



STANDARDS COMMITTEE

Monday, 4th November, 2013

at 6.30 pm

Council Chamber, Hackney Town Hall, Mare
Street, London E8 1EA

Committee Membership:

Councillor Sophie Linden (Chair), Councillor Simche Steinberger, Councillor Geoff Taylor, Councillor Louisa Thomson, Councillor Patrick Vernon OBE and Councillor Jessica Webb (Vice-Chair)

Julia Bennett, Elizabeth Coates-Thummel, George Gross, Adedoja Labinjo and Onagete Louison

Gifty Edila
Corporate Director
Legal, HR and Regulatory Services

Contact:
Robert Walker
Governance Services
Tel: 020 8356 3578
Email: Robert.Walker@Hackney.gov.uk

The press and public are welcome to attend this meeting

AGENDA

Monday, 4th November, 2013

ORDER OF BUSINESS

Item No	Title	Page No
1.	Apologies for absence	
2.	Declarations of interest	
3.	Minutes of the previous meeting - 1 July 2013	1 - 4
4.	Standards Committee Hearing - Complaint against Cllr Michael Levy	5 - 330
	Covering report Investigator's report and appendices Documentation submitted by Cllr Levy Decision of the Assessment Sub-Committee	
5.	Any other business	

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:

- The Corporate Director of Legal, HR and Regulatory 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.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

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.

2. 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 room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery 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 room 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.

3. 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.

4. 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 room, 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 room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery 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 room. Once you have finished making your representation, you must leave the room 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 room. 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 Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, on 020 8356 3265 or email Gifty.Edila@hackney.gov.uk



FS 566728



MINUTES OF A MEETING OF THE STANDARDS COMMITTEE

MONDAY, 1ST JULY, 2013

Councillors Present: Cllr Geoff Taylor, Cllr Louisa Thomson, Cllr Patrick Vernon OBE and Cllr Jessica Webb (Vice-Chair, in the Chair)

Co-optees Present: Julia Bennett, George Gross, Adedoja Labinjo and Onagete Louison

Apologies: Elizabeth Coates-Thummel, Councillor Sophie Linden and Councillor Simche Steinberger

Officers in Attendance: Bruce Devile (Head of Business Analysis and Complaints), Gifty Edila (Corporate Director of Legal, HR and Regulatory Services) and Robert Walker (Governance Services Officer)

1 Appointment of Chair for the 2013/14 Municipal Year

1.1 **RESOLVED** that Councillor Linden be elected as chair of the Standards Committee for the 2013/14 municipal year.

2 Appointment of Vice-Chair for the 2013/14 Municipal Year

2.1 **RESOLVED** that Councillor Webb be elected as vice-chair of the Standards Committee for the 2013/14 municipal year.

3 Apologies for absence

3.1 Apologies for absence are listed above.

4 Declarations of interest

4.1 There were no declarations of interest.

5 Minutes of the previous meeting - 18 April 2013

5.1 The minutes of the previous meeting held on 18th April 2013 were approved as a true and accurate record.

6 Complaints Improvement Work and Complaints and Members' Enquiry Annual Report 2012/13

6.1 Bruce Devile introduced the report to the Committee, which provided information on the complaints improvement work, complaints received and Member enquiries for 2012/13. The report also gave an overview of future changes to the complaints process.

- 6.2 Councillor Taylor welcomed the report and queried whether there was any benchmarking data available in order to gauge whether the satisfaction rates were comparable with other authorities. Bruce Devile stated that enquiries had previously been made of other local authorities however, they did not record data regarding complaints in the same way as the Council. In addition, local authorities and private sector organisations had not been willing to share any information on levels of complaint satisfaction.
- 6.3 Following a question from Onagete Louison, Bruce Devile explained that feedback from the Local Government Ombudsman had indicated that the number of complaints being referred to the Ombudsman was consistent with other similar local authorities. Bruce Devile also confirmed that the figures for the Children and Young People's Services in the table in paragraph 5.13 were correct and explained that very few complaints were received by this service.
- 6.4 In response to a question from Councillor Vernon, Bruce Devile assured the Committee that the Council was already gathering information on complaints received regarding public health services, which had recently come under the control of the Council.
- 6.5 Councillor Thomson welcomed the focus on quality checking responses to all complaints believing that it would help to resolve complaints at an earlier stage. Following questions from Councillor Thomson, Bruce Devile explained that the Council and Hackney Homes were pro-actively engaging with those officers often responsible for responding to complaints to advise that they should be seeking the approval of their senior manager. Bruce Devile also advised that the Council, as part of the ongoing complaints improvement work, would look at how the quality of officer responses to Member enquiries could be improved. He also encouraged Members to contact him if they had any concerns with the investigation/responses to any of their Member enquiries.
- 6.6 In response to questions from Julia Bennett, Bruce Devile stated that officers were instructed to follow-up in writing when responding to complaints by telephone. He also acknowledged that the Council needed to be more pro-active in encouraging officers to log compliments received.
- 6.7 In response to a further question from Julia Bennett, Bruce Devile explained that the rise in stage 1 complaints could be attributed in part to the changes to welfare benefits and the implementation of the new system. Bruce Devile highlighted however, that the rise in stage 1 complaints was small in proportion to the overall level of complaints received year on year.
- 6.8 Gifty Edila advised the Committee that the Chief Executive had instructed assistant directors to manage stage 1 complaint responses and assured the Committee that the Council was committed to seeking early resolution of all complaints. Gifty Edila also stated that it may be useful for Bruce Devile to provide a further seminar to tiers 1 to 4 managers on how best to respond to complaints and the sign off process.
- 6.9 In response to a question from Cllr Webb, Bruce Devile explained that a new computer system to record complaints would be introduced in October 2013. Training would be provided to officers on how to record complaints, although the computer software was already used by a number of officers for different

functions. Bruce Devile outlined how the new software would improve the Council's ability to track complaints regarding the same issue across different service areas. Cabinet Members would also be able to track and monitor complaints through the new software.

6.10 The Committee thanked officers for the comprehensive report. Members suggested that in future annual reports the table showing satisfaction scores should differentiate Council and Hackney Homes scores, as well as showing aggregate scores. Members also stated that they would welcome case study examples setting out how the Council's complaint responses and services have been improved.

6.11 **RESOLVED** that the report be noted.

7 Review of the New Ethical Governance Framework 2012-13

7.1 Gifty Edila introduced the report on the review of the new ethical governance framework, which came into effect on 1st July 2012 following the implementation of the Localism Act 2011.

7.2 Further to the report, Gifty Edila explained that revised guidance for Members and co-optees on completing their register of interests form would be circulated later in July 2013. When circulated, Members and co-optees would also be requested to check their register of interests form to ensure that it was up to date and complete. Gifty Edila also stated that she would be providing a seminar for Members of the new Health and Wellbeing Board on declaring and registering their interests.

7.3 In regard to paragraph 6.4, Adedoja Labinjo noted that only half of Members had attended training on the new Code of Conduct and queried whether the training was compulsory. Gifty Edila explained that Code of Conduct training was not compulsory although Members of the Licensing Committee and Planning Sub-Committee were required to undertake training before they could hear applications. Councillor Thomson explained that Members of the Labour group were encouraged to attend training sessions but stated that it could be difficult to ensure attendance given the number of other evening commitments that Members have.

7.4 Given the level of attendance at training sessions and concerns around Members understanding of pre-determination, George Gross welcomed the suggestion in paragraph 6.5 that a report on pre-determination be circulated to all Members (**Action: Gifty Edila**).

7.5 Following a question from Adedoja Labinjo, Gifty Edila confirmed that officers directly asked Members and co-optees, when receiving their register of interests form, whether they wished to have their address withheld from the form published on the internet.

7.6 Jonathan Stopes-Roe, the Independent Person, thanked Gifty Edila for the comments in the report. He also invited Committee Members to contact him directly if they had any further feedback.

7.7 **RESOLVED** that the report be noted.

8 Standards Committee Draft Work Programme 2013-14

8.1 Gifty Edila introduced the report to the Committee. Gifty Edila drew the Committee's attention to the proposal to cancel the November meeting if there were no items of business. Gifty Edila did, however, explain that Governance Services were seeking to arrange an additional Committee meeting to consider a Code of Conduct complaint which had been referred for a full hearing by an Assessment Sub-Committee. It was noted that the Member responding to the complaint was away at present and not contactable till September. Subsequently, the Committee was informed that it was unlikely that the hearing would be held prior to mid-September or October.

8.2 **RESOLVED** that the Committee's work programme for 2013/14 be approved.

Duration of the meeting: 6.30 - 7.45 pm

Signed

.....

Chair of Committee

Contact:
Robert Walker, Governance Services

REPORT OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES/MONITORING OFFICER		
COMPLAINT AGAINST CLLR MICHAEL LEVY STANDARDS COMMITTEE - 4 November 2013	Classification Public Investigator's report Exempt	Enclosures Investigator's report Documentation submitted by Cllr Levy
	Witness statements correspondence	Decision of the Assessment Sub-Committee
	Ward(s) affected Not applicable	

1 SUMMARY

- 1.1 On 23 February 2013 Cllr Vincent Stops submitted a written complaint against Cllr Michael Levy, relating to his alleged conduct at Planning Sub-Committee on 1 February 2012.
- 1.2 On 29 March 2012 Standard Assessment Sub-Committee considered the complaint and ordered an investigation into the complaint. The matter was referred to the Deputy Monitoring Officer/Assistant Director for Legal and Democratic Services to investigate.
- 1.3 Regrettably for a number of confidential reasons the investigation did not proceed at the speed that both the Monitoring Officer and her Deputy would have liked. The matter was therefore delayed for which an apology is extended to both Cllrs Stops and Levy.
- 1.4 On 6 June 2013 the Investigator's report was presented to Assessment Sub-Committee and a decision was made to refer the matter for a full hearing by Standards Committee
- 1.5 A hearing was scheduled for 14 October 2013 but Cllr Levy advised that he would not be available on that date and asked that it be scheduled for 4 November 2013.

2. RECOMMENDATIONS

- 2.1 Standards Committee is requested to hear Cllr Stops' complaint against Cllr Levy.

3. RELATED DECISIONS

- 3.1 Reports of 29 March 2012 and 6 June 2013 to Assessment Sub-Committee.

4. FINANCIAL CONSIDERATIONS

4.1. There are no financial implications arising from this report.

5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

5.1 The original complaint was made under the previous Code of Conduct. A new Code of Conduct came to existence under the Localism Act 2012 on 1 July 2012. This complaint is being dealt with under the new Code of Conduct.

5.2 The Investigator concluded his investigation in May 2013 and found evidence of breaches of paragraph 1.1, 1.2 and 6.1 of the Planning Code of Practice. He also found evidence of breach of paragraph 11.3 of the Members' Code of Conduct.

Gifty Edila

Monitoring Officer/Corporate Director of Legal, HR and Regulatory Services

List of Appendices

Investigator's report

Documentation submitted by Cllr Levy

Decision of the Assessment Sub-Committee

REPORT

Case reference 495041

Report of an investigation by Stephen Rix appointed by the monitoring officer for the London Borough of Hackney into an allegation concerning Councillor Michael Levy.

Updated: 17 September 2013

Contents

1. Executive summary
2. Michael Levy's official details
3. The relevant legislation and protocols
4. The evidence gathered
5. Summary of the material facts
6. Michael Levy's additional submissions
7. Observations of the Independent Person
8. Reasoning as to whether there have been failures to comply with the Code of Conduct
9. Finding

Appendix A Schedule of evidence taken into account and list of unused material

1. Executive summary

- 1.1. On 23/02/12 Cllr Vincent Stops submitted a written complaint against Cllr Levy arising from Planning Sub-Committee's meeting on 01/02/12. Cllr Stops' complaint is that at the December 2010 Planning Sub-Committee Cllr Levy declared a personal and prejudicial interest in an application for 16 Leabourne Road. Cllr Levy then spoke in support of the application at the Sub-Committee and took no part in its deliberations. At a Planning Sub-Committee meeting on 01/02/12 Members considered an identical application to that considered in December 2010 relating to the same property – 16 Leabourne Road. In his role as Chair, Cllr Stops prompted Cllr Levy as to whether he had a prejudicial interest. Cllr Levy said no and he took part in the Committee's consideration of the matter and voted on it. In Cllr Stops' view, Cllr Levy had a personal and prejudicial interest in the matter.
- 1.2. Cllr Levy was involved with and supported the application for 16 Leabourne Road prior to the Planning Sub-Committee meeting on 01/02/12. Under the old Codes of Conduct he should therefore have declared a personal and prejudicial interest at that meeting and taken no part in the deliberation and voting on it. Under the current Codes of Conduct he did not hear the planning application with an open mind.

2. Michael Levy's official details

- 2.1. Michael Levy was first elected to office on 20 December 2007 and was re-elected on 6 May 2010 for a term of 4 years.
- 2.2. Michael Levy currently serves on the Planning Sub-Committee. He has also served on the North East Neighbourhood Committee and Community Safety and Social Inclusion Scrutiny Commission in recent years.

- 2.3. Michael Levy gave a written undertaken to observe the Code of Conduct on 10 May 2010.
- 2.4. Michael Levy has not attended any of the training sessions held by the Monitoring Officer on the Code of Conduct in relation to the relevant period.

3. The relevant legislation and protocols

3.1. The complaint was originally made on 23 February 2012 under the Codes of Conduct that existed at the time. The Localism Act 2011 introduced a new ethical framework which came into force on 1 July 2012. The Council adopted new Codes of Conduct under the Act which came into force on 1 July 2012. This complaint is therefore being dealt with under the new arrangements.

3.2. The provisions in the old Code of Conduct For Members that were allegedly breached are as follows:

- Paragraph 8.1(b): "You have a personal interest in any business of your authority where either – (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;"
- Paragraph 8.2(a): "In sub-paragraph 8.1(b), a relevant person is - (a) a member of your family or any person with whom you have a close association"
- Paragraph 10.1: "Subject to sub-paragraph 10.2, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the

interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest."

- Paragraph 12.1: "Subject to sub-paragraph 12.2, where you have a prejudicial interest in any business of your authority - (a) you must withdraw from the room or chamber where a meeting considering the business is being held..."

3.3. Under the new Code of Conduct For Members the relevant provisions are as follows:

- Paragraph 8.1: "You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either: (a) it is an interest of yours, or (b) it is an interest of: (i) your spouse or civil partner; (ii) a person with whom you are living as husband and wife, or (iii) person with whom you are living as if you were civil partners and you are aware that that other person has the interest.
- Paragraph 10.1: "If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, you must – subject to paragraph 12.1 below – disclose that interest to the meeting, and – unless you have obtained a dispensation – you cannot participate in any further discussion on the matter and must leave the meeting room whilst the matter is under discussion and voting takes place."
- Paragraph 11.3: "When contractual, financial, consent, permission or licence matters are under consideration and you have actively engaged in supporting an individual or organisation on the matter, you cannot participate in the meeting as a member of the Committee and must leave the meeting whilst the matter is under discussion and voting takes place."

- Paragraph 15.1: “Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member. However, you should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.”
- Paragraph 15.2: “When making a decision in such situations, you should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.”

3.4 The provisions in the old Planning Code of Conduct For Councillors that were allegedly breached are as follows:

- Paragraph 1.4: "Members of the Planning Sub-Committee should not organise or in any way be involved in the support of or opposition to planning applications or enforcement actions other than as permitted in the Constitution. Similarly, Members of the Planning Sub-Committee should not allow themselves to be lobbied by members of the public..."
- Paragraph 1.7: "If a Sub-Committee Member does decide to become involved in organising the support of or opposition to a planning application, or has allowed themselves to be lobbied, then that Member should accordingly declare an interest at the beginning of the committee meeting ... and remove themselves from the room when the Planning Sub-Committee is determining the item in question. By becoming involved in a planning application prior to the committee meeting other than to read the Planning Officer's report or to attend a site visit accompanied by

the Planning Officers, the Member risks forfeiting their right to take part in the discussion or vote on that particular item."

- Paragraph 3.1 says: "A Sub-Committee Member with a prejudicial interest must withdraw from the Committee meeting as soon as it becomes apparent that the matter in which they have a prejudicial interest is being considered...The Sub-Committee Member must not participate in any discussion on the matter in the Sub-Committee meeting or vote on or be present at the vote on that matter. A Sub-Committee Member may not in any way seek to improperly influence a decision about that matter."

3.5 Under the new Planning Code of Practice for Members the relevant provisions are as follows:

- Paragraph 1.1: "Planning Sub-Committee Members have to retain an open mind on any application as they are a part of the decision making process and cannot be seen to side with either the applicant or those who are making representations at the meeting at which the application would be determined. Adhering to the following rules will also ensure that public confidence in the Sub-Committee is maintained and serve to minimise the prospect of non-planning related matters affecting the judgment of Sub-Committee Members."
- Paragraph 1.2: "As decision makers, Sub-Committee Members should neither be seen to be pre-judging the application, nor to be influenced by those with whom they have a special relationship such as fellow Council Members, at any stage prior to determination. Sub-Committee Members should similarly avoid making public statements as to their support of, or opposition to, any application."

- Paragraph 1.4: “Council Members should represent the best interests of residents. Sometimes they may find themselves in a difficult situation where they are sent lobbying material. If a Council Member finds themselves in such a situation they need to decide whether they wish to sit on the Sub-Committee and hear the application or to represent the interests of their residents.”
- Paragraph 1.7: “If Sub-Committee Members are under any doubt as to the implications of a view which they might have expressed or a role which they might have played on a planning matter before going to the Sub-Committee meeting, they should seek advice from the Corporate Director of Legal, HR and Regulatory Services in advance of the relevant meeting or from the Legal Adviser to the Planning Sub-Committee before the meeting begins.”
- Paragraph 6.1: “Members must hear all planning applications with an open mind. They must not make up their mind on an application before they have heard the full application and any representations made for or against it.”
- Paragraph 6.2: “Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member. You may have even directly or indirectly expressed a view on a matter which may be relevant to a decision. However, you should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.”
- Paragraph 6.3: “When making a decision in such situations, you should consider the matter with an open mind and on the facts

before the meeting at which the decision is to be taken. If a Member has made up their mind before the meeting they should therefore not hear the application.”

- Paragraph 7.1: “Members should only consider the merits of an application as set out before the Sub-Committee, as allowed for under the relevant legislation, before determining whether or not to approve an application with or without additional conditions. Sub-Committee Members must not give weight to non-planning matters that may be raised by any party involved in the Sub-Committee meeting.

3.3 Section 25 of the Localism Act 2011 came into force on 15 January 2012. It deals with predetermination and provides:

25 Prior indications of view of a matter not to amount to predetermination etc

(1) Subsection (2) applies if—

(a) as a result of an allegation of bias or predetermination, or otherwise, there is an issue about the validity of a decision of a relevant authority, and

(b) it is relevant to that issue whether the decision-maker, or any of the decision-makers, had or appeared to have had a closed mind (to any extent) when making the decision.

(2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because—

(a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and

(b) the matter was relevant to the decision.

(3) Subsection (2) applies in relation to a decision-maker only if that decision-maker—

- (a) is a member (whether elected or not) of the relevant authority, or
- (b) is a co-opted member of that authority.
- (4) In this section—

...

“decision”, in relation to a relevant authority, means a decision made in discharging functions of the authority, functions of the authority's executive, functions of a committee of the authority or functions of an officer of the authority (including decisions made in the discharge of any of those functions otherwise than by the person to whom the function was originally given);

- (5) This section applies only to decisions made after this section comes into force, but the reference in subsection (2)(a) to anything previously done includes things done before this section comes into force.

4 The evidence gathered

- 4.4 I have taken into account the evidence from Cllr Michael Levy (ML), Cllr Vincent Stops (VS), the Governance officer for the Sub-Committee (EP), the legal adviser at the meeting (BB), Head of Development Management (FN), Planning Officer (JT), Graham Loveland Interim AD (GL), Planning Officer (JM) and Enforcement Manager (MJ)..

Prior to Planning Sub-Committee meeting on 9 December 2010

- 4.5 The Planning Sub-Committee meeting on 9 December 2010 was preceded by a series of meetings. According to JT, the meetings involved GL, ML, Councillor Steinberger, Mervin Shayer (Planning Agent) and the applicants. ML said he did not attend any meetings with Mervin Shayer. JT said these meetings took place over the course of a few months and involved discussions on the acceptability or otherwise of the proposed planning application on 16 Leabourne Road.

There were also a series of emails exchanges between JT, GL and Mervin Shayer relating to the application and a series of discussions regarding amendments to the proposal which were subsequently put forward to be considered.

- 4.6 JT said ML's role was to facilitate the meeting though at the time it was more Cllr Steinberger who had a bigger part to play in the meetings. JT said Cllr Steinberger and ML tried to convince planning officers and GL that the application should be considered acceptable despite it not being in accordance with the development policies and general design guidelines. There were a series of emails communicating this between JT and Mervin Shayer.
- 4.7 JT said GL had an open door policy and that Councillor Steinberger and ML often approached GL regarding issues in the N16 area. JT said 16 Leabourne Road was just one of quite a few proposals that GL instigated meetings on and with hindsight it appeared GL actually supported the proposals contrary to other officers' opinion.
- 4.8 The application was sent to committee with a recommendation for refusal which FN said was unusual because officers had delegated authority for refusal. FN said the reason why it went to committee was because officers didn't support the application, but GL did even though there were planning issues.
- 4.9 FN said it was unusual to have an Assistant Director supporting an application when officers are not. She said in her time at Hackney officers and the AD don't usually come to a different view. She said the development plan is the document referred to and as far as planning officers were concerned the application was clearly contrary to policy. She said in addition the application had been refused prior to the application for appeal. She said officers are normally very consistent in their decision making. She said at the time GL wanted to support the application as he was more sympathetic to the Orthodox Jewish

Community, their needs for housing etc. and that is why she believes GL allowed the application through to committee.

4.10 FN thought ML supported the application as she thought he was the ward member and there were a number of housing issues in Stamford Hill. She said there are lots of large Orthodox Jewish families there and because the community want to stay together there is a pressure for housing.

4.11 GL said he was aware ML took an interest in the site and a number of other sites in the north of the borough. He said he was aware that ML had an interest in this particular application and GL thought ML said he was intending to speak on the item and then arrange for a substitute for the meeting.

Planning Sub-Committee meeting on 9 December 2010

4.12 At the Planning Sub-Committee meeting on 9 December 2010 ML declared a personal and prejudicial interest in the application. He spoke in support of the application pursuant to Paragraph 3.2 of the old Planning Code for Members, but took no part in its deliberations. FN said the application was refused even though ML and GL supported it.

Prior to Planning Sub-Committee meeting on 1 February 2012

4.13 After the December 2010 meeting and prior to the Planning Sub-Committee meeting on 1 February 2012, ML says he had no involvement with the planning application for 16 Leabourne Road. He said once the meeting [in December 2010] was over it was finished. He said the applicant's wife came to the December meeting and he commiserated with her. He said he was contacted by the applicant prior to the February 2012 meeting and said he didn't want to get involved with it. He said it was about 15 months before and the applicant had said there had been a material change in circumstance.

He said that he stepped back from it and to the best of his recollection that was the extent of his involvement after the December 2010 meeting. This is at odds with the oral evidence of JT, FN and GL all of whom said ML was involved with the application prior to the February 2012 meeting.

- 4.14 JT said he had emails that showed ML was in discussions with GL. He said none of the emails were from ML, but they did refer to him. He referred to an email from GL's PA to GL, FN and JM and cc to JT dated 06/09/11 at 14:24 Subject: 16 Leabourne Rd – *“Dear all, You should know that Cllr levy has just phoned again for Graham about this and is in turn being pressed by the agent. I’ve explained Graham is in back to back meetings today and most of tomorrow so I’d chase. Regards. J.”*
- 4.15 JT referred to an email from GL to FN and JM c.c. to JT dated 31/08/11. Subject: 16 Leabourne Rd. He referred to the reference to ML in the penultimate line which reads *“You’ll want to know that I have been pressed by Cllr Levy on this”*.
- 4.16 JT also referred to an email from GL to FN, JM c.c. to JT dated 08/09/11. Subject: 16 Leabourne Rd which read: *“Cllr Levy buttonholed me yesterday evening about this. Are we in crisis?!!”*
- 4.17 JT was not certain what ML's purpose or motive was. He speculated that ML wanted an opinion on what officers' stance would be on 16 Leabourne Rd following a favourable appeal decision on 22 Leabourne Road. JT then referred to an email from FN dated 08/09/11 in response to GL's email about being buttonholed: *“Graham, he approached me last night about 16 Leabourne after committee ended. I told him my views on it (that I didn’t feel there was a need to change our stance on it as a result of the decision on 22). We must have discussed it for at least 30 mins, but I stressed that we still had to have a discussion with you though. Regards FN.”*

- 4.18 JT said regardless of what ML was discussing with GL or why ML was approaching GL, ML would have been in support of the application. JT said in his opinion he believed ML was in support of the application prior to the February 2012 meeting given the similarities between the two applications.
- 4.19 FN said ML approached GL prior to the February 2012 meeting probably campaigning to get officers to take a different approach. She said on receipt of the third application GL exercised his powers as AD to accept it for consideration. She said given the background to the application and on being approached by ML, GL wanted to give it his support. She said what GL really wanted officers to do was to approve it under delegated powers but she told him that officers could not as there were clearly planning issues. She said ML was definitely supporting the application. It was put to FN that ML may have been trying to get it re-heard by Committee. She said not and that ML was trying to get officers to change their minds and position. She said the site had had two refusals and two appeal decisions against it so ML was trying to get officers to change their minds given the circumstances of the individual that lived there - that the applicant really needed the extension to her house. She said ML was definitely an advocate for the application.
- 4.20 FN was asked to comment on the email from her to GL and JM sent on 08/09/2011 which read: *"Graham, he approached me last night about 16 Leabourne after committee ended. I told him my views on it (that I didn't feel there was a need to change our stance on it as a result of the decision on 22). We must have discussed it for at least 30 mins, but I stressed that we still had to have a discussion with you though."* She said ML was trying to get officers to agree that because the Council lost the appeal on 22 Leabourne that officers needed to take a different view on 16 Leabourne and how the lady there needed her extension. She said she tried to give ML her view which was that even though the Council had lost the appeal on 22 it still didn't change the

position on 16 because 16 had its own planning history where two separate inspectors, both found that the Council's position to refuse permission was correct. FN said that ML should have declared a personal and prejudicial interest at the February 2012 meeting.

- 4.21 On the nature of ML's involvement prior to the February 2012 meeting GL explained that there is a particular contention in that part of the borough to do with the Orthodox Jewish Community seeking extensions to houses which are challenging at times and go beyond what planning policy would allow. He said what ML and a number of other members were keen to explore was the extent to which they could 'push the policy envelope', asking is this really contrary to policy, are there mitigating items that would allow it to be agreed? He said officers were concerned to ensure that the particular policy that doesn't allow big front roof extensions would be breached. He said that policy which is in housing supplementary guidance talks about the character of the street and proximity to other properties which may have already had, historically for whatever reason, big bulky front extensions. He said it all hinged on number 22 Leabourne Road that got permission for a front extension and built it bigger than that which was consented. The Council took enforcement action against that. When 22 Leabourne Rd was referenced as setting a precedent in nearby property, it was there but it was not consented. He said that is what the dialogue hinged on. In the intervening period 22 Leabourne Rd became regularised through the appeal process. He said he thought the applicants appealed against the enforcement action. He said in the intervening period between 9th December and 1st February 22 Leabourne Rd became a lawful development by virtue of an appeal. GL said his dialogue with ML, as he recalled, was very much around exploring what was happening with 22 Leabourne Rd because as ML would see it that would make a material change. He said as officers we took the same view and that was why officers recommended 16 Leabourne Rd the second time around for approval, because there was a material change in circumstances in relation to 22 Leabourne Rd.

GL's recollection is that the dialogue he had with ML in the period from 9 December to 1 February 2012 was around that sort of issue.

- 4.22 GL commented on the email dated 31/08/11 from him to FN and JM c.c. to JT and what ML's motive was. GL said that ML knew that there had been a change in the dynamics of the case by virtue of the 22 Leabourne Rd decision and ML knew what GL's view was. GL said he had been very upfront about that. GL said the email represented his personal view and that in light of it he probably had conversations with ML. He said the pressure he was referring to was ML wanting to know if he had progressed the dialogues, and that was what the email was doing.
- 4.23 GL was asked what he meant in his email to FN and JM of 08/09/2011 when he said: "*Cllr Levy buttonholed me yesterday evening about this. Are we in crisis?!!*" GL said he thinks what he would have meant by that was there were conflicting opinions amongst officers about the importance of 22 Leabourne Rd and its significance on the application, and it was creating some sort of crisis in terms of officers reaching a conclusion.
- 4.24 GL said ML was not supporting the application and just wanted it reconsidered. GL said ML was no fool, and understood all that. In GL's view he said ML was at pains in their dialogue, and he thinks ML made this point overtly himself, that what he was doing was simply looking at the change in planning circumstances by virtue of 22 Leabourne Rd. GL said that at no time did ML say 'You have to approve this'. GL said it wasn't about that and that ML was wanting to understand what 22 Leabourne Rd meant in terms of how it might affect officers thinking. GL said ML had been careful to position himself in such a way that he could fairly say he didn't have a prejudicial or personal interest.
- 4.25 ML commented in his response on the draft report that the conversations he had with GL as the Ward Councillor were centered

solely around the appeal decision on 22 Leabourne Road and on how it may affect Officer's thinking. He said any follow up calls that were made were to ask for updates on what the legal opinion on the matter was, as a result of the successful appeal at 22 Leabourne Rd. He said he believed this was borne out by JT at paragraph 50 of his witness statement.

- 4.26 [Following receipt of ML's comments on the draft report] VS was asked to clarify whose decision it was to refer the planning application back to February 2012 planning sub-committee. VS said he could not recall with absolute certainty as it was too long ago. He said that he would have only known about the issue had officers approached him about it. He said if asked by officers he imagined that he would have wanted it to come to committee. His recollection is that GL asked for his view and he would have said that it should go on the agenda. He said as it came to Committee previously it would seem logical for GL to suggest that it came to Committee again. He said as Chair of Planning he wants to see that the Council applies its policies and that the Council's policies, not his, seek to resist front roof extensions of this kind.
- 4.27 [Following receipt of ML's comments on the draft report] ML subsequently provided email evidence that showed it was VS who requested the application be returned to committee in an email sent on 5 October 2011 from VS to GL.
- 4.28 [Following receipt of the 2nd draft report] VS provided two emails that confirmed it was he who asked for the application to return to Planning Sub-Committee.
- 4.29 Taking into account the evidence of JT, FN and GL I consider that on the balance of probabilities ML was involved with the application prior to the Planning Sub-Committee meeting on 1 February 2012 to the extent detailed by those officers. I am further persuaded by the evidence of JT and FN that on the balance of probabilities ML was in

support of the application prior to the meeting to the extent that at the Planning Sub-Committee meeting on 1 February 2012 he had pre-determined to vote the application through for permission and did not have an open mind.

Planning Sub-Committee meeting on 1 February 2012

4.30 VS prompted ML on whether he had any interest to declare before the item and said to ML that as he declared an interest last time had he got an interest this time. ML said no, as it was a new application with a material change so he was okay to stay in the room. VS says he prompted ML again and reminded him that he did speak on behalf of the applicant previously. ML says either he or VS sought legal advice from BB. According to ML the advice given by BB was that it was left to ML to decide whether he had an interest to declare.

4.31 I have also taken account of the following documentary evidence:

- various emails provided to me by JT, Cllr Levy and Cllr Stops
- minutes of the two planning sub-committee meetings
- officer's reports relating to the planning application to both meetings
- register of Cllr Levy's pecuniary and other interests for the period 28 July 2009 to 2 July 2012
- comments received from Cllr Levy and Cllr Stops on my draft report and 2nd draft report.

5 Summary of the material facts

5.4 Prior to the Planning Sub-Committee meeting on 9 December 2010 Cllr Levy was in support of the application.

- 5.5 At the Planning Sub-Committee meeting on 9 December 2010 Cllr Levy declared a personal and prejudicial interest in the application. He spoke in support of the application and took no part in its deliberations.
- 5.6 Prior to the Planning Sub-Committee meeting on 1 February 2012, Cllr Levy was involved with the application and in support of it to the extent of pre-determination.
- 5.7 At the Planning Sub-Committee meeting on 1 February 2012 Cllr Stops prompted Cllr Levy on whether he had any interest to declare before the item. Cllr Levy declared no interest and proceeded to be involved in the consideration of the item and voted on it.
- 5.8 Cllr Levy did not have an open mind so should have not have taken any part in the deliberations or voting.

6 Michael Levy's additional submissions

- 6.4 Cllr Levy said in his oral evidence that the application to the February 2012 meeting was not identical as there had been a material change.
- 6.5 The application was in fact identical regardless of the changes in circumstances. In any event, I have decided that Cllr Levy was in involved with and supported the application prior to February's meeting and therefore issues of material change are irrelevant.

7. Observations of the Independent Person

The factual background, distilled only from the papers of the Standards Assessment Sub-Committee which have been sent to me, seems to be that:

- At the meeting of the Planning Sub-Committee in December 2010, Cllr Levy declared an interest in an Application (16

Leabourne Road). The papers do not record what was the nature of Cllr Levy's interest.

- At that meeting, Cllr Levy spoke in favour of that Application.
- Having spoken, Cllr Levy took no further part in that agenda item.
- At the meeting of the Planning Sub-Committee in February 2012, the very same Application was again on the agenda.
- On being questioned by the Chair, Cllr Levy declared this time that he had no interest in the Application, and played a full part in the Committee's consideration of the matter.

The Complaint seems to be based upon the inference that if Cllr Levy had (and declared) an interest at the first meeting, then he must have had the same interest at the second meeting, since the matter under consideration was "identical".

It is puzzling that the Planning Committee should have discussed an "identical" Application a second time.

Whatever decision the Committee had made at the first discussion would surely have been re-applied by officers under delegated authority – there being, by definition, no new matter for consideration.

If, nevertheless, this is indeed what happened, then the Committee might have supposed that Cllr Levy's interest would have remained unchanged, and thus needed to be declared again.

However, it is conceivable that although the nature of the Application had not changed over the period December 2010 to February 2012, Cllr Levy's

interest in it may have changed, such that he had no declarable interest by the time of the February Committee meeting.

The above notes are merely logical analysis of the limited information available to me. The case needs investigation as to the facts of the matter, as alluded to above. The Assessment Committee has wisely referred the case to the Monitoring Officer for such investigation.

8. Reasoning as to whether there have been failures to comply with the Code of Conduct

8.1 Was Cllr Levy's failure to declare that he did not have an open mind at the Planning Sub-Committee meeting on 01/02/12 a breach of the current Code of Conduct for Members and Planning Code of Practice for Members.

8.2 I will first address whether there have been breaches of the Planning Code of Practice paragraphs 1.1, 1.2, 1.4, 1.7, 6.1, 6.2, 6.3 and 7.1 which are set out at paragraph 3.5 of this report.

8.3 It is my opinion that Cllr Levy breached the Planning Code of Practice because he was involved with and supported the application prior to the Planning Sub-Committee in February 2012 and did not retain an open mind. He should have declared this before the meeting and not heard the application.

8.4 I will now address the Code Of Conduct For Members paragraphs 8.1 and 10.1, 11.3, 15.1 and 15.2 which are set out at paragraph 3.3 of this report.

8.5 There is no evidence that Cllr Levy had a pecuniary interest under the Code of Conduct for Members that was relevant to this investigation. Cllr Levy's Register of Members Interests for the relevant period disclosed no pecuniary interest relevant to this investigation. Further, it

is my opinion that Cllr Levy did not breach paragraphs 15.1 and 15.2 of the Code of Conduct For Members as there is no evidence that the criteria in paragraph 15.1 was met i.e. that he placed himself under any financial or other obligation to outside individuals or organisations that might seek to influence him in the performance of his official duties.

- 8.6 There is evidence he breached paragraph 11.3 as he had actively engaged in supporting the application and thus he should not have participated in the Planning Sub-Committee meeting on 01/02/12 as a member of the Committee and should have left the meeting whilst the matter was under discussion and voting took place.

