

FINAL APPROVED MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY 7 SEPTEMBER 2022

Councillors Present: Councillor Steve Race in the Chair

Cllr Michael Desmond
Cllr Michael Levy
Cllr Jon Narcross
Cllr Clare Potter
Cllr Ali Sadek
Cllr Jessica Webb (Vice-Chair)
Cllr Sarah Young

Apologies: Cllr Clare Joseph and Cllr Lee Laudat-Scott

Officers in Attendance Natalie Broughton, Head of Planning and Building Control
Adele Castle, Team Leader North
Joe Croft, Senior Transport Planner (Development Control)
Michael Garvey, Senior Planning Officer
Luciana Grave, Conservation, Urban Design and Sustainability Manager
Mario Kahraman, ICT Support
Gerard Livett, Senior Planner - North Team
Leif Mortensen, Senior landscape and tree officer
Joris van der Starre, Senior Conservation and Design Officer
Gareth Sykes, Governance Officer
John Tsang, Development Management & Enforcement Manager
Sam Woodhead, Legal Officer

1 Apologies for Absence

- 1.1 Apologies for absence were received from Cllrs Joseph and Laudat-Scott.
- 1.2 Cllr Potter was running late for the meeting, as a result the Councillor would not participate in the discussion and vote for the planning application at agenda item 5.

2 Declarations of Interest

- 2.1 None were declared.

3 To consider any proposal/questions referred to the sub-committee by the Council's Monitoring Officer

3.1 None.

4 Minutes of the Previous Meeting

4.1 The minutes of the previous meetings, held on 6 and 27 July 2022, were agreed as an accurate record of those meetings' proceedings.

RESOLVED:

The minutes of the previous meetings, held on 6 and 27 July 2022, were agreed as an accurate record of those meetings' proceedings.

5 2020/3389: Land rear of 5 Filey Avenue, London N16 6UH

5.1 PROPOSAL: Erection of two storey dwelling to form one bedroom house.

POST SUBMISSION REVISIONS:

- Revisions to the front facade removing slatted metal louvres and replacing them with brick; panels removed from windows. No further consultations were required on the amendments as the design changes were not considered to be substantial to require further reconsultation.

5.2 The Council's Senior Planning Officer introduced the planning application as published.

5.3 The Sub-Committee first heard from two local residents speaking in objection to the application. They raised a number of concerns about the proposals including the impact on the conservation area, the removal of an existing tree, loss of light/overshadowing, loss of privacy and the height of the proposed structures.

5.4 Three Hackney Councillors spoke next in objection to the application. They had been approached by local residents with a number of concerns about the proposed development including the undermining of local plan LP47 and the impact on biodiversity, to the lack of a Basement Impact Assessment to the loss of garden space. There were also concerns expressed about a green space potentially being paved over which would not allow for the adequate drainage of surface water.

5.5 An architect and the owner of the site spoke next in support of the proposals. They acknowledged that the site under discussion was a constrained site and they highlighted that the proposals were not overbearing. On the issue of biodiversity the architect highlighted that a bio-diverse, substrate-based extensive green roof had been conditioned to aid in surface drainage. The owner gave a brief overview of the history of the site and they explained that they were keen to move forward with the development of the site.

