

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** 34-38 Wallis Road  
**Date:** 21 March 2019 14:28:58

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[REDACTED]

We note that there have been 5 late objections submitted from people who have recently purchased flats at the Bagel Factory, 52-54 White Post Lane. Given they were submitted so late they haven't been included in the committee report but I understand that committee members will be informed about them in the committee report addendum. We have therefore provided a response to the points raised below.

### Consultation

As explained in the Statement of Community Involvement and Planning Statement, the Applicant has engaged in an extensive on-going consultation process with local residents and businesses. The programme of consultation with the wider community began in September 2018 with a door-knocking exercise to introduce the developers to local businesses. This was followed up with letters being sent to these local businesses introducing the scheme and publicising the public consultation exhibition. The exhibition provided an opportunity for residents to view the proposed development and discuss their issues with leading members of the development team. Further one to one meetings with interested businesses were also held by the Applicant. The feedback has been positive and this is reflected in the letters of support that have been submitted.

With regards to the Bagel Factory development, we are not clear on the stage of construction of the development and whether or not people have started moving into the flats yet, therefore, engaging with the future residents who have bought the flats off plan has not been possible. Nonetheless, the Applicant engaged with the developer, Aitch Group prior to submitting the application who expressed their support for the proposals. Aitch Group have now confirmed this in a letter of support they submitted earlier this week.

Furthermore, LLDC have achieved their statutory consultation requirements through press notices and posting of site notices.

### Height

The letters include incorrect figures for the height of the building. They use the height of the building from sea level rather than the height of the building from ground level when describing it next to its neighbours. For clarity the prevailing parapet height is 23.625m Above Ground Level which is approximately 3.75m taller than 52-54 White Post Lane.

The planning application includes a thorough assessment of the proposals against Policy

BN10 and it is supported by the QRP and officers.

### Loss of Light

The effects on the Bagel Factory are covered comprehensively in the submitted Daylight and Sunlight Report and in the Committee Report. As confirmed in the Committee Report the appropriate test for a new build property is one of Average Daylight Factor and c.80% of the flats at the Bagel Factory meet this under the proposal. Retained daylight levels are high in many cases significantly exceeding the targets. Where localised deviations do occur these affect rooms where windows are situated beneath balconies which is a common trade-off between internal daylight levels and the provision of private amenity space. Once the effect of the balconies is accounted for the scheme is fully compliant with the BRE targets.

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: 19/00004/FUL - 34-38 Wallis Road - Right to Light, overlooking, lack of engagement and break with local context and design guidance.  
**Date:** 26 March 2019 09:05:00  
**Attachments:** [image002.png](#)

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H [REDACTED], this is the email thread from the objector that is registered to speak tonight.

**Sent:** 20 March 2019 11:02

**To:** [REDACTED] <[REDACTED]@londonlegacy.co.uk>

**Subject:** Re: 19/00004/FUL - 34-38 Wallis Road - Right to Light, overlooking, lack of engagement and break with local context and design guidance.

Hello [REDACTED]

Thank you for the detailed response, and the useful clarifications here. My issue is with the application of policy BN.10 as a matter of precedence, and I question the singular decision based on the architectural assessment of the building (I understand this to be a somewhat subjective matter, but it must be brought forward). Previous planning applications have brought the scheme forward without a required assessment against BN.10, suggesting this is a preferential treatment by the developer and not a necessity to make the scheme viable. I believe the scheme has value, but I do not understand why it is necessary to be the height it is, and believe it would satisfy the local plan regulation more appropriately if the upper story were removed, placing it more in line with the prevailing height of the area.

I have provided further commentary and response to your points below.