9. Finding

- 9.1 Cllr Levy breached the Planning Code of Practice for Members in particular paragraphs 1.1, 1.2, 6.1 as he did not hear the planning application with an open mind.
- 9.2 Cllr Levy did breached the Code of Conduct For Members in particular paragraph 11.3 as he had actively engaged in supporting the application and thus he should not have participated in the Planning Sub-Committee meeting on 01/02/12 as a member of the Committee and should have left the meeting whilst the matter was under discussion and voting took place.

Appendix A

Schedule of evidence taken into account

Case No: 495041

Public

Doc No	Description	Pages
1	Allegation letter	31 – 32
2	Code of Conduct for Members	33 – 44
3	Planning Code of Practice	45 – 52
4	Section 25 Localism Act 2011	53 – 54
5	Planning Sub-Committee Report dated 03/11/2010	55 – 98
6	Minutes of Planning Sub-Committee on 09/12/2010	99 – 146
7	Planning Sub-Committee Report dated 07/10/2011	147 – 162
8	Minutes of Planning Sub-Committee on 01/02/2012	163 – 200

Independent Person's Observations

Doc No	Description	Pages
9	Document dated 25/09/2012	201 – 202

This page is intentionally left blank

Stephen Rix

From: Suezanne Awotwi
Sent: 27 September 2012 10:48
To: Stephen Rix
Subject: FW: Planning sub-committee
Stephen,

Here you are, thanks.

Kind Regards

Suezanne Awotwi
Executive Officer
Office of Gifty Edila, Corporate Director
Legal, HR and Regulatory Services Directorate
Tel: 020 8356 6277, Fax: 0208 356 3037
www.hackney.gov.uk

-----Original Message-----

From: Vincent Stops (Cllr)
Sent: 20 February 2012 14:00
To: Gifty Edila
Subject: Planning sub-committee

Dear Gifty

Thank you for your response to my note ff 2 February 2012, to you - see thread below.

Firstly to confirm that this was in fact an identical application to a previous one for this property contrary to your response to my earlier enquiry.

I am writing to ask that you refer this issue as a complaint against Cllr Levy.

In brief at a previous Planning Sub-Committee (9 December 2010) Cllr Levy had spoke in favour of an application for development of 16 Leabourne Road. He then declared a prejudicial interest - see minute of 9 December 2010 meeting below.

7.7 Councillor Levy spoke in support of the application, on behalf of the applicant, his comments are summarised as follows:-

§ Questioned why the application had not been dealt with by delegated powers, as expected.

§ There were a large number of loft extensions already in the road, approximately 13-14 extensions on the same side of the road as number

16. It was therefore felt that an additional loft extension would not make a significant change to the existing street scene.

§ Reference was made to the flank wall which took up half of one side of the road, which adversely affected the character of the road.

§ Reference was made to paragraphs 6.2.1 and 6.2.2 of the report, as it was felt that the Inspector's decision was often inconsistent.

7.8 As Councillor Levy had declared a personal and prejudicial interest in this item, he left the meeting after providing his representation.

On the February Planning Sub-Committee the same proposal on the same site was considered by members. Prior to the item I prompted Mr Levy to consider his position with respect to prejudicial interest and his previous involvement. He told the Committee he had no prejudicial interest as it was a new application. He then proceeded to take part in the determination of the item.

In my view Cllr Levy should have declared a prejudicial interest.

Can you please consider this issue with a view to it being considered by the Standards Committee.

Cllr Vincent Stops

From: Vincent Stops (Cllr)
Sent: Thu 02/02/2012 12:29
To: Gifty Edila
Subject: Planning sub-committee

Dear Gifty,

Last night we heard an application for 16 Leaborne Rd.

This was an identical application to one we have previously considered.

At the previous consideration Cllr Levy spoke in favour and did not take part in the committee's deliberations. I understood at the time Cllr Levy was instrumental in the application being considered by committee.

Last night he declared no interest even after my prompting.

I understand we are now in a new environment given the localism Act, but would like to ask if you would advise me on this matter and particularly if it is a standards issue as it would have been previously.

Regards

Cllr Vincent Stops

Sent from my HTC

**CODE OF CONDUCT FOR MEMBERS AND VOTING CO-OPTees
LONDON BOROUGH OF HACKNEY**

GENERAL INTRODUCTION

- 1.1 Hackney Council has adopted this Code of Conduct for Members in accordance with the Localism Act 2011. The Code will assist the Council in complying with its duty to promote and maintain high standards of conduct by its Members and voting co-optees and provide excellent local government for the people of the borough.
- 1.2. The Council's Code of Conduct is based upon the seven principles of public life ("the statutory principles") which are set out in Appendix A. It applies to the Mayor, all councillors and voting co-opted members of all Council Committees.
- 1.3 The Code should be read together with the statutory principles prescribed by law and the Secretary of State in accordance with Regulations.
- 1.4 The Council will investigate any alleged breach of the provisions of the Code of Conduct by a Member or voting co-opted member of the Council.
- 1.5 A Member (including a voting co-opted member) may not act as a Member unless s/he has given the Council a written and signed undertaking that in performing his/her functions s/he will observe this Code of Conduct and any locally agreed codes and protocols.
- 1.6 This Code of Conduct should be read in conjunction with the other codes and protocols that have been adopted by the Council as supplementary guidance for Members and officers. Although these codes and protocols do not form part of the Code of Conduct, Members and officers are required to comply with their provisions.
- 1.7 Any failure by a Member to comply with these additional codes and protocols may be investigated and appropriate action may be applied by the Council where necessary.
- 1.8 The Council has approved the following Protocols:
 - Guidance for Member/Officer relations
 - ICT Policy
 - Planning Code of Practice for Members
 - Licensing Code of Practice for Members

- 1.9 There are some decisions that the authority will need to make that could affect every Member. A list of these is set out at Appendix B. A Member **may** take part in these decisions *unless* they fall into one of the exceptions set out in the list.
- 1.10 Any Member requiring further guidance on the application or interpretation of the provisions of the Code or and additional codes or protocols should contact the Monitoring Officer.

Code of Conduct for Members and Voting Co-optees

PART ONE

GENERAL PROVISIONS

Introduction and interpretation

- 1.1 This Code applies to you as a Member of the authority, or a voting co-optee.
- 1.2 You should read this Code together with the seven statutory principles prescribed by law and the Secretary of State. These principles are annexed to this Code.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code—

“*meeting*” means any meeting of—
(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“*member*” includes a voting co-opted member and an elected member.

“*co-opted member*” means a person who is not an elected member of the authority but who (a) is a member of any committee or sub-committee of the authority, or (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote at meetings.

Scope

- 2.1 Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you act as a Member or a voting co-optee and references to your official capacity are construed accordingly.
- 2.2 Subject to sub-paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

- 2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 2.5 Where you act as a representative of your authority—
(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

3.1 You must treat others with respect.

3.2 You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with the authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to the Code of Recommended Practice on Local Authority Publicity.

- 7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) the authority's chief finance officer; or
 - (b) the authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- 7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART TWO

INTERESTS

Pecuniary Interests

- 8.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners
- and you are aware that that other person has the interest.

Registration of pecuniary interests

- 9.1 Subject to paragraph 12.1 below (sensitive interests), you have a duty, to notify the Council's Monitoring Officer in writing of any disclosable pecuniary interests you have within 28 days of:
- (a) this Code being adopted or applied by the Council; or
 - (b) your election or appointment (where that is later).
- 9.2 Subject to paragraph 12.1 below, you have a duty, within 28 days of becoming aware of any new pecuniary interest or any change to any pecuniary interest notified to the Monitoring Officer under paragraph 9.1, to notify the Council's Monitoring Officer in writing of that new pecuniary interest or change.

Pecuniary interests in matters considered at meetings

- 10.1 If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, you must - subject to paragraph 12.1 below - disclose that interest to the meeting, and – unless you have obtained a dispensation– you cannot participate in any further discussion on the matter and must leave the meeting room whilst the matter is under discussion and voting takes place.

Other interests

- 11.1 Where a Member is a member of an external body this must be disclosed on the interests form and declared at meetings.
- 11.2 When contractual, financial, consent, permission or licence matters are under consideration relating to an external body on which you sit as a Member, such an interest must be declared and you cannot participate in the meeting as a Member of the Committee and must leave the meeting whilst the matter is under discussion and voting takes place.
- 11.3 When contractual, financial, consent, permission or licence matters are under consideration and you have actively engaged in supporting an individual or organisation on the matter, you cannot participate in the meeting as a member of the Committee and must leave the meeting whilst the matter is under discussion and voting takes place.
- 11.4 Where a Member has received a gift or hospitality with an estimated value of at least £25, this must be disclosed on the register of interests form and declared at meetings.

Sensitive interests

- 12.1 Where you consider (and the Council's Monitoring Officer agrees) that the nature of a disclosable pecuniary interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it will be deemed to be a "sensitive interest" for the purposes of the Code. Details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

Interests arising in relation to overview and scrutiny committees

- 13.1 In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—
- (i) that business relates to a decision made (whether implemented or not) or action taken by the authority's executive or another of the

authority's committees, subcommittees, joint committees or joint sub-committees; and

- (ii) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (i) and you were present when that decision was made or action was taken; or
- (iii) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Mayor),

you may attend a meeting of the overview and scrutiny committee of the authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Dispensation

14.1 A Member or voting co-optee may submit a written request for dispensation relieving them from the restrictions on a participation in and voting on a disclosable pecuniary interest.

14.2 Dispensation may be granted if:

(a) the number of persons prohibited from participating in the meeting would be so great a proportion as to impede the transaction of the business

(b) without the dispensation the balance of political groups on the committee would be affected and affect the outcome of any voting

(c) granting dispensation is in the interests of residents

(d) each member of the executive would be prohibited from participating in any particular business to be transacted by the executive

(e) it is otherwise appropriate to grant a dispensation.

Applications under sections 14.2(a)(b) and (d) above shall be made to the Monitoring Officer. All other applications shall go to Standards Committee.

Pre-determination or bias

- 15.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member. However, you should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 15.2 When making a decision in such situations, you should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Breach of this Code of Conduct

- 16.1 Failure to comply with the provisions on disclosure of pecuniary interests in paragraphs 9.1 and 9.2 is a criminal offence and may result in a prosecution. If convicted a fine of up to £5,000 (level 5) could be imposed. A member could be disqualified for a period of up to 5 years.
- 16.2 Failure to comply with the general obligations in paragraphs 3.1, 3.2, 4, 5, 6, 7 or 10.1, 11, 15.1 and 15.2 may result in the consideration of a complaint against the Member concerned by the Standards Committee.

Appendix A

GENERAL PRINCIPLES

In accordance with the Localism Act 2011 the following statutory principles are to govern the conduct of the Members and voting co-optees of Hackney Council:

1. Selflessness

Members should serve only in the public interest and should never improperly confer an advantage or disadvantage on any person.

2. Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned. Members should not behave improperly and should on all occasions avoid the appearance of such behaviour.

3. Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

4. Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities. Members should co-operate fully and honestly with any scrutiny appropriate to their particular office.

5. Openness

Members should be as open as possible about their actions and those of the authority and should be prepared to give reasons for those actions.

6. Honesty

Members should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

7. Leadership

Members should promote and support these principles of leadership, and by example, should act in a way that secures or preserves public confidence.

Appendix B

Where the decision referred to in paragraph 1.9 of the General Introduction above relates to one of the functions of the authority set out below and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school *unless* it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

This page is intentionally left blank

Planning Code of Practice for Members

Introduction

Hackney has adopted a development plan that sets out how the Council intends the borough to evolve; this plan along with the Supplementary Planning Guidance describes what developments are likely to be permitted.

The planning process exists to ensure that developments are in line with the Borough's policies and while many minor applications are dealt with by officers under delegated authority, major schemes and those raising substantial objections are determined by Planning Sub-Committee made up of elected Members.

The Planning Code of Practice for Members provides guidance on how elected Members of the Council's Planning Sub Committee must conduct themselves when determining any application before them, both in the lead up to and at the Sub-Committee meeting itself.

This Code is based on the Council's Members' Code of Conduct which sets out the parameters of acceptable behaviour for Members. The Planning Code of Practice and the Members' Code of Conduct should therefore be read side by side. The Members' Code of Conduct can be found within the Council's Constitution.

The key objectives of this Code are to ensure that Members of the Planning Sub-Committee act reasonably and openly when dealing with matters that are before them and protect the Council and individual Members from allegations of unfairness, findings of maladministration and any legal challenge.

If at any time it appears that the rules and procedures set out in this document are not being followed, the Legal Adviser and/or Governance Services Officer will bring this to the attention of the Chair, who will take appropriate action. The matter may also be brought to the attention of the Corporate Director of Legal, HR and Regulatory Services.

1. How to avoid a conflict of interest and still assist your constituents

1.1 Planning Sub-Committee Members have to retain an open mind on any application as they are a part of the decision making process and cannot be seen to side with either the applicant or those who are making representations at the meeting at which the application would be determined. Adhering to the following rules will also ensure that public confidence in the Sub-Committee is maintained and serve to minimise the prospect of non-planning related matters affecting the judgment of Sub-Committee Members.

1.2 As decision makers, Sub-Committee Members should neither be seen

to be pre-judging the application, nor to be influenced by those with whom they have a special relationship such as fellow Council Members, at any stage prior to determination. Sub-Committee Members should similarly avoid making public statements as to their support of, or opposition to, any application.

- 1.3 Where Sub-Committee Members receive lobbying material through the post or by email about an application coming before the Planning Sub-Committee they should forward it to Governance Services as soon as they realise it is lobbying material. If a Sub-Committee Member is approached by an individual or an organisation in relation to a particular application on the agenda of an upcoming meeting, the Sub-Committee Member should advise the person or organisation that it is not appropriate for them to personally comment on the application but that the person or organisation may:
- write to the Planning Service concerning the particular application who will then respond and update the person or organisation accordingly.
 - contact Governance Services to request to speak at the Sub-Committee meeting. Such representation must be received by 4 pm the day prior to a Sub-Committee meeting. Any request to speak may be refused if the representation is not received by the deadline;
 - contact an alternative Member of the Council who is not to be part of the Sub-Committee meeting at which the application will be heard.
- 1.4 Council Members should represent the best interests of residents. Sometimes they may find themselves in a difficult situation where they are sent lobbying material. If a Council Member finds themselves in such a situation they need to decide whether they wish to sit on the Sub-Committee and hear the application or to represent the interests of their residents.
- 1.5 Sub-Committee Members can hear applications from within their particular ward.
- 1.6 If a Member is offered an inducement, or is placed under pressure or is intimidated to make a decision in a particular way on an application, they must notify the Corporate Director of Legal, HR and Regulatory Services.
- 1.7 If Sub-Committee Members are under any doubt as to the implications of a view which they might have expressed or a role which they might have played on a planning matter before going to the Sub-Committee meeting, they should seek advice from the Corporate Director of Legal, HR and Regulatory Services in advance of the relevant

meeting or from the Legal Adviser to the Planning Sub-Committee before the meeting begins.

2. When to declare an interest?

2.1 In line with the provisions of the Council's Code of Conduct for Members, every Member of the Council has a duty to notify the Council's Monitoring Officer in writing of any disclosable pecuniary interests they may have within 28 days of:

- (a) the Code being adopted by the Council; or
- (b) the Member's election or appointment (if that is later).

In addition, subject to agreement with the Monitoring Officer that the interest is a sensitive one as defined in the Members' Code of Conduct, a Member or voting co-optee has a duty, within 28 days of becoming aware of any new pecuniary interest or any change to any pecuniary interest notified to the Monitoring Officer, to notify the Council's Monitoring Officer in writing of that new pecuniary interest or change.

2.2 Disclosable pecuniary interest

2.3.1 As a member of the Council, you have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:

- (a) it is an interest of yours, or
- (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

3. Pecuniary interests in matters considered at meetings

3.1 If you attend a meeting including a Planning Sub-Committee meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, you must - subject to paragraph 6.1 below - disclose that interest to the meeting.

3.2 If any doubt exists in a Sub-Committee Member's mind, they are advised to seek advice from the Corporate Director of Legal, HR and Regulatory Services or their representative in advance of the Sub-

Committee meeting, or from the Legal Adviser to the Sub-Committee before the start of the meeting. In the final analysis, the duty to declare and the decision as to whether an interest should be disclosed rests with the Member, not with Officers.

4. What to do when a disclosable pecuniary interest is declared?

- 4.1 Once you have disclosed a pecuniary interest at the meeting, you may **not** – unless you have obtained a dispensation from the Council's Monitoring Officer – (i) participate, or participate further, in any discussion of the matter at the meeting; or (ii) participate in any vote, or further vote, taken on the matter at the meeting.
- 4.2 Additionally, you will be excluded from a meeting while any discussion or vote takes place that you are not permitted to participate in, as a result of paragraph 4.1 above.
- 4.3 Restrictions in paragraphs 4.1 and 4.2 above do not apply where you attend the meeting for the purposes of answering questions or otherwise giving evidence relating to that decision, action or matter.

5. Dispensation

- 5.1 As a Member of the Council, you may submit a written request to the Monitoring Officer well in advance of the meeting for dispensation relieving you from the restrictions on a participation in and voting on a disclosable pecuniary interest subject to the provisions set out in the Members' Code of Conduct. Some requests may need to be referred to Standards Committee for a decision. (See separate procedure for granting dispensation).
- 5.2 It is important to note that the rules relating to declarations of interest apply equally to any Councillor who may from time to time wish to attend a meeting of the Planning Sub-Committee and speak on a particular matter. Each Member who attends a meeting must make an assessment of whether they have an interest in the matter under discussion, whether they intend to participate in proceedings or not. However, if a Member has a disclosable pecuniary interest they must withdraw from the meeting room for the duration of the discussion on that item subject to paragraph 4.3 above where a Member wishes to answer questions or give evidence. However, if a Member who has a disclosable pecuniary interest does not wish to speak, they must leave the room when the agenda item is under discussion.

6. Predetermination or bias

- 6.1 Members must hear all planning applications with an open mind. They must not make up their mind on an application before they have heard the full application and any representations made for or against it.

- 6.2 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member. You may have even directly or indirectly expressed a view on a matter which may be relevant to a decision. However, you should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 6.3 When making a decision in such situations, you should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken. If a Member has made up their mind before the meeting they should therefore not hear the application.
- 6.4 Where a planning matter is under consideration relating to EITHER
- an external body that you sit on as a Member, or
 - an individual whom you actively engage in supporting, or
 - an organisation which you actively engage in supporting,

then such an interest must be declared and you should not participate in the meeting to discuss or vote on the matter. See 'When to Declare an Interest' in paragraph 2.1 above. By becoming involved in a planning application prior to the Sub-Committee meeting other than to read the Planning Officer's report and any additional documentation, the Member risks the Sub-Committee decision being challenged or overturned on appeal.

7. **Decision Making – Permitted Considerations**

- 7.1 Members should only consider the merits of an application as set out before the Sub-Committee, as allowed for under the relevant legislation, before determining whether or not to approve an application with or without additional conditions. Sub-Committee Members must not give weight to non-planning matters that may be raised by any party involved in the Sub-Committee meeting.
- 7.2 Further, an applicant or objector may not raise any substantial new information at a meeting (including by way of correspondence, other documents or photographs) at the Sub-Committee meeting without due notice and agreement by the Chair of the Sub-Committee and all parties attending the meeting. Any attempt by applicants or objectors (or their agents) to introduce such information without the necessary agreement is not permitted.
- 7.3 Applications must be determined in accordance with the relevant legislation and the Council's policy statement.
- 7.4 If a decision of the Planning Sub-Committee is seen to be made on

other than sound permitted grounds it could be open to legal challenge, and if the court deems the decision to be flawed, it may be overturned. This could have serious cost implications for the authority.

- 7.5 Any decision by the Sub-Committee which is not in accordance with the Officer's recommendation(s) must be substantiated by reasons, based on the relevant legislation and the Council's policy statement, and these must be agreed by the Sub Committee and included in the minutes of the meeting by the Governance Services Officer. The Legal Adviser will provide appropriate advice to the Sub-Committee as required.

8. Site Visits Protocol

- 8.1 Members can ask a planning officer to arrange site visits in respect of applications to be determined by the Sub Committee, Such visits may be with or without a planning officer in attendance.
- 8.2 If a site visit is required the Member attending should advise Governance Services of the time/date of the site visit, those Members in attendance and any other relevant information.
- 8.3 Members are reminded that they are required to retain an open mind on applications and must not discuss or make a decision when undertaking site visits.

9. Members' Training

- 9.1 All Members of the Planning Sub Committee **MUST** attend appropriate and ongoing training before exercising their right to be involved in the decision making process at a Sub-Committee meeting.

10. Behaviour at Meetings

- 10.1 Members of the Sub-Committee who are not present for the entirety of a particular item for whatever reason must refrain from participating in the discussion on that item and must not be involved in the decision making process.
- 10.2 Members must be seen to act fairly. They must not discuss, or appear to discuss, any matter with members of the public during the course of the meeting or in the lead up to it. Nor should Members accept letters or documents from members of the public at any time before or during the meeting, in case this is misinterpreted.
- 10.3 Councillors who are not Members of the Planning Sub-Committee may only speak at a Sub-Committee meeting if they have made a representation or are acting on behalf of someone who has. Councillors should sit separately from the Members of the Planning Sub-Committee and they should declare whether they have had any

contact with the applicant/objector/property owner or their agents and whether they are speaking on behalf of a third party and if so, who.

- 10.4 Councillors who are not Members of the Planning Sub-Committee must not communicate with the Members who are part of the Sub-Committee in any other manner than that described above in the lead up to or during the course of the Sub-Committee meeting.

11. Political Whips

- 11.1 Proceedings are quasi-judicial and should never run on party political lines. Members should neither be whipped nor lobbied by other Members. Members are advised that any political group meeting prior to the Planning Sub-Committee meeting must not be used to decide how Members determine items before the Planning Sub-Committee meeting.

12. Members as Community Advocates

- 12.1 Members who are not sitting on the Planning Sub-Committee may represent the interests of their constituents at that Planning Sub-Committee meeting.
- 12.2 A Member may advocate on behalf of their constituents and may stay in the meeting room after making representations.
- 12.3 A Member who has a disclosable pecuniary interest in an application before the Planning Sub-Committee may speak at the meeting about their objection and their constituents' objections to the application. The Member must however, then leave the meeting room when the application is being considered unless they have been granted dispensation.

13. Breach of the Code

- 13.1 Where a Member believes the Code has been breached, this must be brought to the attention of the Corporate Director of Legal, HR and Regulatory Services.

14. Offences

- 14.1 It is a criminal offence if a Member or voting co-optee fails, without reasonable excuse, to disclose their own or their spouse's or civil partner's pecuniary interest within 28 days of their taking office or fails to disclose a disclosable pecuniary interest that they are aware of at a meeting where any matter to be considered relates to their interest.

This page is intentionally left blank

Status: Law In Force

Localism Act 2011 c. 20
Part 1 LOCAL GOVERNMENT
Chapter 6 PREDETERMINATION

This version in force from: **January 15, 2012 to present**

(version 1 of 1)

25 Prior indications of view of a matter not to amount to predetermination etc

(1) Subsection (2) applies if—

(a) as a result of an allegation of bias or predetermination, or otherwise, there is an issue about the validity of a decision of a relevant authority, and

(b) it is relevant to that issue whether the decision-maker, or any of the decision-makers, had or appeared to have had a closed mind (to any extent) when making the decision.

(2) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because—

(a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and

(b) the matter was relevant to the decision.

(3) Subsection (2) applies in relation to a decision-maker only if that decisionmaker—

(a) is a member (whether elected or not) of the relevant authority, or

(b) is a co-opted member of that authority.

(4) In this section—

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who—

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of the committee or sub-committee;

“decision”, in relation to a relevant authority, means a decision made in discharging functions of the authority, functions of the authority's executive, functions of a committee of the authority or functions of an officer of the authority (including decisions made in the discharge of any of those functions otherwise than by the person to whom the function was originally given);

“elected mayor” has the meaning given by section 9H or 39 of the Local Government Act 2000;

“member”—

(a) in relation to the Greater London Authority, means the Mayor of London or a London Assembly member, and

(b) in relation to a county council, district council, county borough council or London borough council, includes an elected mayor of the council;

"relevant authority" means—

- (a) a county council,
- (b) a district council,
- (c) a county borough council,
- (d) a London borough council,
- (e) the Common Council of the City of London,
- (f) the Greater London Authority,
- (g) a National Park authority,
- (h) the Broads Authority,
- (i) the Council of the Isles of Scilly,
- (j) a parish council, or
- (k) a community council.

(5) This section applies only to decisions made after this section comes into force, but the reference in subsection (2)(a) to anything previously done includes things done before this section comes into force.

Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland

Subject: Local government

Keywords: Decisions; Local authorities' powers and duties; Statutory definition; Validity

Hackney Planning Sub-Committee – 09/12/10

ADDRESS: 16 Leabourne Road, London N16 6TA	
WARD: Springfield	REPORT AUTHOR: Graham Callam
APPLICATION NUMBER: 2010/2608	VALID DATE: 03/11/2010
DRAWING NUMBERS: Design and Access Statement, Site Local Plan, 16LR/01, 02, 03a, 04a, 05	
APPLICANT: Mr H Finkelstein 16 Leabourne Road London N16 6TA	AGENT: Mr Mervyn Shaya Shaya Associates 62 Princes Park Avenue London NW11 0JT
PROPOSAL: Erection of front and rear dormer roof extensions, and a roof extension on top of the two storey back addition.	
POST SUBMISSION REVISIONS: None	
NOTE TO MEMBERS: An identical scheme (planning application reference number 2009/0116) was refused under delegated powers and subsequently dismissed at appeal (Planning Inspectorate reference APP/U5360/A/09/2108618). Under the terms of the Town and Country Planning Act 1990 (as amended) the Council has powers to decline to determine an application in instances where an identical application is submitted. However, following a request from the Assistant Director (Planning), the application has been accepted as valid and referred to members for determination.	
RECOMMENDATION SUMMARY: Refuse planning permission.	

ANALYSIS INFORMATION

ZONING DESIGNATION:

	(Yes)	(No)
CPZ		No
Conservation Area		No
Listed Building (Statutory)		No
Listed Building (Local)		No
DEA		No

LAND USE	Use Class	Use Description	Floorspace
----------	-----------	-----------------	------------

DETAILS:			
Existing	C3	Residential	Not Specified
Proposed	C3	Residential	Not Specified

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	Dwellings	0	0	1	0	0
Proposed	Dwellings	0	0	0	0	1
Totals	(Total = 1)					

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	0

CASE OFFICER'S REPORT

1. SITE DESCRIPTION

- 1.1 The subject property is located on the eastern side of Lebourne Road. It comprises a two storey mid terrace single dwelling house, with two storey rear addition and single storey L-shaped rear extension. The surrounding area is predominately residential.

2. CONSERVATION IMPLICATIONS

- 2.1 None

3. HISTORY

- 3.1 23.09.1997 – Planning permission GRANTED for erection of a single storey ground floor rear extension. (ref NORTH/474/97/FP)
- 3.2 15.05.2007 – Planning permission REFUSED for erection of a front and rear roof extension (ref 2007/0704). Appeal ref APP/U5360/A/07/2059588 DISMISSED 29.07.2008
- 3.4 17.03.2009 – Planning permission REFUSED for erection of front and rear dormer roof extensions, and a roof extension on top of the two storey back addition (ref 2009/0116). Appeal ref APP/U5360/A/09/2108618 DISMISSED 10.11.2009

4. CONSULTATIONS

4.1 Date Statutory Consultation Period Started: 05/11/2010

4.2 Date Statutory Consultation Period Ended: 26/11/2010

4.3 Site Notice: No

4.4 Press Advert: No

4.5 Neighbours

4.5.1 8 letters of consultation sent to owners/occupiers of surrounding properties - No responses received.

4.6 Statutory Consultees

4.6.1 None

4.7 Local Groups

4.7.1 None

4.8 Other Council Departments

4.8.1 Hackney Legal Services – ‘To ensure fairness and transparency the Local Planning Authority is required to be consistent in its decision making taking into account relevant policies, guidance, legislation and material considerations. The Council would be at risk of challenge if it reaches a different decision where there has been no material change in circumstances particularly as the Council’s previous decision has been endorsed by the Planning Inspectorate which is an outside agency independent of the Council.’

5. POLICIES

5.1 Hackney Local Development Framework (LDF)

5.1.1 Core Strategy Policy CS24 – ‘Design’
‘Hackney Residential Extensions and Alterations and Extensions
Supplementary Planning Document 2009’

5.2 London Plan (2008)

5.2.1 4B.1 – ‘Design Principles for a Compact City’

5.3 National Planning Policies

PPS 1: Delivering Sustainable Development

6. COMMENT

6.1 Background

- 6.1.1 The proposed development involves the erection of a front and rear roof extension and the erection of an extension above the existing two storey rear addition. The front roof extension would be 5m wide x 3.4m deep x 2.3m high, and would be set in from the party walls by 0.3m, up from the eaves by 0.3m and down from the ridge by 0.2m. The rear roof extension would be 5.6m wide x 3.5m deep x 2.3m high, would be built between the part walls and would be set up from the eaves by 0.3m and down from the ridge by 0.2m. The extension above the two storey rear addition would be 2.9m wide x 3.2m deep x 2.4m high and would replace the pitched roof of the two storey rear addition with an additional storey with flat roof.
- 6.1.2 The proposed development is identical to the proposal which was previously refused and dismissed at appeal under the reference numbers 2009/0116 and APP/U5360/A/09/2108618. Copies of the previous Officer's report, the Council's decision notice and the Inspector's decision are included as appendixes 1, 2 and 3 of this report.

6.2 Relevant Considerations

- 6.2.1 As the proposal is identical to that previously refused and dismissed at appeal, the only circumstances in which a Local Planning Authority can legally issue a different decision is in the event that there has been a change in planning policy relevant to the application which would lead to a different decision being made, or a material change in the surroundings of the application site which would lead to a different decision being made.
- 6.2.2 It is noted that Hackney UDP policy EQ1 – 'Development Requirements' has been superseded by Hackney LDF policy 24 – 'Design' since the previous refusal/appeal and the current proposal. Policy CS24 states that 'All development should seek to enrich and enhance Hackney's built environment and create a sense of place and local distinctiveness that is attractive and accessible.' It is considered that this policy objective is consistent with those of superseded UDP policy EQ1 and as such the adoption of the new policy does not lead to an alternative recommendation being made. Although the Council's Residential Extensions and Alterations and Extensions Supplementary Planning Document 2009 was formally adopted subsequent to the previous refusal, it was adopted at the time of the Inspector's decision and is referred to in his decision. There has been no material change to the surroundings of the application site since the previous refusal and Inspector's decision.
- 6.2.3 In light of the above, it is considered that the previous reason for refusal remains valid and as such the Council is not in a position to make any other decision than to refuse the application. Members are referred to appendixes 1, 2, 3 and 4 for the Council and Planning Inspectorate's previous considerations of the proposal.