5.6 The Sub-Committee meeting entered the discussion phase where the following points were highlighted:

- The Planning Service acknowledged that there had been existing high boundary treatments around the site for some time. Originally the development would align with number 3 Filey Avenue's rear extension and it was this extension's windows that the Planning Service had considered, because of issues around enclosure and the impact on light. It was felt that height of the proposed development was not considered to be significantly affected, therefore it was concluded that there could not be any significant impact on the adjoining properties in terms of light because the proposed development was situated due north of them. The proposed development would mostly sit within the existing height of the boundary treatments and that there would be an increase in the height with the new development but that this would be minimal in comparison to the existing fencing and would not have an adverse impact on light or outlook. A gap of one metre was concluded by the Planning Service to be not be so significant that it would result in unacceptable sense of enclosure;
- The Council's Drainage and Conservation, Urban Design and Sustainability (CUDS) teams were satisfied with the measure in place to mitigate against sustainable drainage and any flood resilient measures. There were two conditions in the application that covered these matters;
- On the issue of biodiversity, it was recognised that a green space was being lost but that land had been used for other activities for some time. It was noted that the proposals did include a green roof and that the Planning Service was of the view that it would address the requirement for an improvement to biodiversity through LP47;
- The Sub-Committee noted that the proposed development would not be able to go ahead until the Council's Planning Service were satisfied with a number of mitigation measures for sustainable drainage and flood resilience being in place which would then be viewed by the Planning Service's expert team;
- Infill developments such as the one before the Sub-Committee was supported by Local Plan policy LP12. This type of windfall site, particularly in an area like Hackney where sites were quite hard to come by would provide a windfall housing delivery had been identified previously and was in the Local Plan;
- Looking at neighbouring properties in the area, the objectors took the view that those properties were not a useful comparison because number 11 Filey Avenue, for example, was more set back from the road;
- The Council's Design team supported this type of infill development as long as it was subservient to the neighbouring developments and was of the right design and character. They were felt that it was not dissimilar to other developments that had been built in rear gardens;
- Currently the site of the proposed development was a fly tipping space and did not presently enhance the character of the conservation area;
- On the issue of drainage on site, the Planning Case Officer re-iterated that conditions were included as part of the proposals for the submission of a drainage report and the installation of a green roof as mitigating measures;
- Regarding a potential risk of subsidence, the Council's Planning Service was satisfied that the proposals and the changes that had been made were acceptable to mitigate against any risk;
- The structural suitability of the site was not a material planning issue;

- The removal of the existing sycamore tree on site was proposed because, despite outward appearances showing it to be healthy, it was actually suffering from hardwood decay affecting its water intake. At some point the tree would fall over;
- The square boxes on the roof plan were solar panels which would stand on top of the green space. The roof was a combination of skylights and solar panels and more than 50% of the roof was dedicated to green space with the solar panels laid on top. The green space would be approximately 25 square metres (sqm);
- The constraints of the existing site would prevent the proposed development from being set back any further from the road;
- On the issue of the Vertical Sky Component (VSC), though there was no BRE report on access to daylight and sunlight, calculations had been undertaken and the Planning Service had concluded that the proposals on balance met the VSC; with a 0.2% shortfall being negligible;
- The Planning Service had concluded that 25 sqm of green space was acceptable;
- The Planning Service was satisfied with the level of light that the proposed development would allow for. The Sub-Committee noted that measures would be implemented that would also increase the light e.g. installation of light wells and skylights;
- The Sub-Committee noted that a green roof was not a garden. It would assist with biodiversity, surface water drainage and heat for the building. However, it was recognised that it was limited. The roof space in its entirety was 44 sqm;
- The Sub-Committee noted that the land of the existing site was a separate section of land and did not form part of the garden;
- The Planning Officer reiterated that the proposals did meet the requirements of Local Plan policy LP47 and, as previously mentioned, the site was very constrained. The Planning Service had concluded that because of the mitigating measures that were proposed they could balance out any loss in biodiversity on site.

Vote*:

For: Cllr Desmond, Cllr Sadek, Cllr Race and Cllr Webb

Against: Cllr Levy

Abstention: Cllr Narcross and Cllr Young

*Cllr Potter did not participate in the discussion and the vote for agenda item 5 (see 1.2 above for further details).

RESOLVED:

Planning permission was GRANTED subject to conditions and a section 106 legal agreement.

There was a break of ten minutes.

6 2021/2558: Land at Springdale Mews, London, N16 9NR

6.1 PROPOSAL: Submission of details pursuant to conditions 3 (Materials), 4 (Detailed Drawings), 5 (Construction Management Logistics Plan), 7, (Contaminated Land), 11

(Arboricultural Impact Assessment and Method Statement) 12 (Landscaping), 13 (Green Roof) & 16 (Obscure Glazing) attached to planning permission 2018/4324 dated 13/07/2020.