#### Consultation

- I note a total of four individuals attended the consultation. I also note the list of local businesses contacted, and question why certain businesses might have been excluded from the consultation process or where not contacted (notably Crate, Howling Hops, Hackney Bouldering Project and Bar 90, all of which are notable local businesses). Can the applicant confirm these businesses have been consulted, if so what the outcome was, and if not why they were excluded as clear and obvious local stakeholders (I note Crate Brewery is the number one visited location in Hackney Wick according to Google Analytics as an example).
- Aitch Group have confirmed they provided no input to the process. I respect the fact that it is impossible to contact new tenants in under construction developments, but perhaps a local approach could be taken in future considering the rapidly changing context of the area to ensure developers contact their future clients - we were told at purchase that planning would not break local context in this area (and that BN.10 was unlikely to be applied) as future schemes had not requested it, and viability of the site was possible without application of BN.10. Can you confirm the current scheme has also been considered during optioneering at a reduced height?

I have provided comment against specific subclauses of BN.10.

- **BN.10\_Criteria 1: Outstanding Architecture/Design Process**

- While I agree that the ground plane is naturally attractive, and provides amenity to public space, I do not believe the 'serrated roofline' or monolithic facade of tiny windows accurately captures the design guidance typification for Hackney Wick. I would argue that the extended scale of the upper stories will lengthen the building, and give it a more medieval castle-like visage than anything resembling a quirky warehouse.
- The assertion that the success of the scheme is wholly dependent on the fine grain detailing of the brick suggests that any failures during construction process or 'relaxation' of this will lead to perhaps a less attractive building - a point, monolithic castle block that has no texturing above the ground plane, and is simply a facade of small hotel windows.

- **BN.10\_Criteria 2: Respect the scale and grain of their context**

- I note the buildings are of identical height and scale, breaking the suggestion clause 7.1.10 that blocks should where possible differ in size and scale. I note the panel's reference to a 'pleasing simple composition', and question if simple is what was defined in the local plan at the outset.
- I note the criteria that the building must show development during the design process. Can the panel and committee confirm solutions have been assessed and trialed which would remove the need for the building to be delivered as a tall building? Can the panel and committee confirm the necessity of the additional (top) floor?

- **BN.10\_Criteria 8: Promote legibility**

- Of the 5 Tall Buildings specified within the Local Plan, I would argue by allowing 34-38 Wallis Road to be built at a height of 26.45m above ground level would require these buildings to be substantially larger in their own scale in order to ensure the wayfinding/placemaking function of the town centre is not adversely disrupted. This 'one upmanship' could distort the prevailing height of the HW area and lead to a disruption of the original architectural and planning concepts defined within the local plan. I would argue the building adds no placemaking or wayfinding value.
- I would argue that the location slightly out of the HWNC will distort wayfinding and local legibility from the north and south.
- I question whether the first noticeable building to an area of 'industrial heritage' on the train Eastbound on the North London Line should have a serrated roofline, have no texture or rhythm to the architecture in shape and form above the ground plane, and ultimately look like a castle - it is not in context with the overarching design guidance for the area. It is worth noting this building will be the first thing you see approaching from the West (Victoria Park).

- **BN.10\_Criteria 10: Heritage/visual/townscape impact.**

- I argue that the assessment of impact on the Lord Napier Tavern (heritage asset) is undersold, and that the scheme will dwarf the existing heritage asset.

- **BN.10\_Criteria 12: Overlooking, over shadowing, etc**

- I note your assertion that a planning condition will be placed on the 'hotel' to ensure it is not used as an accommodation. Can you please confirm how this will be monitored, measured and enforced? I note this number of days per annum period still allows for near-permanent residency for long periods of the year, which changes the type and tone of the hotel. Have The Collective confirmed that this asset will be operated differently to their other offerings, which are on a more permanent basis? Has this assertion been included anywhere in the planning documentation?
- I note the use of ADF as a test for daylighting, and would argue that due to the advanced nature of the construction VSC is a more appropriate mechanism for testing the impact on the Aitch Group schemes. I further note Block A is now being occupied. (52-54 White Post Lane), and that for the panel to have an accurate understanding of the impact on neighbouring assets (Criteria 2) it is crucial for an existing and proposed assessment to be undertaken that accurately shows the impact on the neighbouring scheme.
- There is little to no assessment of the impact of circa 130 hotel rooms overlooking residential addresses (mostly bedrooms), affecting right to privacy.

