

ST/P7058
17 April 2018

London Borough of Hackney
Planning and Regulatory Services
2 Hillman Street
Hackney
E8 1FB

For the attention of Mr Steve Fraser-Lim

Dear Sirs

Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Britannia Leisure Centre 40 Hyde Road, Hackney, N1 5JU
Application reference: 2018/0926

REQUEST FOR FURTHER INFORMATION UNDER REGULATION 25

We act on behalf of Anthology Hoxton Press Ltd in hereby writing to object to the outline planning application submitted by the London Borough of Hackney in respect of two parcels of land to the south of the Colville Estate.

Executive Summary

Anthology supports the Council's objective of providing new leisure and education facilities for the borough and is supportive of the principle of seeking to enable this infrastructure through the provision of market housing. Anthology's Hoxton Press scheme is an example of how developers working in partnership with the Council can deliver significant public realm and open space improvements, new infrastructure and maximising provision of new affordable homes.

Anthology raises a series of objections to this application relating to non-compliance with planning policy as set out below. These objections are tied to a fundamental principal concern; which is that the application scheme as designed is not viable to build. This has led to an over development of parts of the application site to compensate for the lack of viability.

The key issues noted in this response letter can only lead to the conclusion that the application scheme does not accord with the London Plan and Hackney Local Plan (comprising the Core Strategy and Development Management Local Plan). On this basis, the applications should be refused in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, as there are no material considerations that outweigh the conflicts within the development plan.

Furthermore, Anthology considers the scheme plainly does not reflect value for money for the residents of Hackney. In their estimation Building H1 in fact takes money away from the Britannia

Architecture Planning Interiors

Old Church Court, Claylands Road, The Oval, London SW8 1NZ

T 020 7556 1500

www.rolfe-judd.co.uk

DD 020 7556 1526

E seant@rolfe-judd.co.uk

Mr Steve Fraser-Lim
17 Apr 2018

Leisure Centre regeneration project by making an estimated loss of between £12 and £15 million, combined with its haemorrhagic effect on cash flow due to phasing.

In summary the objections relate to:

- The amenity impacts of the application scheme on neighbouring properties and in particular the detrimental impact in terms of loss of daylight, sunlight and excessive overshadowing of later phases of the Colville Estate Regeneration. These impacts are particularly severe on the existing homes in Francis House and will prejudice the delivery of hundreds of new homes for the borough once blocks H and I which remain to be developed on the Colville Estate. The quality of daylight and sunlight received by the proposed secondary school will also be affected by the final phases of the development.
- The over-development of the western site comprising Blocks H1 and H2; namely through:
 - Excessive height and bulk,
 - Excessive density for the location,
 - Lack of amenity space and an inappropriate unit & tenure mix which has led to too much family accommodation being squeezed onto the wrong site
 - Ultimately an unviable scheme does not maximise affordable housing.
- The failure to justify the below policy level percentage of affordable housing proposed in the application scheme allied with concerns related to the overall viability of the application scheme. In particular the viability of Blocks H1 and H2 and the negative impact this has on the overall viability of the application scheme should be critically and independently assessed.
- The failure to provide validation documentation with the application to allow third parties to fully assess the application, with particular reference to the lack of important appendices for the Viability Statement and drawings for Blocks H1 and H2.
- A request to the Council to seek (through Regulation 25 of the EIA Regulations 2017) further information on:
 - The detailed drawings for Blocks H1 and H2;
 - Additional justification on the appraisal of alternative sites;
 - The inclusion within the ES of assessments of the impact of the application scheme on the redeveloped Colville Estate.
- The failure to correctly scope the Environmental Statement.

