Local Plan 2033
Council Response to Main Issues Raised in LP33
Regulation 19 Consultation

1.1. The Council’s response to the main issues raised in Regulation 19 consultation are summarised below. Further background and context is provided in ‘An Overview of Local Plan 2033 (SD08).

Growth strategy

1.2. The majority of responses supported the positive and proactive growth approach of draft LP33 both in relation to employment and housing objectives; this included the ambition to deliver 1,330 homes from 2019 – 2029 and 1,750 to 2033 (and recognised the Council’s record of housing delivery in excess of its targets). Some responses challenged the accuracy of growth projections and raised concerns about the impact of further growth on existing communities and infrastructure in particular impacts on open space and on services for local people. Responses concerned with ensuring that development meets local housing need and is not dominated by ‘luxury market’ housing’ were also received.

Hackney’s Response:

The Proposed Submission Local Plan (LP33) sets out a growth strategy and an approach to managing land uses, directing development to sustainable locations and ensuring there is the infrastructure to support growth. LP33 reflects the Council’s commitment that no one should be left behind or excluded from the benefits of growth - this is an important theme that emerged during the extensive consultation process. Delivery of affordable homes and opening up access to affordable workspace for a diverse range of business is therefore at the heart of the Plan.
Site Allocations: Uses, density and impact

1.3. A number of responses explicitly supported the allocation of sites – which reflected their own assessment as suitable for redevelopment. The need for site capacity evaluations in relation to each of the site allocations was highlighted along with the suggestion of the inclusion of some indication of acceptable building heights.

1.4. A variety of specific comments were made on the site allocations identified. These most typically related to expanding the range of acceptable uses, balance of uses or allowing for increased density on site. Others highlighted the need to manage and carefully design the relationship with surrounding development (particularly where there are impacts on heritage assets).

**Hackney’s Response:**

*The Place policies in Section 4 of LP33 provide guidance for the type of growth and development expected in each of these areas – including an indication of the intensity of change and a framework for the delivery of the specific site allocations identified at Appendix 3. The latter sets development principles for each of these sites informed by careful consideration of the site and urban design analysis.*

*The Council has already begun work on the development of Area Action Plans (AAPs) for Shoreditch and Stamford Hill. Drafts of these AAPs have been published for formal consultation (‘Regulation 18’ stage). The Council is also producing supplementary planning documents in the form of masterplans for Dalston and Homerton. These will contain further guidance on the form of development in these locations and will also contain guidance on sites. The development of these documents will include engagement with developers and the communities living and working in these locations.*

1.5. The inclusion of an annual small housing site target of 660 new homes and the identification of areas/ sites suitable for small numbers of housing was also
suggested. A multi borough approach to identification of capacity for gypsy and traveller provision of pitches rather than the criteria-based approach to provision was advocated.

**Hackney’s Response:**

*The Council will meet its housing target to deliver 1,330 homes per year, as detailed in the draft London Plan, by encouraging development on small sites and through site allocations for larger sites. The Council has a strong record for delivery on small sites - approximately 47% of all new homes delivered in the last decade have been on sites of less than 10 units.*

*The Council has also considered the needs to Gypsy and Traveller Communities and is working closely with the London Legacy Development Corporation, GLA, TFL and other partners to provide pitches to meet identified need. Further details are set out in Hackney’s Response to the Inspector’s Questions.*

**Tall buildings / building heights / density**

1.6. The requirement for developments of tall buildings to ‘*enhance*’ the skyline in Policy LP1 was challenged in a number of responses. It was suggested that this does not conform with the draft London Plan requirement to avoid adverse impacts on local and strategic views. The requirement for tall buildings to preserve *and* enhance heritage assets was also considered inconsistent with the provisions of the National Planning Policy Framework, 2018 (NPPF, 2018) which sets out requirements to preserve elements that make a positive contribution or to enhance or better reveal the significance of heritage assets *and* for any harm to be balanced against public benefit. Similar comments about the need to preserve *and* enhance heritage assets were made in relation to Policy LP3.

1.7. A number of responses to the consultation suggested that, rather than a criteria-based policy approach to assessing the acceptable location of tall buildings, the plan should include indication of acceptable locations for tall buildings. The inclusion of building heights in relation to the place areas (in particular PP3 Dalston, and PP4 Hackney central and PP8 Shoreditch and Hoxton) and for individual site allocations was raised by a number of respondents as noted
above. A number of respondents were concerned about the impact of a flexible application of BRE sunlight / daylight standards.