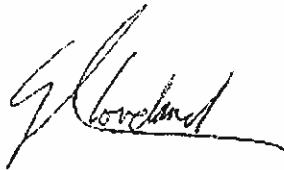
7. CONCLUSION

7.1 The proposed development, by reason of size, design and position would result in an incompatible and obtrusive form of development which would adversely affect the character and appearance of the subject property. As such the proposed development would be contrary to policy 4B.1 'Design Principles for a Compact City' of the London Plan 2008, Core Strategy policy CS24 'Design' of Hackney Local Development Framework and Hackney Residential Extensions and Alterations and Extensions Supplementary Planning Document 2009'

8. RECOMMENDATION

8.1 Refuse planning permission for the following reason:

8.2 The proposed development, by reason of size, design and position would result in an incompatible and obtrusive form of development which would adversely affect the character and appearance of the subject property. As such the proposed development would be contrary to policy 4B.1 'Design Principles for a Compact City' of the London Plan 2008, Core Strategy policy CS24 'Design' of Hackney Local Development Framework and Hackney Residential Extensions and Alterations and Extensions Supplementary Planning Document 2009'



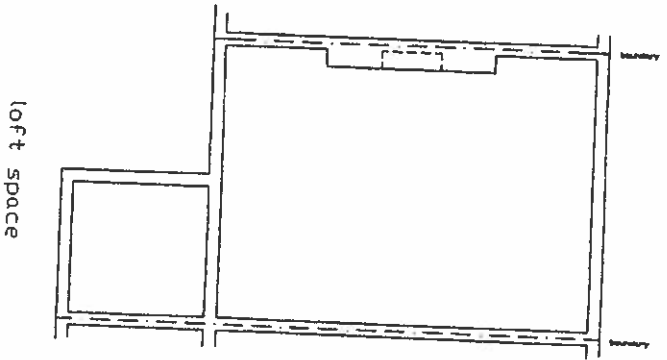
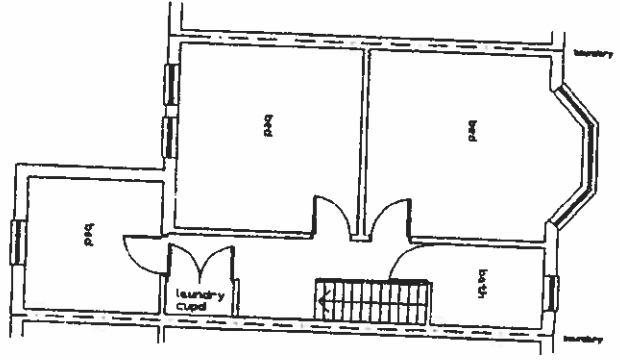
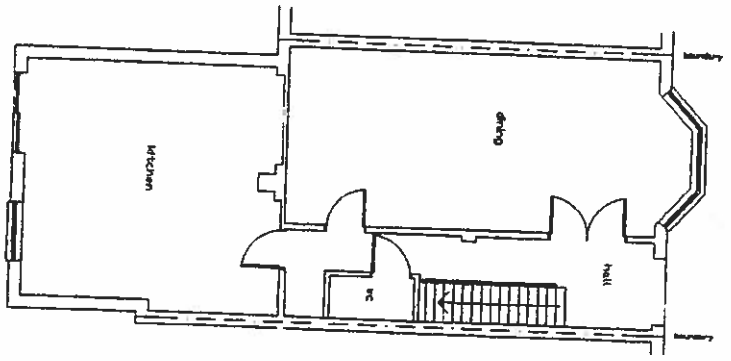
Signed..... Date: 30 November 2010

**STEVE DOUGLAS
INTERIM CORPORATE DIRECTOR, NEIGHBOURHOODS &
REGENERATION DIRECTORATE**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney LDF and the London Plan	Graham Callam x8275	2 Hillman Street, London E8 1FB

Appendix 1 – Plans 2009/0116

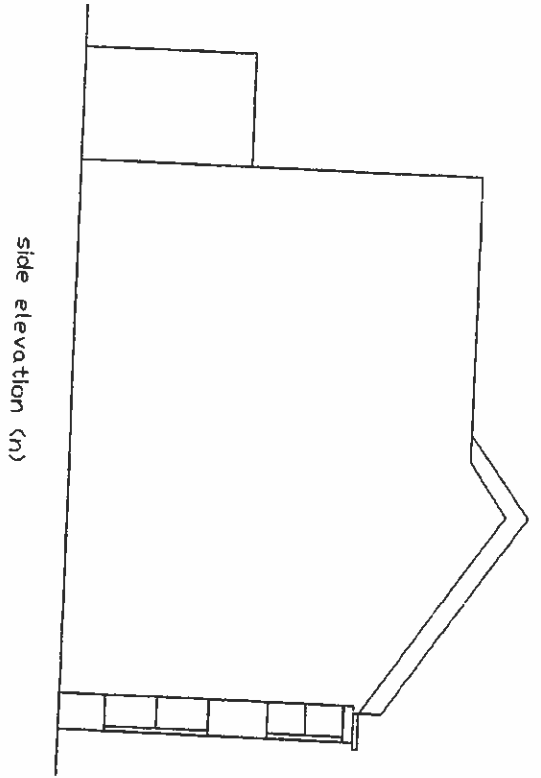
London Borough of Hackney
 Planning - Received
 20 JAN 2007



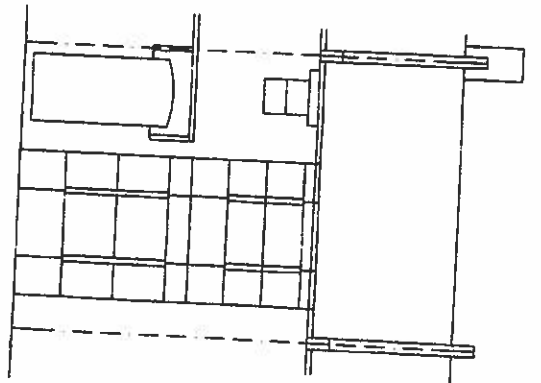
PLANNING
 REGISTER
 COPY

FRONT AND REAR DORMERS TO FORM LOFT EXTENSION AT 16 LEABURNE ROAD, STAMFORD HILL, N16 6TA
 drawg title EXISTING FLOOR PLANS drawg no. 16LR/01 scale 1:100 @ A3 date FEB. 2007

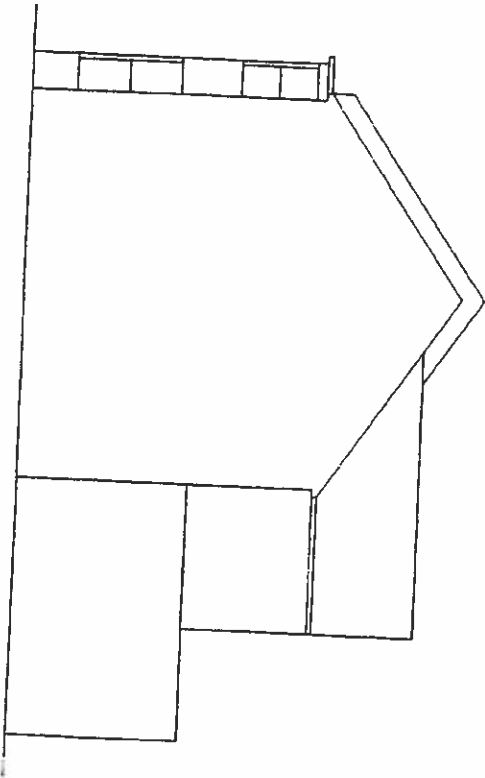
London Borough of Hackney
20 JAN 2007
Planning - Received



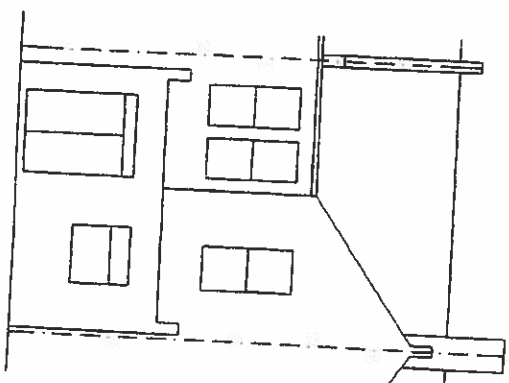
side elevation (n)



front elevation (w)



side elevation (s)

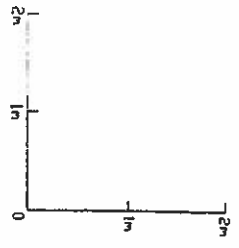


rear elevation (e)

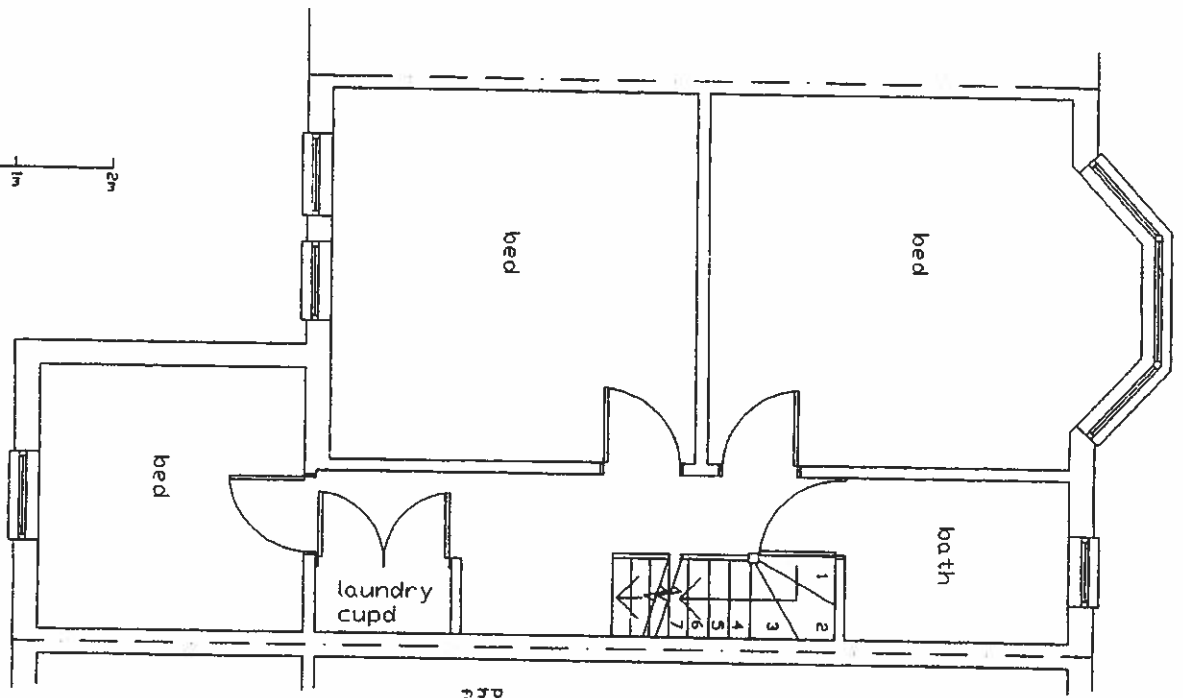


PLANNING
REGISTER
COPY

FRONT AND REAR DORMERS TO FORM LOFT EXTENSION AT 16 LEABOURNE ROAD, STAMFORD HILL, N16 6TA
dwg title EXISTING ELEVATIONS dwg no. 16LR/02 scale 1/100 @ A3 date FEB 2007



first floor

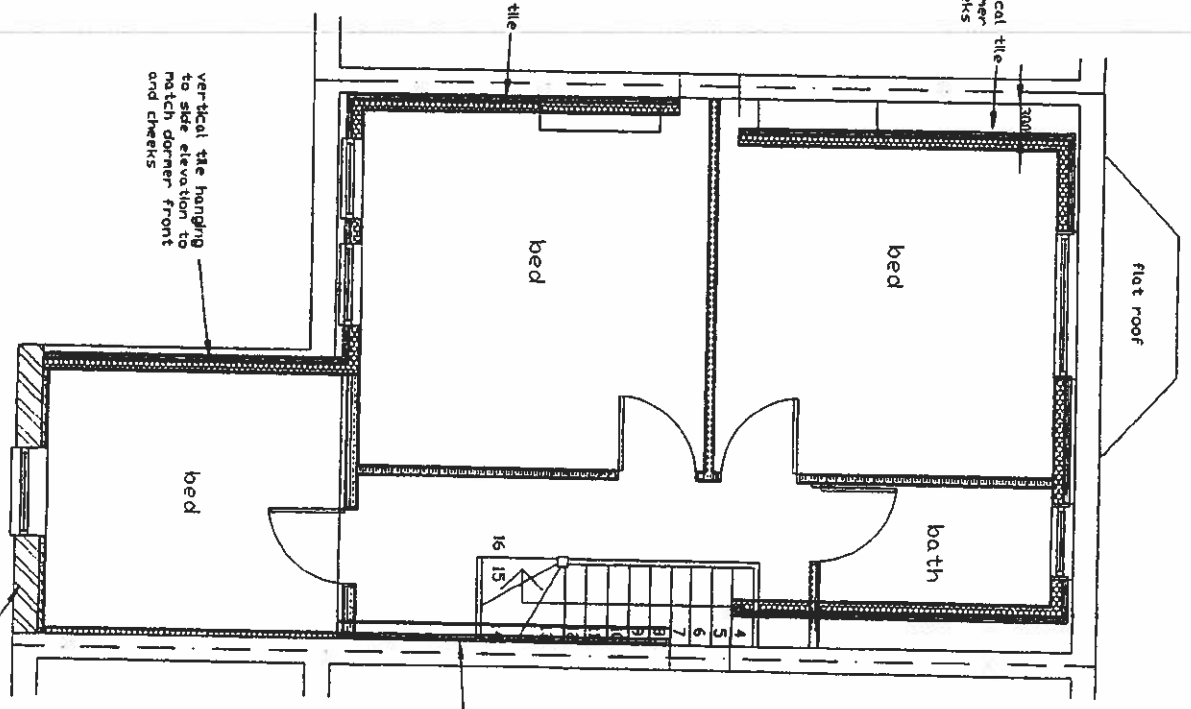


plain clay vertical tile hanging to dormer front and cheeks

plain clay vertical tile hanging to dormer front and cheeks

flat roof

loft floor



vertical tile hanging to side elevation to match dormer front and cheeks

plain clay vertical tile hanging to dormer front and cheeks

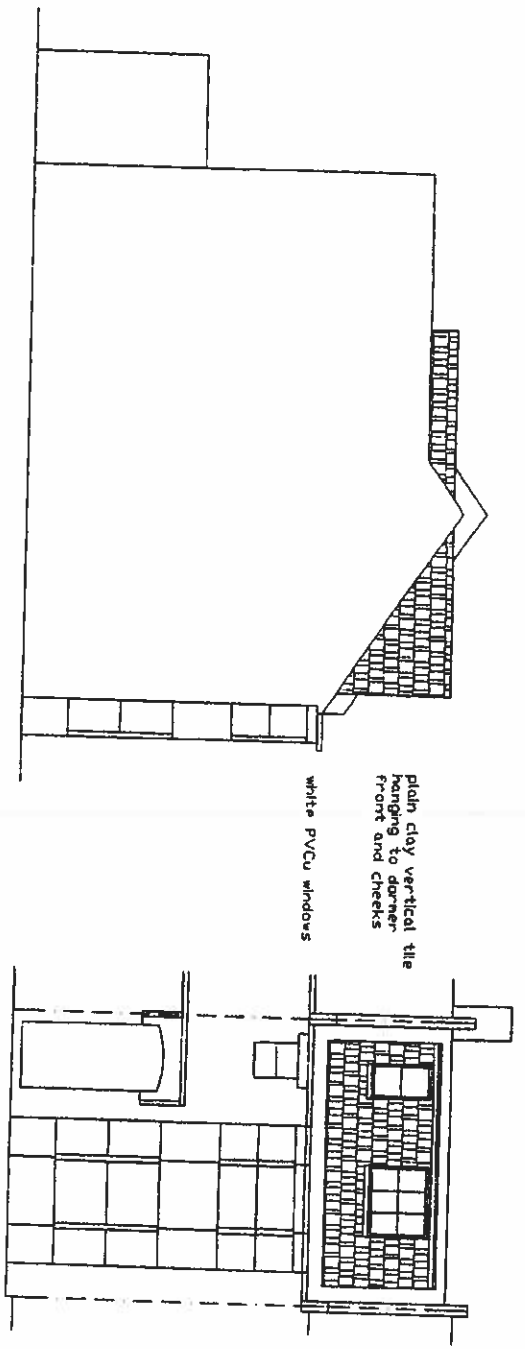
extend height of brickwork to rear elevation, in facings to match existing

London Borough of Hackney
 20 JAN 2008
 Planning - Received

PLANNING REGISTER OFFICE

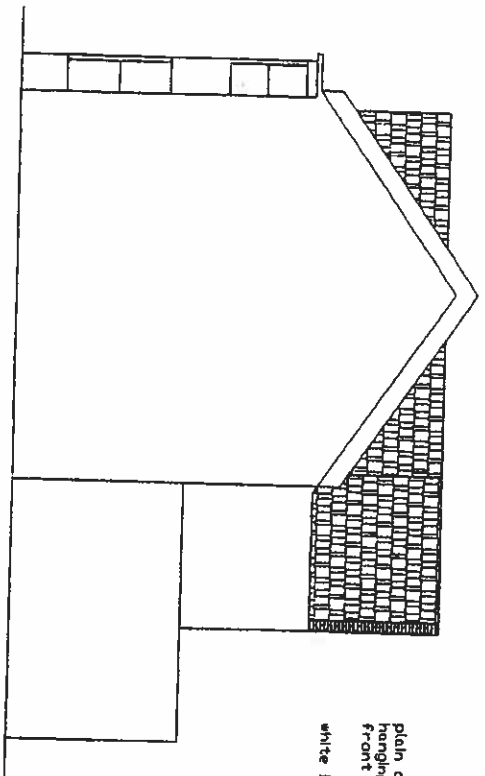
FRONT AND REAR DORMERS TO FORM LEFT EXTENSION AT 16 LEABURNE ROAD, STAMFORD HILL, N16 6TA
 drawing title PROPOSED FLOOR PLANS drawing no. 16LR /04/a scale 1:50 @ A3 date OCT. 2008

London Borough of Hackney
 20 JAN 2008
 Planning - Received

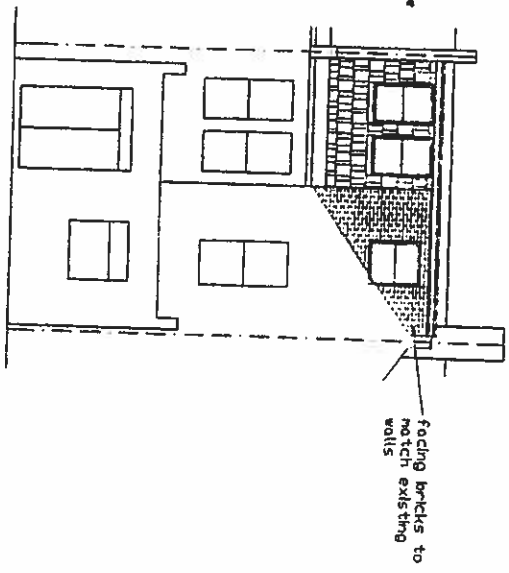


side elevation (n)

front elevation (w)



side elevation (s)

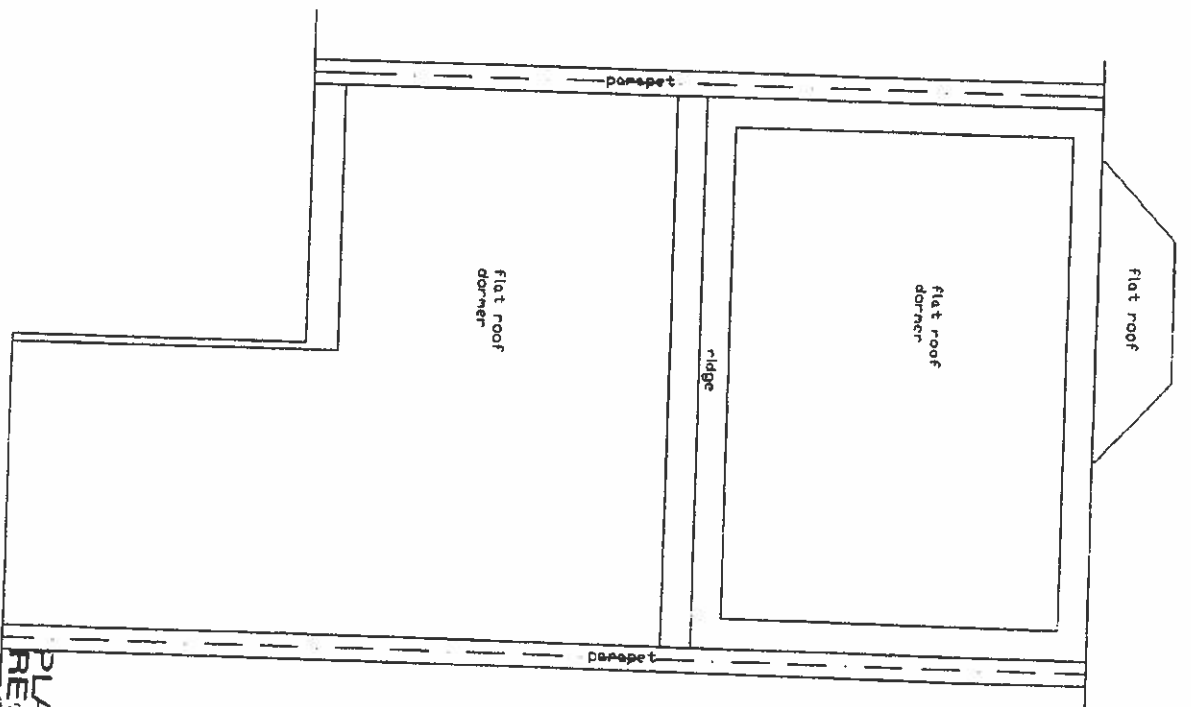
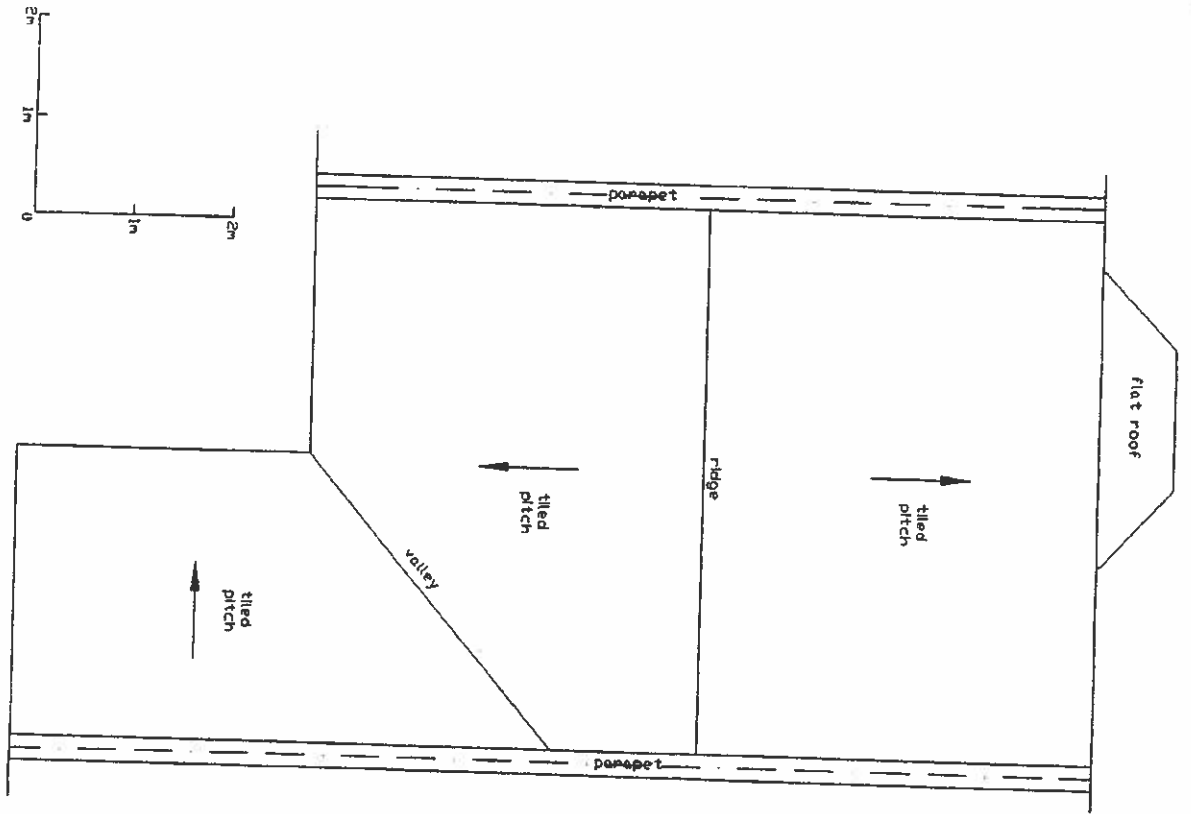


rear elevation (e)



PLANNING
 REGISTER
 COPY

FRONT AND REAR DORMERS TO FORM NEW LOFT EXTENSION AT 16 LEABURNE ROAD, STAMFORD HILL, N16 6TA
 drwg title PROPOSED ELEVATIONS drwg no. 16LR/03/a scale 1:100 @ A3 date OCT. 2008



PLANNING
REQUEST
COPY

20 JAN 2008
Planning - Received

FRONT AND REAR DORMERS TO FORM LOFT EXTENSION AT 16 LEABURNE ROAD, STAMFORD HILL, N16 6TA
 drawing title ROOF PLANS drawing no. 16LR /05 scale 1:50 @ A3 date OCT. 2008

Appendix 2 – Officer's Report 2009/0116

DELEGATED PLANNING REPORT

Address: 16 Leabourne Road	Application Number: 2009/0116
Date of Visit: 10/03/09 & 12/03/09	Person Present: Graham Callam
Consultation Check: Yes	Supporting O S Extract: Yes
Site Description and Observations: The subject property is located on the eastern side of Leabourne Road. It comprises a two storey mid terrace single dwelling house, with two storey rear addition and single storey L shaped rear extension. The surrounding area is predominately residential.	
Proposal: Erection of front and rear dormer roof extensions (including a roof extension to the two storey rear addition).	
DELEGATED DECISION REPORT SHEET	
Locally/Listed Building: No	Conservation Area: No
Relevant History: NORTH/474/97/FP – Erection of a single storey ground floor rear extension. Approved 23/09/1997 2007/0704 - Erection of a front and rear roof extension. Refused 15/05/2007, appeal ref APP/U5360/A/07/2059588 dismissed 29/07/08	
Consultations (internal): None	
Consultations (external): 8 Neighbour letters sent – One letter of support received, one objection received relating to overshadowing, loss of privacy, negative impact upon appearance of the area and adjoining properties and party wall issues (the latter is not a planning matter and cannot be considered further), and one response received raising no objection subject to no brick walls being included in the extension.	
Relevant Policy Nos: EQ1 'Development Requirements' of the Hackney Unitary Development Plan 1995, 4B.1' Design Principles for a Compact City' of the London Plan 2008	
Background: The proposed development involves the erection of a front and rear roof extensions and the erection of an extension above the existing two storey rear addition to create an additional storey. The front roof extension would be 5m wide x 3.4m deep x 2.3m high, and would be set in from the party walls by 0.3m, up from the eaves by 0.3m and down from the ridge by 0.2m. The rear roof extension would be 5.6m wide x 3.5m deep x 2.3m high, would be built between the part walls and would be set up from the eaves by 0.3m and down from the ridge by 0.2m. The extension above the two storey rear addition would be 2.9m wide x 3.2m deep x 2.4m high and would replace the pitched roof of the two storey	

rear addition with an additional storey with flat roof.

There has been a previously refused scheme at the site comprising of similar front and rear dormers to that currently proposed, although the front dormer occupied the entire width of the front roof plane in the previously refused scheme and the scheme did not involve the extension above the rear addition. An appeal against the refusal of this application was dismissed.

Considerations:

Design:

The proposed development would result in the appearance of an additional storey with a flat roof added to the property rather than roof extensions added to the existing roof, and as such would result in an incompatible and obtrusive form of development which would result in the loss of the traditional roof form and would fail to respect the character and appearance of the existing property and surrounding streetscene. The proposed extensions are overly large and prominent, and would not be subservient to the original buildings. On this basis the design is considered to be unacceptable.

In his appeal decision relating to the previously refused scheme (2007/0704) the Inspector stated that 'Due to the excessive bulk and scale of the proposal, it fails to respect the character of the existing dwelling.' In this instance it is not considered that the minor reduction of the width of the front dormer is sufficient to ensure that the proposed extensions would be subservient to, and respect the character of the original property. Furthermore it is considered that the proposed extension above the rear addition adds additional bulk to that previously refused, which would exacerbate the harm previously considered to be unacceptable by the Inspector.

The above mentioned Inspectors report makes reference to an approved scheme for front and rear dormers at number 22 Leabourne Road which at that time had not been implemented. It is noted that this approval was for a smaller front dormer than that subject of the current application and did not feature an extension over the rear addition. An extension has now been constructed at 22 Leabourne Road which is similar to that subject of this application, including a larger front dormer and the erection of an extension over the back addition, for which there is no record of planning permission. There is also a similar extension to the rear of number 20 Leabourne Road, for which there is also no record of planning permission. It is considered that these unauthorised developments clearly indicate the harm which can be caused to the character and appearance of properties and streetscene by such insensitive development and should not provide justification for further harmful development. The Council's Planning Enforcement Team is investigating both these breaches of planning control.

It is noted that there are a number of other large roof extensions in the terrace. These are located to the north of the subject property with no large front roof extensions in properties to the south in that section of the road. It is considered that such developments demonstrate the harm which is caused to the character and appearance of properties and streetscene by such insensitive developments, and do not justify the granting of further harmful developments along the unaffected stretch of the road.

Amenity:

It is considered that the proposed development would be of a size and position which would not result in a loss of sunlight or outlook to neighbouring properties and would not result in a level of overlooking over and above that afforded from existing windows.

Standard of accommodation:

The room sizes created by the proposed development are considered to be of sufficient size with acceptable provision of natural light and ventilation.

Conclusions:

The proposed development, by reason of size, design and position would result in an incompatible and obtrusive form of development which would adversely affect the character and appearance of the subject property. As such the proposed development would be contrary to policies EQ1 'Development Requirements' of the Hackney Unitary Development Plan 1995, and 4B.1 'Design Principles for a Compact City' of the London Plan 2008.

RECOMMENDATION:			
REFUSAL			
Date	Planning Officer (Graham Callam)	Team Co-ordinator (John Tsang)	Planning Applications Unit Manager (John McRory)

16 Leabourne Road



Front elevation



Rear elevation



View north along the front of the terrace



View north along the front of the terrace



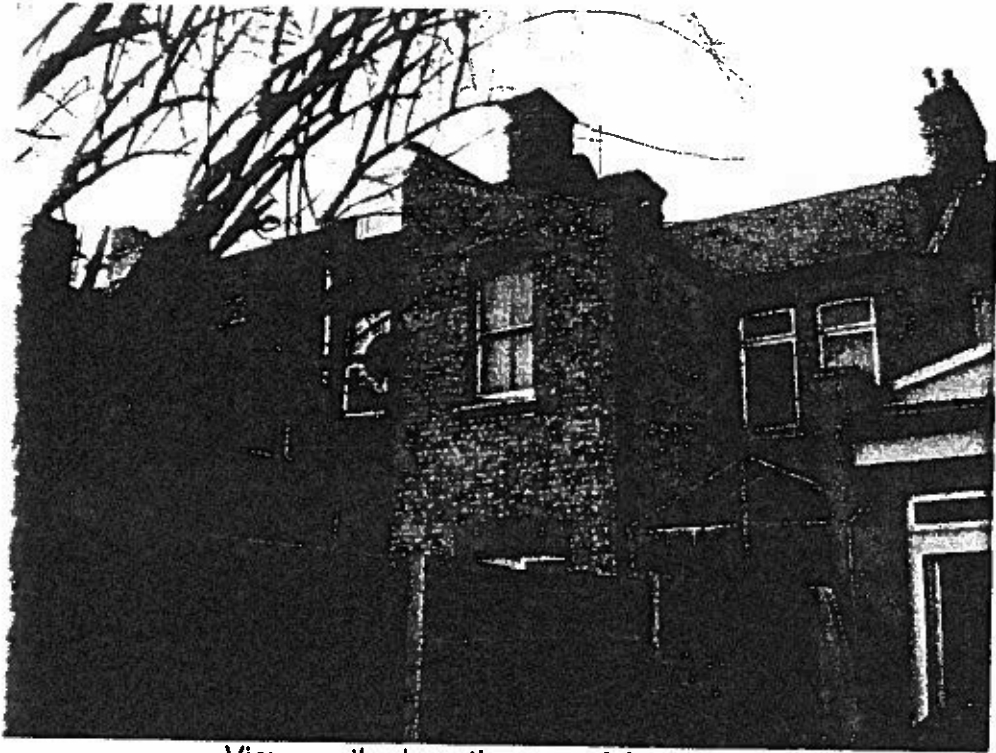
View south along the front of the terrace



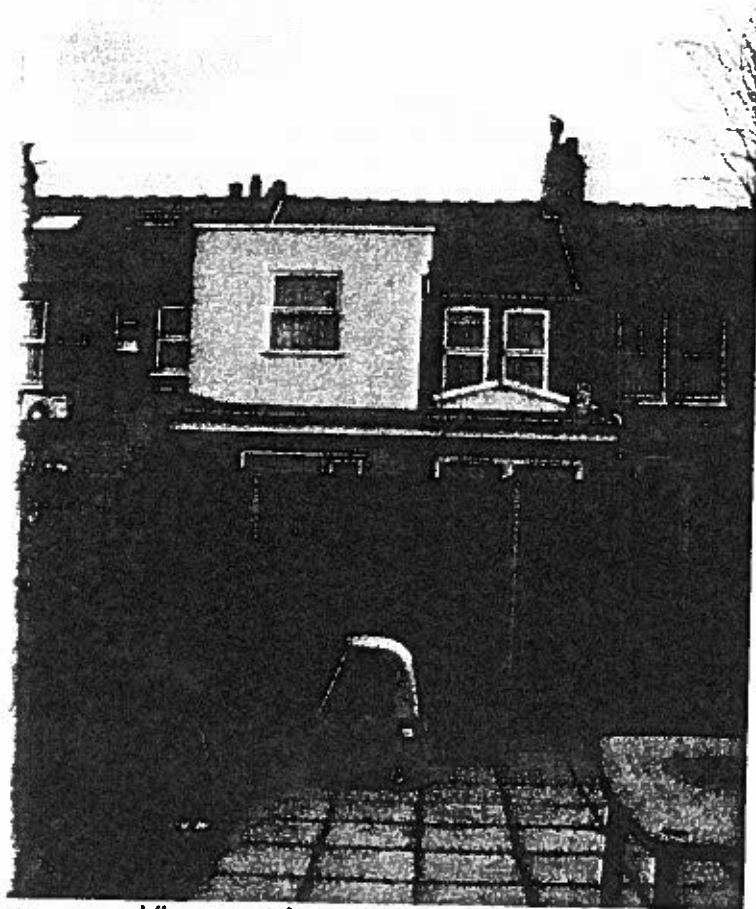
View south along the front of the terrace



View north along the rear of the terrace



View south along the rear of the terrace



View east from the rear of the site

Appendix 3 – Council's Decision 2009/0116

Hackney Neighbourhoods and Regeneration

Planning Service, 263 Mare Street, London, E8 3HT

Mrs Finkelsteen
16 Leabourne Road
Stamford Hill
London
N16 6TA

Respond to: Graham Callam
Telephone: 020 8356 8275
E-mail: graham.callam@hackney.gov.uk
Fax: 020 8356 8087
Our Ref: 2009/0116
Date: **17 MAR 2009**
Level: Delegated
<http://www.hackney.gov.uk>

Dear Sir/Madam

Town and Country Planning Act 1990 As Amended REFUSAL OF PERMISSION TO DEVELOP

Notice is hereby given that the London Borough of Hackney Council as local planning authority in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made thereunder refuses to permit the development referred to in the undermentioned schedule, in accordance with the plan(s) submitted.

Your attention is drawn to the statement of applicant's rights overleaf.

APPLICATION SCHEDULE

Received: 20/01/09

Validated: 20/01/09

Applicant's Nos. 2009/0116

Plan No: 16LR/01 16LR/02 16LR/03/a 16LR/04/a 16LR/05

Address: 16 Leabourne Road
London
Stamford Hill
N16 6TA

Development: Erection of front and rear dormer roof extensions, and a roof extension on top of the two storey back addition.

STATEMENT OF APPLICANTS RIGHTS

Arising from the refusal of planning permission or from the grant of permission subject to conditions

(1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, s/he may appeal to Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Planning Inspectorate is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the provisions of Sections 70(1) and 71(1) of the 1990 Act, to the provisions of the development order and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(2) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by The Planning Inspectorate, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on The London Borough of Hackney, a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Reasons:

- 1 The proposed development, by reason of size, design and position would result in an incompatible and obtrusive form of development which would adversely affect the character and appearance of the subject property. As such the proposed development would be contrary to policies EQ1 'Development Requirements' of the Hackney Unitary Development Plan 1995, and 4B.1 'Design Principles for a Compact City' of the London Plan 2008.

Yours faithfully

Graham Loveland
Interim Assistant Director Planning
Regeneration and Planning Division

Appendix 4 – Appeal decision APP/U5360/A/09/21008618



Appeal Decision

Site visit made on 27 October 2009

by **David Tester** CChem MRSC C.WEM
FCIWEM

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
10 November 2009

Appeal Ref: APP/U5360/A/09/2108618

16 Leabourne Road, Stamford Hill, London N16 6TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Finkelstien against the decision of the Council of the London Borough of Hackney.
- The application Ref 2009/0116, dated 16/01/09, was refused by notice dated 17/03/09.
- The development proposed is the erection of front and rear dormers to form loft conversion.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed development on the appearance of the house and its surroundings.

Reasons

3. The appeal dwelling is a two-storey mid-terrace house in a residential street listed by the Council in its 2009 Supplementary Planning Document - Residential Alterations and Extensions (SPD) as one where there are already a number of larger front roof extensions. The scheme has been submitted in response to the dismissal on appeal of an earlier roof extension scheme (APP/U5360/A/07/2059588), which pre-dated the SPD. In this latest scheme the front dormer has been set in on either side to provide a 0.3m gap to the existing party walls. The other difference is that the proposed rear dormer would extend outwards over the existing two-storey rear wing to effectively include a second-floor extension. The overall appearance of the proposal would be that of an additional floor with a flat roof to the dwelling.
4. I note that the existing houses, with the large front and rear dormers, are concentrated at the northern end of the road and that the planning permission for the nearest one at No.22 Leabourne Road is said by the Council to only be for a smaller front dormer and no extension over the rear addition. Nor is there permission for a rear extension at No.20. In any event all of these extensions look out of place on the properties, and I agree with the Council and the previous Inspector that they demonstrate the harm that they can cause to the character and appearance of the locality.
5. Nonetheless, I have considered the proposal against the criteria in the SPD for streets listed in the street survey. These require me to consider the house

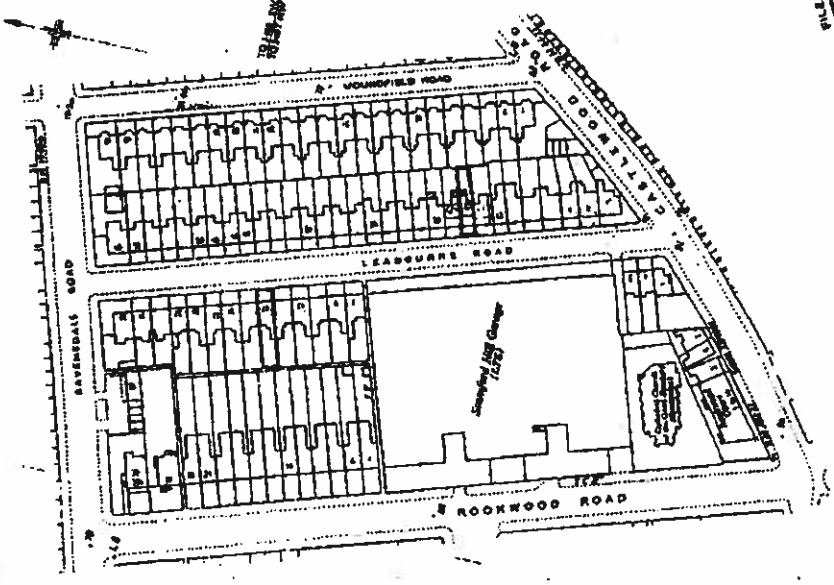
typology, existing roof extensions nearby and any increased visual impact, together with neighbouring amenities. The house appears to have been built around the beginning of the 20th century and I believe that a modern front roof extension would not be appropriate for this type of dwelling. There are no approved large front roof extensions on this part of the street and the scale and bulk of the front dormer would adversely affect the visual impact of the extension on the street scene. I do not therefore believe that the proposed reduction in size of the front dormer would overcome the concern of my colleague Inspector that the development would completely change the character of the existing dwelling.