Background

The Application Scheme

As noted above the application site comprises two parcels. The first parcel of land relates to the existing Britannia Leisure Centre building and associated surface parking area; the hard surface sports courts located within Shoreditch Park and fronting onto Pitfield Street and other land comprising Grange Street, Northport Street and parts of Hyde Road and Pitfield Street. The second parcel of land is located on the corner of Bridport Place and Penn Street and is currently occupied by a Marketing Suite used by Anthology in relation to the adjoining Hoxton Press development to the north of Penn Street. The principal objections are raised in relation to this parcel of land and the extent of development proposed on this land.

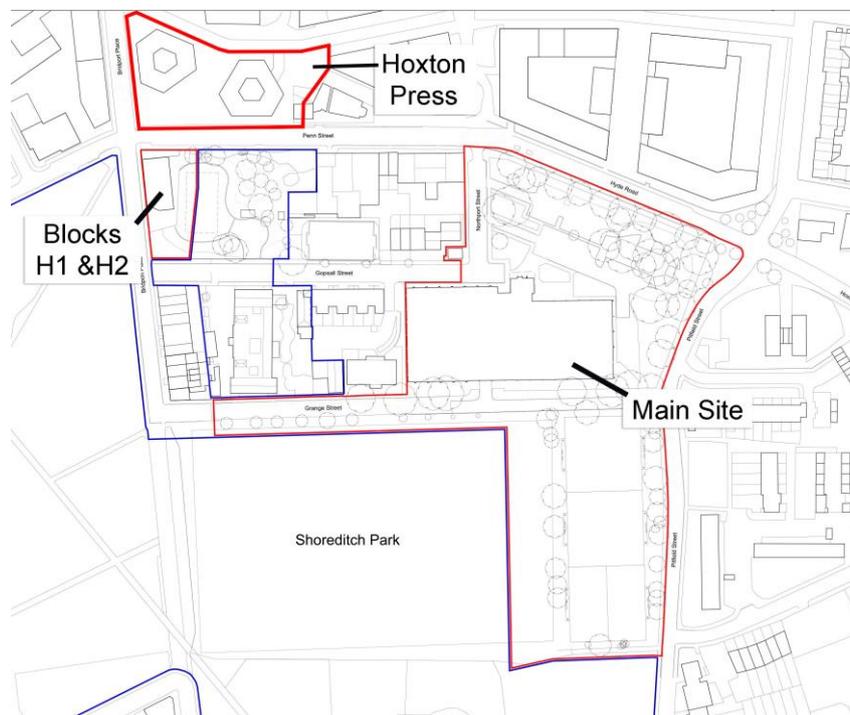
The description of development is noted as:

Mr Steve Fraser-Lim
17 Apr 2018

“An outline application for the demolition of existing buildings and erection of eight buildings to provide a maximum overall floorspace of up to 83,989m² (GEA), comprising: Up to 481 residential units (use class C3) within 6 separate residential blocks (H1-H6 ranging in height from ground plus 3 to 24 storeys); Up to 400m² (GEA) of flexible commercial floorspace within use classes A1 / A3 / B1; 492 m² GEA use class D1 (Early Years Centre); Secondary School of 15,005m² GEA (use class D1); Leisure Centre of 12,009m² GEA (use class D2).

Full details (with no matters reserved) to provide 93 residential units (11,063m² GEA), 492m² GEA of Early Years non-residential floorspace (use class D1), Secondary School of 15,005m² GEA use class D1; Leisure Centre of 12,009m² GEA use class D2 and public realm improvements.

Details are submitted for site layout, scale and means of vehicular access (with appearance, internal layout and landscaping reserved for later approval) for 388 residential units (up to 45,020m² GEA) and up to 400 m² (GEA) of flexible commercial floorspace (Class A1/A3/B1) and other public realm / communal private space improvements. “



Anthology and Hoxton Press

Anthology is one of London’s newest and most exciting property development companies. Working in partnership with Councils and local communities, they are delivering thousands of quality homes across London. Anthology is also a SME overcoming significant barriers to entry to the London housing market to widen and diversify housing supply in the Capital.

