

MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY 9 SEPTEMBER 2020, 6:30PM

- Councillors Present:** Cllr Vincent Stops in the Chair
Cllr Katie Hanson, Cllr Susan Fajana-Thomas, Cllr Michael Levy, Cllr Anna Lynch and Cllr Clare Potter
- Apologies:** Councillor Brian Bell, Councillor Clare Joseph and Councillor Peter Snell
- Officers in Attendance:** Natalie Broughton, Acting Head of Planning and Building Control
Rob Brew, Major Applications Manager
Luisa Brotas, Senior Sustainability and Climate Change Officer
Graham Callam, Growth Team Manager
Barry Coughlan, Deputy Team Leader - Major Projects
Joe Croft, Senior Transport Planner
Luciana Grave, Conservation Urban Design Sustainability Officer
Mario Kahraman, ICT Support Analyst
Peter Kelly, Senior Urban Design Officer
Leif Mortensen, Tree Officer
Tom Mouritz, Planning Legal Officer
Qasim Shafi, Principal Transport Planner
Catherine Slade, Planning Officer
Christine Stephenson, Acting Senior Legal Officer
Gareth Sykes, Governance Services Officer
John Tsang, Development Management & Enforcement Manager

1 Apologies for Absence

- 1.1 Apologies were received from Councillors Bell, Joseph and Snell.

2 Declarations of Interest

- 2.1 Most of the Planning Sub-Committee committee members in the weeks preceding the meeting had received various correspondence and lobbying material from supporters of the Happy Man Tree. This lobbying material was forwarded on to the Governance Services Officer, who in turn forwarded it on to the relevant planning officer.
- 2.2 Councillor Lynch commented that at the previous 29th April Planning Sub-Committee she had spoken in objection to the planning application at agenda item 6. The councillor agreed to leave the 9th September meeting at the conclusion of agenda item 5.

3 Minutes of the Previous Meeting

3.1 There were no minutes for consideration at the meeting.

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

4.1 There were no proposals or questions referred to the Planning Sub-Committee by the Council's Monitoring Officer.

5 2019/2514 Land bounded by Seven Sisters Road to the North, Woodberry Grove to the West, and Devan Grove and Eastern Reservoir to the South, which includes buildings identified as The Happy Man Public House, 89 Woodberry Grove, 440 Seven Sisters Road, 1-25 Bayhurst House, 1-30 Chattenden House, 1-45 Farningham Road, 1-80 Ashdale House, 1-80 Burtonwood House, Woodberry Down, London, N4

5.1 PROPOSAL:

Demolition of the existing buildings, and construction of 4 residential blocks, ranging in height from 6 to 20 storeys, to provide 584 residential units and 1,045 sqm (GEA) of flexible floorspace (Use Class A1, A2, A3, D1, D2), a new energy centre (sui generis) and a new public park; together with ancillary hard and soft landscaping, public realm, cycle and associated car parking, highway works including access road and all other works associated with the development.

5.2 POST SUBMISSION REVISIONS:

The Local Planning Authority received further information in response to a request issued on the 20th September 2019 pursuant to Regulation 25 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017 (an additional document entitled 'Regulation 25 Additional Information' dated September 2019). A re-consultation was undertaken. Subsequently revisions to the proposal were received including: amendments to the detailed architecture of building B2 and the openings to the lift lobbies of all buildings except block B2; the external terrace layouts of blocks B4 and B5; the omission of internal private car parking provision (excluding blue badge spaces) at ground floor level in block B2; the removal of an on-street parking and deliveries bay on Woodberry Grove; and enhanced landscaping proposals. A re-consultation was undertaken, and the application was considered by the Planning Sub-Committee on 23/04/2020, who resolved to grant conditional planning permission subject to completion of a Legal Agreement and referral to the Mayor of London. A copy of the report to the Planning Sub-Committee of 23/04/2020 and the associated addendum report are appended to this report as Appendix A and B respectively. Additional and amended information has been submitted by the applicants to demonstrate compliance with the council's new Development Plan, LP33, which was adopted on 22/07/2020, and to address concerns about the implications of new case law (decided since the resolution to grant planning permission was taken on 23/04/2020) on the publication of background documentation. This additional and amended documentation comprises:

- Note on playspace provision;
- Health Impact Assessment;
- Letter responding to retail planning questions;
- Letter commenting on changes to design in relation to ES;
- Removal of Building A1 South study;