6. The rear dormer would not be inset from the party walls and it would only be about 0.2m below the ridge of the roof. It would not therefore comply with the SDP criteria for large rear extensions in areas where these already predominate. Even though the extension over the rear wing would only raise the roof level just above the existing party wall parapet, I believe it would appear as an unsightly box element, and that both this, and the rear dormer, would harm the original appearance of the house.
7. Accordingly, I conclude that neither the front or rear extension would respect the visual integrity and scale, massing and rhythm of the existing building and so would not comply with policy EQ1 of the Unitary Development Plan or the SDP.
8. I have no detailed information about the circumstances of the appeal allowed at 88 Castlewood Road and so I cannot make any comparison with this case. However, I have considered the personal circumstances of the appellant that have resulted in this appeal, including her religious beliefs, but these do not outweigh the sound planning policy considerations that have led to my decision.

David Tester

INSPECTOR

H.M. LAND REGISTRY		TITLE NUMBER 167414	
ORDINANCE SURVEY PLAN REFERENCE	COUNTY GREATER LONDON	SHEET TQ 3487	SECTION 8
<small>© Crown Copyright 1973 © Ordnance Survey 1973</small>			



This title is dealt with by Land Registry, Surveying Office.
 This is a copy of the title plan on 20 APR 2005 at 12:46:52. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.
 This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.
 The Land Registry endeavours to maintain high quality and accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and the print settings. When printed, the copy plan will not necessarily be to the scale shown on the original.
 © Crown Copyright. Produced by HM.L.R. Further reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number GD272728.

Oct 2010

DESIGN & ACCESS STATEMENT

16 LEABOURNE ROAD, LONDON N16 6TA

Introduction

Due to need to house elderly parents and growing family there is an urgent need for extension into the roof space and back addition to maximum possible.

Use of Proposed Development

It is proposed that the enlarged house will be used to accommodate elderly parents and provide more suitable bedroom space for large family currently in cramped conditions.

Development of Site

Extending into the roof space is a common and accepted practice in the area.

Layout

The bedroom and bathroom layout to the proposed top floor reflects that of the first floor.

Scale

The larger rear dormer and extension to the back addition are at the rear and should not therefore impact on the street scene.

Landscaping

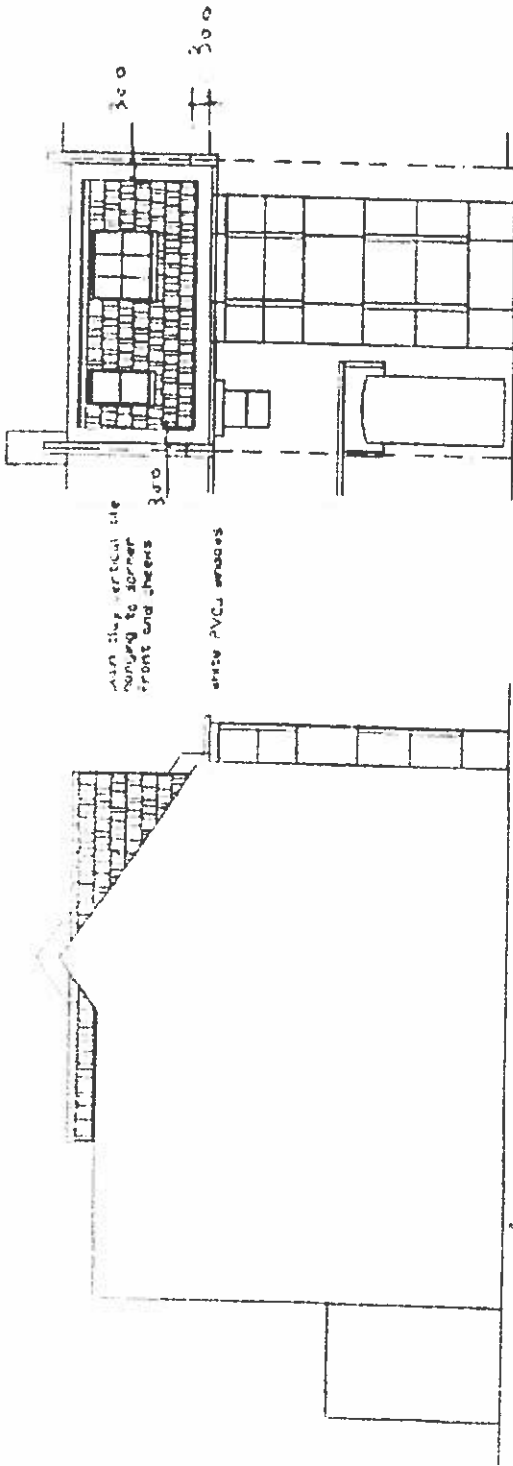
Not applicable.

Appearance

Finishes are to be in keeping with existing.

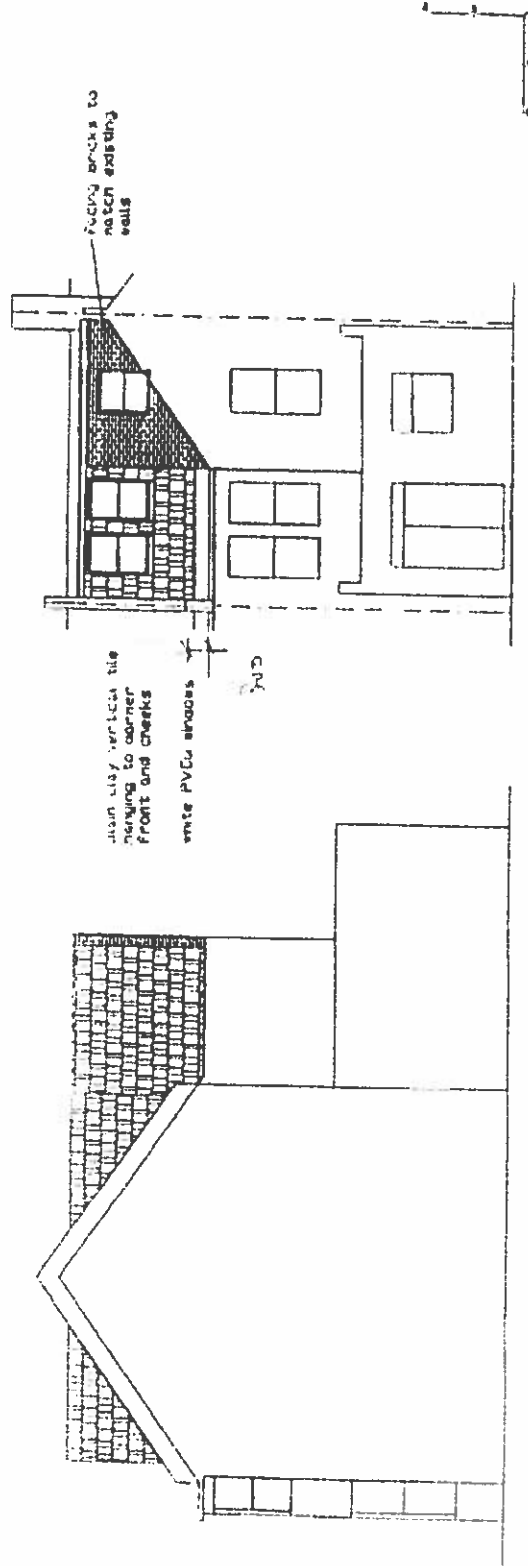
Access

Not applicable.



side elevation (n)

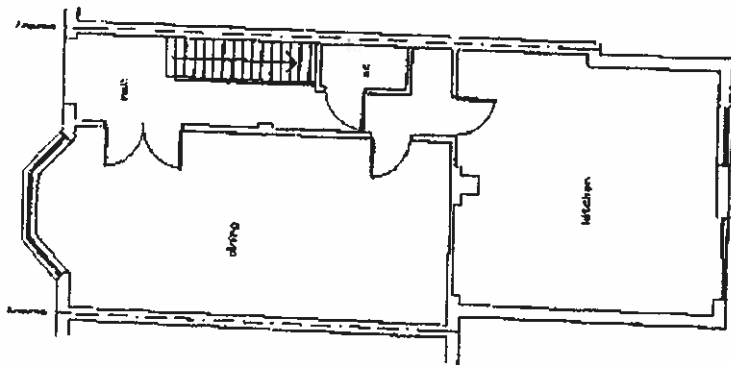
front elevation (w)



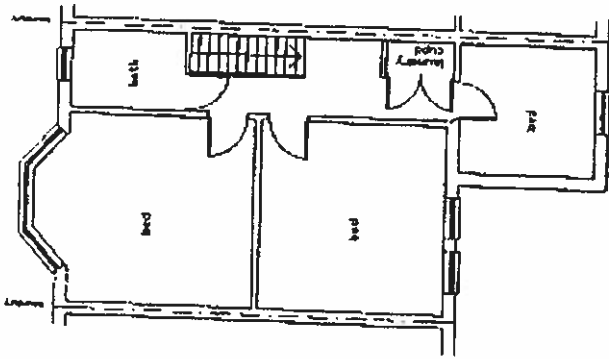
side elevation (s)

rear elevation (e)

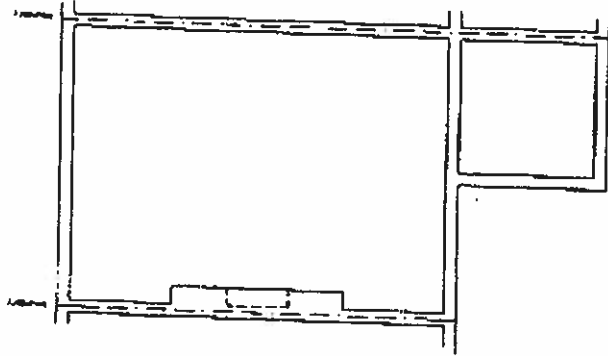
FRONT AND REAR DRAWINGS TO FORM NEW LIFT EXTENSION AT 16 LEABOURNE ROAD, STAMFORD HILL, N16 6F4
 DWG title PROPOSED ELEVATIONS DWG no 16LR/037a scale 1:100 @ A3 date OCT. 2008



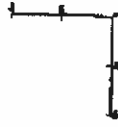
ground floor



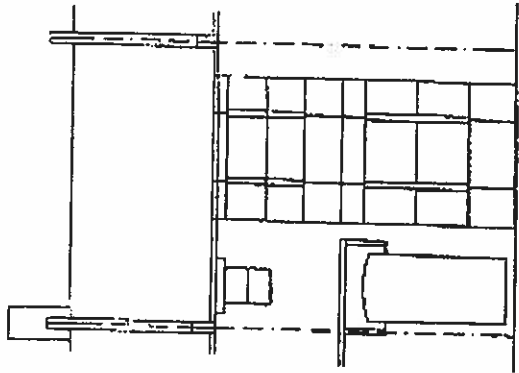
first floor



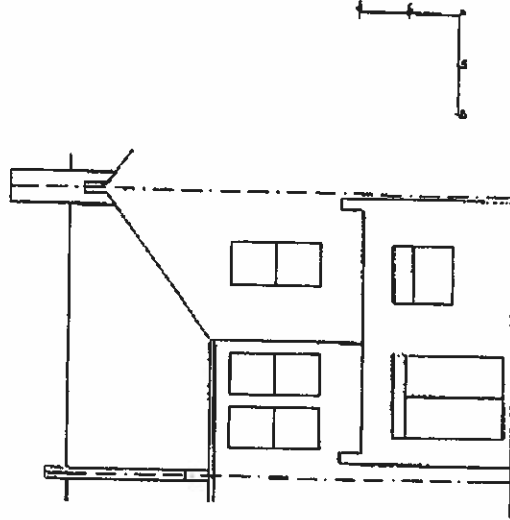
loft space



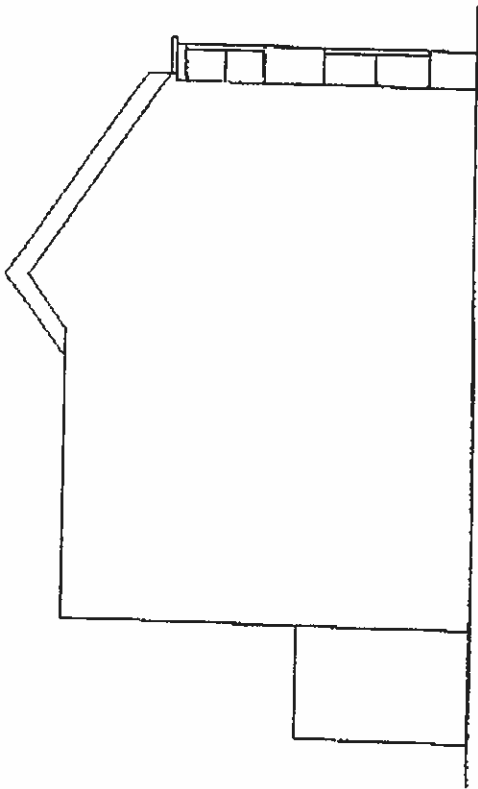
FRONT AND REAR DORMERS TO FORM LOFT EXTENSION AT 15 LEA BourNE ROAD, STAMFORD HILL, N16 67A
 dr-ws title EXISTING FLOOR PLANS or-wg no. 16LR/01 scale 1:100 @ A3 date FE3 2007



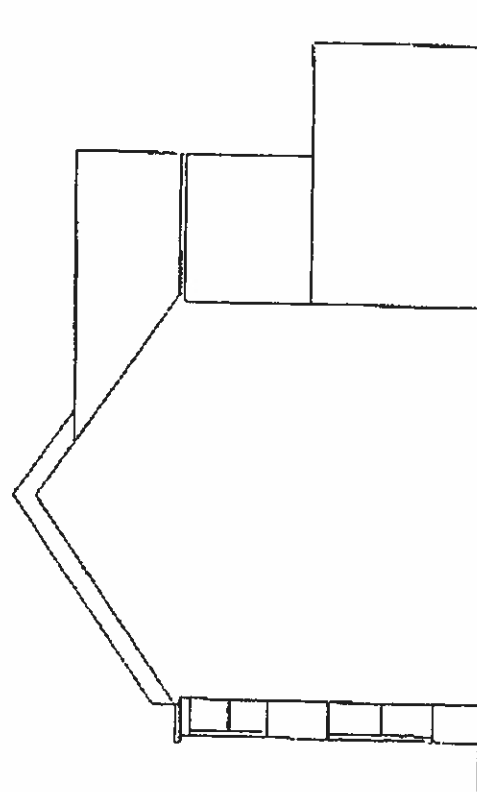
front elevation (w)



rear elevation (e)

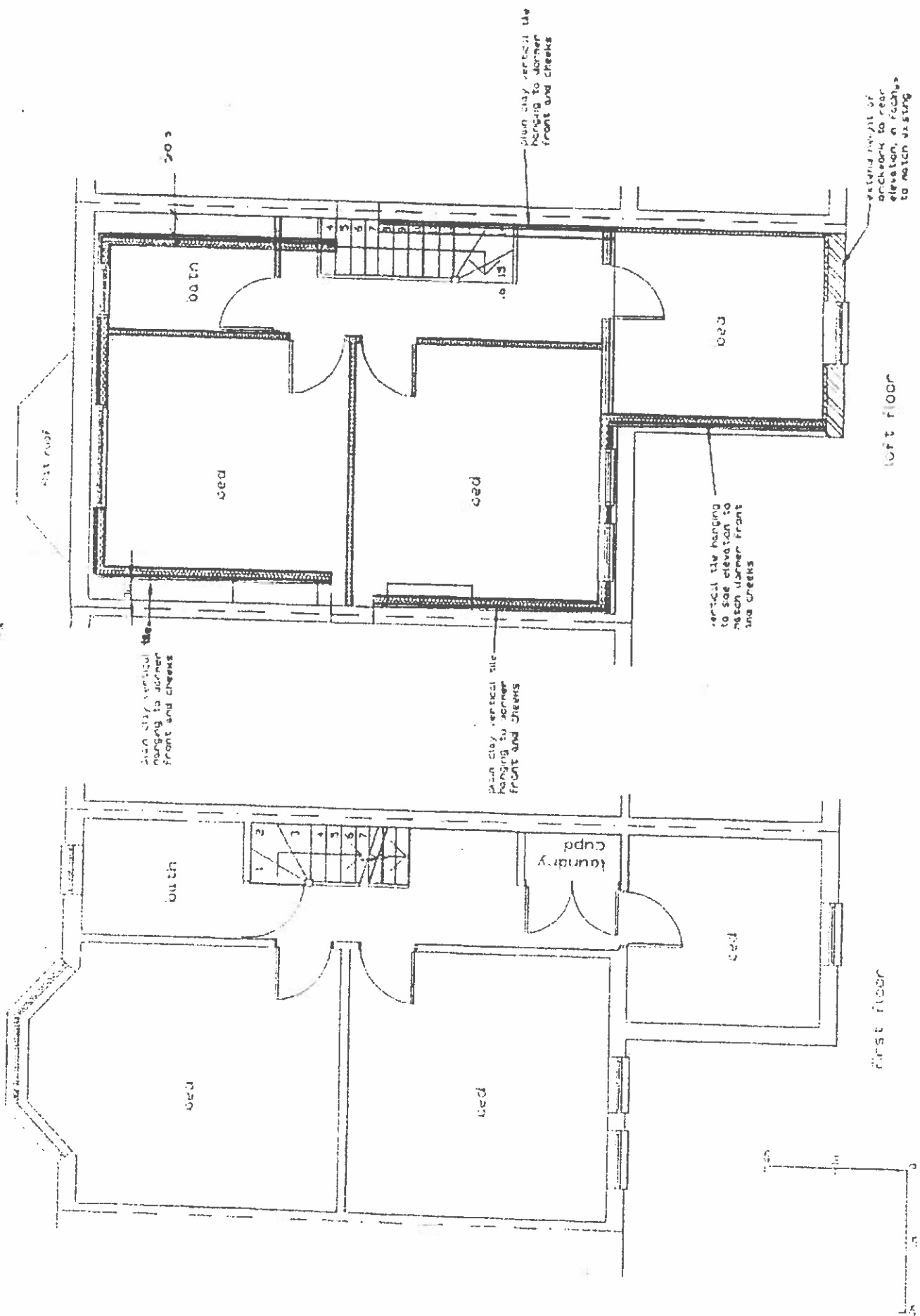


side elevation (n)

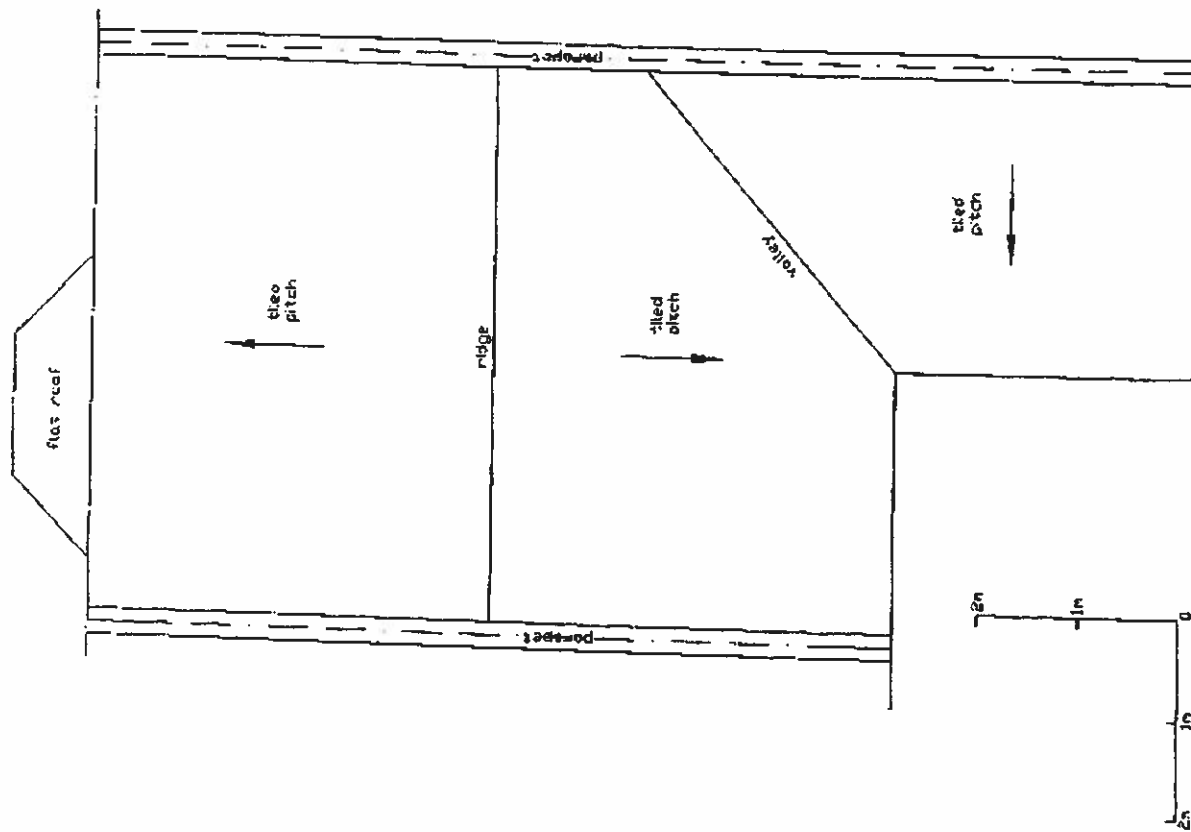


side elevation (s)

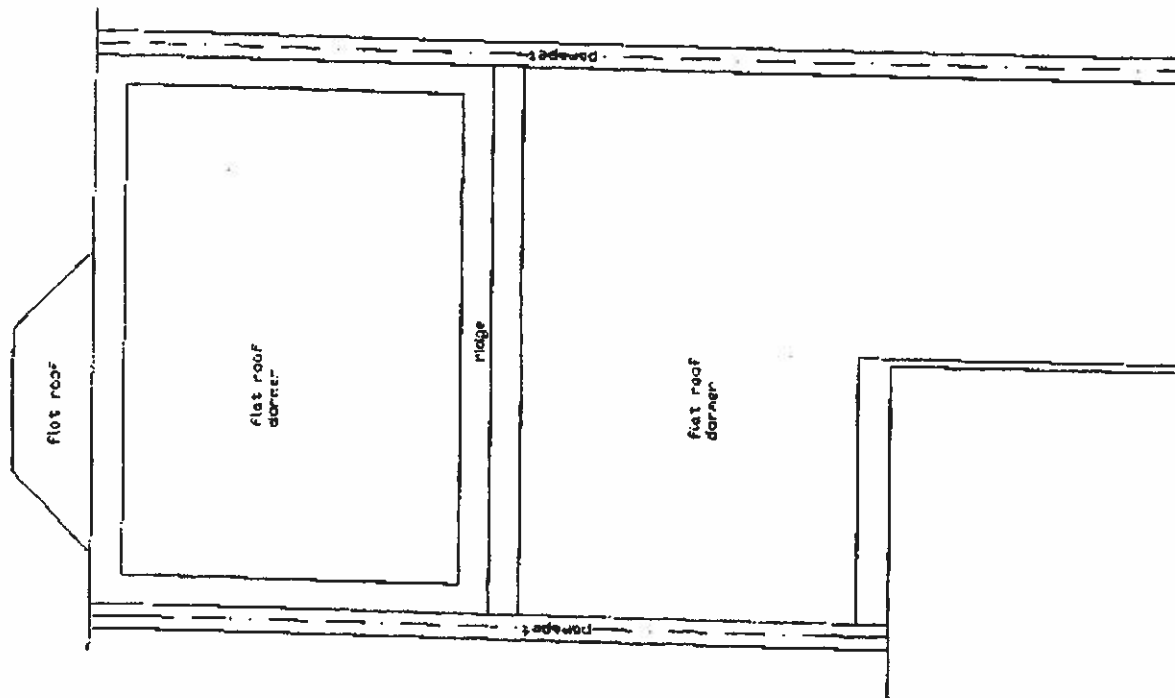
FRONT AND REAR DORMERS TO FORM LOFT EXTENSION AT 16 LEABOURNE ROAD, STAMFORD HILL, N16 6TA
drwg title EXISTING ELEVATIONS drwg no. 16LR/02 scale 1:100 @ A3 date FEB 2007



FRONT AND REAR JOINERS TO FORM LEFT EXTENSION AT 16 LEABURNE RD., STAMFORD HILL, N16 8JH
 DRAWING NO. 15LR/04/a scale 1:50 @ A3 date OCT. 2009



existing roof plan



proposed roof plan

FRONT AND REAR DORMERS TO FORM LOFT EXTENSION AT 16 LEABOURNE ROAD, STAMFORD HILL, N16 6TA
 drwg title ROOF PLANS drwg no. 16LR /05 scale 1:50 @ A3 date OCT. 2008

16 Leabourne Road, London N16, Site Photos



Front elevation



View south along the street



Steve Douglas,

Corporate Director, Neighbourhoods & Regeneration.



View north along the street



Rear elevation



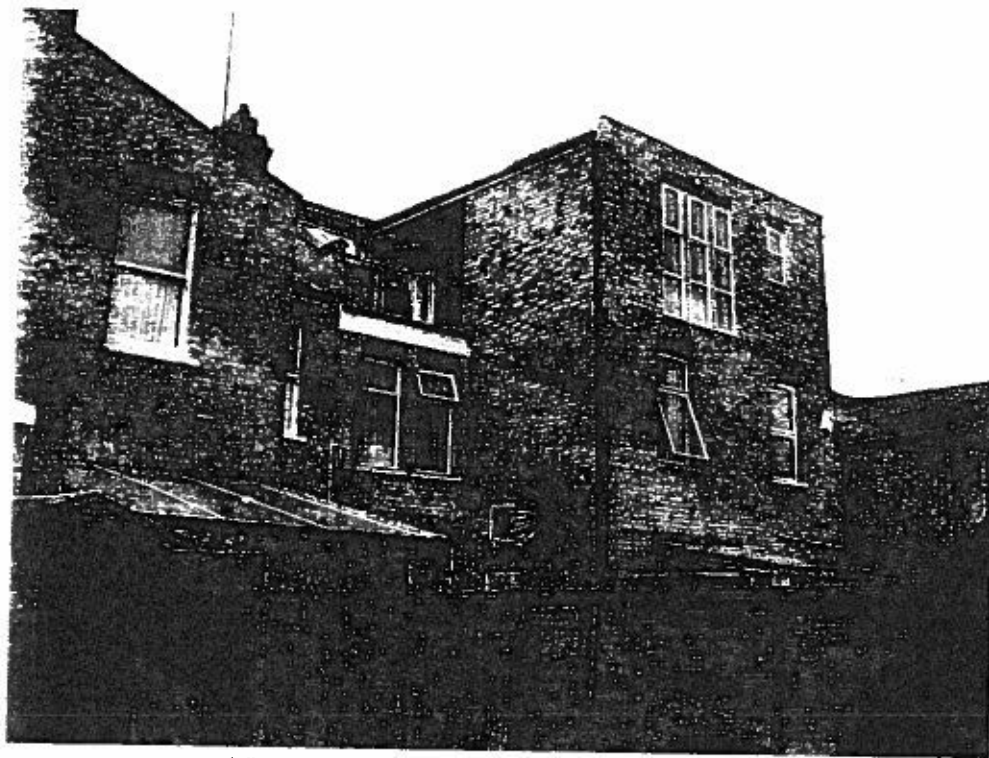
Rear roof form



View south along the rear of the terrace



Steve Douglas,
Corporate Director, Neighbourhoods & Regeneration.



View north along the rear of the terrace

16 Leabourne Road, London N16, Site Photos



Front elevation



View south along the street



Steve Douglas,

Corporate Director, Neighbourhoods & Regeneration.



View north along the street



Rear elevation



Rear roof form



View south along the rear of the terrace



Steve Douglas,
Corporate Director, Neighbourhoods & Regeneration.



View north along the rear of the terrace



INVESTOR IN PEOPLE



MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

THURSDAY, 9TH DECEMBER, 2010

Councillors Present:	Councillor Vincent Stops in the Chair Cllr Barry Buitekant, Cllr Michael Desmond, Cllr Ian Sharer, Cllr Linda Smith, Cllr Katie Hanson (Vice-Chair), Cllr Bernard Aussenberg (Substitute) and Cllr Ann Munn
Apologies:	Cllr Susan Fajana-Thomas
Officers in Attendance	Rebecca Anderson (Team Leader (Area Team)), Maria Bilbao (Solicitor - Team Leader Commercial), Graham Callam (Planning Officer), Adam Flynn (Planning Officer), John Hodson, John Kaimakamis (Senior Planning Officer), Archika Kumar (Senior Conservation and Design Officer), Graham Loveland (Assistant Director of Planning), John McRory (Interim Area Manager (North)), Gillian Nicks (Deputy Team Leader, Major Applications Team), Femi Nwanze (Head of Development Management), Caroline Ozor (Senior Planning Officer), Fred Raphael (Senior Technical Engineer), Russell Smith (Planning Officer) and John Tsang (Deputy Area Manager (North))

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors Fajana-Thomas and Levy.
- 1.2 Councillor Aussenberg was a substitute for Councillor Levy.

2 Declarations of Interest

- 2.1 Councillor Levy declared a personal, prejudicial interest in Item 7 – 16 Leabourne Road, as he was speaking in support of the application, on behalf of the applicants.
- 2.2 Councillor Munn declared a personal, non-prejudicial interest in Items 9 and 10 – 144-146 Lower Clapton Road, as she lived near to the premises and also used the neighbouring shops.

3 Members to agree the order of business

- 3.1 The order of business remained as per the agenda.

4 Minutes of the Previous Meeting

4.1 **RESOLVED** – that the minutes of the meeting held on 3 November 2010 be APPROVED, subject to the following amendment:

- Kevin Moore (Hackney Society) should have been listed in the list of attendees.

5 5-29 Sun Street, 1-17 Crown Place, 8-16 Earl Street and 54 Wilson Street

Demolition of existing buildings on site (excluding 5-11 Sun Street (bar rear elements) and construction within eastern part of the site of a 2 basement plus part eleven, part twelve, part seventeen, part twenty, part twenty one, part twenty four storey (105 metres AGL) office building providing 53,279 sqm of use Class B1 and 1,568sqm of flexible retail/office (Use Class A1, A2, A3, A4 and B1) floor space, plus the refurbishment of 5-11 Sun Street within the western part of the site and construction of ground plus three storey terrace for a 34 room hotel (2,591 sqm C1 Use Class) and 194sqm of flexible retail (Use class A1,A2 and A3); together with the provision of vehicular access, and 220 cycle spaces off Earl Street, works of hard and soft landscaping and enabling works associated with the development.

(The application is subject to the submission of an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment (England and Wales) 1999 (SI 1999 No.293))

Post-submission amendments:

August 2010:

- Alterations to massing, façade and ground floor layout of the office building;
- Alterations to 'Sun Place' and further details of proposed landscaping;
- Increase in retail floor space at ground level to office building, plus single length unit across first floor along Earl Street elevation;
- Canopy along Sun Street façade;
- Rearrangement and reduction in servicing area with reduction in parking to make car free development.

February 2010:

- Hotel accommodation proposed for 'heritage block' in place of office accommodation,
- Retention of additional terrace, no. 11 Sun Street,
- Increased length and façade amendments to the 'heritage blocks' Earl Street building

(Councillors Aussenberg, Desmond, Sharer and Smith arrived during the discussion and therefore did not take part in the vote).

5.1 The Planning Officer introduced the report, as set out in the agenda.

5.2 Models of the proposed development were displayed at the meeting and the Planning Officer took the opportunity to guide them around the model.

Thursday, 9th December, 2010

- 5.3 Reference was made to the addendum, which set out further comments received from English Heritage, who continued to raise the strongest possible objection to those proposals and urged that conservation area consent and planning permission be refused.
- 5.4 The addendum also detailed a correction to paragraph 6.2.9 of the report, which should have noted that English Heritage did not consider justification had been made. They had advised that they would consider requesting a call in to the Secretary of State, rather than 'seek' a call in, as suggested at paragraph 6.7.1.
- 5.5 Matthew Gibbs (DP9) spoke in support of the application, his comments are summarised as follows:-
- They had worked closely with planning officers and statutory/non-statutory bodies during the development of the proposed scheme.
 - The location was a key opportunity/employment site, which they had balanced with conservation issues and the locally listed terraces.
 - It was felt that the benefits of the scheme to the area outweighed the negative impacts.
- 5.6 In response to a question regarding the size of the conservation area, the Planning Officer displayed the plan of the site, which showed the boundary of the conservation area and identified the buildings of significant interest.
- 5.7 It was explained that properties at 8-16 Earl Street had been demolished, as they either had a negative or insignificant interest in the local area. The interior of these Victorian buildings had also been significantly altered from the original.
- 5.8 It was also explained that the Georgian terraces were in a poor state of disrepair and three previous attempts for these to be listed had been unsuccessful. These buildings would not have lasted very long without a significant amount of investment.
- 5.9 The Chair wished to know why the development had worked around four of the terraces and not the six. In response, the agent explained that they wished to strike a balance between providing suitable office space and saving and enhancing the heritage of the site. It was felt that a delicate balance had been achieved and that the scheme provided an attractive, fit for purpose office space.
- 5.10 In response to a question raised regarding the party wall, it was explained that this had been heavily altered over the years and that all original parts would be retained and any inappropriate extensions removed.
- 5.11 Kevin Moore (Hackney Society) raised concerns about the demolition of the Georgian terrace, affecting the conservation area; which was already very small. He was not in favour of the pastiche block and felt that the design of tallest part of the building could be improved. He however liked the areas of open space being proposed.
- 5.12 The Chair raised concerns that the scheme did not provide any residential units and that there was a large number of large office blocks in the area. In

Thursday, 9th December, 2010

response, it was explained that the site was recognised as being in the heart of the country's economic centre and was therefore deemed suitable for employment use. It was felt that the exemption of residential use was deemed acceptable given its economic significance.

- 5.13 The agent added that the scheme now included hotel use, which had changed from the previous proposal, which would bring some activity to the area.
- 5.14 Discussion took place about the pastiche nature of the design of some of the scheme, as some of the members felt that this did not positively contribute to the streetscape and felt that a new building should be proposed. It was stated that there were very few Georgian style buildings within the south Shoreditch area.
- 5.15 The Head of Development Management explained that the Sub-Committee needed to consider the application before them and would need to defer the application if they wished it to be changed. The Planning Officer added that these issues had already been debated and a number of conditions had been added as a result, as detailed in the addendum.
- 5.16 The applicant stated that the scheme had been designed to create a heritage block, as a way of improving the area in general.
- 5.17 The Chair raised concerns about the pub and the chapel which were not under the ownership of the developer. In response, it was explained that the pub was a grade II listed building and was therefore protected and the chapel was locally listed and that English Heritage could be approached for it to be listed.
- 5.18 In conclusion, the Chair felt strongly that the applicant should come back with a different design, which did not include a 'mock' Georgian element. The Chair proposed that the application be deferred to allow for the scheme to be re-designed. This proposal was not seconded by another member.

RESOLVED that:-

A) Planning permission be GRANTED, subject to the following conditions:

1. SCB1 – Commencement within five years

The development hereby permitted must be begun not later than the expiration of five years beginning with the date of this permission.

REASON: In order to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act.

2. SCB0 - In accordance with drawings

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

3. SM2 – Materials to be approved

Full details, including mock-up of an elevation bay with samples, of the materials to be used on the external surfaces of the buildings, including glazing and ground surface treatment, shall be submitted to and approved by the Local Planning Authority in writing prior to implementation unless otherwise agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

4. NSC – Ground floor

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved. A. Ground floor elevations to, including entrances to retail units, hotel entrances, and the main commercial entrance.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

5. NSCGLAAS1 – programme of archaeological work

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

REASON: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.

6. NSCGLAAS2 – Recording and historic analysis

No works shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers building structure, architectural detail and archaeological evidence for 13-15 Sun Street, 8-16 Wilson Street and the interior and exterior elements of 5-11 Sun Street. This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the London Planning Authority.