I look forward to meeting on Tuesday of next week.

Kind Regards,

On Tue, Mar 19, 2019 at 11:18 AM [REDACTED] <[REDACTED]@londonlegacy.co.uk> wrote:

The committee starts at 6pm on Tuesday next week. If you wish to speak you would be allotted 5 minutes (if other neighbours wished to speak then you would need to share that 5mins between you or agree to have a spokesperson).

I have tried to address your points below:

#### Height

Regarding the image you sent through with the heights, they are in AOD (Above Ordnance Datum), which is a measurement against the average sea level. Those measures are not taken above ground level. You will note that the single storey unit on the traveller site is shown as being 10.7m, and I am sure that you will agree that that building is not 10.7m high above ground level.

The existing ground level height is 4.7m AOD, and the building to the parapet is 28.35 AOD, giving the building a height of 23.65m above existing ground level to the top of parapet. The height to the top of the plant enclosure is 26.45 above ground level, although the plant enclosure is set in from the edge of the building so its impact is reduced.

Prevailing height in HW is 20m above ground level, so the building therefore exceeds the prevailing height by 3.65m to the top of the parapet and 6.45m to the top of the plant enclosure.

The 20m prevailing height is not a height restriction, but a guide that is used to determine whether our Tall Buildings policy (BN.10) should apply to a particular development. We have assessed the building against BN.10, including assessment by our Quality Review Panel, and we are satisfied that it meets the tests of that policy. The QRP comments are appended to the committee report.

#### Hotel Use

A planning condition is proposed restricting occupation of the hotel by an individual to 90 days in any year. Planning permission would be granted on the basis of it being a hotel and we would be able to take enforcement action against the development if it were being used for a different purpose.

#### Consultation

Neighbour letters were sent to existing occupiers, site notices were posted and a notice was placed in the local newspaper and we have exceeded our statutory requirements under planning legislation and the NPPF. The applicant also undertook extensive pre-application consultation (refer to the attached Statement of Community Involvement). The Aitch Group, who developed The Bagel Factor, are aware of the scheme.

We do not have a means for contacting future occupiers of developments under construction and it would be unreasonable for us to hold up the planning process whilst we wait for future occupants to move in so that they can be consulted on an application. Hackney Wick is an area of rapid change and there is an onus on future occupants to keep abreast with future development sites if they are concerned that they might affect them. All planning applications are published to our planning register.

#### Daylighting

I note that 'right to light' is not a planning consideration, however the admittance of daylight and sunlight are. The daylight and sunlight report has appropriately assessed the impact upon neighbouring buildings and concluded the impacts to be acceptable and in line with BRE guidance. We have had the report reviewed by our own consultants and the methodology has been found to be sound and the impacts acceptable. The impacts upon 52-54 WPL are set out at 7.9 to 7.16 of the D&S report.

Where neighbouring properties are proposed or are not yet built or occupied, they will have no current occupants. As such the reduction of daylight is not a particularly relevant test, as there is no one to experience the present value, or reduction. During the design of these apartments the Average Daylight Factor (ADF) test has been used to establish whether a suitable amount of daylight is provided. It would therefore seem that the ADF test is a more appropriate indicator of the acceptability of daylight conditions within these apartments. As this development is still under construction appendix F of the BRE guidelines suggests the relevant metric is the Average Daylight Factor (ADF) to demonstrate these spaces will retain adequately daylight with the proposed scheme in place. This explains why there are only proposed values as it is ADF that has been assessed rather than Vertical Sky Component (VSC), which has been used for the existing occupied buildings to the north.