The Hoxton Press site was sold to Anthology by Hackney Council following outline approval as one

Mr Steve Fraser-Lim
17 Apr 2018

of the phases of the regeneration of the Colville Estate. The Colville Estate Regeneration will comprise over 880 homes and once completed will deliver 50% of all homes as affordable. The Hoxton Press site will deliver 198 homes for market sale to assist the Council in funding and delivering a policy compliant 50% level of affordable housing level across the wider site. Anthology has been working closely with Hackney Council on the regeneration of the Colville Estate and is therefore disappointed that the Council has sought to bring forward this development proposal without any design or phasing consideration to the regeneration of the Colville Estate. As noted below the application scheme will have a detrimental impact not only on the Hoxton Press site but other phases of the regeneration scheme including Blocks H and I with a combined capacity of 250 homes.

Designed by architects Karakusevic Carson Architects and David Chipperfield Architects, Anthology's Hoxton Press scheme is made of two unique hexagonal towers, sat between Shoreditch Park and Regent's Canal. Inside there are one, two and three-bedroom apartments, as well as penthouse suites, with balconies and terraces, a ground floor café and communal spaces. A play space for the wider regeneration scheme is being delivered as part of the scheme.

A key part of the development of the Hoxton Press site was the quality of the design and the relationship of the positioning and layout of the towers in relation to the open space on Shoreditch Park. The scheme is currently under construction with occupation of all 198 apartments due to be completed by 2019.

Response on the Application Scheme

The principal objections to the application scheme are as follows:

Daylight, Sunlight and Overshadowing of the Colville Estate Blocks:

The ES chapter for daylight and sunlight shows a 'negligible' to major adverse impact on Francis House, concluding that overall the effect would be permanent, direct, moderate adverse and significant. The moderate adverse effect was concluded on the basis that Francis House is to be demolished as part of the Colville Estate regeneration.

However, Block I will be developed in a similar position to Francis House and the assessment does not then test the daylight and sunlight effects of the proposed development on the proposed Colville Estate blocks. We note that the overshadowing assessments were conducted for the amenity areas within the proposed Colville Estate blocks. Therefore, it is inconsistent to exclude the daylight and sunlight impact assessment to windows of the proposed Colville Estate blocks.

The ES chapter for daylight and sunlight has not correctly assessed the impacts of the application scheme in two regards. Firstly, the environmental impact of the application scheme on the daylight and sunlight for the proposed receptors in Blocks H and I of the Colville Estate has not been undertaken with the only assessment of Blocks H and I occurring for the Sun on Ground Assessment.

Secondly, the ES does not include a full cumulative assessment i.e. the cumulative effects of the proposed development and the future Colville Estate blocks on other receptors noted in the ES chapter.

Mr Steve Fraser-Lim
17 Apr 2018

Whilst Block H and I remain in outline as no reserved matters have been submitted, it does not mean that daylight and sunlight levels for both blocks need not be tested as part of the ES chapter. Hypothetical room configurations should have been used to assess the impact from the proposed development, or external facade testing could be undertaken, as was demonstrated in the internal daylight report by Point 2 Surveyors for the proposed outline residential blocks.

Case law provides that the effects which a project may have on the environment should, wherever possible, be identified and addressed at the time of the procedure relating to the principal decision¹. It is important that the local planning authority has sufficient information to be confident that when the reserved matters are brought forward for consideration, there will not be some unavoidable problem which is likely to give rise to significant adverse effects on the environment. As Waller LJ put it in *R (o.a.o. Smith) v SSETR* [2003] EWCA Civ 262, “once outline planning consent has been given there is effectively no going back”². Therefore all of the emerging Colville Estate blocks should be tested for daylight and sunlight impacts as part of the cumulative assessment as this is one of the cumulative sites identified in the ES.

