

MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY 7 OCTOBER 2020

- Councillors Present:** Councillor Vincent Stops in the Chair
- Cllr Katie Hanson, Cllr Brian Bell, Cllr Susan Fajana-Thomas, Cllr Clare Potter, Cllr Peter Snell and Cllr Steve Race
- Apologies:** Councillor Clare Joseph and Councillor Michael Levy.
- Officers in Attendance:** Natalie Broughton, Acting Head of Planning and Building Control
Robert Brew, Major Applications Manager
Seonaid Carr, Team Leader, Development Manager and Enforcement
Steve Fraser-Lim, Planner, Major Applications Growth Team
Graham Callam, Growth Team Manager
Joe Croft, Sustainable Transport Planner
Luciana Grave, Conservation Urban Design Sustainability Officer
Mario Kahraman, ICT Support Analyst
Peter Kelly, Senior Urban Design Officer
Conor Keapock, Conservation and Design Officer
Tom Mouritz, Legal Officer
Louise Prew, Planning Officer
Qasim Shafi, Principal Transport Planner
Christine Stephenson, Acting Senior Legal Officer
Gareth Sykes, Governance Services Officer
John Tsang, Development Management & Enforcement Manager
Timothy Walder, Principal Conservation and Design Officer

1 Apologies for Absence

- 1.1 There was an apology for absence from Councillor Joseph.

2 Declarations of Interest

- 2.1 All the Planning Sub-Committee members had received a number of emails relating to Thoresby House planning application.

3 Minutes of the Previous Meeting

- 3.1 The minutes of the meeting, held on the 1st July 2020, were agreed as an accurate record of those meeting's proceedings.

RESOLVED, the minutes of the 2nd July 2020 Planning Sub-Committee meeting were AGREED.

4 Consider any proposal/questions referred to the sub-committee by the Council's Monitoring Officer

- 4.1 There were no proposals/questions referred for consideration.

5 2020/0765 Thoresby House, 1 Thoresby Street, Hackney, London N1 7TQ

- 5.1 PROPOSAL: Demolition of existing building and erection of a new 12 storey building for use as student housing (sui generis) including cycle parking, refuse storage and landscaping.

- 5.2 POST SUBMISSION REVISIONS: The following revisions were provided during the course of the assessment and re-consultation took place from 10/08/20 to 27/08/20:

- Transport Assessment addendum
- Updated basement and ground floor plans
- Updated Energy Statement
- Fire Risk Statement
- Updated Operational Management Plan
- Urban Greening Factor details

- 5.3 The Planning Service's Planner, Major Applications Growth Team, introduced the application as set out in the report. During the course of their presentation they made reference made to the addendum and the following:

1.1: This paragraph should read "Royal Chest Hospital" rather than "London Chest Hospital".

4.2: This paragraph should read "A total of 55 Objection responses have now been received to both the original and second consultation periods and following publication of the committee report.

In addition a petition from the Wenlock Barn Tenant Management Organisation (TMO) with 33signatures has also been submitted. The following new concerns not already listed in the committee report have also been raised:

- The planning application intermittently refers to the site in question as the former site of the Royal Chest Hospital and the London Chest Hospital – these were distinct institutions, with different histories/attributes. The assessment presented in the application is rendered unusable by this unfortunate confusion. Officer response: The history of the site as part of the Royal Chest Hospital, as well as the existence of other chest hospitals in London is noted in the officer report. Officers consider that sufficiently

accurate information on heritage assets has been submitted to adequately assess the application.

- Historic England declined to give Thoresby House listed status earlier this year. In conversation with HE officials, and in HE's formal decision letter, it was made explicitly clear that this decision did not mean that the building was without historic merit. It simply meant that it fell short of the narrow nationwide listing standards currently set for HE by the government.

Officer response: The officer report notes that the site is not statutorily listed but is on the council's local list and as such is considered to be a non-designated heritage asset. The heritage impacts of the proposals have been assessed in accordance with development plan policies and National Planning Policy Framework (NPPF) guidance, as set out in the officer report.

- The proposals could be used as holiday let accommodation, and there is already a lot of hotels in the surrounding area. The application is for student accommodation. Permanent use as a hotel or short stay visitor accommodation would require a further application for planning permission.
- Residents in the surrounding area are spending more time at home in the current covid-19 pandemic. Therefore environmental impacts from the development, such as noise and dust during construction will have a greater impact on living conditions.