REASON: Important structural remains are present on the site. Accordingly the planning authority wishes to secure the provision of historic building recording prior to development.

7. SCH2 – Loading/Unloading within the site/building

No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the 24-storey building shall take place otherwise than within the curtilage of the building/within the building.

REASON: To assist in ensuring that the Public Highway is available for the safe and convenient passage of vehicles and pedestrians.

8. SCH10 – Secure bicycle parking

Internal lockable space shall be made available within the 24-storey building for the secure parking of 220 bicycles, as shown on the plans hereby approved, before the first occupation of the development and retained thereafter.

REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interest of relieving congestion in surrounding streets and improving highway conditions in general.

9. SC – Refuse/recycling management plan

A refuse/recycling management plan for the needs of the development shall be submitted to and approved by the Local Planning Authority, in writing, before occupation of the development.

REASON: To ensure there is adequate provision for refuse and recycling facilities for the development in the interests of the appearance and amenity of the area.

10. NSC1 – Hoarding

During and after works of demolition the site shall be made secure by the erection of a suitable boundary enclosure (such as a hoarding), details of which should relate to the site and wider area, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works. In addition, the site at all times shall be maintained in an orderly and tidy condition.

REASON: To ensure that the site is kept in a secure and tidy condition so as to safeguard environmental and visual amenity in the area.

12. NSC2 – Wheel cleaning

Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details approved by the Local Planning Authority prior to the commencement of works on site.

REASON: In the interests of highway safety.

13. NSC3 – Bird Breeding Season

Prior to the commencement of any demolition on site a breeding bird survey shall be conducted (if demolition is to take place between March – August); and the findings submitted to and approved in writing by the Local Planning Authority. The development to be carried out in accordance with any recommendations made in the approved survey report.

REASON: To safeguard protected species and the ecology of the site.

14. NSC4 – Construction traffic route and construction traffic management plan

Details of the construction traffic route and a construction traffic management plan shall be submitted to the local authority in accordance with the details

contained in the transport statement, prior to the commencement of construction works on site.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the neighbouring highway(s).

15. NSC5 – No Soil Stacks

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the (street) elevations of the building other than as shown on the drawings hereby approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

16. Landscape

A hard and soft landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, prior to occupation of the development, all landscaping in accordance with the scheme, when approved, shall be completed within 12 months from first occupation of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed. The scheme shall include details of public accessibility 'Sun Place' together with a cleaning and maintenance regime to the canopy at the entrance to 'One Crown Place' on Sun Street plus the provision of 32 Sheffield bike stands and other street furniture.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

17. NSC 6 - Advertisement Strategy

A detailed signage/advertisement strategy shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. All signage/advertisement to be affixed to the building to be in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the appearance of the development is satisfactory and does not detract from the character and appearance of the Sun Street Conservation Area.

18. NSC7 – Lighting Strategy

A detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The approved lighting strategy to be implemented prior to first occupation of the development. All lighting to be affixed to the building to be in accordance with the approved lighting strategy unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the appearance of the development is satisfactory and does not detract from the character and appearance of the Sun Street Conservation Area and the residential amenity to the neighbouring property.

19. NSC8 – Dust minisation

No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include a watering regime in the event of dry weather, dust screens, etc., as appropriate, and shall be implemented in its entirety once development has commenced.

REASON: To safeguard the amenities of nearby residents during construction

20. Living Roof

Biodiverse, substrate-based extensive green roofs (80mm minimum depth) should be established on the roof of the proposal as shown on the approved plans. Full details thereof shall be submitted and approved in writing by the local planning authority, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

21. NSC – Delivery and Servicing Plan

A delivery and servicing plan shall be submitted to and approved by the Local Planning Authority prior to the occupation of the commercial accommodation.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the neighbouring highway(s).

22. NSC – Demolition materials

All materials from the demolition of the buildings, and hard surfaces, together with installations and equipment from the buildings shall, apart from any which can be reasonably re-used in the construction of the development, be removed from the site in accordance with a clearance scheme to be agreed in writing with the Local Planning Authority before the commencement of the development.

REASON: In the interests of sustainability and reuse of historic fabric.

23. Bird/Bat Boxes

No development shall take place on site until details of bird and bat boxes have been submitted to and approved in writing by the Local Planning Authority that are to be placed on the proposed buildings. The approved bird and bat boxes shall be put in place prior to first occupation of the site and shall be retained thereafter.

REASON: To protect and provide suitable provision for bat and birds.

24. A2 use Class

The Class A2 use hereby permitted shall not be operated as a betting office and only for other purposes included in the Use Class A2 of the schedule of the Town and Country Planning (Use Classes) Order 1987 (As Amended) or any

provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

REASON: In granting this permission of the Local Planning Authority has had special regard to the circumstances of this case and to the policies within the Unitary Development Plan, Core Strategy and London Plan and considers that planning permission would have been refused or unrestricted use within Class A2 of the Use Classes Order.

25. NSC – Secure by design

The development shall achieve Secure by Design standards to the satisfaction of the Metropolitan Police, details of which shall be provided in writing to the Local Planning Authority prior to the occupation of the development.

REASON: To provide a safer environment for future residents and visitors to the site and reduce the fear of crime.

26. SCD2 – Provision of access and facilities

All provisions and facilities to be made for people with disabilities as shown on the plans and details hereby approved shall be implemented in full to the satisfaction of the Local Planning Authority before the use is first commenced.

REASON: In order to ensure that access and facilities for people with disabilities are provided in order to ensure that they may make full use of the development.

27. NSC – Non standard conditions

No doors or gates shall be erected in a way that enables them to be opened over or across the adjoining footways, carriageways and rights of way.

REASON: In the interests of public safety and to prevent obstruction of the public highway.

28. GLA condition

Prior to commencement of the site, further exploration of the potential to link the heating system from the office building to the heritage block shall be undertaken in accordance with details to be submitted to the Local Planning Authority, following first consultation with the GLA, and approved in writing.

REASON: To ensure compliance with policies 4A.5, 6 and 7 of the London Plan 2008.

29. Risk assessment

A Risk Assessment shall be submitted and approved in writing to the Local Planning Authority prior to the commencement of the development providing:

1. A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site;

2. A site investigation site scheme, based on (1) to provide information for a detailed assessment of the risks to all receptors that may be affected, including those off site;

3. The site investigation scheme results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: Prevent the pollution of controlled water and harm to health of future occupiers.

30. SC – Verification report

Prior to the occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

REASON: Prevent the pollution of controlled water, and harm to health of future occupiers.

31. Demolition and Construction method statement

A Demolition and Construction Method Statement (DCMS) specifying hours of working, construction traffic routing, vehicle cleaning and contract arrangements between residents and contractors shall be submitted and agreed by the Local Planning Authority prior to the commencement of demolition phase of the development. The demolition and construction should thereafter take place in accordance with the measures identified within the DCMS.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers.

32. NSC Heritage Block 1

Prior to the commencement of works full details of the proposed works to the heritage block, including detailed drawings (1:50) and a schedule of the manner of works to make good the structure shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the special architectural or historic interest of these elements is safeguarded and that the development contributes to the character and appearance of this part of the Sun Street Conservation Area.

33. NSC – Heritage Block 2

Mock up samples on site together with specification details to be submitted of the pointing to the following elements of the development shall be submitted to

Thursday, 9th December, 2010

and approved by the Local Planning Authority prior to the commencement of works. The development shall be carried out thereafter as approved:

- a. To existing brickwork;
- b. To new brickwork

REASON: To ensure that the new work shall match the retained buildings and their detailing in order to preserve their architectural or historic interest.

34. NSC – Heritage Block 3

Detailed drawings showing the method by which the existing structures where relevant shall be supported and protected during building works so as to ensure the structural stability and integrity of all the elements which are to be retained shall be submitted to and approved by the Local Planning Authority before works commence on site.

REASON: To ensure the retention of those parts of the building which contribute to its special architectural and historic interest and to ensure they are not damaged during building works.

35. NSC - Pollution

No development shall commence on site until detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s), and anti-vibration mountings where necessary) have been submitted to the local planning authority. After the system has been approved in writing by the authority, it shall be installed in accordance with the approved plans and specification before the development hereby approved first commences, and shall thereafter be permanently maintained in accordance with the approved specification.

REASON: To safeguard the amenities of the adjoining premises and the area generally.

36. NSC – Wind mitigation

Detailed drawings showing mitigation measures to be provided to overcome microclimate concerns along Earl Street/Sun Place juncture and to the south east corner of the office building, as set out within the submitted Environmental Statement, accompanied by an updated wind tunnel test report to demonstrate improvements shall be submitted to and approved by the Local Planning Authority prior to the commencement of works.

REASON: In the interests of the usability of the public realm for pedestrians.

38. NSCTW Drainage Strategy

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

39. NSCTW Water Supply Impact Study

Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

B) Conservation Area Consent be GRANTED, subject to the following conditions:

1. SCB2 – Time period

The development hereby permitted must be begun not later than the expiration of five years beginning with the date of this permission.

REASON: In order to comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. NSC1 – Carrying out of works

The demolition work hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission reference 2009/2464 is granted and such works shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

REASON: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. NSC2 - Works to match existing

All new works, and works of making good to the retained external fabric shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile and, in the case of brickwork, face bond and pointing.

REASON: To ensure that the special architectural and/or historic of this building is safeguarded and that the proposal does not detract from the character and appearance of this part of the Sun Street Conservation Area.

C) The above recommendation be subject to the applicant, the landowners and their mortgagees enter into a deed of planning obligation by means of a Section 106 agreement of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters to the satisfaction of the Interim Assistant Director (Planning) and the Interim Head of Legal Services:

1. The developer must have an active programme for recruiting and retaining adult improvers and as a minimum take on at least one adult improver per £5 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council.
2. Payment by the landowner/developer of £1,885,000.00 towards public realm

works in the vicinity of the development.

3. To co-ordinate and establish a neighbourhood public realm forum to include the landowner/developer, LBH and City of London and other invitees to be agreed.
4. Payment by the landowner/developer of £44,560.44 towards open space in the Borough (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006)).
5. Payment by the landowner/developer of £150,346.20 as a financial contribution towards libraries in the Borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006)).
6. Payment by the landowner/developer of £1,879,330.00 as a financial contribution towards removing barriers to work in the Borough. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006)).
7. A public art scheme, designed and delivered by the landowner/developer, at a cost of at least £120,000.00.
8. Achievement of BREEAM rating of 'excellent'.
9. The applicant is to carry out all works in accordance with the National Considerate Constructors Scheme.
10. Hotel management plan, including valet arrangements.
11. KPF to be retained by the applicant to provide a detailed set of construction drawings and to act as project architect during the course of the building contract.
12. The heritage block to be built to shell and core in advance of the occupation of the 'office building' to bring forward the restoration of heritage assets in accordance with PPS5.
13. Provision for the employment within the Hotel, once it has commence operations, of persons with a defined and ongoing training scheme to be carried out in perpetuity and reserved for residents of the Borough.
14. The owner must provide a Travel Plan (for the hotel and A1/A2/A3/A4/B1) to be agreed by the Councils Highway and Transport department, towards achieving sustainable travel targets, including the services of a Travel Plan Coordinator. The Travel Plan must be in place by the first year of occupancy and the developer must monitor yearly for five years.
15. Demonstration towards achieving 'Secure by Design' certification.
16. Transport for London has requested a monetary contribution of £30,000.00 in order to mitigate the impact of the development for bus stops. The monetary contribution to be paid directly to TfL, details to be provided for the authorities

records.

17. Transport for London has requested a monetary contribution in order to mitigate the impact of the development for Crossrail of £4,778,642.00. The monetary contribution to be paid to TfL directly, details to be provided for the authorities records.
18. The Developer will, through an environmental management system, provide monitoring information in relation to the Development to the Local Planning authority on the first anniversary of the occupation of the site with respect to:
 - (a) energy consumption;
 - (b) air quality;
 - (c) waste generation and recycling;
 - (d) water use;
 - (e) biodiversity; and
 - (f) percentage of energy requirements resourced from Renewable Energy.
19. Demolition and construction management plan to be submitted and approved in writing by the Council at least 6 weeks prior to the commencement of works on site. The plan shall include the following: Demolition Method Statement; Construction Method Statement; Construction Traffic Management Plan; Environmental Management Plan; and site waste management plan.
20. The development shall be 'car free'.
21. The owner shall be required to enter into agreement under Section 278 of the Highways Act to pay the Council to reinstate and improve the footway adjacent to the boundary of the site, and include if required, any access to the Highway, measures for street furniture relocation, carriageway markings, access and visibility safety requirements. Unavoidable works required to be undertaken by Statutory Services will not be included in LBH estimate of payment. The Section 278 Highway Works are estimated at £640,000.
22. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and value added tax in respect of the proposed negotiations and completion of the proposed S106 Agreement.
23. Payment by the landowner/developer of £1000.00 as a financial contribution towards amendments to the traffic management order to exclude the use of business permits.
24. Local labour.

REASONS FOR APPROVAL

The application, with accompanying Environmental Statement, is considered to be acceptable in principle where in land use terms the proposal addresses strategic and local objectives. The introduction of a high quality new build development is considered to respond to the surrounding context. No detriment is considered to occur to the character and appearance of the adjacent Listed Building nor the Conservation Area, where the benefits of the proposal outweigh the harm that would arise from the loss of 13-15 Sun Street and 8-16 Earl Street. Adequate provision for the recording of elements lost is

Thursday, 9th December, 2010

considered to be suitably integrated to the decision. No detriment is envisaged to arise in consideration of transport, amenity or land use

The policies for which approval is hereby granted are as follows:

Hackney Core Strategy (2010)

- CSP 3 - City Fringe South Shoreditch
- CSP 6 - Transport and Land Use
- CSP 7 - Working with Infrastructure Partners
- CSP 15 - Evening and Night-Time Economy
- CSP 16 - Employment Opportunities
- CSP 17 - Economic Development
- CSP 18 - Promoting Employment Land
- CSP 24 - Design
- CSP 25 - Historic Environment
- CSP 27 - Biodiversity
- CSP 29 - Resource Efficiency and Reducing Carbon Dioxide Emissions
- CSP 30 - Low Carbon Energy, Renewable Technologies and District Heating
- CSP 32 - Waste
- CSP 33 - Promoting Sustainable Transport

Hackney Unitary Development Plan (UDP) (1995)

- EQ13 - Demolition in Conservation Areas
- EQ31 - Trees
- EQ32 - Shop Front and shop signs
- EQ40 - Noise Control
- EQ42 - Air pollution
- EQ44 - Water pollution
- E14 - Access and Facilities for People with Disabilities
- E17 - Retention of off-street service facilities
- E18 - Planning standards for Employment
- ACE5 - Percent for Art

INFORMATIVES

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.7 Hours of Building Works
- NSI It is requested that the City Council are consulted on any future amendments to the silhouette or height of the development to demonstrate there is no impact on London View Management Framework view 8a.

- S61 Consent under the Control of Pollution Act is required.
- Vehicle crossover approval is necessary.
- A copy of the demolition method statement is requested to be forwarded to the Pollution department prior to demolition.

6 29 Forest Road, London, E8 3BY

Demolition of existing single-storey youth facility and the erection of a new three-storey youth facility.

- 6.1 The Planning Officer introduced the report, as set out in the agenda. It was explained that the application was deferred at the last meeting, so that further information could be obtained from the applicant on the management of the proposed building and how crime and security would be addressed and the opening hours of the centre. The Sub-Committee had also requested that a representative from the Learning Trust be in attendance to address any concerns that were raised.
- 6.2 The Planning Officer confirmed that no further objections had been received since the last meeting.
- 6.3 Jean Ralph spoke in objection to the scheme, her comments are summarised as follows:-
- Strongly object to the application, as she lived directly opposite the site.
 - She had already experienced a number of problems with the existing scheme, including littering in her garden; lack of privacy; urinating around her property; anti-social behaviour and loitering. It was felt that the proposed scheme would only add to these problems.
 - The larger scheme would also cause a greater amount of noise nuisance. Residents had a right to peaceful living.
 - It was environmentally wrong to cut down the proposed trees.
 - The Police had been called to the facility before and had been shut down in the past. She could see this situation happening again.
 - Wished to know what management would be in place to prevent problems occurring.
 - She felt the scheme was a good idea but in the wrong location.
- 6.4 Pauline Adams (Head of Youth Services) and Alex Sheratt (architect) spoke in support of the scheme, their comments are summarised as follows:-
- The facility would be a focal point for youth services in the neighbourhood.
 - They did not condone the bad behaviour of the young people using the facility and would be providing positive, constructive activities to keep them out of trouble.
 - The facility would be well managed and structured, offering a range of activities.
 - Keen to involve young people and local residents in the process. A local steering group would also be set up.
 - The hours of operation had been amended following representations from local residents.
 - Staff would provide supervision and manage the entrance/exits to the facility.
 - Staff would work with local community safety officers, which had seen a reduction in the levels of anti-social behaviour in the area since the opening of the youth facility at Milton Gardens.

Thursday, 9th December, 2010

- 6.5 The Chair stated that the Sub-Committee were limited as to what they could manage, as anti-social behaviour would need to be managed by the Police and the community safety team. The Sub-Committee would however try their best to address any issues and concerns raised.
- 6.6 Councillor Smith raised concerns about the management of the facility and wished to know what measures would be put in place to prevent the venue being used by certain gangs. In response, it was explained that staff would have early intervention to any potential problems and that they would provide split sessions for different age groups. The entrance of the facility had also been moved, to allow the building to be more effectively managed.
- 6.7 Councillor Buitekant was pleased to see that the hours of operation had been amended but wished to know what residents should do in the event of any anti-social behaviour taking place after the facility had closed. In response, it was explained that the staff would be in attendance to a minimum of 10pm after the facility had closed to have a debrief and lock up. The Chair requested that an informative be added that it was the Sub-Committee's expectation that staff were in attendance beyond 10pm. This was AGREED.
- 6.8 The Chair stated that it was also the Sub-Committee's expectation that the applicants would engage with the highways team to look at improving public realm beyond the boundary of the site. In response, the architect explained that the facility had been designed around 2 courtyards and that this could be extended round to the front of the building. The Sub-Committee requested that the landscaping condition come back to committee for approval. This was **AGREED**.
- 6.9 In response to a question from Councillor Smith regarding funding, Pauline Adams stated that they had received a letter from Government that week confirming that the capital programme funding would remain and that they would receive the money in full.

Unanimously RESOLVED that:-

A) Planning permission be GRANTED, subject to the following conditions:

1. **Development in accordance with plans:**
The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. **Commencement:**
The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

3. **All materials to be approved:**
Full details, including samples, of the materials to be used on the external surfaces of the building, including bricks, window frames, external doors, soffits, roof windows, obscure glazing and ground surfaces and boundary treatment shall be submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the relevant part of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.
- REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.
4. **No extraneous pipework:**
No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the east, west and north elevations of the building other than as shown on the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
- REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.
5. **Provision of access and facilities:**
All provisions and facilities to be made for people with disabilities as shown on the plans and details hereby approved shall be implemented in full to the satisfaction of the Local Planning Authority before the use is first commenced.
- REASON: In order to ensure that access and facilities for people with disabilities are provided in order to ensure that they may make full use of the development.
6. **No roof plant:**
Notwithstanding the plans hereby approved prior, no plant, machinery and other installations shall be placed upon or attached to the roof or other external surfaces of the building, unless otherwise agreed in writing by the Local Planning Authority.
- REASON: In the interests of maintaining an acceptable appearance of the building.
7. **Waste storage within the premises:**
Except on days of collection, all refuse and waste shall be stored in sealed containers in the refuse areas shown on the plans hereby approved.
- REASON: In the interests of the appearance of the street and the amenity of adjoining occupiers.
8. **Cycle Parking:**
Prior to the occupation of the development, the cycle parking hereby approved, shall be provided and retained permanently, unless otherwise agreed in writing. Cycle parking shall provide for a minimum of 14 bicycles.

Thursday, 9th December, 2010

REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interests of discouraging car use, relieving congestion in surrounding streets and improving highway conditions in general.

9. Tree Protection and Strategy for Replacement

Prior to the commencement of the development, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

a. Tree protection method for those trees identified for retention in the Arboricultural Assessment, and to be retained during construction and in line with BS5837 2005 (Figure 2).

b. Details (including viability) and a strategy for the replacement tree planting within the vicinity of the site.

REASON: To ensure that any risk of damage to trees during construction is minimised and to ensure adequate replacement trees are provided.

10. Replacement Tree Planting and Highways Works

Prior to the use of any part of the development, the replacement tree planting as approved under condition 10 (b) above, and the highway improvement works to Forest Road and Beechwood Road, shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate replacement trees are provided and to visually enhance the appearance of the streetscene surrounding the site.

11. Green Roof

Full details of a bio diverse, substrate-based (80mm minimum depth) extensive 'green' roof shall be submitted and approved in writing by the Local Planning Authority before any building works commence. The development shall not be carried out otherwise than in the details as approved.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building.

12. Connection to District-wide Heating Network

Prior to the commencement of the development, details of the feasibility of how the development could connect in the future to a district wide heating system, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that consideration is given to the future-opportunity to connect into a future district-wide network

13. Streetlights to building

Reasonable endeavours shall be undertaken to locate street lights to the highways immediately adjoining the site onto the face of the building hereby approved.

REASON: To safeguard the visual amenity of the area and assist with the provision of a less cluttered public realm

14. Opening Hours

The use shall not take place other than between the hours of: -

Monday to Friday 10am – 9.30pm

Saturday to Sunday 10am – 9pm

REASON: In the interest of adjoining residential amenity.

15. Noise Assessment

Prior to the implementation of the development hereby approved, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority, demonstrating mitigation against noise breakout associated with the use.

REASON: In the interest of adjoining residential amenity.

REASONS FOR APPROVAL

The principle of the development of the site is considered acceptable, given the existing use remains at the site and that it will be appropriate in the context of surrounding uses, and as it represents a significant enhancement of youth facilities in the borough. The proposal is also of an acceptable scale and an appropriate design appearance and quality. The proposal would not have a significant impact on residential amenity of nearby and adjoining properties. The proposal does result in the loss of trees which visually enhance the streetscene but adequate provision for replacement planting in the vicinity of the site has been made.

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ31 – Trees; EQ40 – Noise Control; EQ41 – Development Close to Existing Sources of Noise; EQ42 – Air Pollution; EQ44 – Water Pollution; EQ46 – Recycling Facilities; EQ48 - Designing out Crime.

The following policies contained in the Core Strategy 2010 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: CSP8 – Focusing Social Infrastructure; CSP24 – Design.

The following policies contained in the London Plan 2008 (consolidated with changes since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 3A.3 - Maximising the potential of sites; 3A.18 - Protection and enhancement of social infrastructure and community facilities; 3C.23 - Parking strategy; 4A.4 - Energy assessment; 4B.1 - Design principles for a compact city; 4B.3 - Enhancing the quality of the public realm; 4B.5 - Creating an inclusive environment; 4B.6 - Safety, security and fire prevention and protection; 4B.8 - Respect local context and communities

INFORMATIVES

SI.1 Building Control

- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 2005
- SI.28 Refuse Storage and Disposal Arrangements
- NSI The applicant and owner of the site will be required to enter into a legal agreement, with the Council's Streetscene department, pursuant to section 278 of the Highways Act 1980, for the payment of £16,882.43 towards the estimated cost of highway works on highway land adjoining the site.
- NSI The applicant is advised that in submitting details for the replacement tree planting as required by condition 10, that this should allow for the provision of at least two semi-mature trees to be considered an adequate replacement.

7 16 Leabourne Road, London, N16 6TA

Erection of front and rear dormer roof extensions, and a roof extension on top of the two storey back addition.

- 7.1 The Planning Officer introduced the report, as set out in the agenda.
- 7.2 Before the introduction of the item, Councillor Levy and Mrs Finkelstein addressed the sub-committee and referred to a previous request for the consideration of the item to be delayed until Ita Symon's, Agudas Israel Housing Association, arrival. The Chair did not agree to this request and proceeded with the application.
- 7.3 The Planning Officer explained that an identical scheme had been refused under delegated powers and subsequently dismissed at appeal. Under the terms of the Town and Country Planning Act 1990 (as amended), the Council had powers to decline to determine an application where an identical application was submitted. However, following a request from the Interim Assistant Director (Planning), the application had been accepted as valid and referred to members for determination.
- 7.4 It was explained that the proposal was contrary to policy and that the same reasons for refusal applied as with the previous application. Members' attention was referred to paragraph 4.8.1 of the report, which set out guidance from Hackney Legal Services.
- 7.5 Reference was made to the addendum, which detailed an additional paragraph 6.1.3, to be added to the report, as follows:

'It should be noted that there is a similar roof development at number 22 Leabourne Road to that proposed in the subject application; however, the roof extensions at No. 22 are unauthorised and are subject to a Planning Enforcement Notice dated 30th September 2010. The presence of the extensions at No. 22 are noted and referred to by the Planning Inspector in his previous decision at No.16, although there was no enforcement notice in place

Thursday, 9th December, 2010

at the time. The Inspector did not consider that the presence of the works at No. 22 justified the grant of planning permission at No.16. It should be noted that there was an earlier planning permission granted on 4th February 2003 at number 22 for loft conversion with front and rear dormer roof, but the works undertaken did not correspond with the approval plans. It was not considered that, in light of the adoption of the Council's Residential Extensions and Alterations Supplementary Planning Document 2009, the 2003 approval at No. 22 would be approved were it submitted as an application now'.

- 7.6 The Planning Officer explained that 8 further letters of support had been received in relation to the proposed development relating to precedent, individual need and design. These issues had been addressed previously in the Inspector's reports, attached as appendices 4 and 5 to the addendum. 1 anonymous letter had been received indicating that whilst the applicant intended to support the application by stating that additional space was required for elderly relatives, they actually lived elsewhere and have their own arrangements.
- 7.7 Councillor Levy spoke in support of the application, on behalf of the applicant, his comments are summarised as follows:-
- Questioned why the application had not been dealt with by delegated powers, as expected.
 - There were a large number of loft extensions already in the road, approximately 13-14 extensions on the same side of the road as number 16. It was therefore felt that an additional loft extension would not make a significant change to the existing street scene.
 - Reference was made to the flank wall which took up half of one side of the road, which adversely affected the character of the road.
 - Reference was made to paragraphs 6.2.1 and 6.2.2 of the report, as it was felt that the Inspector's decision was often inconsistent.
- 7.8 As Councillor Levy had declared a personal and prejudicial interest in this item, he left the meeting after providing his representation.
- 7.9 In response to a question from Councillor Hanson, the Head of Development Management explained that the application had been brought to committee as the planning service wanted to give members the opportunity to consider and discuss this contentious application. The report had a clear recommendation for refusal, which was consistent with the Council's policies.
- 7.10 Reference was made to a roof extension at number 15 on the opposite side of the road, which had been in place for a significant amount of time. In response to a question regarding the approval of that application, it was explained that number 15 was located four doors away from the garage and was adjoined a number of other properties with large roof extensions. The roof extension had also been in place for a significant amount of time. The planning officer added that the side of the road where number 16 was situated did not have as many roof extensions was materially different to the opposite side of the road.
- 7.11 In response to a question by Councillor Hanson, it was explained that if the application was approved, following the previous refusal, a successful judicial review could be lodged against the Council.

- 7.12 A question was raised regarding the other roof extensions in the road and whether, apart from number 22, any of these were subject to an enforcement notice. The Planning Officer was unsure as to whether planning permission had been granted, however some of the properties may have been immune from enforcement action in the event that they did benefit from planning permission.

(Councillor Aussenberg voted against the recommendation).

RESOLVED that:-

Planning permission be REFUSED, for the following reason:

The proposed development, by reason of size, design and position would result in an incompatible and obtrusive form of development which would adversely affect the character and appearance of the subject property. As such the proposed development would be contrary to policy 4B.1 'Design Principles for a Compact City' of the London Plan 2008, Core Strategy policy CS24 'Design' of Hackney Local Development Framework and Hackney Residential Extensions and Alterations and Extensions Supplementary Planning Document 2009'

8 24-25 Clapton Square, London, E5 8HP

Full Planning Permission and Listed Building Consent for conversion of existing residential premises to provide 8 self-contained residential units (8 x 1 bed) for vulnerable people from the Single Young People Leaving Care Group with common rooms at lower ground floor level and office at ground floor level with sleep-in facility, a roof light to the front elevation, window opening reduced at second floor level on rear elevation together with associated internal and external works.

- 8.1 The Planning Officer introduced the report, as set out in the agenda.
- 8.2 Reference was made to the addendum, which stated that there was an error with the drawing numbers quoted in the report, with drawing number 2040 being replaced by 2404.
- 8.3 Isabella Forshall and Tony Pletts spoke in objection to the scheme, their comments are summarised as follows:-
- It was their understanding that the application had been withdrawn and were only informed of the application coming back to committee on 2 December.
 - Concerned as to whether an un-staffed mixed use scheme could be run safely and securely.
 - Seen consistent neglect of residential buildings operated by Newlon.
 - It was felt there should be a 24 hour helpline and not just provide an answer machine service.
 - Loss of valuable family accommodation.
 - 4 kitchens were stacked on top of each other.

Thursday, 9th December, 2010

- The accommodation being proposed was too cramped.
- There should be a live-in member of staff to provide support to the residents.
- The soundproofing was inadequate.

8.4 Peter Butler (applicant) spoke in support of the scheme, his comments are summarised as follows:-

- He had a good knowledge of care accommodation in the Clapton Square area.
- Decided not to develop number 12, as it would have been too dense.
- There was a dramatic need for self contained accommodation, in a central location, with good local amenities.
- There were not many schemes where a carer lived in the facility.
- The organisation had run similar schemes elsewhere successfully.
- It was not a mixed scheme, it was a scheme for vulnerable single people.
- The careline would be staffed 24 hours a day.
- It was a design feature to stack the kitchens.
- Soundproofing was already in place between floors and the scheme also met with fire safety standards.

8.5 In response to concerns raised by the objectors, the Chair wished to know why residents were only just notified of the application coming to committee. In response, the Planning Officer confirmed that residents had been fully consulted and their objections had been taken on board. There had also been no material changes from the previous application.

8.5 In response to a question from Councillor Munn regarding soundproofing, it was explained that there was only soundproofing between floors and not between walls. The Planning Officer added that it was not a change of use and was purely a residential conversion.

8.6 In response to a question from Councillor Desmond, it was explained that soundproofing was a building control issue and that there was already an informative regarding this. Building control would have a set of standards to consider, given that it was a listed building.

8.7 Councillor Buitekant wished to clarify the hours of office and when this would be staffed. In response, the applicant stated that the office would be staffed 7 days a week, which would be flexible and focused on later hours. It was expected that the core times would be 1-9pm, with some sleep ins, depending on the needs of the client group. A liaison group would also be established, between residents and representatives from Newlon.

8.8 In response to a question regarding the common rooms, it was explained that these would be used for training sessions, aswell as a functional area and social events. Neighbours would be notified of such social events and would be invited to attend.

8.9 In response to questions from Councillor Hanson regarding the 24 hour helpline and the management plan, a confirmation was given that the helpline would be answered, which was run by a separate organisation. It was also explained

Thursday, 9th December, 2010

that if the management plan was not adhered to it would be subject to enforcement through their section 106 agreement.

- 8.10 Councillor Sharer raised concerns about the young vulnerable people not having staff on hand in the evening. In response, the Head of Development stated that the application was for self-contained, independent living.

(Councillors Aussenberg, Desmond, Hanson, Munn and Stops voted in support of the recommendation).

(Councillors Buitekant, Sharer and Smith voted against the recommendation).

RESOLVED that:-

A) Planning permission be GRANTED, subject to the following conditions:

1. SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. SCB1 - Commencement within three years

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

3. Security features

Detailed drawings and specifications of all security features, including access control, to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units. The development shall be carried out and retained in accordance with the approved details.

REASON: To ensure the security of residents and safeguard the historic interest of the building.

Recommendation B

B) The above recommendation be subject to the applicant, the landowners and their mortgagees enter into a deed of planning obligation by means of a Section 106 agreement of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters to the satisfaction of the Assistant Director (Planning) and the Interim Head of Legal Services:

1. Car free agreement to prevent access to on street parking permits.
2. Provision of 8 supported housing units by a Registered Provider.

3. Submission of a management plan prior to occupation of the units to include the following:
 - Support staff to be available to local residents via 24 hour contact number;
 - A proportionate and timely response to be provided to reasonable issues on 24 hour basis
 - the external areas of the properties to be maintained and tidy;
 - Liaison groups to be held regularly or as the need arises and be attended by the support provider, local residents and residents of the supported housing.

C) Listed building consent be GRANTED for the proposed works, subject to the following conditions:

1. Works in accordance with plans

The works hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. Commencement

The works hereby permitted must be begun no later than the expiration of three years beginning with the date of this consent.

REASON: In order to comply with the provisions of Section 18 (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Works to match

All new works, and works of making good to the retained fabric whether internal or external shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile and, in the case of brickwork, face bond and pointing.

REASON: To ensure that the special architectural and/or historic interest of this building is safeguarded

4. Original features to be retained

All existing ornamental features including chimney pieces, plasterwork, architraves, panelling and staircase balustrading shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved.

REASON: To ensure that those features which contribute to the special architectural and historic interest of the building are retained.

5. Detailed drawings and specifications of the new entrance at lower ground floor and the new roof light, to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units. The development shall be carried out and retained in accordance with the approved details.

REASON: To ensure that the special architectural and/or historic interest of this building is safeguarded.

REASONS FOR APPROVAL

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission:

EQ40 Noise Control, EQ48 Designing Out Crime, SPG2 Residential conversions extensions and alterations, SPG12 Conservation.

The following policies contained in the LDF Core Strategy Development Plan Document for Council Adoption (Nov 2010) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission:

CSP19 - Housing Growth, CSP21 - Supported Housing Requirements. CSP25 - Historic Environment.

The following policies contained in the London Plan (Consolidated with alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission:

3A.5 - Housing Choice, 4B.11 - London's built heritage, 4B.12 - Heritage conservation

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultation with Thames Water
- SI.34 Landscaping
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing
- SI.50 S106 Agreement

NSI With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections Are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Thursday, 9th December, 2010

NSI Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

NSI All construction/demolition work to be undertaken between 08:00 to 18:00 Monday to Friday with no work being undertaken on Sunday or Public Holidays.

9 144-146 Lower Clapton Road, London, E5 0QJ - 2010/1755

Installation of 1 x externally illuminated fascia sign, and 1 x externally illuminated projecting sign.

POST SUBMISSION REVISIONS: Revised details of the signage have been received changing the method of illumination from internal to external, and to provide 'pinned off lettering' as opposed to a box fascia sign.

9.1 The Planning Officer introduced the report, as set out in the agenda.

9.2 There being no questions from members, the Chair moved to the vote.

Unanimously RESOLVED that:-

Planning permission be GRANTED, subject to the following conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
6. This advertisement hereby permitted is granted for a period of five years beginning with the date of this permission.

INFORMATIVES

The following Informatives should be added:

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 – Development Requirements; EQ12 – Protection of Conservation Areas; EQ32 – Shopfronts and Shop Signs; EQ33 – External Advertisements; EQ34 – Projecting Advertisements; EQ35 – Illuminated Advertisements.

The following policies contained in the London Plan 2004 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 4B.1 – Design Principles for a Compact City.

10 144-146 Lower Clapton Road, London, E5 0QJ - 2010/1041

Removal of Condition 10 (no loading or unloading of goods on highway) of planning permission reference 2004/0412 to allow for off-site loading or unloading of goods, including fuel.

(Councillor Aussenberg left the chamber during the discussion of the item and therefore did not take part in the vote).

