to an agreed suitable alternative site within the vicinity, unless otherwise agreed in writing with the existing occupier;

ii Robust marketing evidence for an 18 month period is submitted, which demonstrates that there has been no demand for the existing or vacant land and floorspace for its current or former use; and the possibility of retaining, reusing or redeveloping it for similar or alternative smaller or more flexible units for employment generating use, or other alternative employment generating use has been fully explored; and
iii. Any new employment use provides a range of higher quality, more flexible floorspace and preferably a higher density employment than the previous use; and

iv. It is demonstrated that the new commercial floorspace being provided has a strong likelihood of being occupied through the submission of a detailed marketing strategy (refer to Appendix 1)“

This additional text will ensure that existing occupiers are protected with suitable replacement floorspace so they can continue to operate on the site or within the vicinity to the same catchment. As currently worded existing occupiers can be pushed out of their sites, resulting in a further loss of employment floorspace, which is contrary to the recommendations of the Employment Land Study and therefore not justified.

4 Glossary

The glossary definition for ‘Employment Generating Use/Floorspace’ is currently defined as:

“development for business (Class B1), industrial (Class B2) and storage/distribution (Class B8) purposes.”

This glossary definition does not include any reference to sui generis employment generating uses and therefore such uses not falling within Class B1, B2 and B8 are afforded no protection. The glossary should be re-worded to include reference to sui generis employment uses to ensure that there is no ambiguity.

Summary

Employment policies should seek to ensure that existing businesses and particularly long term leaseholders can remain on sites with the same terms. This will ensure that employment generating uses, such as sui generis builders’ merchants, will be fully protected from forced relocation and possibly incorporated within mixed use redevelopments. This is in line with the policies within the London Plan and the NPPF which seek to promote economic development and support local businesses.

Should you have any questions or wish to discuss these representations, please do not hesitate to contact me.

Yours faithfully

Tim Rainbird
Director

cc. Travis Perkins plc
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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<td><strong>Organisation where relevant:</strong></td>
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**Contact details:**

| **Email:** | angie.fenton@quod.com | **Telephone:** | 020 3597 1065 |
| **Address:** | Quod, Ingeni Building, 17 Broadwick Street, London |
| **Post code:** | W1F 0DE |

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

| **Organisation:** | Travis Perkins plc |

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

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<tr>
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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.
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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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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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.

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

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

UNIVERSITY OF THE ARTS LONDON

SUBMISSION OF REPRESENTATIONS TOWARDS HACKNEY LOCAL PLAN CONSULTATION

On behalf of our client, University of the Arts London, we have the pleasure of submitting representations towards the draft Local Plan which is currently open for consultation.

Draft Local Plan 2033 Proposed Submission - November 2018

The University of the Arts London (UAL) is consolidating its estate and relocating one of its four main Colleges (The London College of Fashion) to a new bespoke 36,000 sqm Campus at East Bank, Queen Elizabeth Park. The Mayor of London announced the construction of the campus in June 2018.

This facility will enable the University to retain its position as one of the premier arts colleges in the world, offering the very best facilities for its students. Once the new campus is available to the London College of Fashion a number of UAL sites will become surplus to requirement and their disposal will be required to fund the new campus. The campus is of London wide, if not national, significance.

UAL has requested that representations are made towards the draft plan mentioned above to recognise the strategic benefit of allowing the relocation of this use elsewhere in London and the redevelopment of the sites at:

- 100-102 Curtain Road, Shoreditch, London EC2A; and
- 182 Mare Street, London, E8

Following the submission of the representations, UAL is keen to discuss the matters raised further with the Council.

We have assessed the relevant planning policies and also whether there is the option for the inclusion of site allocations, where necessary.

Hackney Local Plan: Draft Policy LP8

The Curtain Road and Mare Street sites are currently occupied by the London College of Fashion (LCF) and are consequently considered to fall within the definition of social and community infrastructure. Consideration has therefore been given to draft Policy LP8 (Social and Community Infrastructure).

Currently, Part D (ii) of draft Policy LP8 states that the Council will not permit any loss of social and community infrastructure unless:
“adequate alternative facilities are already within walking distance, which are capable of meeting the needs currently being met by the existing facility without leading to a shortfall in provision for the specific social infrastructure”.

As demonstrated above, the UAL is currently in the process of developing a new bespoke campus and has prepared a rationalisation programme to assist the funding for the new campus. Based on this, we propose that Universities and Further Education Institutions which are undergoing rationalisation should be exempt from the requirement set out in Part D (ii) as this would restrict their ability to improve their facilities and accommodation.

Therefore, we suggest the Policy is amended as follows:

Policy LP8 Part D (ii):

“adequate alternative facilities are already within walking distance, unless part of a wider further education institution’s rationalisation programme, which are capable of meeting the needs currently being met by the existing facility without leading to a shortfall in provision for the specific social infrastructure.”

Site Allocation Options
The LCF Mare Street site is one of the sites currently being considered within the university’s rationalisation programme. This site already has an allocation under HC7 of the draft Local Plan. We are satisfied with the proposed allocation and therefore have no further comment.

With regards to the LCF Curtain Road, a site allocation currently exists within the adopted Site Allocations Local Plan (2016). Under Appendix 4 of the draft Local Plan, it is referenced that the allocation for the Curtain Road site will be replaced by the Future Shoreditch Area Action Plan (AAP) but no further information is provided.

At this stage, we would not want to lose the opportunity relating to the Curtain Road Site Allocation prior to the publication of the draft Future Shoreditch AAP. An allocation for Curtain Road in both the draft Local Plan and the AAP would provide comfort to UAL that when the site becomes surplus there is some clarity regarding the range of acceptable alternative uses for the site. This would allow all parties to determine the appropriate uses to be considered as part of a site allocation and also that the site is represented appropriately across all draft development plan documents. We would therefore welcome the opportunity to discuss this matter further following the submission of these representations.

Summary
The University of the Arts London (UAL) is consolidating its estate and relocating one of its four main Colleges (The London College of Fashion) to a new bespoke 36,000 sqm Campus at East Bank, Queen Elizabeth Park. Therefore, the UAL has requested that we make representations to the draft Plan mentioned above to assist in exploring the potential redevelopment of its Curtain Road and Mare Street sites.

Consideration has been given to draft Policy LP8 (Social and Community Infrastructure) and the suggestion has been made to amend the wording of the draft Policy to include reference to further education rationalisation programmes.

With regards to the Mare Street site, we agree with the development options presented within the allocation and therefore have no further comment. However, we would welcome the opportunity to discuss the Curtain Road site further to allow all parties to determine the appropriate uses to be considered as part of a site allocation and also that the site is represented appropriately across all draft development plan documents.

Should you wish to discuss any of the above, please do not hesitate to contact either Raoul Veevers (Raoul.veevers@montagu-evans.co.uk / 020 7312 7453) or Sam Neal (sam.neal@montagu-evans.co.uk / 020 7312 7468) who would be happy to assist.
Yours faithfully,

Montagu Evans

Montagu Evans LLP
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:

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<td><strong>Contact details:</strong></td>
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| Organisation: UNIVERSITY OF THE ARTS LONDON |

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Hackney Local Plan – Proposed Submission 2018 - Representation Form

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<td>(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.</td>
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<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>
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<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>
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<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>
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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 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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<th>No</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: Montagu Evans Date: 17/12/18