**Hackney’s Response:**

The starting point for defining the spatial and design approaches for LP33, and in particular ‘place’ policies in the first part of the plan, is the borough wide Hackney Characterisation Study, 2018 (ED24). This underpins the context-based approach to the definition of, and assessment of tall buildings that the Council. This also supports the position of needing to enhance the skyline. Appropriate heights for buildings are specified in site allocations, area action plans or masterplans.

The approach to heritage assets also reflects this detailed analysis of the historic context within the framework of national policy and legislation related to heritage assets. However, to aid clarity and ensure consistency with relevant legislation Planning (Listed Building and Conservation Areas) Act 1990 the Council will amend references to ‘preserve and enhance’ to state ‘preserve or enhance’.

**Housing and Affordable Housing**

1.8. The objective of increasing affordable housing provision was largely supported but the deviation from standards suggested in the Mayor of London’s Affordable Housing and Viability Supplementary Planning Guidance (SPG) was challenged in a number of responses. There were concerns that the policy approach (in Policy LP13) would not be neither effective nor viable in Hackney. The Mayor of London’s threshold requirement of 35% rather than the 50% proposed is suggested as an alternative and the GLA said that affordable housing contributions should apply on gross not net housing delivered. Several responses requested that schemes proposing at least 35% affordable housing should not be subject to viability assessment. Clarification was also sought on what ‘genuinely’ affordable means in the context of the policy and on whether the tenure split applies to total units or habitable rooms.

1.9. There was support for securing affordable housing contributions from small site housing development in line with the draft London Plan, where the approach is viable. However, one response challenged the legality of seeking obligations from
schemes of less than 10 units with the likely requirement for viability appraisals for such schemes deemed onerous.

**Hackney’s Response:**

Evidence on viability indicates that a 50% affordable housing target can be supported across the authority area (BNP Paribas London Borough of Hackney: Proposed Submission Local Plan and Community Infrastructure Levy Viability Assessment, 2018 (ED006)). Following discussions with the GLA, it proposed that the policy is amended to clarify that the fast track approach to viability would apply to developments proposing at least 50% affordable housing. Clarifications to the policy that demonstrate its alignment with approach in the draft new London Plan (ED01).

This ambition to maximise the delivery of affordable homes underpins the requirement for affordable housing contributions on small sites with developments of less than 10 units which in Hackney account for approximately half of all housing delivery (see Authority Monitoring Report for 2017 – 2018 (ED021)). This aligns with the approach adopted in the new Draft London Plan and is justified by evidence in the Proposed Submission Local Plan and Community Infrastructure Levy Viability Assessment, 2018 (ED006). The financial contributions secured from small sites can fund council-led projects to deliver genuinely affordable housing (ED028 Hackney is Building: Delivering Affordable Homes and the Role of Section 106 Financial Contributions, 2018).

**Large Scale Purpose-Built Shared Housing**

1.10. A number of the comments state that the approach to large scale purpose-built housing in Policy LP21, and in particular the need to demonstrate it is not suitable for development of conventional housing in use class C3 is inconsistent with the London Plan. It is argued that this will restrict the delivery of this type of housing which is identified as a product that can meet the need of the rise in single occupancy housing and can form an appropriate and complementary use.

1.11. Respondents suggest that shared housing represents a form of lower cost housing, which is not reliant on subsidy and that the requirement for 50% rents to be capped relative to ward income levels is therefore not appropriate. It is also suggested that the policy approach is not supported by evidence, noting the Council’s viability evidence which highlights that new build – build to rent may have
an adverse impact on schemes’ ability to meet targets due to the discount in capital values. It is requested that a payment as an alternative to on site provision should be permitted.

1.12. A number of comments seek clarification on how the proposed rent cap will be calculated along with assurances that Council Tax and Service charges will be excluded from the calculation (as with utilities bills which the policy expressly excluded).

Hackney’s Response:

The policy approach reflects the Council’s focus on meeting the housing needs identified (see ED29 Hackney Strategic Housing Market Assessment Addendum November, 2018). The integrates requirements to enable the Council to prioritise the delivery of homes (or in some cases workspace) ahead non-conventional housing where it is demonstrated that this best meets the needs of Hackney’s communities. This does not preclude the development of other forms of housing – but it does seek to manage the balance of uses and maximise Use Class C3 housing in general and by extension maximise opportunities for affordable housing.

Utility bills are excluded in calculating rent caps associated with co-living units and it is proposed that the policy is updated to clarify that council tax is also excluded

Priority Office Area (POA) thresholds for B1 Office Use

1.13. Several respondents expressed concern that LP27 thresholds for the provision of B1 Office floorspace within designated POAs will not allow sufficiently flexibility to meet changes in market demands and may also hinder the development of certain mixed-use schemes including uses complementary to office uses. A site by site approach potentially supported by analysis to demonstrate the demand is there is suggested instead. A number of responses advocate adopting a similar approach to that adopted in existing Plan Policy DM17 (Development Management Local Plan Policies, 2015) to encourage a viable mix of uses while maintaining a high
percentage of office floorspace. Another suggestion was that a 50% (rather than 60%) level be applied uniformly across the borough.