- Additional/amended landscape drawings including 1519/010 rev I Play Strategy, 1519/027 rev B Urban Greening Factor Plan and Schedule, 1519/029 rev I Tree Planting Strategy, 1519/030 rev C Landscape Masterplan with Enhancements, 1519/033 rev D Tree Canopies at 10 Years, 1519/034 rev D Tree Canopies at 20 Years and 1519/039 Street Revised Financial Viability Assessment (FVA), Review of FVA, Position Note on FVA and schedule of redactions;
- Documentation supporting the partial redaction of the FVA, including CF Commercial letter and rental comparables schedule, RPS benchmarks note, planning fees table and JLL anonymised sales data. All of these documents were published on the Council's website on 10 August 2020 and a full re-consultation has been undertaken in respect of them which will expire on 3 September 2020.

5.3 The Acting Head of Planning and Building Control briefly explained as to why application had returned to the Planning Sub-Committee. Originally it had been considered at the 23 April 2020 Planning Sub-Committee meeting, at which the committee voted for the application, subject to conditions, completion of a section 106 agreement and referral to the Greater London Authority (GLA). The application before this committee was the same as the one seen in April 2020. It was being re-considered because of the adoption of Hackney Council's new Local Plan, Local Plan 2033, was adopted in July 2020. This plan was adopted before the section 106 agreement for this application could be issued. While the main reason for considering the application was the adoption of new local plan, it also provided an opportunity to consider the application in light of the Holborn Studios decision in May 2020. The Planning Sub-Committee was not bound by the April 2020 meeting decision, as no formal decision on the application was issued. As a result the application remained live. When considering the application the Planning Sub-Committee members had a duty to bear in mind the new development plan and other material planning considerations, as set out in the Town and Country Planning Act. Members of the Planning Sub-Committee would need to decide whether the adoption of local plan 2033 and other changes, since April 2020, material to the application, would lead to a different conclusion. The previous decision would be a good starting point. The report before the committee had set out the key policy changes in the new local plan and in addition amended information from the applicant. If the Planning Sub-Committee were to arrive at a decision different to the one that they had reached in April then they would need to set out sound planning reasons for why they reached this conclusion. Otherwise the local planning authority could be accused of unreasonableness if a different conclusion was reached and there was no material change in circumstances or good planning reason given for reaching that conclusion.

5.4 The Planning Officer introduced the planning application as published and during their presentation reference was made to the addendum and a number of amendments including additional representations received, consultation responses, details on the consultation procedure, details on a petition, amended documentation, details on viability, details on the Seven Sisters Road negotiations and amendments to the conditions:

Additional representations received

Objections

131 additional representations have been received from 121 parties, including the Woodberry Down Labour Party. In addition, 24 handwritten letters were submitted by a single party, although they purported to be from 24 individuals. Not all of the names were legible, and some of the addresses were incorrect or incomplete. These 24 letters all solely relate to the loss of the Happy Man Tree. Of the 131 other additional representations, the concerns of 93 individuals relate solely to the matter of the Happy Man Tree, its loss, the resultant impact on climate change, biodiversity, local microclimate and amenity, and the quality of replacement planting. These matters are, in general, discussed in the main report and appendix A. It is recognised that large trees have a beneficial effect on microclimate and climate change, however in this case, it is considered that the loss of this tree in these regards would be adequately mitigated by way of the proposed landscaping and CAVAT compensation. The impact of the loss of the tree on mental health is also raised, as are the circumstances created by the Covid-19 pandemic. The applicant has submitted a Health Impact Assessment (HIA) in support of the application in accordance with policy LP9 (health and wellbeing). This recognises the beneficial effect of access to green space and tree planting has on mental health. The HIA has been assessed by the Council's Public Health Team and, whilst neither the HIA or the Public Health Team's assessment specifically refers to the loss of the Happy Man Tree, the development was considered in the context of the loss of existing open spaces and associated trees and found, in light of the replacement landscaping and public open space to be provided as part of the development, to be "positive" in terms of access to open space and nature. In terms of the Covid-19 pandemic, in procedural terms legislation has been passed in respect of matters such as consultation and remote meetings which allows planning applications to continue to be determined. The Local Planning Authority has complied with those requirements. Comments relating to changed priorities and perspectives in light of life changes resulting from the pandemic are noted, however planning applications are required by law to be determined in accordance with the Development Plan. The proposal under consideration is, for the reasons set out in the reports, considered to be compliant with the current Development Plan. A number of these refer to an alternative proposal which has been worked up by third parties, understood to be architects working on behalf of "Friends of the Happy Man Tree". This alternative scheme has not been submitted by the applicants and is therefore outside of the scope of consideration of the application, which should be determined on the basis of its own merits by members. The expected delays anticipated by the applicant in delivery of the development that would result from a change to the proposal are also challenged by objectors. Whilst comments on the statutory time limits for determination of planning applications are noted, the fact that the current application has been under consideration since July 2019 gives an indication of the realistic timescales for assessment of an alternative scheme. Furthermore, whilst not a planning consideration, colleagues in the Regeneration Team have confirmed that under the Principal Development Agreement agreed between the Council, Berkeley Homes and Notting Hill Genesis any changes to a submission would require extensive consultation with various partners and stakeholders including local residents which would also add to any delay. A suggestion has been made that the tree should be retained and moved, however this would be unlikely to be successful and would be extremely difficult and expensive to undertake. Some of the objections also draw attention to the nomination of the Happy Man Tree for the Woodland Trust Tree of the

