
2017/3511 Holborn Studios, 49 - 50 Eagle Wharf Road, N1 7ED

Hackney Society Planning Enquiries <planning@hackneysociety.org>

24 December 2021 at 20:15

To: Planning Enquiries <planning@hackney.gov.uk>

Cc: Barry Coughlan <barry.coughlan@hackney.gov.uk>

2017/3511 Holborn Studios, 49 - 50 Eagle Wharf Road, N1 7ED

Partial demolition of existing buildings, retention of 3 storey building and former industrial chimney and redevelopment of the site to provide a mixed use scheme comprising blocks of 2 to 7 storeys and accommodating 5,644 sqm of commercial floorspace (B1 Use Class) at basement, ground, first, second, third, fourth and fifth floor level, 50 residential units at part first, part second, third, fourth, fifth and sixth floor levels (comprising 23 x 1 bed, 17 x 2 bed, 8 x 3 bed, 2 x 4 bed) as well as 127 sqm café floorspace (A3 Use Class) at ground floor level, landscaped communal gardens, pedestrian link route to the Regents Canal and other associated works. (Full Planning Permission)

FAO Barry Coughlan

The Hackney Society Planning Group (HSPG) makes the following observations:

The genesis of this application is well recorded but it is worth emphasising that there have been no lawful decisions made on this application and whilst observations and recommendations made by previous sub-committees and officers contain much that is still factually correct and valid, the LPA would be entitled to come to a different judgement on the **balance** of those observations even if nothing had changed. In fact the Court would not have quashed the previous decisions had it felt the same planning judgement was inevitable.

As it happens, in policy terms at least, much has changed - in particular the emphasis on sustainability and re-use, and new London Plan 2021 policies on (D13) Agent of Change, (HC5) the creative industries, and (D6) enhanced requirements for good housing design - in particular, dual aspect residential units. And, of course, LP33.

We have previously emphasised the current, exceptional sustainable use of the existing buildings - Holborn Studios employs (directly, and indirectly) a substantial number of people in a creative industry that has demanded little change to the fabric of the historic buildings. This ability to perpetuate an economic advantage without either demolition or substantial additional construction places a high bar for the test of whether any new development might be - overall - sustainable. What is currently proposed does not reach that bar as it proposes the demolition of the existing creative economic activity and much of the fabric (and embodied carbon) of the existing building.

Furthermore what is proposed is not exceptional either in design quality terms or in terms of economic benefit, sustainability, and amenity value.

In particular we remain perturbed that the application continues to propose 40% single-aspect units and note that a substantial proportion of the remainder only count as dual-aspect on a technicality - with a second aspect provided by a small single window into a courtyard or balcony (e.g. E02, B04, B09). Policy D6 of the London Plan 2021 provides a distinct change of emphasis since 2016:

C) Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

The application fails to demonstrate that it meets the new requirements, and if it was felt the provision of single aspect accommodation carried insufficient weight to refuse the application under 2016 policy, it surely carries sufficient weight now.

The new London Plan 2021 Policy D13 requires that

B) Developments should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

No material changes to the scheme have been proposed since 2018, so the applicant relies on the *removal* of the current business and replacement with a generic photographic studio of a different type - that is to say replacement of a large, "drive-in" scale photographic studio complex with a smaller set of studios which would not have the ability to

accommodate shoots of the same type and scale. The downscaling of the use in order to facilitate the residential uses is the antithesis of the requirement of Policy D13 that an existing use be allowed to flourish.

Whilst the Court, in the second JR made it clear there was, *at the time* "... no policy requirement to retain the specific type of use operated and required by [Holborn Studios]" it went on to point out that "the loss of [Holborn Studios] was relevant to the considerations comprised in the policies related more generally to employment activity."

Retention of existing activity is now also captured in, for instance, new London Plan 2021 Policy HC5 "Supporting London's culture and creative industries" - which explicitly encourages the protection and preservation of "*existing cultural venues, facilities and uses*". The word 'and' makes it clear we are not merely dealing with uses within the usual meaning of the legislation, but specific venues and facilities. The facilities for the creative sector that are provided in the large studios of Holborn Studios are rare in inner London, and their loss will not easily be replaced nearby - certainly not within Hackney.

Finally, The statement of community involvement remains that of July 2017. Given the considerable change of local and London policy, and time elapsed, the failure to re-engage the community in this light, must be seen as a failure to consult at all.

In JR2 the Court invited the LPA to consider that the planning "balance might be struck in different ways" and the Court has provided clarity that would enable that to happen now even without the substantial shift in policy that has subsequently happened.

In the face of the considerable policy enhancements and a largely unamended scheme, it would be perverse for the LPA to reach the same conclusions as it has done previously.

NB. Holborn Studios are supporters of the Hackney Society, though the observations of the Planning Group are made without regard to that fact.

[NP]