Officer response: Environmental impacts during the construction period are addressed in the officers report.

- The surrounding area is predominantly 4 stories in scale, and 13 stories would be alien and have no regard to its surrounding context.
- The double height colonnade at ground floor level is too monumental and alien within the surrounding context.

Officer response: Architecture and urban design considerations are addressed in the officer report.

8.1.35: Condition wording amended to read as follows:

Prior to the occupation of the development an operational management plan shall be submitted to the local planning authority to include: no letting of rooms other than to Arcadia University students, measures to manage impacts on neighbouring occupiers, hours of use of the external terraces, hours of availability / booking arrangements of teaching space for rental by the local community. The development shall thereafter be operated in accordance with these approved details.

REASON: To ensure that the development does not detract from the amenity of the surrounding area and that facilities will be of significant benefit to the surrounding community".

8.1.36: An additional condition is proposed as follows:

Phasing: contract for the whole scheme Prior to the commencement of any demolition works, evidence shall be submitted to, and approved in writing by the Local Planning Authority, of a binding contract for the full implementation of the development (and the associated planning permission for which the contract provides). The demolition works

hereby permitted shall not be carried out otherwise than as part of the completion of development for which this planning permission was granted and such demolition and development 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: To ensure that premature demolition does not take place and that an unsightly gap or derelict site does not detract from the character and appearance of the area and to ensure that the planning benefits of the scheme are secured and in accordance with National Planning Policy Framework, June 2019, Paragraph 198; The London Plan, March 2016 Policies 7.8 Heritage Assets and Archaeology and 7.9 Heritage-led Regeneration; and Hackney Local Plan 2033, Policies LP1 Design Quality and Local Character and LP4 Non Designated Heritage Assets. Councillor Snell had joined the meeting after the agenda item had begun and therefore under the procedures, as set out in Hackney Council's Constitution, was prohibited from participating in the discussion and vote for this agenda item.

- 5.4 The Planning Sub-Committee first heard from objectors to the application including a local ward councillor. They raised a number of concerns, including the loss of privacy, the loss of daylight/sunlight and the impact of noise and disturbance as a result of any construction taking place on site. There were also concerns raised about the height of the proposed structure (it was seen as too high) and concerns over the short-stay student accommodation when there was a much greater need for affordable housing.
- 5.5 The Planning Sub-Committee heard from the applicant who began by giving an overview of the history of their organisation, their involvement in the UK and London education sector and current issues with the existing building e.g. lack of communal space for students. They went on to address some of the concerns raised by local residents. They stated that they had considered the option of retaining the existing building but this option was shown to be unviable and it was also felt that the public benefits of the scheme outweighed the harm of the loss of the existing non-designated heritage asset building. The applicant added that the community space in the proposed development would be secured through a section 106 agreement. They also explained that the loss of daylight/sunlight on Buxton Court had been assessed and it had been concluded that the impact would be negligible. It was noted that the proposed development would be car-free.
- 5.6 The Planning Sub-Committee raised a number of the questions where a number of points were raised including the following:
- The existing building was not locally listed. Early in the pre application stage the building was identified as a non-designated heritage asset. Prior to its demolition the existing building would be recorded for posterity. There was also condition requiring the historic iron gate and overthrow, the 1886 foundation stone and the 1997 memorial stone detailed on page 31 of the Design and Access Statement to be displayed in the foyer of the proposed new building along with an interpretative panel showing the history of the site and its relationship to the former hospital;
 - Hackney Council's Design Officer was of the view that the current building did not contribute to the street scene. The proposed development had a more responsive with active frontages on all sides.

The scale of the proposals would work well with some of the taller buildings in the area, for example on City Road. The proposals also included a public realm contribution with improvements to a nearby public space;