Year 2020, articles in the local and national press, a change.org petition against the loss of the tree (see below for more details) “Save the Happy Man Tree” twitter account, various documents and youtube videos relating to trees and climate change, and works of art and literature by protestors that the tree has inspired over the last few months. Attention has also been drawn to the “Friends of the Happy Man Tree, however no formal representation has been made on behalf of this group. For the avoidance of doubt, the government guidance referred to in paragraph 6.6.3 of the main report is the Natural England and Forestry Commission standing advice, and regard was had to this in the assessment of the proposal. Leaving aside the matter of the Happy Man Tree, the issues of the principle of the development (in respect of refurbishment rather than redevelopment and the loss of the Happy Man Public House and Redmond Community Centre), design, quality of accommodation, impact on residential amenity, quantum of affordable housing proposed, the CO 2 emissions of the development, the energy source of the proposed energy centre and community involvement in the application were also raised. The principle of the development, design, quality of accommodation, impact on residential amenity and quantum of affordable housing proposed are discussed in the report to the April Planning Sub-Committee (Appendix A to the main report to Planning Sub-Committee) whilst the CO 2 emissions of the development are discussed in the main report to Planning Sub-Committee. In respect of the decentralised energy network (DEN), the relevant LP33 policy (LP56) has no requirement for or restriction on the source of energy for such installations. Whilst it is noted that the use of gas, rather than renewable energy sources, is unfortunate given Hackneys declared climate emergency, it is in line with the evolution of the facility over many years, and the incorporation of a DEN serving the entirety of the estate is of itself of significant overall benefit in addressing climate change, leaving aside the fuelling of the installation. Furthermore, conditions 36, 37 and 40 seek to ensure that the functioning of the DEN is acceptable in terms of air quality and operation, and allow for alternative technologies and fuels to be used in its delivery in order to secure a lower carbon system. Extensive community consultation was undertaken by the applicant and the Council’s Regeneration Team prior to submission, and the application has been subject to public consultation during the planning application process in accordance with statutory and local publicity requirements. Some objections refer to or reiterate comments made in respect of earlier consultations; the matters raised have previously been addressed in the report to the April Planning Sub-Committee (Appendix A to the main report to Planning Sub-Committee). Other matters raised which fall outside of the scope of this application or are not planning matters include the management of the Woodberry Wetlands/New River Path, purchasing of market units by investors, the cost of heating and power for residents of the estate, the licence granted to fell the tree and the attempted judicial review against it.

Supports

Seven additional supporting representations have been received.

Consultation responses

The Hackney Society Planning Group and Stoke Newington Conservation Area Advisory Committee have made additional joint comments which reiterate their previous comments as follows:

“The HSPG and Stoke Newington CAAC stand by their previous submissions submitted with regards to the overall estate layout plans, density, flat layouts, the elevational treatment of block B2 and landscaping. As noted previously, we welcome the retention of more trees and see the elevational changes to B2 as helpful in avoiding some of the uniformity, there still remains some significant work to be done to get the most out of the site architecturally and from a landscaping and public realm perspective. Recent submissions reinforce that most of our concerns arise from an over-dense massing and a failure to address important issues early on in the design process.