**Hackney’s Response:**

*The policy is considered to be sufficiently flexible to meet market demand. The policy requirements must also be seen in the context of the Central Activities Zone and City Fringe; these wider designations mean that we need to take an approach that will ensure we are able to maintain and provide a high proportion of employment floorspace in Hackney’s designated employment areas to support the regional and national economy. This policy is necessary to align with and support the delivery of London Plan objectives.*

**Identification and protection of industrial floorspace**

1.14. The GLA highlight that as a retain capacity borough, Hackney should be seeking to intensify the borough’s industrial floorspace capacity. However, responses also raise concerns that the requirement in Policy LP27 for the reprovision of industrial floorspace may prevent redevelopment. They highlight that these sites often come forward because the industrial use is not required and note that industrial uses may not be compatible with office and residential use. The prioritisation of industrial uses is also challenged in the context of the falling demand for industrial workspace identified in the Council’s Employment Land Review 2017.

1.15. The identification of Belfast Road and De Beauvoir as Priority Industrial Areas is challenged. A response related to Belfast Road states that many of the existing business uses in this area lack an industrial character and that the constraints of the site-layout and adjacent residential development make it more suited to mixed use development. It is suggested release of industrial sites be permitted in line with the draft London Plan. In terms of De Beauvoir Priority Industrial Area, it is suggested that it no longer contains a ‘meaningful amount’ of industrial floorspace and may therefore be more appropriate as a Priority Office Area (POA).

**Hackney’s Response:**

*LP33 seeks to retain vital industrial land and floorspace within Hackney in response to the ‘tight demand/ supply’ identified in the employment period and*
the growth in demand for B1 space (ED034 - Hackney Employment Land Study, 2017). This also reflects the draft London Plan (Policy E4) characterisation of Hackney as a 'retain borough' which should seek to intensify industrial floorspace capacity following the general principle of no net loss across designated strategic and local industrial sites.

PIA designations are evidence based. The ELS (2017) and London Plan evidence show that there have been significant losses in industrial land and indicate a need to protect the remaining industrial land. PIAs have been designated based on their predominant existing uses as outlined initially in Appendix 1 of the ELS and in more recent analysis by the Council which indicates that Belfast Road contains 3,820sqm of B1c floorspace and no B1a floorspace, so is suited to being designated as a PIA rather than an LSIS or a POA. It also shows that De Beauvoir is more mixed with 2,355sqm of industrial (B1c, B2 and B8) floorspace and 409sqm of B1a floorspace so on balance is suited to being designated as a PIA rather than a POA or LSIS.

Affordable Workspace and Low Cost Floorspace

1.16. The GLA welcomes the policy intent of LP29 and along with a number of responses suggest that the definition of, and difference between, ‘affordable workspace’ and ‘low cost workspace’ is made clearer. Several respondents considered that the requirement for 10% affordable workspace with rent levels capped at 40% in Shoreditch and 60% elsewhere is too prescriptive. Application of this requirement to amended schemes is considered onerous. The approach is not considered flexible enough to react to market conditions and is said to not consider newer models of provision such as co-working spaces which offer lower cost workspace. It was also suggested that the approach is not supported by evidence on the viability of rent levels proposed and that the policy – particularly requirements for the rent caps to apply in perpetuity – would adversely impact the viability of schemes. It was argued that this may reduce the incentive to bring forward employment floorspace and impact on the Council’s ability to achieve growth targets.
1.17. Proposed changes to the approach ranged from basing this on viability of individual schemes; applying a 40% rent level cap across the borough (and not the 60% level in Shoreditch); and / or limiting to the rent cap to 5 or 10 years rather than a requirement in perpetuity. A number of responses also suggest that the policy should apply to net and not gross floorspace.

**Hackney’s Response:**

Hackney’s adopted Local Plan already seeks 10% affordable workspace on major developments with the workspace provided at up to 80% of market rents. The policy approach in LP33 has been updated to reflect differences in land values and affordability across the borough. The approach to securing affordable workspace (40% of market rents in Shoreditch and 60% of market rents elsewhere in other Priority Office Areas in the borough) is justified. The rental caps and ‘in perpetuity’ approach have been tested in the ED016 - Viability Assessment - October 2018 and are viable.