- On the issue of the loss of daylight/sunlight the focus was specifically on 1-18 and 19-42 Buxton Court, however, for 1-18, the main living rooms and bedrooms of these units face south away from the site, so on balance daylight impacts on this block were not considered to be unreasonable. Impacts on daylight had also been identified on the south facing living room windows of 19-42 Buxton Court, however, each of these corner rooms had secondary windows facing west and when taken as a whole, the amount of daylight retained in each living room would remain adequate or only slightly beyond what was considered to be noticeable. Impacts on other properties in the vicinity were negligible or zero. Overall, the daylight and sunlight impacts were considered to be acceptable;
- On concerns raised by local residents about the development of the surrounding greenfield sites, the planning service highlighted that these sites already had a history of being developed on;
- Some trees would be lost but the proposed development included a replacement tree planting condition;
- About the concerns raised about the proposed scheme not being of sufficient architectural quality, the Hackney Council's Design Officer explained that as it was a tall building, part B of Policy LP1 of LP33 would be applicable, which states that taller buildings need to enhance the streetscape. The proposal would do this with strategic moves at ground floor resulting in a widening of the public footway which would serve to enhance the public streetscape. The Design Review Panel (DRP) had also highlighted that the link between the mezzanine and the ground floors was disconnected and in response the Council's CUDS team had worked with the applicant to work on that connection. The proposed stairway would be more visible and welcoming;
- The hours of availability/booking arrangements of the proposed on site community teaching space would be included in the Operational Management Plan (OMP) which was to be submitted to Hackney Council prior to occupation (see addendum details above at paragraph 5.3). This would also be secured through the head of terms in the section 106 agreement;
- In relation to LP33 and LP20, as the current site was being used as student accommodation and therefore there was no prospect of it being used for residential purposes. There would be an increase in student numbers which was something that the planning service would need to assess;
- The 12 storey height was considered to be acceptable in principle by the planning service, as it had improved considerably since the pre-application stage of the planning process. It was noted that in August 2019 the DRP had not raised any specific concerns about the height, but they had recommended that the architecture should be refined and to be more expressive in some key areas. In response, the applicant had refined the design
- On local residents' concerns about potential incidents of ASB, as a result of an increase in student numbers as part of the new scheme, it was

suggested that the best way to manage this was to have a clear set of procedures through the OMP. There were also in place other legislative controls in place. The applicant added that the new development would allow students to be better managed on site with more staff available on site e.g. night security and three resident staff living on site. This concierge element of this development would be sought through condition;

- A condition requiring the secure monitoring of the performance of the energy system post-construction was welcomed. The planning service confirmed that energy levels would be assessed by a BREEAM assessor and the applicant would also submit a report post-occupancy. The applicant added that one of the key parts of the brief for delivery of the scheme was to have a building that maximised energy efficiency with a number of active and passive measures to reduce energy consumption and CO2 levels. The Chair of the committee recommended that the OMP come back to the committee for members' consideration which would include details of how the applicant would measure the energy use of the proposed new building post-occupancy. The architect responded that there would be a Building Management System (BMS) in place that would collect data on the scheme's energy use on a daily rather than an annual basis;
- It was noted that the daylight/sunlight for the communal spaces, including the playground, was well above the Building Research Establishment's (BRE) recommended levels (85-92%) receiving over two hours of sunlight in March. Also 16 out of the 18 private communal spaces were fully BRE compliant;
- The Council's CUDS team reiterated that the proposed scheme was a tall building and the scale, form and massing was considered to be appropriate. It was noted that LP1 of LP33 asks for building to have a coherent and legible role in the wider context and it was felt by the council that in relation to the wider context, in this case City Road which was developing in character there were buildings to the south of City road which were much taller in height compared to Buxton Court. It was felt that the height of the proposed scheme was not uncommon in an urban environment and that overall it was felt that the proposed scheme was responsive to both its immediate environment (e.g. improvements to the ground floor and its impact on the streetscape) and the wider context of the area. It was noted that it was not uncommon in London to have a tall building, such as the proposed scheme, as a counterpoint next to lower rise buildings;
- It was confirmed by the Council's planning service that the current building was being used as student accommodation. It was in the Central London Activity Zone where student accommodation was of appropriate use in that location. The Acting Head of Planning and Building Control stated that the use of the site had not changed and that it would continue as student accommodation. It was confirmed that an application would have to be made to change the use of the land. The proposed condition in the addendum, 8.1.36, was a response to section 198 in the NPPF, which stated that local authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development would proceed after the loss had occurred.

5.7 The Chair of the committee, In summary, explained that the proposed scheme was providing accommodation for students and if accommodation was not provided those students would have to seek accommodation elsewhere. While it was sad that the existing building would be lost, should the application be approved, the undesignated nature of it meant that its protection was not strong. Concerns around ASB was not a material planning issue but it was agreed that the OMP would come back to committee for consideration along with details about the arrangements for the use of the community space and an assessment of the energy use of the new development post-occupancy

Vote*:

For: Councillors Stops, Bell, Fajana-Thomas and Potter
Against: Councillors Hanson and Race
Abstention: None

*Councillor Snell was not eligible to participate in the vote under the constitution rules.