We object to the felling of the Happy Man Tree in the proposals. In the new Local Plan agreed July 2020 the Happy Man Tree has ‘amenity value’ as section LP51 clause 11.22 page 163. The Local Plan says: ‘Trees and landscaping should be an integral part of the design process. All development proposals must retain and protect existing trees of amenity value, i.e. those that have interest biologically, aesthetically or culturally’. Either the importance of the Happy Man Tree was fully understood at the outset and was wilfully ignored for convenience or it was simply missed by the scheme’s design team. Either way we must draw the same conclusion. It is now clear from the options discussed in recent submissions that any inconvenience in terms of phasing, time to complete or additional works are entirely the fault of the applicant and can have no material weight in assessing the optimum outcome for the site.”

Natural England have confirmed that they have no comment to make on the application. Thames Water have confirmed comments made in relation to the previous consultation (set out in full in Appendix A to the main report to Planning Sub-Committee). Woodberry Down Community Organisation (WDCO) have confirmed that they support the application.

Consultation procedure:

Complaints have been received, some supported by screenshots, that the Council’s comment submission facility on the planning website has not been working, however it has been tested by planning, tech support and IT officers on a number of occasions and found to be working. The Council’s IT team have been made aware of the complaints, but have confirmed that the platform has been stable over the period in question. It is concluded that any issues appear to have resulted from operator error. Furthermore, the large number of additional representations received, including some via the online comment submission facility, and the inclusion of an email address on the relevant webpage, which can and has been used as an alternative means of submission, indicate that no third party has been disadvantaged by this. Similarly, complaints have been made that the application documentation has not been publicly available on the Council’s website. This has also been checked on various occasions by planning, tech support and IT officers and found to be working, and many representations make reference to the additional documentation, which indicates that it has been accessible during the relevant period. Complaints have also been received that the publicity expiry date was after the publication date of the main report to Planning Sub-Committee. This is unfortunate, and resulted from a major IT problem preventing the consultation from being actioned any earlier, but is not procedurally incorrect. All representations received up to and including that date have been recorded and are reported in this addendum, as have others received after that date up to close of play 08/09/2020. Again, it is not considered that any third party has been disadvantaged by this.

Petition:

A petition supporting the retention of the tree and the redesign of the scheme has been presented to the Council (<https://www.change.org/p/hackney-council-save-our-happy-man-tree-hackney-ancient-plane-tree-to-be-cut-down-by-berkeley-homes>). At the time of writing, the petition has 25,424 signatories.

This has not been formally submitted to the Planning Service in respect of the current application, however members should be aware of it.

The Council formally responded to the petition on 08/06/2020

(<https://www.change.org/p/hackney-council-save-our-happy-man-tree-hackney-ancient-plane-tree-to-be-cut-down-by-berkeley-homes/responses/42946>).

Amended Documentation:

Following discussions with the applicant, rain gardens along internal streets have been introduced to the proposed landscaping scheme. This has the effect of uplifting the urban greening factor (UGF) from 0.38 to 0.4, meaning that the proposal is fully compliant with policy LP48 (new open space).

The following drawing numbers are required to be substituted in the approved plans as a result.

- 1519/010 rev G BLOCK A PRIVATE PODIUM TERRACE GARDENS
- 1519/013 Rev E BLOCK B PRIVATE PODIUM TERRACE GARDENS
- 1519/010 rev J PLAY STRATEGY
- 1519/027 rev D URBAN GREENING FACTOR PLAN AND SCHEDULE
- 1519/029 rev J TREE PLANTING STRATEGY
- 1519/030 rev D LANDSCAPE MASTERPLAN WITH ENHANCEMENTS
- 1519/033 rev E TREE CANOPIES AT 10 YEARS
- 1519/034 rev E TREE CANOPIES AT 20 YEARS
- 1519/039 rev A STREET FURNITURE PLAN

These documents are available to view online. The use of permeable surfacing within the public park will be secured by way of condition, which will serve to further uplift the UGF.