Daylight, Sunlight and Overshadowing of Local Schools

The internal daylight and overshadowing report by Point 2 Surveyors shows a significant impact from the two towers H5 and H6 on the amount of sunlight the secondary school playground receives. The BRE guidelines suggest that 50% of an amenity space should receive sunlight for two hours in the assessment month of March, but two of the areas receive 0% and 23.2%. The transient overshadowing images show only small shafts of sunlight penetrating through the proposed buildings to the south of the playground, only lighting a small proportion of the playground area at any time. Even the June transient overshadowing assessment of the playground shows limited sunlight during the lunch time period, with the December assessment showing only a tiny slither of sunlight through the tower. Clearly the sunlight availability within the playground area is significantly affected by the location of the two towers H5 and H6.

No assessment was undertaken of the quality of daylight and sunlight within the secondary school building, especially to the south facing elevation that is clearly impacted by the location of blocks H5 and H6. Such an assessment should be provided as part of the ES.

Affordable Housing and viability information

The regeneration of the Colville Estate has targeted the delivery of 50% of all homes as affordable. This target is in line with Policy CS20 of the Core Strategy and Policy DM21 and Policy 3.12 of the adopted London Plan Policy H5 of the Draft London Plan (2017) and the Mayor’s Housing SPG (August 2017). These policies seek a strategic target for affordable housing across the capital of 50% and that public-sector bodies should seek to provide 50% affordable housing across their portfolios.

The application scheme is not in accordance with the policies of the adopted London Plan (Policy 3.12) in not maximising affordable housing and the Local Plan in not providing 50% affordable

¹ *Regina (Barker) v Bromley London Borough Council (Secretary of State for Communities and Local Government)* [2006] UKHL 52 and Recitals to the EIA Directive

² Paragraph 26.

Mr Steve Fraser-Lim
17 Apr 2018

housing. It does not meet the Mayor's stated aim within the Draft London Plan (Policy H5) for public sector bodies to provide 50% affordable housing.

The Affordable Housing and Viability Statement submitted with the application states that the scheme has a negative Residual Land Value (RLV) of -£69.7m with on-site provision of 81 affordable units representing 19.4% of the total habitable rooms. This RLV includes grant funding to the tune of £21.8m from the Education Skills and Funding Agency (ESFA) for the Secondary School. The Council has ring fenced £41.8m to help fund the scheme however the Affordable Housing and Viability Statement confirms that a worst case position of £72.4m of funding has been planned for.

The RLV excludes 'developers profit' (usually 17.5% - 20% on cost) which casts even further doubt on the viability of the project should the Council seek a developer partner to help them deliver the market units.

The viability of the scheme is significantly harmed by the array of tunnels proposed to be bored as part of CrossRail 2 which means the opportunity to place foundations and locate buildings is difficult and the structural solutions expensive as highlighted in the Planning Statement (table 5.1). The viability is further harmed by the phasing which delivers the Secondary School, Leisure Centre and all of the affordable homes (within Blocks H1 and H2) in the early phases with almost all of the market homes delivered in the final phase. This will clearly impact very significantly on cash flow for the development and raises serious questions over the principle of development.

The delivery of 19.4% affordable housing is far less than other regeneration schemes in the borough such as Woodberry Down (which provides 42% affordable housing) and the Colville Estate where the early delivery of the Hoxton Press site has assisted in funding the delivery of affordable homes with a target of 50%.

Whilst the redevelopment of the Britannia Leisure site requires expensive re-provision of infrastructure, the development of other regeneration schemes in the borough also had extensive infrastructure costs associated with them (e.g. the replacement of existing homes and the narrowing of Seven Sisters Road at Woodberry Down) yet can deliver much higher percentages of affordable housing.

This lack of viability has led to the over-development of the site on the corner of Bridport Place and Penn Street, which in turn further reduces the overall viability, due to the inevitable high build costs in this location, and the level of affordable housing.