- 10.1 The Planning Officer introduced the report, as set out in the report.
- 10.2 Dan Straw spoke in objection to the scheme, his comments are summarised as follows:-
 - It was believed that the deliveries would be more frequent than specified at the last meeting.
 - Issues of safety of pedestrians with large roll cages using the pavement, who could be struck by the 90cm high cages.
 - Tesco could use smaller vehicles to access the rear of the premises.
 - A survey of a similar Tesco store in Kingsland Road found that two out of the four delivery vehicles were 13.5m in length and so would be too large to park in the loading bay along Lower Clapton Road.
- 10.3 Councillor Oguzkanli spoke in objection to the scheme, on behalf of residents, his comments are summarised as follows:-
 - Wished to know why condition 10 had been imposed in the first place, was it to ease traffic congestions, protect the safety of pedestrians.
 - Planning permission had been refused for a Tesco in Cambridge, where it was agreed that the store should be able to operate within the existing conditions and should not be able to change those conditions.
 - It was felt that an agreement to remove condition 10 would set a precedent for other shop traders in the borough.
- 10.4 Councillor Rathbone also spoke in objection to the scheme, on behalf of residents, his comments are summarised as follows:-
 - It was felt that the loading would not be able to be used, due to the size of the vehicles.

Thursday, 9th December, 2010

- Serious danger to pedestrians with the roll cages being wheeled along the pavement.
- 10.5 In response to a question regarding buses, it was stated that approximately 66 buses would use the bus stop an hour.
- 10.6 In response to one of the questions raised by the objectors, it was believed that one of the main reasons why condition 10 had been imposed was to reduce traffic congestion.
- 10.7 Councillor Hanson wished to know whether there was any planning grounds on which to refuse the application. In response, it was explained that TfL had been consulted as they managed the road, bus stop and loading bay. TfL had not objected to the application and did not feel that the removal of condition 10 would be detrimental to the area or business. There were no planning grounds on which to refuse the application.
- 10.8 Councillor Rathbone wished to put it on record his recognition of the work of officers during the dealing of the application.

(Councillor Buitekant voted against the recommendation).

RESOLVED that:-

The removal of Condition 10 be GRANTED.
--

11 1 Gainsborough Studios, West Poole Street, London, N1 5EA

Removal of existing roof 'plant' enclosure, and erection of replacement single storey extension for use as a 2-bedroom flat and ancillary provision of timber decking and glazed balustrade to form a new roof terrace. Erection and installation of a new 'plant' enclosure to the roof.

- 11.1 The Planning Officer introduced the report, as set out in the agenda.
- 11.2 Jim Biek (agent) was in attendance to answer any questions that arose.
- 11.3 In response to a question from the Chair regarding green roofs, the agent stated that the areas of the roof not used for the plant enclosure would be used as a green roof. He added that there was a need to maintain access to the plant enclosure.
- 11.4 The Planning Officer explained that there was a condition for full details of a bio diverse, substrate-based extensive green roof to be submitted in writing by the Local Planning Authority before any building works commence.
- 11.5 In response, the Chair stated that it was the sub-committees' aspiration for the whole of the roof space to have a green roof.

Unanimously RESOLVED that:-

Planning Permission be GRANTED, subject to the following conditions:

1. Development in accordance with plans:

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. Commencement:

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

3. All materials to be approved:

Full details, including samples, of the materials to be used on the external surfaces of the building, including window frames, external doors, balustrade, privacy screen and surface materials (of the roof terrace) shall be submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the relevant part of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

4. No extraneous pipework:

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the east, west and north elevations of the building other than as shown on the drawings hereby approved, and unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

5. No roof plant:

Notwithstanding the plans hereby approved, no other plant, machinery and other installations shall be placed upon or attached to the roof or other external surfaces of the extension, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of maintaining an acceptable appearance of the building.

6. Green Roof:

Full details of a bio diverse, substrate-based (80mm minimum depth) extensive 'green' roof shall be submitted and approved in writing by the Local Planning Authority before any building works commence. The development shall not be carried out otherwise than in the details as approved.

Thursday, 9th December, 2010

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building.

7. Privacy Screen:

The 'privacy screen' hereby approved, shall be retained at all times, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard against overlooking of adjoining sites and premises.

REASONS FOR APPROVAL

The principle of the development of the site is considered acceptable, given the existing use remains at the site and that it will be appropriate in the context of surrounding uses. Overall it is considered that the development will not have a significant impact on the appearance of the existing building or the adjacent Regents Canal Conservation Area. The new residential unit will offer a good standard of amenity for future occupiers and the proposal would not have a significant impact on residential amenity of nearby and adjoining properties.

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ40 – Noise Control; EQ41 – Development Close to Existing Sources of Noise; EQ42 – Air Pollution; EQ48 - Designing out Crime

The following policies contained in the Core Strategy 2010 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: CSP6 – Transport and Land Use; CSP19 – Housing Growth; CSP22 – Housing Densities; CSP24 – Design; CSP25 – Historic Environment; CSP27 – Biodiversity; CSP29 - Resource Efficiency and Reducing Carbon Dioxide Emissions; CSP32 - Waste

The following policies contained in the London Plan 2008 (consolidated with changes since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 3A.3 - Maximising the potential of sites; 4B.1 - Design principles for a compact city; 4B.5 - Creating an inclusive environment; 4B.6 - Safety, security and fire prevention and protection; 4B.8 - Respect local context and communities

INFORMATIVES

- SI.1 Building Control
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 2005
- SI.28 Refuse Storage and Disposal Arrangements

12 22-24 Ashwin Street, London, E8 3DL

Change of use of basement, ground and first floors from community centre (D1) to theatre (Sui Generis) with associated offices (B1) and cafe / bar (A4), with proposed opening hours between 10.00am and 3.30am from Monday to Sunday; together with external alterations at ground floor level comprising: extension of existing window opening to create new door and replacement of existing double doors on south elevation; removal and infilling of existing door and creation of new double door access on west elevation.

- 12.1 The Planning Officer introduced the report, as set out in the agenda. It was explained that the application had come to committee as the site was council owned.
- 12.2 The Planning Officer explained that the restricted hours from use had now changed from the original application from 24 hours Monday to Sunday, to 10.00am to 3.30am Monday to Sunday. The applicant had agreed to the revised hours.
- 12.3 The Planning also explained that the hours of use would be taken out of the proposed description of use and development, given these were to be restricted via the imposition of conditions as set out in the officer's report.
- 12.4 Reference was made to the addendum, which detailed a further objection received from the Shiloh Pentecostal Church in Ashwin Street. The grounds of their objections were detailed within the addendum.
- 12.5 Councillor Munn raised concerns about the restricted hours of use of de-rigged scenery, lighting and associated equipment, detailed in paragraph 8.1.6 of the report. In response, the applicant stated that it was usual for equipment associated with the theatre to be removed during the early hours of the morning.
- 12.6 The applicant provided members with an assurance that the bar would be linked to the theatre and operate as such.

Unanimously RESOLVED that:-

Planning Permission be GRANTED, subject to the following conditions:

1. SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. SCB1 - Commencement within three years

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

3. NSC1 – Materials to be approved

Details, including samples, of materials to be used on all external surfaces of the building, the boundary walls and all ground surfaces shall be submitted to and approved by the Local Planning Authority, in writing, prior to commencement of development. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

4. SCG5 – Restriction on Use

The premises shall be used for theatre use and ancillary bar purposes and for no other purposes including any other purposes designated as Sui Generis of the Schedule to the Town and Country Planning (Uses Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

REASON: To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

5. SCG1 – Restricted Hours of Use

The theatre use and ancillary bar hereby permitted may only be carried out between 10.00am and 3.30am on any given day.

REASON: To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

6. SCG2 – Restricted Hours of Use

No removal from the building of de-rigged scenery and lighting and associated equipment shall take place between 3.30am and 7.00 am Monday to Saturday and between 3.30am and 10.00 am on Sunday and Bank Holidays.

REASON: To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

7. SCD2 – Provision of Access and Facilities

All provisions and facilities to be made for people with disabilities as shown on the plans and details hereby approved shall be implemented in full to the satisfaction of the Local Planning Authority before the use is first commenced.

REASON: In order to ensure that access and facilities for people with disabilities are provided in order that they may make full use of the development.

REASONS FOR APPROVAL

This proposal has been approved following consideration of all the relevant policies in the Development Plan (Core Strategy 2010, Unitary Development Plan 1995 and the London Plan 2008), Government Planning Policy Guidance/Statements and other material considerations.

- This decision was made by the Members of the Planning Committee on the 9 December 2010.
- The proposed land use, subject to conditions, is considered to be beneficial to the area and appropriate given the site's location in the Dalston Town Centre. The new theatre with associated facilities would make a positive contribution to Dalston's varied cultural and community and promote London's cultural and arts facilities and also support evening and night time entertainment activities in this town centre. The development complies with Policies: 2A.1; 2A.3; 2A.7; 2A.8; 3B.8; 3B.9; 3D1; 3D2 and 3D.4 of the London Plan 2008 and Policies: 1, 13 and 15 of the Hackney Core Strategy 2010, which seek to secure the appropriate land uses and mixture of uses for development sites.
- The alterations to the existing building would conserve and enhance the historic and architectural merit of the existing building and would not have a detrimental impact on the conservation of the locally listed building or any of the features that has led it to being a cultural landmark. The development is in accordance with PPS5, Policies: 4B.1; 4B.11 and 4B.12 of the London Plan 2008 and Policies 24 and 15 of the Hackney Core Strategy 2010 which seek to secure buildings of a sympathetic and appropriate design, which preserve and/or enhance their context and do not have an adverse impact on the character and appearance of the adjoining conservation area.
- The proposal would provide for inclusive and convenient access for all within the development. The development therefore complies with Policies 4B.5 and 4B.6 of the London Plan, Policy 24 of the Core Strategy, and saved Policy E14 of the Hackney UDP 1995 which seek to secure appropriate and inclusive designs for developments.
- The development would provide for appropriate servicing arrangements and the scheme is not considered to adversely impact on the existing surrounding street network or access to on-street parking. The development is in line with Policies 3C.2; 3C.3 and 3C.23 of the London Plan 2008 and Policy 33 of the Hackney Core Strategy 2010, which seek to ensure that developments are appropriately planned in terms of their highway and transportation implications.
- Consideration has been given to the objections made regarding the impact on neighbouring amenity of nearby properties. However, the objections are not considered to be of sufficient weight to outweigh the

reasons for granting planning permission. As such, the development is in accordance with policy 4B.1 and 4B.13 of the London Plan 2008 and Policies 1, 6, 13, 15 and 24 of the Hackney Core Strategy 2010 seek to ensure that new developments do not have an unacceptable impact on the streetscene or neighbouring land uses. The proposed development is subject to appropriate conditions which seek to facilitate the development and mitigate its potential impacts.

INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultation with Thames Water
- SI.45 The Construction (Design & Management) Regulations 1994
- SI.48 Soundproofing
- NSI Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

13 39 & 41 Northchurch Road, London, N1 4EE

Full Planning Permission & Listed Building Consent for internal and external alterations and refurbishment works to building at 41 Northchurch Road including erection of single storey rear infill extension; together with works within front gardens at 39 & 41 Northchurch Road.

- 13.1 The Planning Officer introduced the report, as set out in the agenda. It was explained that the application was brought to committee as one of the properties was owned by a council employee.
- 13.2 Kate Matthews (agent) was in attendance to answer any questions that arose.
- 13.3 Reference was made to the addendum which stated that drawing no. NOR41/D/002 was substituted by NOR41/D/002/A and drawing no. NOR41/D/003 was substituted by NOR41/D/003/A.

- 13.4 In response to a question from the Chair regarding the use of single glazed sash windows, it was explained that this was due to the property being a listed building.

Unanimously RESOLVED that:-

A) Planning Permission be GRANTED, subject to the following conditions:

1. SCM1 – Materials to Match

All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the existing building in respect of materials used, detailed execution and finished appearance.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

2. SCM2 – Material Samples

Full details, with samples, of the materials to be used on the external surfaces of the buildings, including glazing, shall be submitted to and approved by the Local Planning Authority in writing before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

3. SCM5 – Boundary Walls

Full details, including materials, of all boundary walls and enclosures shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

4. SCM7 – Details (brickwork repair / new windows & doors)

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

- a) brickwork repair to rear extension;
- b) new windows and doors

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

5. NSC – Tree Protection Method Statement

Prior to the commencement of any works, a tree protection method statement in accordance with BS5837: 2005 providing details of measures to protect the

Thursday, 9th December, 2010

tree located close to the front boundary of 39 Northchurch Road shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be undertaken in full accordance with the details so approved and maintained as such thereafter.

REASON: In order to safeguard the health of the existing tree to the front of the site.

6. SCB0 – Development in Accordance with Approved Plans

The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

7. SCB1N – Development to Commence Within 3 Years

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended.

B) Listed Building Consent be GRANTED, subject to the following conditions:
--

1. SCL2 – Works to Match Existing

All new works, and works of making good to the retained fabric whether internal or external shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile and, in the case of brickwork, facebond and pointing.

REASON: In order that the works approved are carried out in a satisfactory manner which safeguards the special historic and/or architectural interest of the building.

2. SCL3 - Details to Match Existing

(i) The new joinery work shall match exactly the materials, dimensions and profiles of existing original work, except where otherwise shown in the drawings hereby approved.

(ii) The new brickwork and pointing shall match exactly the materials, dimensions and profiles of existing original work except where otherwise shown in the drawings hereby approved.

(iii) All new external rainwater and soil pipes shall be formed in metal and painted black.

REASON: In order that the works approved are carried out in a satisfactory manner which safeguards the special historic and/or architectural interest of the building.

3. **SCL4 – Brickwork to be Approved (rear extension)**
Sample panels of brickwork, indicating the colour, texture, facebond and pointing shall be submitted to and approved by the Local Planning Authority before the relevant parts of the work are commenced.

REASON: In order that the works approved are carried out in a satisfactory manner which safeguards the special historic and/or architectural interest of the building.

4. **SCL6B – Original Features to be Retained**
All existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrading shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved.

REASON: To ensure that those features which contribute to the special architectural and historic interest of the building are retained.

5. **SCL7 – Details of Preservation of Features**
Detailed drawings or specifications showing the method by which the existing lower ground floor rear wall is to be protected during building works so as to ensure its retention shall be submitted to and approved by the Local Planning Authority before the relevant parts of the work are commenced.

REASON: To ensure that those features which contribute to the special architectural and historic interest of the building are retained.

6. **SCB2N – Commencement of the Development Within 3 Years**
The Development hereby permitted must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: In order to comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

INFORMATIVES

The following Informatives should be added:

SI-APP Reason for Approval
SI-1 Building Control
SI-7 Hours of Building Works

14 Our Lady's Convent High School, 6-16 Amhurst Park, London, N16 5AF

Variation of condition 10 (provision for cycles/ motor cycles) of planning permission 2010/1292 (Demolition of existing school buildings and redevelopment of a new secondary school within a 3 and 4 storey building including rooftop multi-use games area, associated landscaping for hard and soft play areas, parking, servicing, means of access and ancillary plant requirements) to allow for provision of 75 cycle spaces plus 10 further spaces if required rather than 85 spaces as approved.

This application is made under Section 73 of the Town and Country Planning Act 1990.

- 14.1 The Planning Officer introduced the report, as set out in the agenda.
- 14.2 There being no questions from members, the Chair moved to the vote.

Unanimously RESOLVED that:-

The variation of Condition 10 be APPROVED, subject to the following conditions:

1. SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. SCB1 – Commencement within three years

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

3. SCM6 – Materials to be approved

Details, including samples, of all materials to be used on the external surfaces of the building, boundary walls and ground surfaces shall be submitted to and approved by the Local Planning Authority, in writing, before work on the external surfaces, boundary walls and ground surfaces commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

4. SCM9 – No extraneous pipework

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the (street) elevations of the building other than as shown on the drawings hereby approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

5. SCM11 – Modifications to be approved

Detailed drawings showing the following modification(s) to the scheme shall be submitted to and approved by the Council before any work is commenced on site:

Thursday, 9th December, 2010

- a. Detailed drawings of the internal staircase as shown on drawing numbers 2259-JW-102 Rev. P01, 103 rev.P01, 104 rev.P01, 105 rev. P01 with a revised layout showing a wider area leading to the external playspace.
- b. Detailed drawing of the ground floor elevation as shown in drawing number 2259-JW-108 rev. P01 with a revised ground floor elevation providing a more permeable treatment to the Sports Hall and bicycle storage.

This part of the development shall be completed only in accordance with the modification(s) thus approved.

6. SCI3 – No roof plant

No roof plant (including all external enclosures, machinery and other installations) other than any shown on the drawings hereby approved shall be placed upon or attached to the roof or other external surfaces of the building.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

7. SCD2 – Provision of access and facilities

All provisions and facilities to be made for people with disabilities as shown on the plans and details hereby approved shall be implemented in full to the satisfaction of the Local Planning Authority before the use is first commenced.

REASON: In order to ensure that access and facilities for people with disabilities are provided in order to ensure that they may make full use of the development.

8. SCH8 – Parking for people with disabilities

Before the use hereby permitted first commences, two car-parking spaces shall be marked and retained permanently for use by the vehicles of people with disabilities close to the entrance to the building.

REASON: In order to ensure that a reasonable minimum of parking spaces are located conveniently for use by people with disabilities.

9. SCT1 – Submission of landscaping scheme

Details of the new tree plantings as indicated on submitted drawings C360 – 05 and C360-021 hereby approved shall be submitted to and approved by the Local Planning Authority, in writing, before any landscaping work commences on site. These details will additionally:

- confirm species of tree, and specify type of stock and level of maturity
- specify numbers of shrubs to be included
- confirm which areas are to be grass seeded or turfed
- provide details of all planting in boundary treatments
- include a detailed survey indicating the precise position, location, height and spread of canopy of any existing tree within 7.5m of the application site boundary, together with a method statement demonstrating how these trees shall be protected during the construction process and how their future welfare shall not be unreasonably prejudiced by the development.

All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the

Thursday, 9th December, 2010

development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed (including any existing trees or plants that die or are damaged during, or as a result of, construction work).

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

10. SCH10 – Secure bicycle parking

Space shall be made available for the secure parking of 85 cycles within the site/development/building of which 75 cycle spaces should be in place before the use is first commenced with the additional 10 cycle parking places to be in place when the full student and staff population is achieved, or in response to growth in future demand for cycle parking.

REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interests of discouraging car use, relieving congestion in surrounding streets and improving highway conditions in general.

11. SCH9 - Marking parking areas

Before the use hereby permitted first commences, appropriate markings shall be used to delineate all car parking spaces and service areas within the site/development as shown on the permitted plans, and such marking is to be retained permanently.

REASON: In the interests of orderly and satisfactory parking provisions being made on the site to ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway.

12. NSC – Non Standard Condition

Before occupation of the site, a full re-write of the submitted School Travel Plan detailing how the changes in parking and traffic generated by the pupils at the site as a result of the development will be managed and approved by the Local Planning Authority. The School Travel Plan shall in all respects be implemented in accordance with the approval.

REASON: In order to safeguard residential amenity and pedestrian and traffic safety and ensure compliance with London Plan Policy 3C.1 and 3C.2.

13. NSC – Non Standard Condition

A BREEAM Education Pre-Assessment, shall be submitted and be approved in writing by the Local Planning Authority prior to the commencement of development.

REASON: To ensure that the development makes the fullest contribution to the mitigation of and adaptation to climate change. (London Plan Policy 4A.1 Tackling Climate Change and Policy 4A.3 Sustainable Design and Construction)

14. NSC – Non Standard Condition

No phase or part of the development shall commence until measures to adopt and implement the ICE Demolition Protocol, or alternate demolition methodology report (as agreed with the LPA) have been submitted to, and approved in writing by the Local Planning Authority.

REASON: To ensure that the highest standards of Sustainable Design and Construction are met in line with Policy 4A.3 of the London Plan

15. NSC – Non Standard Condition

Full details of a sustainable drainage plan, including living roof provision shall be submitted to and approved by the Local Planning Authority, in writing, before construction commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building.

16. NSC – Non Standard Condition

Adequate refuse storage shall be provided as shown on the plans hereby approved, prior to the occupation of the development hereby permitted.

REASON: In order to assist in the proper disposal of waste and to protect the appearance of the area.

17. NSC – Non Standard Condition

Full details of a work method statement including measures to control and minimise noise and dust emissions, and details of measures for the disposal of materials from the site, during demolition and construction, shall be submitted to, and approved by, the Local Planning Authority prior to any work commencing on the site. The development, including disposal of materials from the site, shall in all respects be carried out in accordance with the approved details.

REASON: In order to safeguard the amenities of neighbouring properties and the area generally.

REASONS FOR APPROVAL

The following policies saved in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; EQ7 - External Works and Landscape; EQ40 - Noise Control; EQ48 - Designing Out Crime; TR6 -Traffic, Access and Parking; TR7 - Car Parking; TR8 - Parking For People With Disabilities; TR19 - Planning Standards; CS6 - Provision of Education Facilities; CS10 - Planning Standards.

The following policies in the London Plan (2008) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 3A.15 - Protection and enhancement of social infrastructure and community facilities; 3A.21 - Education facilities; 3C.1 - Integrating transport and development; 3C.16 -

Tackling congestion and reducing traffic; 4B.1 - Design principles for a compact city; 4B.3 - Maximising the potential of sites.

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Persons' Provisions
- SI.27 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultation of Thames Water
- SI.33 Landscaping

15 Southwold Primary School, Detmold Road, London, E5 9NL

Demolition of existing toilet and stairwell block; erection of x 2 single storey extensions; other works including new play deck, new access doors, replacement windows, new fabric canopy, new stair tower and alterations to internal configuration and vent to main roof.

Full Planning Permission: Erection of 2 single storey extensions; new play deck, new access doors, replacement windows, new fabric canopy, new stair tower and vent to main roof.

Listed Building Consent: Demolition of existing toilet and stairwell block and internal and external works in association with the erection of 2 single storey extensions; new play deck, new access doors, replacement windows, new fabric canopy, new stair tower and vent to main roof including alterations to internal configuration.

- 15.1 The Planning Officer introduced the report, as set out in the agenda. It was explained that the item had come to committee as the applications were the council's own development.
- 15.2 In addition to paragraph 17.1 of the report, the Planning Officer explained that the distance between the proposed extension and properties at 1-32 Averley Court would be 13m. It was not considered that it would result in any additional material impact in terms of noise and/or disturbance to the nearby residential properties.
- 15.3 Peter Morris (architect), Kelly Wallace (Learning Trust) and Gary Boyd (Headmaster, Southwold Primary School) were in attendance to answer any questions that arose.
- 15.4 In response to a question regarding materials, it was explained that natural stone tiles would be used on the new building, as they wished to work with the existing building and not purely replicate it. In line with the existing colour

scheme, the windows would be framed by a red stone tile, in-filled with yellow/buff tiles.

Unanimously RESOLVED that:-

A) Planning Permission be GRANTED, subject to the following conditions:

1. SCBO – In accordance with plans

The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. SCB1N – Commencement within three years

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

3. SCB1N – Commencement Within Three Years

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended.

4. SCM1 – Materials to Match

All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the existing building in respect of materials used, detailed execution and finished appearance.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

5. SCM2 - Materials to be Approved (Existing Building Only)

Full details, with samples, of the materials to be used on the external surfaces of the buildings, including glazing, shall be submitted to and approved by the Local Planning Authority in writing before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

6. SCM3 – Facing Bricks to be Approved (Where Appropriate)

Full details of the facing brick(s) to be used for the external surfaces of the building(s) shall be submitted to and approved by the Local Planning Authority,

Thursday, 9th December, 2010

in writing, before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

7. SCM4 – Ground Surface Treatment (To Be Approved)

Full details of all ground surface treatment to the site shall be submitted to and approved, in writing, by the Local Planning Authority, in writing, before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the visual amenity of the area.

8. SCM5 – Boundary Walls (To Be Approved)

Full details, including materials, of all boundary walls and enclosures shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

9. SCM6 – Materials To Be Approved (General)

Details, including samples, of materials to be used on the building, boundary walls and ground surfaces shall be submitted to and approved by the Local Planning Authority in writing before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

- New Extensions
- Ceramic tiles
- PV Solar Panels
- Windows

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

10. SCM7 – Details To Be Approved (General)

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

- Windows (Replacement timber casement windows and new windows to rear extension)
- Canopies
- Roof tiles (Where original clay tiles are missing and being replaced)
- Replacement doors and windows to front elevation/reception

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

B) Listed Building Consent be GRANTED, subject to the following conditions:

1. SCB2N - Commencement Within 3 years (Listed Building Consent)

The Development hereby permitted must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: In order to comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended

2. SCL2 – Works to Match Existing - TIMBER CASEMENT WINDOWS

All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the original work with regard to the methods used and to material, glazing bar width, profile, colour (coating) and finish.

REASON: To ensure that the special architectural and historic interest of this building is safeguarded / and that the proposal does not detract from the character and appearance of the area / this part of the conservation area.

3. SCL6A – Original Features to be Retained – Timber Sash & Casement (Original C19) Windows

All existing original glazed tiling which may be adjacent to new/ replacement steel windows shall be retained in situ, except where indicated otherwise on the drawings hereby approved.

REASON: To ensure that those features that contribute to the special architectural and historic interest of the building are retained.

4. SCL6B – Original Features to be Retained (General)

All existing ornamental features including – original decorative tiling (external or internal) shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved.

REASON: To ensure that those features which contribute to the special architectural and historic interest of the building are retained.

REASONS FOR APPROVAL

The proposal is considered to conform to the following policies contained in the Hackney Unitary Development Plan 1995 and the London Plan 2008 (Consolidated with alterations since 2004):

- EQ1 (Development Requirements)
- EQ16 (Protection of Listed Buildings)
- EQ17 (Alterations to Listed Buildings)
- 4B.1 (Design Principles for a Compact City)
- EQ18 Settings of Listed Buildings
- CS6 Provision of Education Facilities

INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.3 Sanitary, Ventilation and Drainage Arrangements

Thursday, 9th December, 2010

- SI.6 Control of Pollution (Clean Air, Noise, etc)
- SI.7 Hours of Building Works
- SI.19 Health, Safety and Welfare at Work
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements

Duration of the meeting: Times Not Specified

Contact:

Emma Perry

0208 3563338

emma.perry@hackney.gov.uk

Hackney

Planning Sub-Committee – 01/02/2012

ADDRESS: 16 Leabourne Road, London N16 6TA	
WARD: Springfield	REPORT AUTHOR: Caroline Ozor
APPLICATION NUMBER: 2011/2532	VALID DATE: 07/10/2011
DRAWING NUMBERS: Design and Access Statement, Site Local Plan, 16LR/01, 02, 03a, 04a, 05, 06	
APPLICANT: Mr H Finkelstein 16 Leabourne Road London N16 6TA	AGENT: Mr Mark Jones Jones Town Planning 1 The Quarry Betchworth Surrey RH3 7BY
PROPOSAL: Erection of front and rear dormer roof extensions, and a roof extension on top of the two storey back addition.	
POST SUBMISSION REVISIONS: None	
NOTE TO MEMBERS: An identical scheme (planning application reference number 2009/0116) was refused under delegated powers and subsequently dismissed at appeal (Planning Inspectorate reference APP/U5360/A/09/2108618), and was refused for the second time by the Planning Sub-Committee under planning application reference 2010/2608. Under the terms of the Town and Country Planning Act 1990 (as amended) the Council has powers to decline to determine an application in instances where an identical application is submitted. However, following a request from the Assistant Director (Planning and Regulatory Services), the application has been accepted as valid and referred to members for determination.	
RECOMMENDATION SUMMARY: Grant planning permission, subject to conditions	

ANALYSIS INFORMATION

ZONING DESIGNATION:

(Yes)

(No)

	(Yes)	(No)
CPZ		No
Conservation Area		No
Listed Building (Statutory)		No

Listed Building (Local)		No
DEA		No

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	C3	Residential	Not Specified
Proposed	C3	Residential	Not Specified

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
Existing	Dwellings	0	0	1	0	0
Proposed	Dwellings	0	0	0	0	1
Totals	(Total = 1)					

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	0	0

CASE OFFICER'S REPORT

1. SITE DESCRIPTION

- 1.1 The subject property is located on the eastern side of Lebourne Road. It comprises a two storey mid terrace single dwelling house, with two storey rear addition and single storey L-shaped rear extension. The surrounding area is predominately residential.

2. CONSERVATION IMPLICATIONS

- 2.1 None

3. HISTORY

- 3.1 23.09.1997 – Planning permission was granted for erection of a single storey ground floor rear extension. (ref NORTH/474/97/FP)
- 3.2 15.05.2007 – Planning permission was refused for, 'Erection of a front and rear roof extension' (ref 2007/0704). Appeal ref APP/U5360/A/07/2059588, dismissed 29.07.2008
- 3.4 17.03.2009 – Planning permission was refused for, 'Erection of front and rear dormer roof extensions, and a roof extension on top of the two storey back

addition' (ref 2009/0116). Appeal ref APP/U5360/A/09/2108618, dismissed 10.11.2009

- 3.5 10.12.2010 – Planning permission was refused for, 'Erection of front and rear dormer roof extensions, and a roof extension on top of the two storey back addition' (ref 2010/2608).

4. CONSULTATIONS

4.1 Date Statutory Consultation Period Started: 12/10/2011

4.2 Date Statutory Consultation Period Ended: 02/11/2011

4.3 Site Notice: Yes

4.4 Press Advert: No

4.5 Neighbours

4.5.1 8 letters of consultation sent to owners/occupiers of surrounding properties. Two responses received raising objections to the application for the following reasons:

- Loss of light
- Overdevelopment
- Out of scale, appearance and architectural character
- Does not meet the 45 degree rule
- Potential noise disturbance during building construction

4.6 Statutory Consultees

4.6.1 None

4.7 Local Groups

4.7.1 None

4.8 Other Council Departments

None

5. POLICIES

5.1 Hackney Local Framework Core Strategy 2010

Policy 24 – 'Design'

Supplementary Planning Guidance/Document

'Hackney Residential Extensions and Alterations and Extensions Supplementary Planning Document 2009'

5.1 London Plan (2011)

7.4 – Local Character
7.6 - Architecture

5.3 National Planning Policies

PPS 1 - Delivering Sustainable Development

6. COMMENT

6.1 Background

6.1.1 The proposed development involves the erection of a front and rear roof extension and the erection of an extension above the existing two storey rear addition. The front roof extension would be 5m wide x 3.4m deep x 2.3m high, and would be set in from the party walls by 0.3m, up from the eaves by 0.3m and down from the ridge by 0.2m. The rear roof extension would be 5.6m wide x 3.5m deep x 2.3m high, would be built between the part walls and would be set up from the eaves by 0.3m and down from the ridge by 0.2m. The extension above the two storey rear addition would be 2.9m wide x 3.2m deep x 2.4m high and would replace the pitched roof of the two storey rear addition with an additional storey with flat roof.

6.1.2 The proposed development is identical to the proposal which was previously refused by the Council (reference 2009/0116) and dismissed on appeal (reference APP/U5360/A/09/2108618). In the appeal decision, the Planning Inspector acknowledged that Leabourne Road is listed in the Hackney SPD as being an area where larger roof extensions already exists, but stated that there were no approved large front roof extensions in this part of the street. The Inspector further concluded with regard to the front roof extension that 'the proposed reduction in size of the front dormer would not overcome the concern of my colleague Inspector (on previous appeal) that the development would completely change the character of the existing dwelling'.

6.1.3 In the case of the rear roof extension, the Inspector stated that 'the rear dormer would not be inset from the party walls and it would only be about 0.2m below the ridge of the roof. It would not therefore comply with the SDP criteria for large rear extensions in areas where these already predominate. Even though the extension over the rear wing would only raise the roof level just above the existing party wall parapet, it would appear as an unsightly box element, and that both this, and the rear dormer, would harm the original appearance of the house. The Planning Inspector concluded that neither the front or rear extension would respect the visual integrity and scale, massing and rhythm of the existing building and so would not comply with policy EQ1 of the Unitary Development Plan or the SPD. A similar proposal to that which was dismissed on appeal was resubmitted and was refused by the Planning Sub-Committee

under the reference number 2010/2608. No appeal was made on this application. Copies of the previous planning officer's reports and Inspector's decision are included as appendices 1, 2 and 3 of this report.

6.2 Relevant Considerations

- 6.2.1 As the current proposal is identical to that previously refused and dismissed at appeal, and subsequently refused by the Planning Sub-Committee, the only circumstances in which a Local Planning Authority can legally issue a different decision is in the event that there has been a change in planning policy relevant to the application, or a material change in the surroundings of the application site which would lead to a different decision being made.
- 6.2.2 It is noted that since the previous refusal/appeal, Hackney UDP policy EQ1 – 'Development Requirements' has been superseded by policy 24 – 'Design' of the Hackney LDF Core Strategy. Policy 24 of the Core Strategy states that 'All development should seek to enrich and enhance Hackney's built environment and create a sense of place and local distinctiveness that is attractive and accessible.' It is considered that this policy objective is consistent with those of superseded UDP policy EQ1 and as such the adoption of the new policy does not lead to an alternative recommendation being made. Although the Council's Residential Extensions and Alterations and Extensions Supplementary Planning Document (SPD) 2009 was formally adopted subsequent to the previous refusal, it was adopted at the time of the Inspector's decision and is referred to in his decision as a material consideration. It is therefore considered that in its scale and bulk, the proposal is not acceptable for it fails to respect the architectural integrity of the building and as such does not comply with the current policy and the SPD.
- 6.2.3 However, there are other material considerations which could override the current policy objective in this instance. These concern two recent favourable appeal decisions on similarly large roof extensions at properties at No. 22 Leabourne Road, n16 6TA (Council's reference 2008/0865/ENF and appeal reference APP/U5360/C/10/2139828) and No. 7 St Andrew's Grove, N16 5NF (Council's reference 2011/1129 and appeal reference: APP/U5360/D/11/2157918). The Planning Inspectorate's considerations of the appeal proposals were based on the presence of a substantial number of large roof extensions in the area resulting change in the appearance of the street scene. Details and summary of the appeals are outlined in paragraphs 6.2.4 to 6.2.8. Copies of Planning Inspectorate's decisions and photographs of surrounding properties are included in appendices 4, 5 and 6 of the report.
- 6.2.4 The case of No. 22 Leabourne Road relates to an appeal against an enforcement notice served by the Council for a breach of planning control for, 'Erection of front and rear dormer roof extensions, and the erection of second floor extension above the rear closet wing element on the property without planning permission'. In considering the appeal the Inspector stated that 'Ordinarily such a large front dormer would look inherently out of place, but that is not necessarily the case here. Leabourne Road is part of a larger area where huge dormers to the front and back of the terraced houses are commonplace.

In 2009 the Council produced a 'Residential Extensions and Alterations SPD' as part of the LDF which included various street surveys showing the extent of front dormers in the Borough. Leabourne Road is clearly in a part of the Borough where such dormers are numerous, although they are confined to the northern part of the road. No 22 would be the most southerly house with such a dormer'.

- 6.2.5 With regards to the rear dormer of No, 22, the Inspector stressed that 'the rear dormer element does not look out of place at all; it is the closet wing roof extension that is the issue. Although nearly all of the houses retain their original closet wing roofs, the architectural integrity of most of the houses has already been significantly compromised, and therefore the loss of this feature is not harmful. Given the significant changes to the street scene in this area already the rear extension will not be out of character or harmful' The Inspector concluded the development at both front and rear to be in accord with Council's Core Strategy policies'.
- 6.2.6 Similarly, in the case of No. 7 St Andrews appeal decision, the Inspector stated that 'A structure of this type is at odds with the Council's *Residential Extensions and Alterations* supplementary planning document (SPD), which discourages dormers on front roof slopes, particularly where roof dormers were not an original feature of the property, and acknowledged that this is a valid approach in many instances, but however, stressed that such guidance must be applied with regard to the individual characteristics of each case. The Inspector consideration in the case of No. 7 St. Andrews Grove, referred to the proposed replacement of the existing dormer with a larger dormer being designed to match that of the existing dormer on the adjacent No. 9 St Andrew's Grove, and therefore in that context, the appeal proposal would not appear out of place, despite its prominent position. The Planning Inspector also referred to the depth of the front gable projection that would limit views of the dormer and therefore lessen its impact on the street scene.
- 6.2.7 The difference in the appeal decisions at Nos 16 and 22 Leabourne Road and No. 7 St Andrews Grove can be summarised in this manner. The original inspectors decision at No. 16 sought to prevent roof extensions but these are now commonplace on this road, hence the later decision at No. 22. Therefore, the proposal is being reconsidered in light of this change of circumstances.
- 6.2.8 In the light of the above consideration, the building at No 16 Leabourne Road is of a similar typology in terms of architectural design as No 22 and is located within the southern part of the street as No 22 and is screened by street trees. Therefore, on balance, although the proposal does not comply with current Council policy in terms of its scale and bulk, given the proposal in context of the area having similar large roof extensions, the proposal would be harmonious with the appearance of the street scene and would therefore not be detrimental to the visual amenity of the street scene. Given the circumstances as described above, it is considered that the recent Inspector's decisions at the at No.22 Leabourne Road and No. 7 St Andrews Grove as outlined above would override current policy. It is noted that the appeal decision for No. 22 was made after the Planning Sub-Committee's consideration and determination of the previous

application for 16 Leabourne Road. Members were therefore not aware of the Planning Inspectorate's decision for No.22. Leabourne Road. Members are referred to appendices 1, 2, 3 and 4 for the Council and Planning Inspectorate's previous considerations of the proposal and Planning Inspectorate's considerations of the development at No.22 Leabourne Road.