Viability:

A request has been made by the Chair of the Planning Sub-Committee for a summary of the viability figures, which are set out in the following table (based on the BNP Paribas review of the Financial Viability Assessment provided in support of the application with an assumed profit of 17.5%):

Item	£s
Inputs	
Revenues	290,188,553
Rentals	219,333
Other investment	3,736,854
Purchasers' costs	(254,106)
Overage (KSS3)	4,000,000
NET DEVELOPMENT VALUE	297,671,01

Outputs	
Acquisition costs	4,860,994
Construction costs	155,070,679
Other costs	120,500,167
Profit	17,239,461
TOTAL COSTS	297,671,300

Concern has been raised by a third party that the assessment of the financial viability does not take into account the independent review of the FVA by BNP Paribas, and in particular the apportioning of cost of the DEN. These figures are from the review of the FVA, and apportion the cost of the DEN over subsequent phases, not just phase 3.

Seven Sisters Road negotiations:

To clarify, the ongoing negotiations in respect of the Seven Sisters Road relate primarily to procedural matters such as the Terms of Reference for the Steering Group, and in no way seek to reduce the monies being secured or diminish the objective of narrowing the highway to reduce its impact as a barrier and making it a more pleasant environment for residents.

Amendments to conditions:

Demolition of buildings on the site has commenced under the scope of the reserved matters planning permission granted under 2015/2967. As such, in the event that planning permission is granted, it will effectively be implemented at that point. In order to prevent the applicant from not complying with the requirements of relevant conditions (i.e. those previously drafted to require the submission of details prior to commencement of demolition), it is proposed that the wording of conditions 3 (phasing of works), 4 (archaeology), 8 (demolition management and logistics plan), 10 (demolition environmental management plan) and 15 (foundations) be amended to require submission, approval and implementation within three months of the date of the decision.

- 5.5 The Planning Sub-Committee next heard from a number of local residents speaking in objection to the application. The main focus of their objections was on the Happy Man Tree (HMT), specifically its loss and the impact on climate change, biodiversity, local microclimate and amenity and the quality of the planting that would replace the HMT. There were also concerns expressed that the addition of proposed extra storeys would lead to overshadowing issues that would have a knock-on effect on sunlight getting into the flats.
- 5.6 The Sub-Committee heard from the applicant who updated the members on the progress that had been made since the April meeting when the application was last discussed. They explained that they were keen to start the work. They added that for them no changes had occurred the committee made its decision in April 2020. In response to one of the objections raised, the applicant clarified that they did not plant saplings, the trees planted would be decent trees. They added that the project would create over 400 jobs and aspects of the project, such as transport and viability remained robust. On the issue of the HMT they highlighted the various discussions that had taken place at the April planning

sub-committee meeting and how various alternative options had been thoroughly considered.

5.7 The meeting moved to the questions phase where a number of points were raised including the following:

- In the case of Holborn Studios, information regarding the case had not been published because it was informal discussions. In the case of this application there had been the publication of a viability assessment of the Council's own report, all the information that had been published informed the office report at the meeting. None of the numbers had changed;
- The Planning Service were of the view that the approach taken by the applicant was fully compliant with the Council's planning policy, the government guidance on viability and the Local Government Association's (LGA's) guidance;
- The applicant had submitted a financial viability assessment which was reviewed by the Council, a position statement had then been issued. Of those documents, only a redacted FDA was made public. Once the Holborn Studios judgement was released the Council took steps to reduce the amount of redacted information. The public interest test was applied, in terms of whether a third party would understand the financial implications of the development taken in conjunction with QC advice. The financial viability information was reviewed and the subsequent position statement was updated, with a much reduced degree of redacted information. A Lot more data and information had been provided. Committee members noted that the outlook of the document had not changed. The three documents had also been made public on the Hackney Council's website. In addition, further information had been outlining details on areas that previously had been redacted. It was reiterated that the outcomes and the conclusions had not changed and it was noted that a simplified table had been included in the published addendum report. Essentially this development allowed for a 17.5% profit, which was standard for such developments resulting in just about breaking even. This had been subject to a rigorous independent review and it had been concluded that the findings were sound;
- If a number of affordable housing were to be removed from the application, for example, they would have to be moved somewhere else on site which would have a knock on effect on the proposed structure's height;
- The Chair of the committee noted that the Planning Sub-Committee had received a number of submissions and the Planning Officers had been asked to summarise those representations that had been received The committee had seen the summary of representations included in the published addendum report. The Council's planning lawyer, present at the meeting, confirmed that the committee was compliant with the judgement on the Holborn Studios regarding the lobbying of Councillors. The committee were reminded keep an open mind regarding the application before them at the meeting;
- It was confirmed that a petition, submitted by objectors, had not been submitted via Hackney Council's formal planning process. It had instead been submitted directly to the Council, however, the Planning Sub-Committee was aware of the petition. It was noted that because of the

number of submissions included in the petition, over 4000, the Council would not have the resources to summarise them. It was noted the Planning Sub-Committee were aware of the weight of opinion and the level of concern from objectors about the application;