There does not appear to have been sufficient testing of other options which would deliver some of the benefits but which would provide greater provision of affordable housing. The Planning Statement indicates there are limited typologies that would work with Blocks H1 and H2 and we would agree with this comment. However placing a 16 storey building on the site (Block H1) and placing all of the affordable housing including family accommodation into the building is illogical and means that the most expensive residential building to build does not contribute to the wider viability of the site. A lower height building would be less expensive to build and the forward sales would assist in the overall viability helping to deliver the Leisure Centre and Secondary School and greater provision of better quality affordable housing. The alternative options set out in Chapter 3 (Para 3.34) do not assess any alternative scheme design comprising a lower height based on a viability case.

The issues of the viability are compounded by a lack of transparency from the application

Mr Steve Fraser-Lim
17 Apr 2018

documents. The submitted Affordable Housing and Viability Statement references four appendices including build costs and the Argus Model. However these appendices are not available on the Council's website and it is therefore impossible to review the Council's figures and therefore understand the overall viability position. Paragraph 1.21 of the Mayor's Affordable Housing and Viability SPG states that viability information should be available for public scrutiny and comment like all other elements of a planning application, as should any review or assessment of the appraisal carried out by or for the LPA. As such, boroughs should implement procedures which promote greater transparency where not already in place. Section 3 of the Mayor's Affordable Housing and Viability SPG identifies key appraisal data required to support a viability appraisal; including sales values affordable housing values, fees and build costs. The failure to make available the Argus Model and the Build Costs to the public means that it is impossible to fully analyse the viability case sufficiently.

We cannot see any reasons of public interest why the appendices have not been released and therefore request that the Council releases Appendices 1 to 4 of the Affordable Housing and Viability Statement to ensure proper transparency.

Finally no reference is made to a review mechanism and it is expected that the development would be subject to a similar viability review to the Colville Estate and/or the Review Mechanisms set out in the Mayor's SPG for phased development. These review mechanisms should seek reviews at the start of the final phase to assess the opportunity to deliver more affordable homes.

In summary the application scheme is contrary to the adopted Local Plan policies CS20 and DM21 and the emerging London Plan Policy H5. Further we consider the lack of transparency on the viability data to be contrary to the Mayor's Affordable Housing and Viability SPG.

Density and Height

Across all phases of the application scheme the density is broadly similar to that of the Colville Estate regeneration and no objection is raised in regard to this. However, as noted on the site plan above, the land at the corner of Bridport Place and Penn Street, within which Blocks H1 and H2 are situated, is a standalone element separate from the main application site. This component will be the first residential phase to be delivered and is submitted in full with no reserved matters. It should, as part of an assessment of density, be assessed as a stand-alone element.

The site area for Blocks H1 and H2 is 0.12ha and as identified from the Planning Statement, comprises 93 residential units and 281 habitable rooms. On this basis, the density for the site is 2341 habitable rooms per hectare or 775 dwellings per hectare. The site has a PTAL rating of 2 which reflects low accessibility. Under adopted London Plan Policy 3.4 the density matrix (SRQ) would propose acceptable densities in an urban location of 200-450 habitable rooms per hectare. The application scheme for H1 and H2 is over five times the SRQ target in Policy 3.4.

The draft London Plan has moved away from a quantitative assessment of density to a design led approach to determine capacity. Policy D6 provides that the consideration should be given to site context, connectivity and accessibility and the capacity of infrastructure.

The height of Block H1 has a detrimental impact on the neighbouring playground and impacts on the quality of daylight and sunlight received on surrounding buildings. The current scheme proposes provision of rented and intermediate units sharing one core in Block H1 with a significant number of

Mr Steve Fraser-Lim
17 Apr 2018

family units.

We take the view that density achieved on the western site containing H1 and H2 is not design led and reflects the poor viability of the project. It is a significant over development on a site with low to moderate accessibility.