RESOLVED, conditional planning permission was GRANTED subject to completion of a Legal Agreement.

6 2020/1082 Northside Studios, 16-29 Andrews Road, E8 4QF

6.1 PROPOSAL: Two storey roof extension to the existing building to provide 7 additional residential units including increased height to stair core; reconfiguration of the ground floor to include additional bin and cycle storage; and installation of new escape stairs.

6.2 POST-SUBMISSION AMENDMENTS:

- Reduction in size of scheme from 9 to 7 units
- Reduction of scale of proposed extensions and alterations to rear walkway to it above the existing building
- A Construction Management Plan was provided.
- Revised Daylight and Sunlight, Energy and Transport Statements were submitted

The revised scheme was subject to reconsultation.

An air quality assessment was produced which was not subject to consultation as this did not materially change the proposal, but added further information. Juliet balconies were removed and waste storage relocated after reconsultation but the minor nature of the changes did not warrant further consultation.

6.3 The Planning Service's Senior Planning Officer introduced the application as set out in the published meeting papers. During the course of their presentation reference was made to the addendum and the following:

The section Drawing Numbers on Page 1 should be amended to include: Planning statement prepared by Maddox Planning dated March 2020.

An additional paragraph 4.6.4 as follows

4.6.4 Following notification of the committee agenda two additional responses were submitted in objection to the proposal from two previous objectors including one signed by the residents

and occupants of the building similar to the previous objections received. The comments raised the same issues that have been outlined above and the following new comment:

- Significant loss of daylight

Officer's response: This has been addressed in the section 7.6

Paragraph 4.7.3 should be amended as follows Thames Water: ~~No response received.~~ No objection with regard to waste water network and sewage treatment works infrastructure capacity. No objection in relation to water network and water treatment infrastructure capacity. Informative regarding water pressure to be added regarding minimum pressure.

Paragraph 7.13.3 should be amended as follows

The applicant has submitted Noise Impact Assessment (prepared by ALN acoustic design dated 25 March 2020). The Council's pollution noise team has reviewed the proposal and has raised no objection. ~~Conditions relating to internal ambient noise within the proposed residential units and an assessment of expected noise levels arising from noise associated with plant/equipment will be included.~~ Any issues relating to noise will be dealt with under Building Regulations rather than through the planning process.

Condition 9.1.3 should be amended as follows:

9.1.3 Details to be approved

Full details (manufacturer's details and samples if appropriate) of all external materials (including windows, doors, lights, plant enclosure, corrugated metal, corner seams, sills, capping, planters, window reveal finish and balustrades and glazed balconies including structure) and balustrades and 1:20 elevation and section plans to illustrate finish of both west and east facades showing detail of all joins of different materials, sills and thresholds shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant parts of the development. The development shall not be carried out otherwise than in accordance with the details thus approved and retained in perpetuity.

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

Condition 9.1.6 should be amended as follows

9.1.6 Planters

Prior to commencement of the terraces occupation of use, details of the planter boxes to be installed on the fourth floor balconies and at the ground floor entrance shall ~~will~~ be submitted for approval in writing by the Local Planning Authority. Details should address the range of native plants to be used. The planter boxes shall be maintained in place hereafter for the life of the development.

REASON: To provide greening to the frontage in the interests of design and biodiversity

Condition 9.1.12 should be deleted and replaced as follows

9.1.12 Low NOx boilers

~~All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.~~

REASON: ~~To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.~~

9.1.12 Energy statement

The development shall be implemented in accordance with the details outlined within Energy and Sustainability Statement prepared by eb7 dated 3 July 2020 hereby approved. The development shall thereafter be retained in accordance with the details outlined within the aforementioned statement.

REASON: To ensure that the development minimises the impact of climate change and ensures a good level of air quality for future occupiers.

An additional condition should be added as follows

9.1.15 Sample panel

Prior to commencement of development, a sample panel of the corrugated metal cladding shall be constructed onsite and made available for inspection by the Local Planning Authority demonstrating details of window reveals including corners, sill detail and side of outside reveal and details of top of facade overrun and capping. Details of the sample panel shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details hereby approved and retained hereafter.