- Regarding policy LP51 and Tree Management and Landscaping, the Planning Service clarified that the policy referred to the removal of non-protected trees, which the HMT had been classified as. It was also not in a conservation area. The LP51 policy also stated that the removed trees would not be supported unless adequate replacement planting was proposed or the removal of the trees was in line with good arboricultural practice. In relation to this specific application and in taking a balanced decision on the merits of the case and combined with Hackney Council achieving a final contribution for replacement planting, by the Council, of £175,000, the Planning Service was of the view that it would be difficult to argue that replacement planting was not being achieved. In all circumstances, where possible, the Council would seek to retain as many trees as possible, but it was not always possible and in the case of this application. Therefore, adequate landscaping was secured to offset the loss of the tree. The Committee was reminded that LP51 must be considered in its entirety. It was also highlighted that with almost every Planning Sub-Committee meeting there was always a balance to be struck between different policy objectives;
- A brief discussion ensued among some of the Committee members about the difference between the status of a protected tree and a tree of amenity value. The position of the Planning Service was that in the case of the application the removal of the HMT was counterbalanced by its replacement with adequate planting and also if that tree was to be retained it would result in a loss of affordable housing. Some of the Committee members were of the view that it was not ideal situation where it was choice between losing a tree or losing affordable housing;
- Concerns were raised that the carbon loss, as a result of the removal of the HMT, would not be compensated regardless of how many trees would replace it. It was noted that this issue was not covered in the Environmental Statement or policy, however, there was a considerable number of trees being proposed and landscaping would ultimately deliver over time a greater number of mature trees on site. It was noted that a carbon assessment had been undertaken in line with standard procedures and the Conservation, Urban, Design and Sustainability Officer found this assessment's findings to be acceptable;
- In relation to the size of some of the proposed properties on site and policy LP33, it was highlighted that the development plan still required high quality accommodation of a good design to be delivered. The single aspect flats that were part of the proposals were examined at the previous Planning Sub-Committee meeting in April and it was a relatively low proportion of the properties were single aspect, particularly those north facing, but most of those were facing onto Seven Sisters Road or past the larger tower, the latter of which would not have the same level of detrimental impact as a single aspect apartment may necessarily have. The Planning Sub-Committee also noted that all of the units did satisfy nationally prescribed space standards, as well as also being London Plan compliant;

- It was clarified that a veteran tree was a tree that had biological, aesthetic and cultural interest because of their age. These trees were generally in the ancient stages of their life with a lot of dead wood, biological interest and high biodiversity. It was felt that the HMT did not show those features. It was noted that the tree did have cultural value but a view was expressed that value was generated more recently during the planning process. The tree was listed in the 1959 street directory but no other references were found through the Hackney Archives;
- The Planning Service could not recall anyone from Hackney Council referring to the HMT as a veteran tree. It been described as attractive or mature;
- Regarding the proposals and the new policy on Health Impact Assessment, it was noted that the assessment did briefly refer to Carbon emissions but mainly in relation to achieving low traffic areas and making it a suitable place for local residents. The assessment also discussed air quality in a lot of detail which also fed into the previously mentioned Environmental Statement;
- The Council's Sustainability Officer stated that carbon emissions in the Council's current local plan only accounted for regulated emissions. There was no account for carbon sequestration in the Council's local policy LP55;
- There was brief discussion about the wording of LP51, as previously mentioned the policy was in two parts and that the Planning Service recognised that the HMT was amenity value it was neither a veteran or an ancient tree. The starting point with all development proposals was that the Council would seek to retain trees, however, part b of the policy then had to be taken into consideration. As reiterated, it was important that both parts of policy LP51, had to be taken into consideration together. The key part of part b in relation to the HMT was the section on the removal of non-protected trees (see also seventh bullet point above);
- Some of the committee members expressed concerns that local residents did not have sufficient knowledge about the HMT. On reflection, it was suggested that perhaps the Planning Services could examine at how it conducts consultations;
- The applicant explained, in relation to design, their key focus was to work with the statutory authority, local partners and local residents to come up with the best designs that they can possible for the local area and wherever they can the applicant would seek to retain trees that add value to the scheme in terms of their appearance and amenity value. Since 2015 the applicant had been in discussions about the matter and none of those discussions had involved the best design solution overall for phase three and provision of homes, and none of those design solutions had identified retention of the HMT. When the applicant was made aware of feelings around the tree and local concerns, at the end of 2019, it was the first time these concerns had been raised. It was highlighted that a consultation was undertaken on the Rose Garden opposite the tree in question and during that process the tree was not highlighted as a particular area of concern. The applicant would always look at the environmental value and if they had known about local concerns they would not have gone down the design route that they did. Their proposals were of high quality. On the issue of the carbon