Regarding any potential overshadowing to communal or private amenity spaces, as the proposed development is located to the north of the Aitch Group schemes, there would not be any impact with respect to any potential overshadowing of those amenity spaces.

I note that a construction management plan (which includes construction logistics and noise management) is to be secured through a planning condition.

Regards,

**Senior Planning Development Manager**  
**Planning Policy & Decisions Team**  
**Queen Elizabeth Olympic Park**

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**Sent:** 19 March 2019 09:47

**To:** <[redacted]@londonlegacy.co.uk>

**Subject:** Re: 19/00004/FUL - 34-38 Wallis Road - Right to Light, overlooking, lack of engagement and break with local context and design guidance.

Hi [redacted]

Thank you for your response. I'd appreciate your advice on this - I am happy to speak to the committee, but it might be slightly difficult for me to attend (is there a time-slot approach here, or?).

My key concerns

- The elevations and views provided to the committee do a poor job of evidencing the local scale and context of the massing, notably by highlighting the lift cores consistently on 24-26 White Post Lane as opposed to the actual residential properties. I would argue a textured 3D model is required to accurately present the impact of the scale of the scheme.
- Regardless of the assertion that this building satisfies clause BN.10, I would argue this is not the case, as it overly focuses on the arrangement of the lower

floors, which are attractive and will bring character to the area. The monolithic character of the west and east wings (with maintained massing and no 'breaking up of levels' as is argued for in the Local Plan) creates a 'single plane' of small hotel rooms which is not of architectural value at this scale. In the context of other local developments (such as the Bagel Factory) which are good examples of the planning guidance (notably following the 'rhythmic' movements of height and depth to create architectural interest), the proposed development is wholly reliant on the attractive nature of its ground floor architectural components.

- The height and scale of the building so close to the town centre (yet slightly off, noting this property is outside the HWNC) are likely to lead to natural way finding issues, drawing the pedestrian away from the station. The parallel nature of Hepscott Road and White Post Lane (station approach) mean this will likely be compounded unless planning policy is broken (yet again) to provide a central way finding building in the heart of HWNC.
- Breaking with the height regulation in the area at such an early stage is likely to set a consistent precedent that height is not to be respected as a planning sub regulation in Hackney Wick. By breaking with the height restriction not only for one building, but for both, and breaking with the quality and design guidance to fragment and structure facades and heights, there is an immediate disregard for the instituted planning policy that will set a precedent for an attractive area. I note that the rigorous and protective tone of the planning design guidance is one of the core reasons I chose to purchase a property in the HW area, and the disregard of the committee at such an early stage would be disappointing.
- I would argue that the assertion that the Collective is a 'lifestyle hotel' is a slightly misnomer, considering their own marketing treats them as a 'co-living' space. I would argue this means that typical occupancies terms will be considerably higher than that within a normal hotel. One could argue that this is in effect a clever move to circumvent minimum room sizes for planning. Nevertheless, this means that the likely occupancy of the individual 'windows' will be subtly different, leading to greater personalisation, longer 'terms', and in effect leading to a consistent overlooking over neighbouring properties by proxy-residential addresses.
- The consultation process has failed to correctly engage the local community. While difficult, I would argue the planning application process cannot be considered due, fair, and true to NPPF if an additional consultation phase has not been undertaken to speak to the new neighbours (who are meant to take occupancy from circa April/May). While the results of this consultation may have no material impact on the planning outcome, in order to follow protocol it is imperative that a consultation is undertaken and these results fed back into the quality review panel et al for consideration.
- When delving through the reports, I note the daylighting analysis that is titled "existing vs proposed" for the affected apartments curiously only shows the proposed, meaning it is difficult to draw any conclusions as to the impact on these individuals rights to light. I would argue that this report must be reissued with comprehensive information attached prior to any approvals - the lack of proposed lighting provided within the report
- No analysis (that I can find) has been undertaken of the impact on the local roof terraces and external amenity - I may have overlooked this, but without an appropriate consultation opportunity I must assume it has not been conducted).
- A construction logistics plan, as well as appropriate noise management plan should be instituted prior to commencement approval on site, regardless of any outcomes of the height and massing review.
- While the planning report consistently mentions circa 23m as the height of the building, I note the actual peak architectural height is 28.7 (I attach a snapshot of the applicant's own report as evidence of this). You can clearly see the break from other buildings in the area, with height differences of some 7 metres (circa three stories). I would note that the height difference of this scale will draw the Lord Napier, risking the loss of a community asset as a result of it no longer suiting the local context of the area.