This is the result of seeking to improve viability and deliver the public benefits before cash flow from market flats has repaid debt. Whilst the principle of what the Council is seeking to achieve is supported, in practical terms it has led to over development; with a building that is too tall, has the wrong housing mix/core design and which has a detrimental impact on its neighbours. It is thus not in accordance with Policy 3.4 of the adopted London Plan, Draft London Plan Policy D6 and Policy CS22 of the Core Strategy.

As noted previously, a revised approach with a lower building for H1, with a revised housing mix would overcome several issues raised in this letter and improve viability and the ability of the development to deliver affordable housing.

Urban Design

Although the design of the scheme is not called into question, save for the lack of RIBA Stage 2 design information that would be expected of every other planning application, the location of the taller element (Block H1) in juxtaposition with the two Hoxton Press towers is considered harmful. Phase 3 of the Colville Estate was initiated by the Council and Karakusevic Carson Architects' design for the two hexagonal towers was considered exemplary. A key element of the design of the two towers was their relationship to Shoreditch Park and how they would be viewed from the Park. The two towers were spaced apart and located in such a way that when viewed from Shoreditch Park there would be a clear gap between the buildings.

This was a deliberate tool to avoid coalescence of bulk when seen in key views. Block H1 is 16 storeys in height but lies directly to the south of the Hoxton Press site. This building would, if constructed, create a wall of buildings when viewed from the park and would diminish the impact of the two towers and the gaps created between them.

We consider that the application scheme is contrary to Policy CS24 of the Core Strategy and DM1 of the DMLP in that it does not result in the good and optimum arrangement of the site in terms of form, massing and scale in relation to the surrounding buildings. Furthermore, it has not applied a rigorous design and impact to assessing the heights and bulk of the building in relation to the existing surroundings.

The scheme does not respect the visual integrity of the vista created by the Council's scheme for the Colville Estate and is not of a height or massing which responds to and is compatible with the townscape. Through the impacts the scheme will have on overshadowing the adjoining open space on the Hoxton Press site, the scheme is not a 'good neighbour' and will not create a positive sense of place.

Mix and Tenure of units:

The application scheme delivers 93 units in Blocks H1 and H2. Of these units 18 are three beds (all social rented). As identified in the Applicant's Planning Statement this provision, whilst compliant for

Mr Steve Fraser-Lim
17 Apr 2018

the social rented component, is non-compliant for the intermediate and market housing components as no three bed units are provided. Policy DM22 seeks 16% and 33% respectively for intermediate and market housing. For the further phases (H3 to H6) the application scheme only provides 16 three bed units (all market housing) which equates to 4.1% of the total.

In comparison, the regeneration of the Colville Estate sets out the housing mix in the Unilateral Undertaking, providing a minimum of 21% of the market units to be three bed or larger and a minimum of 15% of the intermediate units to be three bed. Hoxton Press (solely market housing) delivered 16% of units as three bed or larger, however formed only one phase of the wider regeneration with the clear expectation that additional three bed units would be secured in other phases across all tenures.

There is little justification within the Planning Statement for the significant non-compliance of the application scheme with adopted Policy DM22 other than it is a 'pragmatic approach' informed by the development advisers. No justification on viability grounds is presented as to why a non-compliant mix is proposed. Policy DM22 states that variations to the mix in Table 1 will be considered dependant on the site location and characteristics and scheme viability. As noted previously the Council has secured a housing mix for the Colville Estate which is broadly compliant with Policy DM22, thus site characteristics and location cannot be a factor. As no viability evidence or other material considerations have been presented to justify this non-compliance the scheme is not in accordance with Policy DM22 of the Local Plan.

The provision of 81 units in Block H1 as mixed intermediate and rented tenures is problematic in terms of management of the block which has a single core. In our experience, Registered Providers almost always seek a separation of social rented units from intermediate or market units as the costs of maintaining the units and communal areas is very different and service charges applicable to intermediate homes cannot be levied on social rented accommodation. This gives rise to concerns over the core configuration.