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

Recommendation B should be amended as follows

6). Affordable housing contribution of ~~£175,000~~ £350,000

Section 10 should be amended to include an informative relating to minimum water pressure

6.4 The Planning Sub-Committee heard from an objector who was representing 31 of the occupants of the current building. They argued that in terms of the impact of daylight/sunlight it was not so much the incremental effect of the application but the accumulative impact. This aspect of the application had not taken account that in this time of covid19 the room that was affected was being used as a home office. It was also felt that the proposed scheme was poorly designed and used inappropriate materials not keeping in character with the surrounding area. They highlighted from the application report the Central and South Hackney CAAC's comments that concluded that the design of the proposed scheme's height was overbearing and the scheme was overdeveloped. The objector also highlighted a number of other ongoing concerns around amenity and security which could have been dealt with through meaningful conversations with the developer but this had not happened and several questions remained unanswered. They also felt that the submitted CMP was incorrect, full of errors and also several omissions. It was recommended that the applicant make a commitment to consult with local residents on the final approval of the CMP.

6.5 The Planning Sub-Committee next heard from the representative for the applicant who gave a brief overview of the application process highlighting that during the pre-application process the height and massing of the scheme had been reduced. The applicant had corresponded with local residents to address their concerns issues and plans were then amended. The applicant highlighted that the NPPF and the government's newly introduced Permitted Development Right (PDR) and Hackney's local plan, specifically LP12, was supportive of these types of schemes. The applicant added that the scheme had been designed to reduce any negative impact of the proposals on local residents as far as possible. The development would also sit lower than neighbouring developments and there had been an extensive consultation process with the council's planning service at the pre application and application stage. The final materials would be secured by condition and a sample panel of metal cladding to be made up on site for

approval by the council. A heritage impact assessment had been submitted and it had been concluded that the two additional storeys proposed would be acceptable. A draft CMP was submitted, then revised, after comments from the council's highways officer. It was proposed that the final CMP would be submitted for approval by condition prior to commencement to any construction work. It was noted that in the revised CMP it was stated that the lift would be inoperative for approximately one week not six to eight weeks as previously suggested.

6.6 The Planning Sub-Committee raised a number of the questions where a number of points were raised including the following:

- There were two daylight/sunlight reports which considered the impact of the proposals both from an Average Daylight Factor (ADF) and Vertical Sky Component (VSC) point of view and one of the units, as cited in the application report, would not suffer a significant loss of light. However overall because the unit in question was west facing, in terms of its kitchen, it was felt by the planning service that it would not be affected and that in this instance it was acceptable as it was only one flat that was largely affected. Overall, the unit was considered by the planning service to retain an acceptable level of daylight. According to national policy, in terms of daylight/sunlight, a living room was considered more important than the bedroom, as there was a higher percentage of light required for the former than the latter;
- Committee members were reminded that their focus must be on the material planning considerations of the planning application. It was reiterated that a draft CMP had been submitted and that the submission of a full CMP would be conditioned. The draft CMP had received comments, it was revised and then resubmitted. No further comments had been received by the Council;
- The developer would aim to notify local residents of the construction process to keep them updated. The planning service understood that the CMP had addressed issues around the highways and also the control of dust for example;
- The figure for the affordable housing contribution was confirmed as £350,000;
- The council's CUDS officer explained that it was correct to state that there was not much metal corrugated material in use along the canal, but it was used in quite a few developments in nearby parts of Hackney and while it was not common on the canal currently it did use to be a commonly used building material in the area. Use of grey coloured material was felt to match the colour of the ground and first floor. The colour was commonly associated with terminating roofs or top storeys. Yellow brick had been considered but the CUDS team thought it would be unusual to have yellow brick above a rendered second and third floor and the applicant could not change the material on the lower sections of the building. The material also needed to be lightweight which grey corrugated material was;
- The Chair of the Committee reminded his fellow councillors that it was a matter for the developer on whether or not they choose to consult with local residents about the CMP. The committee could not intervene on this issue;
- It was agreed the CMP would come back to the Planning Sub-Committee for members' consideration.

Vote:

For: Councillors Stops, Hanson, Bell, Potter, Snell and Race.

Against: None.

RESOLVED, planning permission was GRANTED subject to conditions and completion of a legal agreement.

7 Delegated decisions document

7.1 The committee noted the delegated decisions document.

END OF MEETING

Duration of the meeting: 18:30 – 20:52 hours

Signed:

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Chair of Planning Sub-Committee, Councillor Vincent Stops

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