6.3 Residential Amenity

- 6.3.1 It is not considered that the proposal would result in a material adverse impact on the amenity of the adjacent occupiers in terms of loss of light, overlooking, outlook or an increased sense of enclosure. The proposed front and rear roof extensions would not project beyond the existing depth of the building only being extending upwards and overall below the ridge of the main roof. There are no windows on the roofs of neighbouring properties at Nos. 14 and 18 Leabourne Road on either side of the application site. Therefore there would no impact from the proposed front and rear dormers. The nearest windows of the adjacent properties are within a considerable distance from the proposed second floor rear roof extension approximately 3 metres due to the set back rear additions of these properties. The proposal meets the 45 degree rule criteria as set out in the Hackney Residential Extensions and Alterations SPD.

6.4 Considerations of neighbour consultations

- 6.4.1 The issues of loss of light, overdevelopment, out of scale, appearance, architectural character and the 45 degree rule have been addressed in paragraphs 6.3.2 to 6.3.1.
- 6.4.2 The issue of potential noise disturbance during building construction is not a planning matter. However, an informative will be added will be added to any planning approval for compliance of the provisions under the Control of Pollution Act 1974.

7. CONCLUSION

- 7.1 The proposed development would be compatible with the character and appearance of the street scene and given the Planning Inspectorate's decision on the neighbouring property as described in details above, it is recommended that this application be approved.

8. RECOMMENDATION

- 8.1 That permission be **GRANTED**, subject to the following conditions:

SCB1N: The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended.

Hackney Planning Sub-Committee – 01/02/2012

SCB0: The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

SCM1: All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the existing building in respect of materials used, detailed execution and finished appearance.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

8.2 The following informatives should be added:

The following policies contained in the Hackney Local Framework Core Strategy 2010 / London Plan 2011 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 24 'Design', 7.4 'Local Character' and 7.6 'Architecture' and Hackney Residential Extensions and Alterations and Extensions Supplementary Planning Document 2009'

- SI.1 Building Control
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.7 Hours of Building Works
- SI.27 Fire Precautions Act 2005



Signed..... Date: 23 January 2012

**Gifty Edila,
Corporate Director, Legal, HR & Regulatory Services**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP (1995),	Caroline Ozor (020 8356 8093)	2 Hillman Street, London E8 1FB

	Hackney Local Framework Core Strategy (2010) and the London Plan 2011		
--	---	--	--









Date: 19/01/2012

Title: 16 Leabourne Road, London, N16 6TA

Scale 1:1250

Prepared by : Technical Support

This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's stationery Office, © Crown Copyright.





MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY, 1ST FEBRUARY, 2012

Councillors Present:	Councillor Vincent Stops in the Chair Cllr Barry Buitekant, Cllr Michael Desmond, Cllr Michael Levy, Cllr Ann Munn and Cllr Brian Bell
Apologies:	Cllr Ian Sharer, Cllr Katie Hanson and Cllr Ned Mulready and Cllr Ian Sharer
Officers in Attendance	Ian Bailey (Senior Planning Officer), Justin Booij (Planning Officer), Ben Burgerman (Senior Planning Lawyer), Graham Callam (Planning Officer), Margaret Gustafsson (Sustainability, Urban Design and Conservation Manager), John Kaimakamis (Senior Planning Officer), Graham Loveland (Assistant Director of Planning and Regulatory Services), Gillian Nicks (Senior Planning Officer), Karen Page (Team Manager (North Team)), Fred Raphael (Senior Technical Engineer), Russell Smith (Senior Planning Officer) and John Tsang (Deputy Area Manager (North))

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors Katie Hanson, Ned Mulready and Ian Sharer.
- 1.2 An apology for lateness was received from Councillor Brian Bell.

2 Declarations of Interest

- 2.1 Councillor Buitekant declared a personal and prejudicial interest in Item 6 – 242-248 Kingsland Road and 50 Acton Mews.

3 Members to agree the order of business

- 3.1 The order of business remained as per the agenda.
- 3.2 Item 10 – Glasshouse and Walled Garden, Springfield Park, Springfield was withdrawn from the agenda.

4 **Minutes of the Previous Meeting**

- 4.1 **RESOLVED** – that the minutes of the meeting held on 10 January 2012 be APPROVED.

5 **Site bounded by Corsham Street, Brunswick Place and Baches Street, London N1**

Demolition of existing buildings and erection of part 2 to part 11 storey building to provide new education facility comprising 5,528sqm teaching accommodation and associated facilities (D1 Class use); 541 student rooms; 376 sqm of flexible retail/restaurant use (Class A1/A3 use); together with cycle parking, refuse and recycling and external landscaping.

(Councillors Bell and Desmond arrived during the discussion of the item and therefore did not take part in the vote).

- 5.1 The Planning Officer introduced the report, as set out in the agenda.
- 5.2 A model of the proposed scheme and material samples were displayed at the meeting, for members' information.
- 5.3 Reference was made to the addendum, which stated that since the report was written four additional letters of objection had been received, as summarised at paragraph 4.5 of the report. Three additional letters of support had also been received, the comments of which were summarised in the addendum.
- 5.4 Representations had been received from Hackney Community College and the Learning Trust in support of the application, as detailed within the addendum. A further representation had also been received from the London Fire Brigade who raised no objection to the application, subject to the development being completed in accordance with the proposed design.
- 5.5 A response had also been received from the Landscape and Tree Officer, who stated that there was little detailed information, but that it should be ensured that all servicing that conflicts with tree routing was altered at the developers cost. Comments had also been received from English Heritage.
- 5.6 It was explained that further to paragraph 3.4 of the report, application reference 2011/2855 had been approved dated 23 January 2012. The proposal was considered to bear no detriment to the approved scheme in amenity terms as set out in consideration of all other neighbouring residential units at paragraph 6.3.5 of the report.
- 5.7 Noemi Fabry, Cory Doctorow and Lindsay Richards spoke in objection to the scheme, their comments are summarised as follows:-
- It was felt that the consultation process was one sided and did not represent the views of local residents.
 - Reference was made to policies 2 and 19 of the core strategy and how they promoted an employment mix on site and stated that student accommodation should not prejudice residential housing.

- It was felt there was already a high concentration of office and student accommodation in the area.
 - It was felt that the scheme should promote equality and diversity and that the cost of the accommodation and gated community did not adhere to this.
 - With regard to conditions, it was requested that any conditions regarding construction should be adhered to and none of them discharged without prior approval.
 - It was believed that the proposed facility was not partnered with any other university and was a private enterprise making money out of expensive student accommodation, aimed at overseas students.
- 5.8 Adam Brockley (agent), Steven Marshall (architect) and Charles Moran (agent) spoke in support of the scheme, their comments are summarised as follows:-
- The scheme had been subject to an extensive pre-application consultation process with various different bodies.
 - The scheme formed part of a wider education hub in East London, providing a high quality teaching environment and student accommodation.
 - The development was different to other student accommodation providers as its main driver was to provide a high quality teaching facility, which would be managed 24 hours a day.
 - The scheme would have a detailed management plan included in the S106 legal agreement and also a code of conduct for students.
 - The development represented a major investment in the area, which would provide approximately 320 jobs on-site and inject money into the local area.
 - The development had been subject to a rigorous design process before submission.
 - The development had been designed to reduce the impact on neighbouring properties, as the taller element of the scheme would be located adjacent to the neighbouring hotel. There would also be no windows on the east elevation, in order to prevent overlooking.
 - A daylight/sunlight report had been submitted.
- 5.9 David Hudson also spoke in support of the scheme, his comments are summarised as follows:-
- Impressed by the proposed scheme, which he felt would benefit his local business and other businesses in the area.
- 5.10 The Chair raised concerns regarding the existing yellow stock brick warehouse building and wished to clarify why no proper assessment had been undertaken, as English Heritage suggested, to determine its value as a heritage asset. It was felt that the application should be deferred until a heritage assessment had been undertaken.
- 5.11 In response, the Planning Officer stated that for a building to be considered a heritage asset, it would have to be deemed of significance in meriting architectural, historic or artistic interest. Following a review of the site, and having not been identified as such during the consideration of the application

nor through the plan-making process, including local listing, the building was not considered to be a heritage asset.

- 5.12 The Conservation Manager confirmed that the building was located outside of a conservation area and was not statutorily listed. Therefore, as the recent review had not identified it as a heritage asset, the scheme had been recommended for approval.
- 5.13 Kevin Moore (Hackney Society) stated that the building had not been identified in the recent local listing review process, although it could often be difficult to identify all potential buildings for listing and retention.
- 5.14 Discussion took place regarding SCAPE/INTO University Partnerships and it was explained they had been an education provider for the last ten years, providing on campus study centres, in conjunction with a number of universities.
- 5.15 In response to a question from the Chair regarding rain water harvesting, it was explained that a sustainable urban drainage system was proposed to allow them to collect water on part of the roof terrace. The applicants would however be happy to look at the possibility of providing rain water harvesting.
- 5.16 Further discussion took place surrounding the possibility of deferring the application until after a heritage assessment had taken place. The agents explained that they had assessed the existing buildings and determined that they were not as old as they originally thought. The aim was to create a large learning environment and the existing space was not practical. The applicants were keen to get on site, as they aimed to get the facility opened by September 2014 and did not want to incur any additional costs.
- 5.17 Discussion took place regarding the possible cumulative impact in the area and it was explained that the majority of the other schemes were purely offering student accommodation. As part of the S106 legal agreement, the proposed scheme would be subject to a management plan, 24 hour helpline/management, set to national standards. There was a demand for student accommodation in London and it was believed that the proposed development would not add to the cumulative impact in the area.
- 5.18 In response to a question regarding the possibility of offering affordable student accommodation, it was explained that student accommodation was very expensive in the area and that the proposed scheme would be pitched at a lower level, and significantly less than other providers in the vicinity.
- 5.19 Following the discussion, the Chair proposed an alternative motion that the application be deferred, to allow for a heritage assessment to be undertaken. This was supported by Councillors Buitekant and Munn.
- 5.20 The Sub-Committee therefore voted on the revised motion.

RESOLVED that:-

The application be DEFERRED, to allow for a heritage assessment to be undertaken.

6 **242 - 248 Kingsland Road and 50 Acton Mews, London**

Variation of condition 18 (approved plans) of planning permission 2011/0639 dated 06 June 2011 for redevelopment of the site by the erection of a part 6 and part 7 storey building to accommodate offices and 58 residential units. Amendments sought relate to omission of basement, revised external appearance and mix of residential units.

(Councillor Buitekant left the Chamber during the item).

- 6.1 The Planning Officer introduced the report, as set out in the agenda.
- 6.2 Reference was made to the addendum, which stated that revised drawings had been submitted which incorporated minor changes to the internal configuration of the residential units. The changes were considered non-materials and therefore the following drawing numbers were recommended for approval:-
- 1132(PL)100C; 1132(PL)101D; 1132(PL)102D; 1132(PL)103D; 1132(PL)104D; 1132(PL)105D; 1132(PL)106B; 1132(PL)107A; 1132(PL)300A; 1132(PL)301A; 1132(PL)302A; 1132(PL)303A; 1132(PL)304A; 1132(PL)305A; 1132(PL)500; 1132(PL)501
- 6.3 Jessica Sparks (agent), Colin Archer (applicant) and Lucy Palmer (architect) were in attendance at the meeting to answer any questions that arose.
- 6.4 The Chair raised concern regarding the huge loss of employment floor space and why the basement area could not have been developed instead. In response, the planning officer explained that based on the policies within the UDP, the proposed scheme provided a mixed use strong vibrant employment offer, which resulted in a better quality employment floor space which met the needs of local businesses. It also offered a more flexible design and better sunlight/daylight due to the mezzanine layout.
- 6.5 Further discussion took place surrounding the loss of employment space and it was explained that there were a number of empty offices in the local area and that the proposed scheme catered to the demand for smaller business units which were fitted out and ready to let.
- 6.6 Discussion took place surrounding the proposed materials and it was explained that three different brown coloured panels would be used, as well as bricks.
- 6.7 Reference was made to the landscaping, it was explained that the proposals were currently being developed and would be of a high quality, however they were constrained by the parameters of the site. The Sub-Committee requested that the tree in the commercial forecourt be retained and that the landscaping condition come back to committee for approval. This was **AGREED**.

Unanimously RESOLVED that:-

A) Planning permission be GRANTED, subject to the following conditions:

1. **SCB0 – Development in accordance with plans**

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. **SCB1 - Commencement within three years**

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

3. **Materials to be approved**

Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the details thus approved.

- A mock up of typical elevation bays to include window frames, ventilation screens and brickwork.
- A sample board for all external materials
- Facade design and detailing @ 1:20 and 1:5 scale.
- Brickwork and cladding: specification, setting-out (proportions) and detailing around window cills, reveals, copings and flashings @ 1:20 scale.
- Entrance details doors and screens @ 1:20 and 1:5 scales.
- Window design: setting out and specification including window reveals/spandrels;

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

4. **Boundary Treatment**

No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

REASON: To ensure the satisfactory appearance of the development and safeguard the character and appearance of the Conservation Area.

5. **Landscaping to be approved**

A hard and soft landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Planning Sub-Committee of the Local Planning Authority, in writing, prior to occupation of the development, all landscaping in accordance with the scheme, when approved, shall be commences within 12 months from first occupation of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of five years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

6. BREEAM

The commercial floorspace hereby permitted shall achieve a minimum standard of Very Good under the Building Research Establishment Environmental Assessment Method (BREEAM). Prior to first use of the development, a copy of the Post Construction Completion Certificate verifying that the Very Good BREEAM rating has been achieved shall be submitted to the Local Planning Authority.

REASON: To ensure that development takes place in an environmentally sensitive way and assists in the meeting the Local Development Framework Core Strategy objective of reducing carbon emissions.

7. Code for Sustainable Homes

The dwellings hereby permitted shall achieve a minimum standard of Level 4 under the Code for Sustainable Homes. No dwelling shall be occupied until a copy of the final Code Certificate verifying that the Level 4 Code for Sustainable Homes rating has been achieved is submitted to the Local Planning Authority.

REASON: To ensure that development takes place in an environmentally sensitive way and assists in the meeting the Local Development Framework Core Strategy objective of reducing carbon emissions.

8. Living Roof

A biodiverse, substrate-based extensive green roof (80mm minimum depth) should be established on the roof of the proposal as shown on the approved plans. Full details thereof shall be submitted and approved in writing by the local planning authority, prior to occupation. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

9. External Lighting

Notwithstanding the submitted details, no development shall take place until details of external lighting and the proposed entrance canopies to the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the satisfactory appearance of the development and preserve or enhance the character and appearance of the Conservation Area.

10. Noise Control

No development shall take place until details of a scheme to protect the development from noise from the Kingsland Road and the East London Line extension have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details prior to first occupation of the development and thereafter retained.

REASON: To ensure that a satisfactory residential environment is provided.

11. Car Parking Spaces

Notwithstanding the submitted details, four car parking spaces shall be marked on the site and retained for use only by the vehicles of people with disabilities prior to first occupation of the development hereby permitted. In the event that any of these spaces are to be located on the Kingsland Road frontage in front of the proposed building, none of these spaces shall be used until details of a swept path analysis have been submitted to and approved by the local planning authority demonstrating that vehicles can enter and leave this part of the site in forward gear.

REASON: In the interests of highway safety and the freeflow of traffic on the adjoining highway.

12. Secure Cycle Parking

Notwithstanding the submitted details, development shall not commence until details of secure, covered parking for 60 bicycles have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and the cycle parking area shall thereafter be retained for this purpose.

REASON: To promote sustainable forms of transport and reduce the impact upon the Boroughs highway network.

13. Refuse Storage

Notwithstanding the submitted details, development shall not commence until details of refuse and recycling storage associated with the proposed Use Class B1 (business) floorspace of the development hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and the refuse and recycling storage area shall thereafter be retained for this purpose.

REASON: In order to provide for adequate bin enclosures in the interest of the appearance of the site and area.

14. Contaminated Land: Risk Assessment

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; and archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' or subsequent replacement guidance.

REASON: To prevent harm to human health and for the protection of the environment.

15. Contaminated Land: Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: Reason: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

16. Contaminated Land: Validation

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

17. Contaminated Land Unexpected Events

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 8.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 9.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

B) The above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended) in order to secure the following matters to the satisfaction of the Assistant Director (Planning and Regulatory Services) and the Assistant Director Legal:

Highways and Transportation

- The owner shall be required to enter into agreement under Section 278 of the Highways Act to pay the Council to reinstate and improve the footway adjacent to the boundary of the site, and include if required, any access to the Highway, measures for street furniture relocation, carriageway markings, access and visibility safety requirements, footways reinstatement and upgrade to paving in accordance with the councils design guide, landscaping along adjoining highways. Unavoidable works required to be undertaken by Statutory Services will not be included in LBH Estimate or Payment. The cost of highways works has been estimated at £60,790.00.
- Car-free development – removal of entitlement of future residents to residents parking permits.

Affordable Housing

- To secure the provision of 27 units with a mix of 12 social rented units (6 x 2bed, 2 x 3bed, 4 x 4 bed) and 15 intermediate units (8 x 1 bed, 6 x 2 bed1 x 3bed)
- The provision of affordable housing be secured by an approved Registered Provider.

Contributions

- Payment by the landowner/developer of an education contribution of £158,119.40 with respect to anticipated child yield from the additional residential housing units being provided.

Accessibility

- All residential units to be built to Lifetime Home standards.

Construction

- Active programme for recruiting and retaining adult improvers and as a minimum take on at least one adult improver per £5 million of construction contract value and provide the Council with written information documenting that programme within seven days of a written request from the Council.
- Commitment to the Council's local labour and construction initiatives (25% on site employment).
- Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.

Employment

- Fit out specification to be completed prior to occupation of residential units.

Costs

- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.
- S106 Monitoring costs of £3850

REASONS FOR APPROVAL

The provision of a mix of land uses is considered acceptable. The proposal includes a strong viable employment component that will significantly improve the attractiveness, business function and specification of employment floorspace at the site without resulting in any overall loss of floorspace. The residential component provides a suitable mix of housing types and tenures including an appropriate level of affordable housing and will provide a good standard of accommodation for future occupiers. It is considered that the demolition of the existing buildings on site would have a less than significant loss to the character of the conservation area and the benefits of the replacement scheme justifies this loss. In townscape terms the design, height and massing of the proposal is considered acceptable and would contribute to the character of the conservation area. The proposal would not have a significant detrimental impact upon the residential amenity of nearby occupiers. The proposal incorporates measures to encourage more sustainable forms of transport and is unlikely to have a detrimental impact upon the Boroughs transport network. The proposal is unlikely to negatively impact upon biodiversity and habitats along the adjacent canal and the design successfully incorporates sustainable design and renewable technologies.

The following policies contained in the Hackney Development Plan 2010 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission:

EQ40 - Noise Control; EQ41 - Development Close to Existing Sources of Noise; EQ42 - Air Pollution; EQ43 - Development on Contaminated Land; EQ44 - Water Pollution; E14 - Access and Facilities for People with Disabilities; E18 - Planning Standards (Employment) CSP16 - Employment Opportunities; CSP17 - Economic Development; CSP18 - Promoting Employment Land; CSP19 Housing Growth; CSP20 Affordable Housing; CSP22 - Housing Density; CSP24 - Design; CSP27 - Biodiversity; CSP29 - Resource Efficiency and Reducing Carbon Dioxide Emissions; CSP30 - Low Carbon Energy, Renewable Technologies and District Heating; CSP32 - Waste; CSP33 - Promoting Sustainable Development

The following policies contained in the London Plan (Consolidated with alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 3.3 - Increasing housing supply; 3.4 - Optimising housing potential; 3.5 - Quality and design of housing developments; 3.6 - Children and young people's play and informal recreation facilities; 3.9 - Mixed and balanced communities; 3.10 - Definition of affordable housing; 3.11 - Affordable housing targets; 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes; 3.8 - Housing choice; 4.2 - Offices; 4.3 - Mixed use development and offices; 4.4 - Managing industrial land and

premises; 4.5 - London's visitor infrastructure; 4.7 - Retail and town centre development; 4.8 - Supporting a successful and diverse retail sector; 4.8 - Supporting a successful and diverse retail sector; 5.2 - Minimising carbon dioxide emissions; 5.2 - Minimising carbon dioxide emissions; 5.6 - Decentralised energy in development proposals; 5.7 - Renewable energy; 5.9 - Overheating and cooling; 5.12 - Flood risk management; 5.13 - Sustainable drainage; 5.14 - Water quality and wastewater infrastructure; 5.15 - Water use and supplies; 5.17 - Waste capacity; 5.18 - Construction, excavation and demolition waste; 5.21 - Contaminated land; 6.3 - Assessing effects of development on transport capacity; 6.9 - Cycling; 6.10 - Walking; 6.11 - Smoothing traffic flow and tackling congestion; 6.12 - Road network capacity; 6.13 - Parking; 7.1 - Building London's neighbourhoods and communities; 7.2 - An inclusive environment; 7.3 - Designing out crime; 7.4 - Local character; 7.5 - Public realm; 7.6 - Architecture; 7.8 - Heritage assets and archaeology; 7.13 - Safety, security and resilience to emergency; 7.14 - Improving air quality; 7.15 - Reducing noise and enhancing soundscapes; 7.19 - Biodiversity and access to nature; 7.24 - Blue Ribbon Network; 7.25 - Increasing the use of the Blue Ribbon Network for passengers and tourism; 7.26 - Increasing the use of the Blue Ribbon Network for freight transport; 7.27 - Blue Ribbon Network: supporting infrastructure and recreational use; 7.28 - Restoration of the Blue Ribbon Network; 7.30 - London's canals and other rivers and waterspaces.

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
 - SI.2 Work Affecting Public Highway
 - SI.3 Sanitary, Ventilation and Drainage Arrangements
 - SI.6 Control of Pollution (Clean Air, Noise, etc.)
 - SI.7 Hours of Building Works
 - SI.24 Naming and Numbering
 - SI.25 Disabled Person's Provisions
 - SI.27 Fire Precautions Act
 - SI.28 Refuse Storage and Disposal Arrangements
 - SI.32 Consultation with Thames Water
 - SI.34 Landscaping
 - SI.45 The Construction (Design & Management) Regulations 1994
 - SI.48 Soundproofing
 - SI.50 S106 Agreement
- NSI The applicant must enter into an appropriate commercial agreement with Johnathan Young in British Waterways London's Estate Team (07766992935) before development commences
- NSI The applicant is advised that any discharge of surface water into the waterways requires British Waterway's written permission before development commences. Please contact Nick Pogson on 07825357355 for further information
- NSI The applicant/developer should refer to the current British Waterways' "Code of Practice for Works affecting British Waterways 2010" to ensure that any necessary consents are obtained
- www.britishwaterways.co.uk/media/documents/Code_of_Practice_2010.pdf

- NSI No works (including maintenance) audible at the site boundary of the nearest noise sensitive premises shall be undertaken outside the hours of Monday to Friday 08.00 to 18.00 and 08.00 to 13.00 Saturday or on Bank or Public holidays unless otherwise approved by the Pollution Team or where the works are approved under section 61 of the Control of Pollution Act 1974.
- NSI Deliveries of construction and demolition materials to and from the site by road shall take place between 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and at no other time except with the prior approval of the Pollution Team. Submission is required of construction traffic details (volume of vehicle movement likely to be generated during the construction phase including routes and times).
- NSI The developer is advised to seek prior consent for construction under the provisions of Section 61 of the Control of Pollution Act 1974 from the Local Authority. This would enable clarity for both sides on the whole process of the development. More advice/information can be obtained from the Pollution Team on this matter.
- NSI With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- NSI It is recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- NSI Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- NSI In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. As you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>
- NSI Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management

7 **Parcel of land to the east of the north/south section of Wallis Road, south of properties on the east/west section of Wallis Road, west of properties in Main Yard and north of Hackney Wick Station and a parcel of land to the south of Hackney Wick Station and north of White Post Lane**

Observations to the London Thames Gateway Development Corporation for mixed use redevelopment of up to 18,889 sq.m floorspace comprising up to 10,883 s.q.m residential (Class C3), up to 6,342 sq.m employment space (Class B1), up to 1,596 sq.m retail, food and drink uses (Class A1-A5), together with up to 1,820 sq.m public realm and associated parking. (outline application with all matter reserved except access).

POST SUBMISSION REVISIONS: None, but clarification has been provided regarding the existing land uses and floorspaces.

- 7.1 The Planning Officer introduced the report, as set out in the agenda.
- 7.2 Reference was made to the addendum, which stated that subsequent to the completion of the report, the London Thames Gateway Development Corporation local planning authority had written to the Council seeking to address some of the concerns raised in the report. The full contents of the letter were detailed at Appendix 1 to the addendum.
- 7.3 The letter outlined that the London Thames Gateway Development Corporation's decision would indicate that the indicative mix shown in the submission was not an approved mix, that monies from S106 tariff could be ring fenced as a contribution to the local authorities for affordable housing provision, the residential element of the scheme would be required to achieve Mayor of London Interim Housing Design Guide Standards and had indicated that a S106 pot of £1.3m would be available to cover infrastructure costs, although the main priority for the fund was contributions towards affordable housing. The letter also indicated that they did not consider it appropriate to amend street widths in the development or require the commercial elements of the scheme to achieve BREEAM excellent.
- 7.4 In addition to the letter from London Thames Gateway Development Corporation local planning authority, the applicant had also provided an artists' impression of the proposed development in the context of its surroundings, to address the concerns raised in relation to building heights, as detailed at Appendix 2 to the addendum. The image had been reviewed by the Council's Conservation, Urban Design and Sustainability officers who had indicated that the image did not address any of the concerns and points raised in their comments and that the impact of the developments on its surroundings had not been carefully considered or understood.
- 7.5 Andrew Beharrell spoke in support of the officer's recommendation for refusal, his comments as summarised as follows:-
- Speaking on behalf of Grove World and local land owners.

Wednesday, 1st February, 2012

- Support the officer's recommendation and reinforce the objections detailed in the report.
- Supported the regeneration of the hub but felt that the proposed scheme was too dense for the area.
- It was felt that the proposed scheme was contrary to the Hackney Wick Area Action Plan.
- It was felt that the proposed plans required revision and that the previous scheme was preferred.
- The Hackney Wick Area Action Plan specified that the Wallis Yard area had aspirations of clear views and access, with a heritage aspect to the north of Hackney Wick station.
- The tall buildings would be located in close proximity to neighbouring properties.

7.6 Discussion took place surrounding the ownership of the site and it was explained that it was currently owned by the Thames Gateway Corporation and would eventually be passed to the Mayor of London. It was explained that the Thames Gateway Corporation had some planning powers for certain major schemes and that the Council were the policy making body.

7.7 In response to requests for clarification regarding the potential housing mix and height of the buildings, the Assistant Director explained that it was an outline application and was only an indicative scheme at this stage.

Unanimously RESOLVED that:-

The London Borough of Hackney OBJECTS to the application for the following reasons:

1. The proposed development, by reason of the provision of large numbers of studio and one bed units, would provide an unacceptable mix of residential units. As such the proposed development would be contrary to policy 19 (Housing Growth) of the Hackney Local Development Framework Core Strategy, policy 3.8 (Housing choice) of the London Plan 2011 and Planning Policy Statement 3 (Housing).
2. The proposed development, by reason of its failure to provide affordable housing, would fail to assist in adequately addressing the Borough's housing needs and would fail to assist in providing mixed and balanced communities. As such the proposal would be contrary to policies 19 (Housing Growth) and 20 (Affordable Housing) of the Hackney Local Development Framework Core Strategy, policies 3.9 (Mixed and balanced communities), 3.11 (Affordable housing targets) and 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes) of the London Plan 2011 and Planning Policy Statement PPS 3: Housing
3. The proposed development, by reason of the provision of significant numbers of single aspect units, lack of external amenity and play space and provision of high levels of overlooking within the development, would provide an unacceptable standard of accommodation to the detriment of future occupiers. As such the proposal would be contrary to policies 19 (Housing Growth) and 24 (Design) of the Hackney Local Development Framework Core Strategy and policies 3.5 (Quality and design of housing developments) and 3.6 (Children

and young people's play and informal recreation facilities) of the London Plan 2011

4. The proposed development, by reason of the absence of contributions towards the provision of social infrastructure would result in unacceptable pressure upon existing social infrastructure in the Borough. As such the proposal would be contrary to policy 8 (Focusing Social Investment) of Hackney Local Development Framework, policies 3.16 (Protection and enhancement of social infrastructure), 3.18 (Education facilities) and 8.2 (Planning obligations) of the London Plan 2011, Hackney Planning Contributions Supplementary Planning Document and Alterations to SPD Appendix.
5. The proposed development, by reason of the provision of inadequate street widths and poor use of open space, would result in an unacceptable site layout. As such the proposal would be contrary to policy 24 (Design) of the Hackney Local Development Framework Core Strategy and policies 7.1 (Building London's neighbourhoods and communities), 7.4 (Local character) 7.5 (Public realm) and 7.6 (Architecture) of the London Plan 2011.
6. Insufficient information has been submitted to enable the Local Planning Authority to determine whether or not the proposal adversely impacts on the townscape, character and appearance of the area.
7. The proposed development, in absence of sufficient justification for the impact of the proposed development on the adjoining conservation area and the failure to optimise views of surrounding heritage assets, results in a detrimental impact upon the character and appearance of the adjoining Hackney Wick Conservation and the setting of the Locally Listed Central Books building. As such the proposed development would be contrary to policy 25 (Historic Environment) of the Hackney Local Development Framework Core Strategy, policy 7.8 (Heritage assets and archaeology) of the London Plan 2011 and Planning Policy Statement 5 (Planning for the Historic Environment).
8. The proposed development, by reason of the absence of a commitment to 'car free' development, would result in unacceptable pressure on local on-street car parking and would encourage car ownership and use. As such the proposed development would be contrary to policy 33 (Promoting Sustainable Transport) of the Hackney Local Development Framework Core Strategy and policies 6.1 (Strategic approach) and 6.13 (Parking) of the London Plan 2011.
9. The proposed development, by reason of its failure to provide adequate access resulting in the loss of existing on street parking bays, would have an unacceptable impact on future occupiers and pedestrians and would give rise to unacceptable pressure on local on street car parking. As such the proposed development would be contrary to policy 6 (Transport and Land Use) of the Hackney Local Development Framework Core Strategy and policies 6.1 (Strategic approach), 6.13 (Parking) and 7.5 (Public realm) of the London Plan 2011.
10. The proposed development, by reason of the absence of contributions towards improvements to the public realm surrounding the site would result in unacceptable pressure upon existing local transport infrastructure. As such the proposed development would be contrary to policy 6 (Transport and Land Use)

of the Hackney Local Development Framework and policies 6.1 (Strategic approach), 6.4 (Enhancing Transport Connectivity) and 7.5 (Public realm) of the London Plan 2011.

11. The proposed development, by reason of the failure to exceed BREEAM very good in the non-residential elements of the building, would fail to adequately achieve energy efficiency and sustainable construction objectives. As such the proposed development would be contrary to policy 30 (Low Carbon Energy, Renewable Technologies and District Heating) of the Hackney Local Development Framework Core Strategy and policies 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions) and 5.3 (Sustainable design and construction) of the London Plan 2011.

8 Woodberry Down KSS3, London N4 2TG

Erection of a substation building for a temporary period of three years.

- 8.1 The Planning Officer introduced the report, as set out in the agenda.
- 8.2 Shaun Tickle and Neil Samms were in attendance at the meeting to answer any questions that arose.
- 8.3 Concern was raised regarding the temporary structure, as the Chair wished to confirm that the building would be removed after the three year period. In response, it was explained that the building was conditioned for a temporary period of three years and that the applicants would have to come back to committee with any changes to the agreed scheme and conditions.
- 8.4 The applicant noted that the proposed temporary structure would most likely be shielded from views by construction hoardings for the wider site's redevelopment (i.e KSS3).

Unanimously RESOLVED that:-

Planning Permission be GRANTED, subject to the following conditions and referral of the application to the Secretary of State for consideration:

1. **Development only in accordance with approved plans**
The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

2. **Limit duration of planning permission**
The development hereby permitted is limited to a period of 3 years from the date of this planning permission. Within 3 months of the expiry of this permission all structures associated with the development shall be removed from the site, and the land reinstated to the satisfaction of the Local Planning Authority.

REASON: To ensure that no lasting negative effects could remain from the temporary development, particularly on the Metropolitan Open Land.

3. Materials

Details, including samples of materials to be used on the building and any required ground surfacing or boundary treatment shall be submitted to and approved by the Local Planning Authority in writing before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the quality of the development is of an acceptable standard in the interests of protecting the visual amenity of the locality.

4. Protection of Breeding Birds

No vegetation shall be removed from site between 1 March and 31 August to facilitate the construction of the development hereby approved, unless this vegetation is checked immediately prior to removal by a suitably qualified ecologist. Any active nests identified must be retained within a minimum 5m buffer zone until such time as the nest is deemed, by a suitably qualified ecologist, to be no longer required to support young birds.

REASON: In order to ensure that all wild birds, their nests and young are protected during the nesting period.

5. Protection of 'Site of Importance for Nature Conservation'

No floodlighting or any other means of lighting the facility is permitted without the prior written approval of the Local Planning Authority.

REASON: In the interest of protecting the New River and Stoke Newington Reservoir both of which are designated as a 'Site of Importance for Nature Conservation.'

6. Construction Environmental Management Plan

A final Construction Environmental Management Plan should be submitted and approved by the Local Planning Authority, in writing, before development commences. This should include timing of works and specific guidance on protected species.

REASON: To ensure that adequate measures are put in place to protect local ecology during the construction of the development.

7. Planting schedule

No later than 3 months prior to the expiry of this permission, full details of the landscaping and reinstatement scheme to be implemented following the removal of the substation and any associated structures, shall be submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure that the land is reinstated to a satisfactory standard having regard to nature conservation enhancement.

INFORMATIVES:

Protected species informative

If bats or breeding birds are found during works the project should be halted immediately and the Council's Biodiversity Officer should be contacted.

9 **Woodberry Down Kick Start Site 5 - Seven Sisters Road, London N4 1QR**

Section 73 application to vary the wording of Conditions 3 (Detailed Drawings), 4 (Materials), 5 (Landscaping Scheme), 6 (Ground Surface Treatment), 7 (Parking and Access details), 8 (Car Parking Spaces), 11 (Parking Facilities), 16 (Construction Management Plan), 20 (Landscape Management Plan), 21 (Noise and Vibration), 22 (Sound Insulation), 25 (Kitchen Extract System), 30 (Tree Survey), 31 (Tree Protection Measures), 32 (Lighting Strategy) and 33 (Lighting Details) of planning permission reference No. 2010/2460 dated 12 May 2011 to allow for the phasing of the redevelopment of the site to provide 176 affordable (social rented and intermediate) and private units and 835sqm of commercial floorspace (comprising Class A1, A2, A3, A4, A5, B1 and D1) with associated amenity space, car parking and cycle parking; the scheme comprises the erection of three blocks ranging in height from 2 storeys to 9 storeys.