Amenity Space and Play Space

Policy DM31 has a requirement that 10sqm of open space (including children's play space) be provided per resident. London Plan Policy 3.6 seeks provision of play space for children in schemes. Draft London Plan policy S4 seeks provision of 10sqm per child in major schemes.

The phasing of the application scheme proposes social rented and intermediate units located in Block H1. Block H1 contains the highest concentration of family units across the entire application scheme (18 units out of 81). These are located in a 16 storey building which develops the entire footprint of the site and has an Early Years Centre at ground floor. There is therefore no ground floor communal amenity space, play facilities and the application drawings indicate no upper floor terraces used for amenity space. This layout appears illogical given the opportunity to develop the existing Leisure Centre site for a range of housing typologies including provision of affordable ground floor family units with gardens. This site is significantly larger than Blocks H1 and H2 and allows different opportunities to deliver a range of typologies, tenures and unit sizes. The open space requirement for the first phase (Blocks H1 and H2 and based on a residential yield of 2.31 for the De Beauvoir Ward) is 2148sqm. For the first phase of the scheme this provision will be met by Shoreditch Park and not on-site.

It is pertinent to note that the application scheme delivers a children's play area in the last phase but

Mr Steve Fraser-Lim
17 Apr 2018

the Mayor's Child Yield Calculator identifies that the majority of the children (approximately 63 out of 88) will be located in Block H1. In our opinion it is not acceptable to suggest (as noted in the Planning Statement) that the proximity of Shoreditch Park overcomes this discrepancy. All phases of the development benefit from the proximity to Shoreditch Park and the overall site area would allow on-site provision. Given this relationship the application scheme should meet the policy requirements of DM31 and the adopted and draft London Plan. The fact that the first phase is not in accordance with Policy DM31 (as well as other Local Plan policies) highlights significant concerns about the location and type of units in the various phases.

Whilst the Council's desire to see affordable housing delivered early is understood, the size of the site at Bridport Place and Penn Street is too small for the type of family housing proposed. The opportunity to deliver better family housing in a more appropriate location, linked with ground floor garden areas and a children's play facility highlights a fundamental flaw in the scheme.

The development of Blocks H1 and H2 have been designed to deliver the maximum affordable housing provision at an early stage. This approach is both flawed in terms of viability. In any case, the provision of social rented accommodation requires larger family units which are not appropriate in a 16-storey building with no amenity or play space. This component of the scheme which will be delivered two years in advance of the later phases should stand alone and comply with Policy DM31.

It is considered that Blocks H1 and H2 should be developed with a mid-height block which would result in a more cost-effective development.

Procedural Matters

In addition to the numerous objections regarding the application scheme itself, we are concerned that there are a number of missing documents on the Council's website which do not allow us to fully assess the impacts of this scheme.

No drawings for H1 and H2: The description of development for the scheme highlights that Blocks H1 and H2 are submitted in 'full', i.e. with no reserved matters. This means that the Council, residents and other interested parties must have sufficient information to determine the effects of the buildings on the wider context. Having viewed the Council's website, whilst there are detailed drawings for the Leisure Centre and Secondary School, we cannot see any detailed application drawings for Blocks H1 and H2. Some drawings are contained within the Design and Access Statement however this does not accord with local validation requirements for a major detailed planning application. This is contrary to Article 7 of the Development Management Procedure Order 2015.

Until the required drawings are made available to third parties, the application is incomplete. It should not have been registered; as it is invalid and cannot be determined. A new consultation period should be started once the drawings are available to the public.

No appendices to the Viability Statement: As noted previously the Viability Statement has four appendices which are continually referred to in the Main report. The failure of the Council to provide these documents means there is a lack of transparency that is contrary to the Council's own local validation list, which requires a full un-redacted version unless there is sensitive commercial information. Given the appendices related to build costs, the Argus Model and accommodation

Mr Steve Fraser-Lim
17 Apr 2018

schemes, we cannot see any justification for the Council preventing the release of these documents.