Use of railway arches for B1 office space

1.18. Objections to a ‘blanket approach’ of restricting the use of railway arches to employment uses in Policy LP30 also feature. It was considered that this policy does not sufficiently consider other acceptable uses such as retail or food or drink uses in/ near town centres. It is further noted that the policy overlaps with other employment policies (policies: LP26 and LP27) and that in locations where employment uses are protected or prioritised then railway arches would already be protected for employment uses. The approach is considered to lack flexibility, affect viability and not be justified by evidence (the latter pointing to the poor quality of many of these spaces).

**Hackney’s Response:**

Railway arches provide valuable employment space, providing space for traditional industrial uses. The policy seeks to maintain arches in employment use but does allow ancillary uses and is considered to be sufficiently flexible. It does not restrict arches to low cost employment floorspace but seeks to ensure existing low-cost space is retained, in line with Policy LP29.
Visitor Accommodation

1.19. A number of responses suggested that the Local Plan and Policy LP25 in particular should more actively encourage the delivery of increased visitor accommodation – and set targets for this. GLA Working Paper, 2017 is cited which suggests that the borough should provide 5.8% of London’s supply to 2041. These responses also highlight the appropriateness of visitor accommodation to town centres and as complementary to employment uses envisaged in designated employment areas. Clarification was also sought on how the council will monitor and factor in pipeline development, including schemes that have not yet commenced, and whether it was reasonable to factor in this type of ‘external’ consideration. A hotel demand assessment or equivalent requirement as part of development management is suggested as a more appropriate alternative.

Hackney’s Response:

The policy states that large scale hotels are permitted only in the CAZ and major town centres (if it can be demonstrated that there is an identified need).

The Council will monitor delivery using the authority monitoring report. It is also noted that in December 2017, the GLA revised their supply and demand figures for visitor accommodation. The need figure for Hackney between 2015 and 2041 is 3,382 units (hotels, hostels, etc.). Since December 2015, 464 units have been completed. An additional 531 units are in the process of being built and there is a pipeline of 1,352 new rooms over 9 developments.

Open space and amenity space provision

1.20. In the main, responses support the focus on protecting existing open space and increasing open space / access to it – with several responses promoting a more nuanced approach to ensuring that biodiversity objectives are met. A number of responses highlight concerns about the impact of development on open spaces in the borough in general as well as more specifically spaces used for food growing and impacts on Shoreditch Park. The need to ensure that the playing pitches were afforded the same status as open space in line with the NPPF was also highlighted.
1.21. The proposed amenity space standards in policy LP46 associated with commercial use in particular have been challenged in several responses as unrealistic and unachievable. It is suggested this is not supported by evidence on open space provisions which found the current level or provision is good at 1.36 ha per 1,000. Many comments contain objections on the basis that a standard of 4 square metres per employee does not recognise that there may be instances in which this is not possible, may result in large loss of floorspace (or be larger than the site area itself) and may risk deliverability of plan objectives related to open space. Mechanisms to allow payment instead of onsite provision in areas of open space deficiency is also requested.

Hackney’s Response:

Open space provision emerged as a particular priority for residents in consultation. Policies LP46 and LP48 set out an approach to improving and expanding the network on green infrastructure reflecting the Hackney open space assessment, March 2018 (ED048).

The approach in LP48 reflects this evidence on need and the council has undertaken analysis that confirms the deliverability of the approach. However, it is accepted that there will be instances where, within areas of deficiency, site constraints mean that the levels specified will be challenging to achieve. It is proposed to amend the policy to provide flexibility to make a financial or physical contribution to open space in the locality in circumstances where on-site delivery is not possible.

Public Transport Infrastructure Site Requirements

1.22. A number of comments on site allocations were linked to Crossrail 2. An objection was raised to the requirement in Site Allocation SHX3 Eagle Wharf Road to include a Crossrail 2 ventilation shaft as part of either two options presented for an employment only or employment led scheme. Significant site constraints are highlighted including: (1) Thames Water sewers near surface level; (2) location of the site on a narrow B Road; and (3) the residential setting. It is also suggested that other options being considered, including Shoreditch Park, are more appropriate locations.
1.23. The potential for a Crossrail 2 station at Dalston and the transport access improvements that will result is highlighted in responses along with a comment in support of the identification of proposed improvements to the station (Site Allocation D2). It is suggested that HC1 Clapton Bus Garage site allocation should more explicitly consider the Crossrail 2 status of the site (identified as “An Area of Surface Interest” within Crossrail 2 proposals).