- 9.1 The Planning Officer introduced the report, as set out in the agenda.
- 9.2 Reference was made to the addendum, which stated that the following drawing numbers be deleted from the list in the report:-

1221_DWG_00_328/PL2
1221_DWG_00_329/PL2

The following drawing number in the report was updated:-

1221_DWG_00_300/PL3

- 9.3 The Legal Officer stated that the recommendation should also be subject to a suitable Legal Planning Agreement.

Unanimously RESOLVED that:-

A) Planning Permission be GRANTED, subject to the following conditions and a suitable Legal Planning Agreement:

1. **SCB1 - Commencement within three years**
The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended.

2. **SCB0 – Development in accordance with plans**
The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

3. **SCM2 – Materials to be approved**

Details, including samples, of materials to be used on the buildings shall be submitted to and approved by the Local Planning Authority in writing before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

4. **SCH11 – Adequate visibility to entrance**

Adequate visibility shall be provided to the highway within the application site above a height of one metre from footpath level for a distance of three metres on one/both side(s) of the permitted points of vehicular access, in accordance with details to be approved by the Local Planning Authority before any work on the site is commenced, and be so maintained.

REASON: To provide a suitable standard of visibility to and from the highway and to ensure that the use of the access does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

5. **SCH15 – Access only to be approved**

Details of the new road access shall be approved prior to commencement of any development

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

6. **SCH5 – Provision of parking, turning, unloading facilities**

No part of the development for each individual phase hereby approved shall be occupied until accommodation for car parking, turning and loading/unloading has been provided in accordance with the approved plans, excluding the shared servicing lay-by in Woodberry Grove (North), which shall be omitted as advised to the applicants. These facilities and spaces shall be retained permanently for use by the occupiers and/or users of, and/or persons calling at, the premises only, and shall not be used for any other purposes.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the neighbouring highway(s) and to ensure the permanent retention of the accommodation for parking/ loading and unloading purposes.

7. **SCH4 – Forward vehicle ingress/egress only**

All vehicles shall enter and leave the site only in a forward direction.

REASON: All vehicles shall enter and leave the site only in a forward direction.

8. **NSC7 – Travel Plan**

Prior to first occupation of any of the proposed new residential development, a Travel Plan shall have been submitted to and approved by the Local Planning

Authority detailing means of conveying information for new occupiers and other techniques for advising residents of sustainable travel options. The Travel Plan shall then be implemented as dwellings are occupied until completion of the development.

REASON: To enable residential occupiers to consider sustainable transport options, as part of the measures to limit any net increase in travel movements (Policy TR6 of the UDP).

9. NSC8 – Travel Plan

Prior to first occupation of the proposed retail and other commercial units, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The Travel Plan shall then be implemented prior to the use commencing and shall be so maintained for the duration of the use, unless prior written approval of the Local Planning Authority is obtained in writing.

REASON: To ensure that the travel arrangements to the health centres are appropriate and to limit the effects of the increase in travel movements (Policy TR6 of the UDP).

10. NSC9 – Travel Plan

Details of continuing implementation of the Travel Plans as required by these planning conditions shall be submitted to enable monitoring by the Local Planning Authority for a period of 2 years from first occupation of these uses.

REASON: To ensure that the travel arrangements are appropriate, and to limit the effects of the increase in travel movements (Policy TR6 of the UDP).

11. NSC12 – Redundant Accesses

Within two months of completion of each phase of the proposed development, as identified on the application drawings, all redundant accesses located within the area of development of that phase and not incorporated in the development shall be permanently closed with the kerbs, footway and verge reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To limit the number of access points along the site boundary for the safety and convenience of highway users in accordance with Policy TR9 and TR10 of the UDP.

12. NS13 – Wheel Washing

Provisions shall be made within the site to ensure that all vehicles associated with the demolition and construction of the development are properly cleaned. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details approved by the Local Planning Authority prior to the commencement of works on site.

REASON: To prevent the passage of mud and dirt onto the adjoining highway in the interest of highway safety.

13. NSC14 – Flood risk

The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed

within the FRA:

- a) limiting the surface water run-off for the 1 in 100 year climate change critical storm to a flow of 13.8 litres per second
- b) provision of surface water attenuation in green roofs, swales, permeable paving and geocellular systems.

REASON: To prevent flooding by ensuring the satisfactory storage of and/ or controlled disposal of surface water from the site.

14. NSC21 – Hours of Construction

No construction (including demolition) which may be audible at the site boundary or in any occupied dwelling shall be carried out except between the hours of 08:00 to 18:00 hours (Monday to Friday), 08:00 to 13:00 hours (Saturdays), with no construction activity whatsoever on Sundays or Public Holidays.

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises.

15. SCM7 – Noise from Plant

Mechanical ventilation equipment and air conditioning units shall be designed, located and acoustically insulated to prevent noise disturbance. The design of equipment and units should provide an operating level of 10dB(A) below background noise level in order to achieve inaudibility and avoid adversely affecting the amenity of occupiers of dwellings in close proximity by reason of noise.

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises.

16. SCM7 – Fume extraction details to be approved

The Restaurants and Take-Away Establishments shall each provide a kitchen extract system to suppress and disperse odour, smoke and fume produced by cooking and food preparation without causing a nuisance to neighbours. Details of the equipment shall be submitted to, and approved by this Council's Planning Authority and Pollution Control with the equipment installed and in full working order prior to commencement of use of any individual or combined unit. Details of these measures should be submitted to the Pollution Unit, Development Control and Building Control for consideration. The sound insulation measures will have to be in place before the premises are first brought into use and shall be maintained in an effective manner thereafter.

REASON: to mitigate the potential for nuisance from cooking odours and other smells to occupiers of neighbouring premises.

17. SCM7 – Street Cleansing

Details of Street Cleansing arrangements shall be submitted prior to commencement of construction, and

REASON: To ensure the implementation of the Council's street cleansing and public realm policies.

18. SCM7 – Energy centre

Notwithstanding the submitted energy strategy, none of the development, the subject of this application shall commence until full details and sufficient drawings and specifications have been approved, demonstrating to the reasonable satisfaction of the Local Planning Authority how the scheme enables the sustainable Energy Strategy for Woodberry Down to be incorporated in due course into this particular element of the site-wide redevelopment, so as to achieve a longer-term new low-carbon development as sought in government guidance. The development shall be carried out in accordance with the details ultimately approved.

REASON: The submitted energy strategy is not yet acceptable, and a further submission is required to ensure that the proposed development contributes towards the objectives of the Mayor's Energy Strategy in accordance with Policies 4A.7 and 4A.9 of the London Plan, and the Woodberry Down Master Plan Energy Strategy.

19. SCG10 – Soil contamination survey/treatment

No development shall take place until a detailed assessment of the likely presence and extent of any contamination of the land on the site has been submitted to the Council's Pollution Control Group. The assessment should be carried out having regard to the technical documents relevant to the assessment of human health risks arising from contaminants in soil from Department for Environment, Food and Rural Affairs and the Environment Agency:- Assessment of Risks to Human Health from Land Contamination: An Overview of the Development of Soil Guideline Values and Related Research and Contaminants in Soil: Collation of Toxicological Data and Intake Values for Humans and Soil Guideline Values;2002, and the British Standards Institution: Investigation of potentially contaminated sites - Code of practice, BS 10175:2001. Should the site be regarded as contaminated, then no development shall take place until proposals for decontamination works have been completed and approved by the Council's Pollution Control Group.

REASON: To establish whether there are any land decontamination measures required to prepare the site for development.

20. SCL10 – Archaeological Investigation

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation for each Quarter, which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

REASON: To safeguard the archaeological interest of the site, which is within an Area of Archaeological Priority.

21. SCM7 – TV Reception

Prior to the occupation of any of the development, a TV reception survey shall be submitted (carried out pre and post development) to ensure that no loss of reception occurs, with mitigation details of any loss of TV reception.

REASON: To minimise any loss of amenity for existing occupiers.

22. SCM7 – Ground Floor Uses

Details of the first users of each of the retail / commercial units along the ground floor Seven Sisters Road and Woodberry Grove frontages shall be approved prior to occupation by the Local planning Authority, including the specific use, use class and name of the business.

REASON: The range of uses sought in the application calls for consideration of the detailed amenity and traffic implications of the initial users, to ensure that appropriate activities are encouraged before the main Woodberry Down neighbourhood centre is developed south of Seven Sisters Road, to accord with the community and retail aims of the Master Plan.

23. SCG5 – Restriction on use

The D1 use hereby permitted shall preclude use a public hall/school/community hall/place of worship.

REASON: To enable the Local Planning Authority to control the nature of development at the site in the interests of protecting the amenity of adjoining and surrounding occupiers.

24. SCG1 – Restricted hours of use

The A2, A3, A4, A5 and D1 uses hereby approved shall only operate between 09.00 hours and 23.00 hours; Monday-Saturday.

REASON: In the interests of protecting the amenity of adjoining and surrounding occupiers.

PHASE 1

25. SCM7 – Details to be approved

Detailed drawings of the proposed development showing the reserved and other matters, as set out below, must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on Phase 1 of the site. The development shall not be carried out otherwise than in accordance with the details thus approved:

- a) Details of the maintenance regime for the semi - public open space between Blocks 2 and 3;
- b) The means of enclosure on all site boundaries, indicating clearly which are existing and which are proposed, and including full details of height, materials and construction. The details shall also include all temporary means of enclosure that separate Phases 1 and 2, which shall be installed during the period between construction Phases;
- c) The facilities to be provided for the storage and removal of waste materials for each building or area;
- d) The provisions to be made within the development to ensure that people with disabilities are able to gain full access to the accommodation to be provided; and
- e) Details at scale 1:50 of ground floor elevations including shop fronts, bin storage, bicycle storage and substation.

REASON: To ensure the satisfactory design, layout and external appearance of the development.

26. SCT1 – Landscaping scheme to be approved

A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on Phase 1 of the site, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

27. SCM4 – Ground surface treatment to be approved

Full details of all ground surface treatment relating to Phase 1 the site shall be submitted to and approved, in writing, by the Local Planning Authority, in writing, before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the visual amenity of the area.

28. SCM7 – Details to be approved

Details of the following matters are reserved for further approval, to be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on Phase 1 of the site. The development shall not be carried out otherwise than in accordance with the details thus approved:

- (a) The layout of the site to a scale of not less than 1:500 and incorporating:
 - 1. Detailed layout and proposals for management and security of all car parking and servicing areas (including the basement) and details of car parking provisions and facilities for Use Classes A1-4 and D uses;
 - 2. Details of any proposed Controlled Parking Zones;
 - 3. Details of cycle parking provisions including numbers, covered and secure provisions to accord with London Plan standards;
 - 4. Details of all emergency access arrangements suitable for police, fire and ambulance service use.
- (b) Any public rights of way shall be preserved to allow a maximum accessibility and all footways shall be of a minimum of 2m wide footpaths with safe even surfaces and road crossings suitable for wheelchair users;
- (c) Full details of highway/access areas land ownership and adoption for the site

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

29. SCH8 – Parking for persons with disabilities

Before the use hereby permitted first commences on Phase 1 of the development, at least 10% of the car parking spaces shall be marked and retained permanently for use by the vehicles of persons with disabilities at locations close to the entrances to the building(s).

REASON: In order to ensure that a reasonable minimum of parking spaces are located conveniently for the use persons with disabilities.

30. NSC10 – Construction Management Plan

A Construction Management Plan shall be approved prior to commencement of any work on Phase 1 of the site, detailing routing, management and all other operational aspects of traffic related to construction, landscape and demolition works.

REASON: In order to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

31. NSC15 – Landscape management plan

Before development commences on Phase 1 of the site, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) detail of the extent and type of new planting (native species only)
- b) details of maintenance regimes
- c) details of any new habitat created on site
- d) details of treatment of site boundaries and/ or buffers around water bodies
- e) details of the green roofs proposed

REASON: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of nature conservation value of the site in line with the policies set out in PPS9, London Plan and Hackney UDP. Natural networks of linked wildlife corridors can also help wildlife adapt to climate change.

32. NSC17 – Noise and Vibration

Noise and vibration that may be foreseen prior to, or that which occurs during, construction, demolition, excavation, concrete crushing, foundation work and super-structure work shall be managed in accordance with details to be approved prior to commencement of development on Phase 1, based on the

recommendations in the applicants' Environmental Statement Appendices on Noise and Vibration

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises.

33. SCN1 – Soundproofing details to be approved

Full particulars and details of the scheme for sound insulation between the proposed commercial, community and residential uses of the buildings shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be installed before commencement of the use on Phase 1 hereby permitted and permanently retained thereafter.

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises.

34. SCT4 – Tree survey/retention plan

A detailed Tree Survey (plan and schedule) indicating precise location, species height and condition of each tree together with the spread of each tree accurately plotted and showing which trees are to be retained and which it is proposed should be felled shall be approved by the Local Planning Authority before any work commences on Phase 1 of the site.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990, and to provide for the retention and protection of existing trees in the interests of the appearance of the locality.

35. SCT3 – Protection of trees during site works

No development will take place on Phase 1 of the site until full details of tree protection have been submitted to, and approved in writing by, the Council and until such approved protection has been erected on site.

Tree protection will be in accordance with BS5837:2005 (Trees in relation to construction - Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard.

The protective fencing will be 2.4m high and conform to Figure 2 of BS5837:2005 i.e. a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

REASON: In order to protect the existing trees during building operation and site works.

36. SCM7 – Lighting Strategy

Prior to the commencement of the development on Phase 1, details of a lighting strategy for the development site shall be submitted, setting out the general distribution and design guidelines for all installations in the development and its public realm areas in accordance with the Council's adopted Public Realm Design Guide.

REASON: To ensure that the principles of location and design of external lighting are acceptable in terms of adopted design principles, including the Woodberry Down Design Code, and enhance public safety and crime prevention.

37. SCM7 – Lighting Details

Prior to the development commencing on Phase 1, details of lighting of all buildings and public areas shall be submitted. The approved lighting shall be installed before any use in the relevant part of the development commences and maintained thereafter.

REASON: To ensure that the detailed location and design of external lighting are acceptable in terms of adopted design principles, including the Woodberry Down Design Code, and enhance public safety and crime prevention.

PHASE 2

38. SCM7 – Details to be approved

Detailed drawings of the proposed development showing the reserved and other matters, as set out below, must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on Phase 2 of the site. The development shall not be carried out otherwise than in accordance with the details thus approved:

- a) The means of enclosure on all site boundaries, indicating clearly which are existing and which are proposed, and including full details of height, materials and construction
- b) The facilities to be provided for the storage and removal of waste materials for each building or area
- c) The provisions to be made within the development to ensure that people with disabilities are able to gain full access to the accommodation to be provided
- d) Details at scale 1:50 of ground floor elevations including shop fronts, bin storage, bicycle storage and substation.

REASON: To ensure the satisfactory design, layout and external appearance of the development.

39. SCT1 – Landscaping scheme to be approved

A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on Phase 2 of the site, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

40. SCM4 – ground surface treatment to be approved

Full details of all ground surface treatment relating to Phase 2 the site shall be submitted to and approved, in writing, by the Local Planning Authority, in writing, before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the visual amenity of the area.

41. SCM7 – Details to be approved

Details of the following matters are reserved for further approval, to be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced on Phase 2 of the site. The development shall not be carried out otherwise than in accordance with the details thus approved:

- (a) The layout of the site to a scale of not less than 1:500 and incorporating:
 1. Detailed layout and proposals for management and security of all car parking and servicing areas (including the basement) and details of car parking provisions and facilities for Use Classes A1-4 and D uses;
 2. Details of any proposed Controlled Parking Zones;
 3. Details of cycle parking provisions including numbers, covered and secure provisions to accord with London Plan standards;
 4. Details of all emergency access arrangements suitable for police, fire and ambulance service use.
- (b) Any public rights of way shall be preserved to allow a maximum accessibility and all footways shall be of a minimum of 2m wide footpaths with safe even surfaces and road crossings suitable for wheelchair users;
- (c) Full details of highway/access areas land ownership and adoption for the site

REASON: To ensure the satisfactory design, layout and external appearance of the development and to ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

42. SCH8 – Parking for persons with disabilities

Before the use hereby permitted first commences on Phase 2 of the development, at least 10% of the car parking spaces shall be marked and retained permanently for use by the vehicles of persons with disabilities at locations close to the entrances to the building(s).

REASON: In order to ensure that a reasonable minimum of parking spaces are located conveniently for the use persons with disabilities.

43. NSC11 – Construction Management Plan

A Construction Management Plan shall be approved prior to commencement of any work on Phase 2 of the site, detailing routing, management and all other operational aspects of traffic related to construction, landscape and demolition works.

REASON: In order to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

44. NSC16 – Landscape management plan

Before development commences on Phase 2 of the site, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) detail of the extent and type of new planting (native species only)
- b) details of maintenance regimes
- c) details of any new habitat created on site
- d) details of treatment of site boundaries and/ or buffers around water bodies
- e) details of the green roofs proposed

REASON: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of nature conservation value of the site in line with the policies set out in PPS9, London Plan and Hackney UDP. Natural networks of linked wildlife corridors can also help wildlife adapt to climate change.

45. NSC18 – Noise and Vibration

Noise and vibration that may be foreseen prior to, or that which occurs during, construction, demolition, excavation, concrete crushing, foundation work and super-structure work shall be managed in accordance with details to be approved prior to commencement of development on Phase 2, based on the recommendations in the applicants' Environmental Statement Appendices on Noise and Vibration.

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises.

46. SCN1 – Soundproofing details to be approved

Full particulars and details of the scheme for sound insulation between the proposed commercial, community and residential uses of the buildings shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be installed before commencement of the use on Phase 2 hereby permitted and permanently retained thereafter.

REASON: to mitigate the potential of noise and vibration nuisance to occupiers of neighbouring premises.

47. SCT4 – Tree survey/retention plan

A detailed Tree Survey (plan and schedule) indicating precise location, species height and condition of each tree together with the spread of each tree accurately plotted and showing which trees are to be retained and which it is

proposed should be felled shall be approved by the Local Planning Authority before any work commences on Phase 2 of the site.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990, and to provide for the retention and protection of existing trees in the interests of the appearance of the locality.

48. SCT3 – Protection of trees during site works

No development will take place on Phase 2 of the site until full details of tree protection have been submitted to, and approved in writing by, the Council and until such approved protection has been erected on site.

Tree protection will be in accordance with BS5837:2005 (Trees in relation to construction - Recommendations) and will protect the root protection area calculated as described in Table 2 of that British Standard.

The protective fencing will be 2.4m high and conform to Figure 2 of BS5837:2005 i.e. a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

REASON: In order to protect the existing trees during building operation and site works.

49. SCM7 – Lighting Strategy

Prior to the commencement of the development on Phase 2, details of a lighting strategy for the development site shall be submitted, setting out the general distribution and design guidelines for all installations in the development and its public realm areas in accordance with the Council's adopted Public Realm Design Guide.

REASON: To ensure that the principles of location and design of external lighting are acceptable in terms of adopted design principles, including the Woodberry Down Design Code, and enhance public safety and crime prevention.

50. SCM7 – Lighting Details

Prior to the development commencing on Phase 2, details of lighting of all buildings and public areas shall be submitted. The approved lighting shall be installed before any use in the relevant part of the development commences and maintained thereafter.

REASON: To ensure that the detailed location and design of external lighting are acceptable in terms of adopted design principles, including the Woodberry Down Design Code, and enhance public safety and crime prevention.

B) The above recommendation be subject to the applicant, the landowners and their mortgagees entering into a legal agreement transferring the heads of terms of the existing planning obligations associated with planning application 2010/2460 by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended) in order to secure the above matters to the satisfaction of the Assistant Director Planning and Regulatory Services and Assistant Director Legal & Democratic Services.

REASONS FOR APPROVAL

The following policies contained in the Hackney Local Development Framework Core Strategy 2010 are relevant to the approved development and were considered by this Council in reaching the decision to grant planning permission:

CSP 4 Woodberry Down New Community, CSP 6 Transport and Land Use, CSP 8 Focusing Social Investment, CSP 19 Housing Growth, CSP 20 Affordable Housing, CSP 22 Housing Density, CSP 24 Design, CSP 27 Biodiversity, CSP 29 Resource Efficiency and Reducing Carbon Dioxide Emissions, CSP 30 Low Carbon Energy, Renewable Technologies and District Heating, CSP 32 Waste and CSP 33 Promoting Sustainable Transport.

The following policies contained in the London Plan 2011 are relevant to the approved development and were considered by this Council in reaching the decision to grant planning permission:

1.1 - Delivering the Strategic Vision and Objectives for London, 2.1 - London in its Global, European and UK Context, 2.5 - London's Sub-Regions, 2.9 - Inner London, 3.3 - Increasing Housing Supply, 3.4 - Optimising Housing Potential, 3.5 - Quality and Design of Housing Developments, 3.6 - Children and Young People's Play and Informal Recreation Facilities, 3.7 - Larger Residential developments, 3.8 - Housing Choice, 3.9 - Mixed and Balanced Communities, 3.10 - Definition of Affordable Housing, 3.11 - Affordable Housing Targets, 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes, 4.1 - Developing London's Economy, 4.2 - Offices, 4.3 - Mixed Use Development and Offices, 4.9 - Small Shops, 5.1 - Climate Change Mitigation, 5.2 - Minimising Carbon Dioxide Emissions, 5.3 - Sustainable Design and Construction, 5.6 - Decentralised Energy in Development Proposals, 5.7 - Renewable Energy, 6.3 - Assessing Effects of Development on Transport Capacity, 6.9 - Cycling, 6.12 - Road Network Capacity, 6.13 - Parking, 7.1 - Building London's Neighbourhoods and Communities, 7.2 - An Inclusive Environment, 7.3 - Designing Out Crime, 7.4 - Local Character, 7.5 - Public Realm, 7.6 - Architecture, 7.14 - Improving Air Quality & 8.2 - Planning obligations

INFORMATIVES

The following informatives should be added:

SI.1 Building Control
SI.2 Work Affecting Public Highway
SI.3 Sanitary, Ventilation and Drainage Arrangements
SI.6 Control of Pollution (Clean Air, Noise, etc.)
SI.7 Hours of Building Works
SI.24 Naming and Numbering
SI.25 Disabled Person's Provisions
SI.27 Fire Precautions Act
SI.28 Refuse Storage and Disposal Arrangements
SI.32 Consultation with Thames Water
NSI (Environment Agency) Conservation
NSI (EA) Soil Remediation

NSI (EA) Discharge
NSI (EA) Potential Contamination
NSI (EA) Abstraction Licence
NSI (EA) Geothermal systems

10 **Glasshouse and Walled Garden, Springfield Park, Springfield, London E5 9EF**

Planning application (2011/1534) and listed building consent application (2011/2779) for demolition of existing glasshouse and erection of a new glasshouse together with conversion of gas house to toilet block, replacement of existing boundary wall and fence with new boundary wall and associated landscaping works.

The application was WITHDRAWN from the agenda.

11 **16 Leabourne Road, London N16 6TA**

Erection of front and rear dormer roof extensions, and a roof extension on top of the two storey back addition.

NOTE TO MEMBERS: An identical scheme (planning application reference number 2009/0116) was refused under delegated powers and subsequently dismissed at appeal (Planning Inspectorate reference APP/U5360/A/09/2108618), and was refused for the second time by the Planning Sub-Committee under planning application reference 2010/2608. Under the terms of the Town and Country Planning Act 1990 (as amended) the Council has powers to decline to determine an application in instances where an identical application is submitted. However, following recent appeal decisions and a request from the Assistant Director (Planning and Regulatory Services), the application has been accepted as valid and referred to members for determination.

11.1 The Planning Officer introduced the report, as set out in the agenda.

11.2 Reference was made to the addendum, which stated that the following should be added to the start of paragraph 6.1.2 of the report:-

'There have been three refusals of planning permission and two appeal dismissal for similar schemes on this site. The first refusal of planning permission reference 2007/0704, which was dismissed was for a lesser development in that the front and rear extensions did not include an extension above the two storey rear addition, whereas the subsequent refused application reference 2009/0116, which was also dismissed on appeal included an extension above the two storey rear addition with front extension slightly set in from the party walls.'

11.3 Copies of the previous planning officer's reports and appeal decisions referred to in paragraphs 6.1.3 and 6.2.3 of the report were attached to the addendum for information.

11.4 Mark Jones (agent) spoke in support of the scheme, his comments are summarised as follows:-

- This part of Leabourne Road had already been significantly altered from its original form, as many of the properties had already been extended.
- The appeal decision for 22 Leabourne Road had been used as a comparable scheme, which complied with SPG guidance.
- 11 out of the 15 neighbouring properties were either larger or of a comparable size to the proposed extension.
- The street benefited from a large number of trees, which provided screening.
- It was felt that the rear dormer at 22 Leabourne Road did not look out of place with the neighbouring properties.
- He did not believe that, if approved, the application would set a precedent for the area.

11.5 Discussion took place surrounding the history of the site and it was explained that, following the previous refusals, the application for 22 Leabourne Road had been approved, which was now a key new material circumstance to be taken into consideration when determining the similar application for 16 Leabourne Road, which was now located even closer to a property that had been extended.

11.6 Members stressed that, if agreed, they wished any extension to be of a good design and consistent with neighbouring properties.

(Councillors Munn and Stops voted against the recommendation).

RESOLVED that:-

Planning Permission be GRANTED, subject to the following conditions:

1. **SCB1N:** The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended.

2. **SCB0:** The Development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

3. **SCM1:** All new external finishes in respect of all the works hereby approved (and any other incidental works to be carried out in this connection) shall match the existing building in respect of materials used, detailed execution and finished appearance.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

INFORMATIVES:

The following informatives should be added:

The following policies contained in the Hackney Local Framework Core Strategy 2010 / London Plan 2011 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 24 'Design', 7.4 'Local Character' and 7.6 'Architecture' and Hackney Residential Extensions and Alterations and Extensions Supplementary Planning Document 2009'

- SI.1 Building Control
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.7 Hours of Building Works
- SI.27 Fire Precautions Act 2005

12 22 Micawber Street, London N1 7EQ

Submission to vary the S106 Legal Agreement for planning permission (ref: 2010/1469), granted on 09/09/2010 for the erection of a mixed use building of up to 7 storeys, and to allow;

- (1) Alterations to the quantum, mix and location of the affordable housing;
- (2) Removal of viability review mechanism of level of affordable housing, and;
- (3) The development to be completed in line with Updated (2010) Lifetime Homes Standards.

12.1 The Planning Officer introduced the report, as set out in the agenda.

12.2 It was explained that the application had come to committee as it sought (in part) to vary a legal agreement where it substantially varied the nature of the proposed development, namely the level and mix of affordable housing and the mechanism for reviewing the level of affordable housing.

12.3 It was also confirmed that the application site was now located within a conservation area, which should have been reflected in the report.

Unanimously RESOLVED that:-

1) Vary the Section 106 Legal Agreement as per the following Heads of Term:

- To secure the provision of 37 units (10 x 1-bed, 20 x 2-bed, 5 x 3-bed and 2 x 4-bed) as affordable housing with a mix of affordable rented/social rented/intermediate housing (Affordable Rented - 5 x 1-bed and 8 x 2-bed, and 2 x 4-bed; Social Rented - 5 x 3-bed, Intermediate – 5 x 1-bed and 12 x 2-bed).

2) Remove from the Section 106 Legal Agreement the requirement in line with the following Heads of Term:

- The future submission and review of viability assessment/s, at agreed stages, and to seek to secure an increased proportion of housing as affordable, and in accordance with the London Plan and LBH's policy.

3) Replace Schedule 6 of S106 Legal Agreement with the Updated (2010) Lifetime Homes Standards.

13 7 Southborough Road, London E9 7EF

Retention of single storey ground floor rear extension, new roof structure, new rear windows and roof lights.

13.1 The Planning Officer introduced the report, as set out in the agenda. It was explained that the application had been brought to the Sub-Committee as the applicant was a member of staff.

13.2 In response to a request for clarification from the Chair, it was confirmed that no members of the Sub-Committee knew the applicant.

13.3 There being no questions the Chair moved to the vote.

Unanimously RESOLVED that:-

A Certificate of Lawfulness be GRANTED.

14 Appeals Summary, Quarter 2: July - September 2011

14.1 The report was NOTED.

15 Delegated Decisions

15.1 The report was NOTED.

Duration of the meeting: 18:30 – 20:45

Signed

.....
Chair of Planning Sub-Committee

Contact:

Emma Perry

0208 3563338

emma.perry@hackney.gov.uk

Complaint by Cllr Stops against Cllr Levy

Some observations by the Independent Person

First of all, I should record that Cllr Levy telephoned me on 21 September, before I had opened the email from Stephen Rix which brought this complaint to my attention. Having no knowledge of the matter at that time, I was unable to say much to Cllr Levy. The gist of his remarks was that the matter at issue was some time in the past, and that it was therefore unfair to resurrect it now.

Having now studied the papers emailed to me, I see that Cllr Stops's complaint is referred to and summarised in the papers of the Standards Assessment Sub-Committee for 29 March 2012. However the complaint is not actually presented verbatim. Complaints must be made in writing, and deserve to be taken at face value. The actual text submitted by the complainant should be reproduced in the paperwork.

The factual background, distilled only from the papers of the Standards Assessment Sub-Committee which have been sent to me, seems to be that:

- At the meeting of the Planning Sub-Committee in December 2010, Cllr Levy declared an interest in an Application (16 Leabourne Road). The papers do not record what was the nature of Cllr Levy's interest.
- At that meeting, Cllr Levy spoke in favour of that Application.
- Having spoken, Cllr Levy took no further part in that agenda item.
- At the meeting of the Planning Sub-Committee in February 2012, the very same Application was again on the agenda.
- On being questioned by the Chair, Cllr Levy declared this time that he had no interest in the Application, and played a full part in the Committee's consideration of the matter.

The Complaint seems to be based upon the inference that if Cllr Levy had (and declared) an interest at the first meeting, then he must have had the same interest at the second meeting, since the matter under consideration was "identical".

It is puzzling that the Planning Committee should have discussed an "identical" Application a second time. Whatever decision the Committee had made at the first discussion would surely have been re-applied by officers under delegated authority – there being, by definition, no new matter for consideration.

If, nevertheless, this is indeed what happened, then the Committee might have supposed that Cllr Levy's interest would have remained unchanged, and thus needed to be declared again.

However, it is conceivable that although the nature of the Application had not changed over the period December 2010 to February 2012, Cllr Levy's interest in it may have changed, such that he had no declarable interest by the time of the February Committee meeting.

The above notes are merely logical analysis of the limited information available to me. The case needs investigation as to the facts of the matter, as alluded to above. The Assessment Committee has wisely referred the case to the Monitoring Officer for such investigation.

JONATHAN STOPES-ROE
Independent Person
London Borough of Hackney

25 September 2012

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Information requested to be included by Cllr Levy

Having gone through the contents of the Agenda I find nothing there that is not already included.

However I am attaching, for the Member's particular attention, the relevant pages from the second draft report, that crucially indicates the view of the Head of Litigation, that there was no breach of the Members Code of Conduct and that paragraph 11.3 of the Constitution, is in no way relevant to these proceedings. Therefore, at the very least, there existed an element of doubt, to which I was not given the benefit of in the subsequently amended final report and I wish the Members to be made appropriately aware of these alterations, that would help inform and assist their deliberations.

Cllr Michael Levy

This page is intentionally left blank

DRAFT REPORT

Case reference 495041

Report of an investigation by Stephen Rix appointed by the monitoring officer for the London Borough of Hackney into an allegation concerning Councillor Michael Levy.

Date [insert date]

Contents

1. Executive summary
2. Michael Levy's official details
3. The relevant legislation and protocols
4. The evidence gathered
5. Summary of the material facts
6. Michael Levy's additional submissions
7. Observations of the Independent Person
8. Reasoning as to whether there have been failures to comply with the Code of Conduct
9. Finding

Appendix A Schedule of evidence taken into account and list of unused material

Appendix B Chronology of events

8. Reasoning as to whether there have been failures to comply with the Code of Conduct

- 8.1 Was Cllr Levy's failure to declare a personal and prejudicial interest at the Planning Sub-Committee meeting on 01/02/12 a breach of the Code of Conduct for Members and Planning Code of Conduct for Councillors.
- 8.2 I will first address whether there have been breaches of the Planning Code of Conduct paragraphs 1.4, 1.7 and 3.1. which are set out at paragraph 3.2 of this report
- 8.3 It is my opinion that Cllr Levy breached these three paragraphs because he was involved with and supported the application prior to the Planning Sub-Committee in February 2012. He should have declared an interest at the beginning of the meeting and removed himself from the room when the item was being determined.
- 8.4 I will now address Members Code of Conduct paragraphs 8.1(b), 8.2(a), 10.1 and 12.1. which are set out at paragraph 3.1 of this report.
- 8.5 There is no evidence that Cllr Levy had a personal interest under the Code of Conduct for Members that was relevant to this investigation. Cllr Levy's oral evidence was that the applicant, Mr Finkelstein, was a resident in his ward and was not a friend or business colleague. Cllr Levy's Register of Members Interests for the relevant period disclosed no personal interest relevant to this investigation.

9. Finding

- 9.1 Cllr Levy breached the Planning Code of Conduct for Councillors in particular paragraphs 1.4, 1.7 and 3.1 due to his failure to declare his interest at the beginning of the Planning Sub-Committee meeting on 01/02/2012 and remove himself from the room when the item was being determined.
- 9.2 Cllr Levy did not breach the Members Code of Conduct in particular paragraphs 8.2(a), 10.1 and 12.1. as he had no personal interest under the Code of Conduct for Members relevant to this investigation.

This page is intentionally left blank

LONDON BOROUGH OF HACKNEY

STANDARDS ASSESSMENT SUB-COMMITTEE – 6TH JUNE 2013

DECISION NOTICE – REFERRAL FOR HEARING

Complaint

On 6th June 2013, the Standards Assessment Sub-Committee of this Council considered an investigator's report relating to a complaint from Cllr Vincent Stops concerning the alleged conduct of Cllr Michael Levy at a Planning Sub-Committee meeting on 1st February 2012.

We have set out a general summary of the complaint below:

Cllr Stops' complaint is that at the December 2010 Planning Sub-Committee Cllr Levy declared a personal and prejudicial interest in an application for 16 Leabourne Road. Cllr Levy then spoke in support of the application at the Sub-Committee and took no part in its deliberations.

At a Planning Sub-Committee meeting on 1st February 2012 Members considered an identical application to that considered in December 2010 relating to the same property – 16 Leabourne Road. In his role as Chair, Cllr Stops prompted Cllr Levy as to whether he had a prejudicial interest. Cllr Levy said no and he took part in the Committee's consideration of the matter and voted on it.

In Cllr Stops' view, Cllr Levy had a personal and prejudicial interest in the matter.

Decision

The Assessment Sub-Committee, on consideration of the investigator's report, decided that there was evidence that Cllr Micheal Levy has breached paragraph 11.3 of the Members Code of Conduct and paragraphs 1.1, 1.2 and 6.1 of the Planning Code of Practice and that the matter be referred to a full hearing of the Standards Committee for consideration.

Reason for decision

The Sub-Committee were satisfied that there is evidence showing:

1. Prior to the Planning Sub-Committee on 9 December 2010 Cllr Levy was in support of the application relating to 16 Leabourne Road and he

declared a personal and prejudicial interest at the meeting in the matter. He took no part in consideration of the applications.

2. Prior to a subsequent determination of an identical application relating to Leabourne Road, Cllr Levy was again involved in assisting the applicant to the extent of pre-determining the application.
3. At the Planning Sub-Committee meeting on 1 February 2012, Cllr Levy did not declare any interest in the 16 Leabourne Road application and when prompted by the Chair, Cllr Stops to consider whether he had any interest in the application he still did not declare any interest.

The Assessment Sub-Committee is satisfied that there is evidence to present to Full Standards Committee that Cllr Levy did not have an open mind when considering the application.

This decision notice is sent to the complainant and the Councillor against whom the allegation has been made.

Signed

Date

Cllr Jessica Webb
Chair of the Standards Assessment Sub-Committee

Contact:

Gifty Edila
The Monitoring Officer
London Borough of Hackney
4th Floor, 2 Hillman Street
London, E8 1FB
E-mail: Gifty.Edila@Hackney.gov.uk
Fax: 020 8356 3265