sequestration, the applicant stated that the HMT had a carbon sequester of 3167 units per year. The proposed replacement trees would have produce approximately 5030 units per year;

- The proposed energy centre would have new technologies plugged into it in effect to provide the heat to the proposed building. There was flexibility built within the scheme and the applicant was looking at a plan to reduce the carbon output and to date those discussions had involved looking at heat recovery from the local underground network;
- In terms of the proposed trees replacing the HMT, to undertake the works would require such traumatic works to the root system and canopy it would not be able to survive in any meaningful sense and it would be too cramped up against the proposed building. The replacement lime trees were smaller and had less requirements and could be maintained in a different way to the HMT. It was noted that there was a condition included (condition 20) for an Environmental Plan to be submitted which included a 10 year landscaping maintenance clause;
- The Council was currently investigating local residents' reports of lime trees dying elsewhere on the Woodberry Down estate;
- Historically the removal of the HMT was part of the original master plan which was approved by the Council in 2008. It was noted that plan was superseded by another master plan in 2013 and the indicative drawings for that plan showed that the tree was to be retained. Subsequently the reserved matters application was approved in 2015 for phase 3 and the drawings for that clearly showed the tree as being removed and at the time no one objected to the removal of the tree at the time
- In order for the HMT was to be retained and to allow it enough space to flourish 24 shared ownership flats would be lost as part of the proposed scheme;
- The applicant explained that they were more than willing to place a plaque on the site of the former HMT;
- The Planning Sub-Committee and the Planning Service did not take likely the loss of trees but occasionally it would happen, the urban form did move around and Woodberry Down was an example of this. It was with a heavy heart the loss of the HMT but in the round the Council was creating a sustainable community and the application had demonstrated this balance;
- The difference between a veteran plane tree and veteran lime tree, for example, was very much species dependent. Pollarding, in arboricultural terms, was something that very much started at a fairly young age and was repeated, pruning was not too large in diameter. It was difficult to pollard a tree when its canopy had reached its full extent;
- The Planning Service confirmed that none of the alternative proposals were included as part of the application as they were not part of the actual application. The Planning Service had looked in detail at various options for the scheme to determine what would need to be done in order to retain the HMT, one of which was pollarding but the tree would have not reached its full potential because pruning every one to two years would have cut its lifespan. It was noted that the various options had also be considered in detail at the April committee meeting.

Vote:

For: Councillors Hanson, Lynch, Fajana-Thomas, Potter, Race and Stops

Against: None

Abstention: Councillor Levy

RESOLVED, that conditional planning permission was GRANTED subject to a Legal Agreement and referral to the Mayor of London.

For full details on the Planning application click on the following link:

<http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CId=125&MId=5058>

Following the conclusion of this agenda item there was a ten minute break and Councillor Lynch left the meeting (see agenda item 2).

6 2020/1730 & 2020/2146 Former Hackney Police Station, 2 Lower Clapton Road and 32 St John's Church Road and adjacent land within St John's Churchyard London E5 0PD

6.1 PROPOSAL:

2020/1730:

Submission of details pursuant to condition 12 (Travel Plan) attached to planning permission 2019/4259 dated 24/05/2020

2020/2146:

Submission of details pursuant to condition 5 (School Management Plan) attached to planning permission 2019/4259 dated 24/05/2020

6.2 POST SUBMISSION REVISIONS:

Amendments have been made to both documents since submission in response to officer feedback.

