



# PLANNING SUB - COMMITTEE SUPPLEMENTARY PAPER - ADDENDUM

Wednesday 6 April 2022  
at 6.30 pm Council Chamber, Hackney  
Town Hall

Youtube livestream links:

Main

<https://youtu.be/GFdwVCVUXAA>

Backup

[https://youtu.be/WiTABM6g\\_Fg](https://youtu.be/WiTABM6g_Fg)

Members of the Planning Sub-Committee:

Councillor Brian Bell, Councillor Ajay Chauhan, Councillor Humaira Garasia, Councillor Katie Hanson (Vice Chair), Councillor Clare Joseph, Councillor Michael Levy, Councillor Steve Race, Councillor Vincent Stops (Chair) and Councillor Sarah Young.

Substitute Planning Sub-Committee Members:

Councillor Anna Lynch, Councillor M Can Ozsen, Councillor Benzion Papier, Councillor Clare Potter and two majority group vacancies.

Mark Carroll  
Chief Executive  
Wednesday 6 April 2022  
[www.hackney.gov.uk](http://www.hackney.gov.uk)

Contact: Gareth Sykes,  
Governance Officer  
Email: [governance@hackney.gov.uk](mailto:governance@hackney.gov.uk)

**Planning Sub-Committee  
Wednesday 6 April 2022  
Agenda**

**9 Any Other Business items (Pages 9 - 12)**

- Addendum

## Public Attendance

The Town Hall is not presently open to the general public, and there is limited capacity within the meeting rooms. However, the High Court has ruled that where meetings are required to be 'open to the public' or 'held in public' then members of the public are entitled to have access by way of physical attendance at the meeting. The Council will need to ensure that access by the public is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice.

Those members of the public who wish to observe a meeting are still encouraged to make use of the live-stream facility in the first instance. You can find the link on the agenda front sheet.

Members of the public who would ordinarily attend a meeting to ask a question, make a deputation or present a petition will be able to attend if they wish. They may also let the relevant committee support officer know that they would like the Chair of the meeting to ask the question, make the deputation or present the petition on their behalf (in line with current Constitutional arrangements).

In the case of the Planning Sub-Committee, those wishing to make representations at the meeting should attend in person where possible.

**Regardless of why a member of the public wishes to attend a meeting, they will need to advise the relevant committee support officer of their intention in advance of the meeting date. You can find contact details for the committee support officer on the agenda front page.** This is to support track and trace. The committee support officer will be able to confirm whether the proposed attendance can be accommodated with the room capacities that exist to ensure that the meeting is covid-secure.

**As there will be a maximum capacity in each meeting room, priority will be given to those who are attending to participate in a meeting rather than observe.**

Members of the public who are attending a meeting for a specific purpose, rather than general observation, are encouraged to leave the meeting at the end of the item for which they are present. This is particularly important in the case of the Planning Sub-Committee, as it may have a number of items on the agenda involving public representation.

## Before attending the meeting

The public, staff and councillors are asked to review the information below as this is important in minimising the risk for everyone.

If you are experiencing covid symptoms, you should follow government guidance. Under no circumstances should you attend a meeting if you are experiencing covid symptoms.

Anyone experiencing symptoms of Coronavirus is eligible to book a swab test to find out if they have the virus. You can register for a test after checking your symptoms through the NHS website. If you do not have access to the internet, or have difficulty with the digital portals, you are able to call the 119 service to book a test.

If you're an essential worker and you are experiencing Coronavirus symptoms, you can apply for priority testing through GOV.UK by following the guidance for essential workers. You can also get tested through this route if you have symptoms of coronavirus and live with an essential worker.

Availability of home testing in the case of people with symptoms is limited, so please use testing centres where you can.

Even if you are not experiencing covid symptoms, you are requested to take an asymptomatic test (lateral flow test) in the 24 hours before attending the meeting.

You can do so by visiting any lateral flow test centre; details of the rapid testing sites in Hackney can be found here. Alternatively, you can obtain home testing kits from pharmacies or order them here.

You must not attend a lateral flow test site if you have Coronavirus symptoms; rather you must book a test appointment at your nearest walk-through or drive-through centre.

Lateral flow tests take around 30 minutes to deliver a result, so please factor the time it will take to administer the test and then wait for the result when deciding when to take the test.

If your lateral flow test returns a positive result then you must follow Government guidance; self-isolate and make arrangements for a PCR test. Under no circumstances should you attend the meeting.

## **Attending the Town Hall for meetings**

To make our buildings Covid-safe, it is very important that you observe the rules and guidance on social distancing, one-way systems, hand washing, and the wearing of masks (unless you are exempt from doing so). You must follow all the signage and measures that have been put in place. They are there to keep you and others safe.

To minimise risk, we ask that Councillors arrive fifteen minutes before the meeting starts and leave the meeting room immediately after the meeting has concluded. The public will be invited into the room five minutes before the meeting starts.

Members of the public will be permitted to enter the building via the front entrance of the Town Hall no earlier than ten minutes before the meeting is scheduled to start. They will be required to sign in and have their temperature checked as they enter the building. Security will direct them to the Chamber or Committee Room as appropriate.

Seats will be allocated, and people must remain in the seat that has been allocated to them.

Refreshments will not be provided, so it is recommended that you bring a bottle of water with you.

## **RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS**

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting.

Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting. The press and public are not permitted to use any means which might enable them to see or hear the

proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

## **ADVICE TO MEMBERS ON DECLARING INTERESTS**

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- Director of Legal, Democratic and Electoral Services
- the Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

You will have a disclosable pecuniary interest in a matter if it:

- i. relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- ii. relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- iii. affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

If you have a disclosable pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- ii. You must leave the meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- iii. If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the meeting, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the meeting. Once you have finished making your representation, you must leave the meeting whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

#### Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services via email [dawn.carter-mcdonald@hackney.gov.uk](mailto:dawn.carter-mcdonald@hackney.gov.uk)

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## 06/04/2022 Planning Sub-Committee Addendum

### Item 5: 49-50 Eagle Wharf Road

#### Amendment

The reason for refusal at 1.1.1 should be amended so that reference to 'any significant wider planning benefits' is replaced with 'sufficient wider planning benefits'. The full amended wording of the reason for refusal is set out below for clarity.

#### 1.1.1 Loss of existing cultural use

The proposed development would result in the loss of the existing photographic studio use, which is considered to be a cultural facility in use by creative industries, contrary to the objectives of policy HC5 (Supporting London's culture and creative industries) of the London Plan 2021, and policy LP10 (Arts, Culture and Entertainment Facilities) of the Hackney Local Plan 2020. The loss of the existing facility is not outweighed by the potential benefits of the proposed development which is not considered to deliver sufficient wider planning benefits for the community.

### Item 6: 3 Mandeville Street

#### Consultation Responses

One additional support has been received which can be summarised as follows:

- Pocket Living's proposals to build and sell these homes to local people who live and work in the borough, at a 20% discount, will mean more people can get onto the housing ladder.

One objection to the scheme has also been received from an occupant of a Pocket Living scheme in Ealing. The matters raised can be summarised as follows:

- Pocket Living have a proven track record of building developments that meet minimum standards of the time, but quickly fall into disrepair. The development in Ealing suffers from constant leaks in addition to fire safety issues.
- Pocket Living will not engage with the government further on cladding issues related to the development in Ealing.

The issues raised above relate to another development and matters principally covered by building control. As such, they are not material to the subject planning application. However, it is noted that Pocket Living have contacted the Council regarding the above to contest the claims of the objector and state that engagement with residents at the block in question in relation to cladding remains ongoing.

#### Corrections/Clarifications

6.1.15 This paragraph refers to the pocket units as Studio units. While the units are 1 bed 1 person units, they are laid out like 1 bedroom units rather than having a single shared living/sleeping space.

6.1.22 This paragraph incorrectly states that the alternative 'conventional' scheme would provide 33 units within the same building envelope at a policy compliant housing mix. The correct number of units modelled in the alternative scenario is 27, all of which would be private market sale units.

## **Item 7: 118 Curtain Road**

### Consultation Responses

Further correspondence from representatives of Strongroom Studios has been received. The matters raised can be summarised as follows:

- Representatives from Strongroom were excluded from additional testing undertaken in support of the supplemental report submitted by the applicant, unlike previous testing. OFFICER COMMENT: There is no requirement upon the planning authority to include Strongroom in the testing process. Officers are of the view that the additional testing was undertaken in an appropriate manner.
- Strongroom were not given sufficient time to consider and respond to the supplemental report. OFFICER COMMENT: Strongroom were provided with the supplemental report in advance of the committee report being published and 14 days before committee. Responses are accepted prior to a decision being made. Strongroom have made a further representation, which is summarised here.
- The additional testing was not undertaken from within the Strongroom. OFFICER COMMENT: There is no requirement within the wording of the condition for testing to take place within Strongroom. Officers are of the view that the location of the additional testing is acceptable.
- It is necessary for a representative from Strongroom to be present during testing to ensure that the evidence collected is fair, evidenced and balanced. OFFICER COMMENT: It is not considered necessary for representatives from Strongroom to be present in order for testing to be trustworthy if undertaken by an accredited professional.
- The submission by the applicant is misleading and flawed. OFFICER COMMENT: Officers are of the view that the evidence submitted is acceptable to discharge the condition.
- The additional testing that has been carried out continues to demonstrate that the condition cannot be discharged. OFFICER COMMENT: Officers are of the view that the additional evidence submitted is sufficient to demonstrate that the condition can be discharged.
- Freedom of information requests have not been compiled with. OFFICER COMMENT: This is not a material planning consideration in this case however the FOI requests in question have been responded to.
- The committee report implies that Strongroom were given an opportunity to respond to the supplemental information but did not. OFFICER COMMENT: This is not stated in the committee report.

- The use of saw cutting will not meet NR15(15 min), contrary to the claims in the Bureau Veritas report. OFFICER COMMENT: It is the position of the representatives of the Strongroom that the data show the NR15 limit cannot be met and that the data has not been correctly calculated in the submitted report. The representative of the applicant's position is that the data has been presented in line with industry practice and that that evidence shows that the NR15 limit can be met. Officers are of the view that the evidence and analysis submitted by the applicant is sound and is sufficient to discharge the condition.
- The replacement of percussive drilling to attach the track for saw cutting was to be replaced with suction cups. However, hand held core drilling has now been tested without explanation. OFFICER COMMENT: The alternative method of fixing for saw cutting that has been tested has been shown to meet the required NR15 levels. As such, requiring the use (or testing) of suction cups is not considered necessary.
- The testing in relation to hand held drilling cannot be validated as Vanguardia were not present. OFFICER COMMENT: Officers are of the view that the testing of hand held drilling has been undertaken in an appropriate manner.
- The interpretation of the wording of the condition in the officers report is incorrect. OFFICER COMMENT: Officers consider that the wording of the condition has been interpreted correctly and that the evidence submitted is considered sufficient to discharge the condition.

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