To summarise, I have little issue with the underlying concept of the scheme, but I believe that the committee must consider what is in effect a monolithic residential scheme above an interesting mixed use space for what it is. The clear break with design guidance at such an early stage of the overall development sets a precedent that will be hard to unset, and risks creating a natural way finding challenge that will be hard to fix. The lack of consultation and the pace at which this has been progressed is of concern, and the lack of any information affecting matters such as existing light vs proposed light and impact of overlooking from what is in spirit a residential scheme is not considered.

Again, I do not have overt issue with the use of the building. I simply do not believe that the additional story adds sufficient architectural value or interest that could not be achieved by following the local regulated planning policy. The probable yield of the Collective's hotel suite is likely to be similar to By to Rent+ schemes (noting their commercial offers in Wembley in comparison with competing schemes), and should thereby be viable at a reduced overall height such as through removal of a story.

I am aware these issues are shared with other future neighbours at the Bagel Factory through a community group we have established.

Kind Regards,

cid:5E5E193C-948F-473B-9EED-9EA5EDD3E03E@lan



On 18 Mar 2019, at 10:19, [REDACTED] <[REDACTED]@londonlegacy.co.uk> wrote:

Thank you for your email. I will have your comments registered as an objection to the application.

The application is due to be considered by the Planning Decisions Committee on 26 March and has been recommended for approval. I will ensure that your comments are presented to the Committee members by way of an update report.

If you would like to read the committee report that assesses the application it will be uploaded to the website this afternoon. You will be able to download the document from this URL by clicking on the March 26 2019 meeting date: <https://www.london.gov.uk/moderngov/ldc/jelListMeetings.aspx?Committeeid=273>

If you would like to speak at the committee to present your views then this will be possible too; please let me know if that is the case.

Regards,

[REDACTED]  
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-----Original Message-----

Sent: 16 March 2019 12:10  
To: [REDACTED] <[REDACTED]@londonlegacy.co.uk>

Subject: 19/00004/FUL - 34-38 Wallis Road - Right to Light, overlooking, lack of engagement and break with local context and design guidance.

Dear [REDACTED]

I have recently purchased a new property at 18 White Post Lane (The Bagel Factory, previously 52-54 White Post Lane), and have followed the recently revised drawings and amendments for 34-38 Wallis Road with some interest.

I note that the currently proposed scheme dramatically exceeds the local context on height (topping out at 28.7m AGL, a comparable 7.4m above local context). I note the local planning legislation suggests that all buildings within the HWNZ and local context are to be at a maximum of 4-6 stories, yet the proposed development at 34-38 Wallis Road exceeds this quite dramatically, and is likely to impinge on the right to light of our apartment, as well as provide overlooking of our exposed balcony and bedroom space.

I wish to voice my complaint against these issues in line with the planning policy, and further to this I wish to note that none of the new residents of The Bagel Factory have been engaged in the consultation process about 34-38 Wallis Road, despite the immediate and likely impact on our amenity and right to privacy. While I understand that Hackney Wick is a developing area, due consideration should and must be given to individuals who will become local stakeholders and part of the community. It is imperative that the applicant engage with the community of residents who will abut their construction site for the next several years, and be overlooked by their building for the foreseeable future.

I look forward to your response on this issue, and wish to be kept abreast of the timeline for planning application submission and have an opportunity to present my opinion.

Kind Regards,

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