1.24. Requirements for bus operations to be retained at HC1 Clapton Bus Garage site are highlighted (along with arrangements for decant during any redevelopment). Relocation of these operations are subject to further feasibility work, but comments state that a more enabling approach to re-location is required in relation to HC10 Andrews Road and Ash Road Bus Garage.

Hackney’s Response:

The Local Plan sets a framework that supports the delivery of Crossrail 2 and other public transport infrastructure as set out in Policy LP44 and, where necessary, in specific site allocations. This includes safeguarding sites that are essential for Crossrail delivery. There are ongoing discussions with TfL on site requirements and this will continue during the development of the Dalston Masterplan Supplementary Planning Document and Stamford Hill Area Action Plan.

PP3 sets out the strategic principles for development Hackney Central and PP7 Clapton And Lea Bridge Roundabout. The ‘Strategic Principles’ defined in this policy and associated site allocations provide a flexible framework that enable the potential relocation of Clapton Bus Garage services to an alternative location without compromising operations. The Council is engaging with TfL Property and Arriva in developing plans for this area particularly around the potential relocation of the bus terminal subject to the needs of ARRIVA.

Social and Community Infrastructure

1.25. The priority given to health objectives and delivery of social infrastructure was highlighted in many responses. The approach to ensuring that development
contributes to social infrastructure needs was supported. However, there was concerns (from infrastructure providers) to ensure that the approach did not inhibit the strategies of providers for social infrastructure delivery. The need to ensure that the policy approach provides an enabling policy framework for health facilities was highlighted. There were concerns that LP8 would not provide the flexibility needed for health service providers to reconfigure or transform services which may lead to consolidation or rationalisation of premises. It was suggested that where NHS commissioners can demonstrate that healthcare facilities are no longer required there should be an acceptance that such sites are suitable for housing. Linked to this, a number of new site allocations by NHS Property Services were also suggested; these were for sites including existing health infrastructure with redevelopment potential.

1.26. There were concerns about the impact of affordable housing policy requirements on the viability of schemes which require funding from the scheme to cross-subsidise the delivery of the health infrastructure, with a more flexible approach suggested in these cases. In the context of the need to maximise value and ensure effective use of public funds, concerns were raised about cost of achieving BREEAM ‘Excellent’ standard for non-residential development rather than the ‘Very Good’ level, which currently include schools.

1.27. The need to strengthen the evidence base where relevant associated policies relate to the provision of playing pitches and needs (over the longer term) for secondary schools was also highlighted.

**Hackney’s Response:**

*Policy LP8 seeks to ensure that important social and community infrastructure is protected and new facilities delivered where they meet a need and respond to the growth planned.*

To ensure all social and community infrastructure that is in use and meeting needs are retained and protected. It is proposed that the policy is amended to remove the criteria to facilities in walking distance which might inadvertently either justify the loss of facilities in use or inhibit service providers making changes to their estate to reflect new models of delivery.

*The Council has developed an infrastructure plan and associated governance processes to support the implementation of this policy: Infrastructure Delivery*
Plan (IDP), 2018 (ED027). The IDP document provides a mechanism for ongoing engagement with service providers in the context of changing models of service delivery and evolving estates strategies (as noted in LP33, paragraph 6.4). The Council is currently updating its playing pitch evidence and Sports England are engaged in this process and separately in relation to the plan and this will feed into the IDP. Improvements to the presentation of the IDP – including in relation to education – are also being made.

It should also be noted that on health matters engagement extends beyond these IDP governance process. The Council works closely with the CCG and NHS Property through the Estates Enabler Group and One Public Estate Programme. These forum help ensure a coordinating approach to the NHS evolving strategies related to their estate.

Limitations on Fast Food Outlets

1.28. Finally, two responses suggest that the 400 m exclusion zones from schools is not justified on the basis that is inconsistent with national policy and has been found unsound as an approach by the Planning Inspectorate. It is suggested that the link between fast food, schools and obesity has not been demonstrated and that there is no evidence on the impact of the policy to support the policy approach. The inclusion of Primary Schools is challenged and responses highlight that A1 and A3 uses can serve foods with high salt, fat and sugar content.

Hackney’s Response:

The approach to managing hot food takeaways in Policy LP39 is justified by evidence as outlined in Evidence Base for Policy LP39: Hot food takeaways, May 2018. Reducing obesity in children and adolescents an important objective for the Council. Restricting the location of fast food outlets near close to schools will contribute to achieving this and is a priority action from Hackney’s Obesity Strategic Partnership.

1.29. Copies of all of the original responses received have also been provided to the Planning Inspector for review as part of the Examination in Public of LP33. These have also been published on the Council’s website and are available for inspection. The Council has also provided a response by policy to the key issues raise providing more specific detail to the summary provided in this note.