As noted above the application is incomplete and re-consultation should be undertaken once this information is provided.

Environmental Statement (ES): Chapter 11 of the ES does not fully assess the impacts of the application scheme on the emerging proposals for the Colville Estate. The ES identifies that there is a minor to major adverse impact on the daylight and sunlight to Francis House; however no analysis is included in regard to the (a) the impacts of the application scheme on proposed Block H and Block I of the Colville Estate Outline Planning Permission and (b) the cumulative effects of the application scheme and the completed Colville Estate on other main receptors. . The Colville Estate is a committed scheme and is identified as one of the cumulative schemes in the ES. This analysis should be carried out and the impact and mitigation highlighted within an updated ES.

In Chapter 3 of the ES Alternatives and Design Evolution, no alternative options have been assessed which excluded the western site containing Block H1 and H2. As this site is not required for the redevelopment of the Leisure Centre and not required for the new Secondary School, we consider the options appraisal should have clearly identified why this site was included into the application scheme and what the impact would have been had the site not been included in the application scheme. The cost of building on this site, as highlighted in the Viability Statement is considerable given the infrastructure below and the benefits of including the site and making it the location of the affordable housing as noted previously are questioned.

In regard to the identification of Cumulative Schemes paragraph 2.69 of Chapter 2 of the ES identifies the criteria for relevant cumulative schemes as being:

- a. Developments with full planning consent or a resolution to grant consent;
- b. Produce an uplift of more than 10,000m² (GEA) of mixed-use floorspace, or over 150 residential units; and
- c. Located within 1km from the site.

Table 2.2 then schedules 10 relevant schemes within 1km. The criteria above relates to Schedule 2 sites as categorized in the EIA Regulations 2017. In our experience the criteria for cumulative effects does not apply only to 'Schedule 2 sites' and can and should include other major committed sites (i.e. developments over 10 units or more or over 1000sqm.

We therefore request the Council makes a notification pursuant to Regulation 25 of the EIA Regulations 2017 identifying the need for the ES to be supplemented with the following additional information:

- Analysis of the daylight and sunlight impact on Blocks H and I as approved by the Outline Planning Permission for the Colville Estate;
- Analysis of the daylight and sunlight impact of the application scheme and completed Colville Estate on other sensitive receptors;
- The detailed drawings for Blocks H1 and H2;
- Additional information and justification on the appraisal of alternative sites;
- Assess the cumulative effects of major committed developments within 1km.

Scoping Opinion: Regulation 76 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 revokes the 2011 Regulations subject to several transitional

Mr Steve Fraser-Lim
17 Apr 2018

provisions. The application does not fall within the transitional provisions and therefore the 2017 Regulations apply. The applicant's Scoping Report refers to the 2017 Regulations; however the Council's Scoping Opinion was carried out in accordance with the 2011 Regulations. This is fundamentally incorrect and means that the Environmental Statement is based on an incorrect Scoping Opinion. The Environmental Statement should be re-scoped. It should then be re-drafted and re-submitted to reflect a Scoping Opinion carried out in accordance with the 2017 Regulations.

Actions

We consider that given the numerous issues contained within this letter that the Council should take the following actions:

- 1) To either refuse the application as being contrary to policies in the Local Plan and London Plan; or
- 2) To make invalid the current application, and
 - a. Request the applicant submit additional documentation and drawings to meet local validation requirements;
 - b. Revise the application scheme to address the objections raised within this letter;
 - c. Issue a Regulation 25 Notification requesting the applicant supplement the ES with the additional information noted above.
 - d. To re-consult once the necessary information is received.
 - e. Not to determine the application until the application is complete (i.e. Regulation 25 information is received and re-consultation has occurred).

We would request a meeting with you and other key officers to discuss this application scheme.

Yours faithfully

Sean Tickle

For and on behalf of
Rolfe Judd Planning Limited

cc Anthology Hoxton Press Ltd