6.3 The Planning Service's Deputy Team Leader - Major Projects introduced the planning application as published and during their presentation reference was made to the addendum and a number of amendments including additional representations received and corrections:

Additional representations received

1 follow-up response has been received from an initial objector to the Travel Plan (TP) condition (2020/1730)

- The lack of clarity in the TP lends doubt to the veracity of the conclusions drawn within.

- There is no mention that the TP will be open to change due to the circumstances of the pandemic

- Clarity is required in relation to the management of bus stops.

- There was previously mention of pupils acting as marshalls but this is not in the TP. How is this being provided and how will pupil safety be ensured?

OFFICER COMMENT: Consideration of the application to discharge the TP must be based on the measures set out within which are considered acceptable in this case.

- There should be a crossing attendant if the Toucan is not implemented from the outset.
- What is the review programme for the TP and how will it be publicised?

OFFICER COMMENT: The TP outlines a number of monitoring reviews will be conducted on a termly and annual basis. There is no requirement to publicise these reviews and seeking such would be considered excessively onerous.

- Confirmation is sought as to when the school will open.

OFFICER COMMENT: The school is understood to have a planned opening in October but this can be confirmed by the applicant.

The matters set out above are considered to be addressed in the officers report unless otherwise stated.

Corrections

The following drafting errors should be corrected:

- The applicant on the front page is Star Academies and not Helen Olive.
- 1.11 – some of the bus routes listed are no longer in operation. The correct list of bus routes is 30, 38, 55, 56, 106, 242, 253, 254, 276, 394, 425, 488 and W15.

There were no persons registered to speak in objection to the application.

The applicants spoke in support of the application speaking first about the school's travel and management plans. Local residents were thanked for their feedback on those two documents and the applicant reassured them that they aspired to be a good neighbour. A brief summary of the travel plan was given listing a number of measures and an action plan. The travel plan was a working document and would be updated within six months of occupation following baseline surveys which would be done within three months and would record how staff and pupils were travelling to the school. The school was planning to open after the October half term. An updated travel plan would be published before the end of 2021 and additional surveys to see how travel behaviour would be affected would be actioned. The travel plan's targets were agreed with Hackney Council. It was also noted that a Working group had been created to discuss any issues around travel. The school would also initiate staggered start and finish times because of Covid19 and travel information packs, for staff and families, were being prepared. The School Management Plan, which would cover the day to day operations of the school, would see in the first year 180 pupils and then full capacity after that. It was noted that play times and lunchtimes would be staggered and marshalls would be in place as well as part of the School Management Plan. This plan would also include details of offsite activities.

6.4 The meeting moved to the questions phase where a number of points were raised including the following:

- It was recognised that the site was constrained if persons were arriving by motor vehicle. The school representative replied that the Travel Plan was very detailed and provided lots of options for parents. The school's role was to communicate that to parents, this would start very soon. The

school would make sure that they would communicate all of the routes whether they were bus or walking routes. It was acknowledged that currently there were two existing sites but the plan was very clear and detailed. It was a workable plan. A Lot of the elements in the plan were already being implemented by the school on the other two sites. The school was of the view that the plans on the third site would work, it was simply a case of the school communicating this to parents. The plan would not be static it would evolve and listen to feedback from parents;

- Hackney Council's Senior Transport Planner explained that there had been a commitment included in the Travel Plan to sign up to the School Streets programme. This programme had been rolled out incrementally to schools in Hackney, however Covid19 had exacerbated that roll out and it was understood that 40 schools in Hackney were undergoing an 18 month experimental trial of the programme. After six months local residents could communicate with Council officers and give their feedback on the functionality of School Streets. In terms of conditioning this programme, the Council would be looking at an experimental Traffic Order. The Planning Legal Officer reminded the Planning Sub-Committee reminded the members that a condition could not be added on top of an existing condition. The Committee had to vote on the recommendation as set out by the Planning Service's Deputy Team Leader in the published application report.

Vote

Condition 5

For: Unanimous

Condition 12

For: Unanimous

For full details on the Planning application click on the following link:

<http://mginternet.hackney.gov.uk/ieListDocuments.aspx?CIId=125&MIId=5058>

RESOLVED, that the discharge of conditions was GRANTED.

7 Delegated decisions

7.1 Noted.

Duration of the meeting: 6:30PM – 8:52PM

Signed:

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Chair of Planning Sub-Committee, Councillor Vincent Stops

Contact: Gareth Sykes
gareth.sykes@hackney.gov.uk