POST SUBMISSION REVISIONS: Revised Construction Management and Logistics Plan received revised facade drawings received.

- 6.2 The Council's Planning Service's Senior Planning Officer - North Team introduced the planning application as set out in the published papers. During the course of the officer's presentation reference was made to the addendum and the following amendments to the application:

Revised Construction Management (Rev B) received 07/09/2022

Email requesting omission of Tree Protection condition (condition 11) from this application, received 07/09/2022

In connection with the omission of condition 11 (Tree Protection) from this application, revised description of proposal:

Submission of details pursuant to conditions 3 (Materials), 4 (Detailed Drawings), 5 (Construction Management Logistics Plan), 7, (Contaminated Land), 12 (Landscaping), 13(Green Roof) & 16 (Obscure Glazing) attached to planning permission 2018/4324 dated 13/07/2020.

Drawing Numbers: PL04 Rev A; PL05 Rev C; PL07 Rev A; Land Science Phase I and Phase II Geotechnical and Geoenvironmental Report reference LS5267;

Construction Management Plan Rev B dated 07/09/2022

In connection with the omission of condition 11 (Tree Protection) from this application, delete paragraphs 6.1.6 and 6.1.13 and renumber retained paragraphs accordingly

- 6.3 The Sub-Committee first heard from a local resident speaking in objection to the application. They raised concerns about how access to other premises would be maintained during construction works. It was also unclear from the proposals how noise and disturbance from construction process would be managed.

- 6.4 A local Councillor spoke next in objection, speaking on behalf of local residents. They echoed the local residents' concerns about local residents' access to the private road and the wording of condition 5.

The Sub-Committee noted that no persons were registered to speak in support of the application.

- 6.5 The Sub-Committee meeting entered the discussion phase where the following points were highlighted:

- Regarding access to the private road, the Senior Planning Officer stressed that ultimately it was a private matter. A revised Construction Management Plan (CMP) had been received on the day of the meeting which indicated that there would be no parking for operatives on Springdale Mews. The CMP had already

stated that there would be no parking on Springdale Road which the Council did have jurisdiction over;

- The Planning Service understood that the unloading of any equipment relating to the construction phase may lead to a short term interruption;
- The Sub-Committee noted that the Council's transport team had reviewed the CMP, however as previously mentioned, that Council did not have jurisdiction over the private road because it was not part of the public highway;
- Objectors disputed the assertion from the Planning Service that the constructors would not park on the private road. It was suggested that because of the nature of the construction involved that they would have to park on the driveway and that it would impact on local residents' amenity access;
- As part of the s106 agreement the access road to the rear of the site would be resurfaced. It was discussed whether the owner of the access road was included in the legal agreement. The Planning Service was of the view that ownership of the land was not a material planning issue. When the original application was submitted notice was served on all those who had title that the applicant could find in the driveway in question. The Legal Officer reminded Sub-Committee members that they were there to consider the details only. Potential underlying issues relating to the s106 agreement was a separate matter;
- It was noted that a revised CMP had been received on the day of the meeting and that only minor revisions had been made to the CMP and had been prior to publication was shared with the transport and network team. The revised CMP was also available on the Council's Planning website. Any noise breakout on site would be covered by building regulations;
- The Planning Service would seek with any planning application that construction equipment would of a low emission quality;
- Any waste material would be stored on site as indicated on the drawings;
- The CMP had been reviewed by members of the Council's Network Management Team and they were satisfied with its contents. Based on the details that had been submitted the team found the plan satisfactory. The only amendment that was made to the plan was that stating that there was a private road and that the constructor would show goodwill to ensure that there was no operative parking on site;
- Sub-Committee members were reminded that the Council did not have jurisdiction over the private access road. The CMP had been assessed, linked into the previous approved application and the Planning Service was satisfied with the revised plan and its adherence to the relevant policies;
- The Sub-Committee were reminded that they had to consider whether or not they were satisfied with the level of detail in the application before them;
- It was highlighted that the CMP had been on the planning portal for a number of months and was available to view. The Planning Service had asked for a number of minor amendments and overall the CMP was deemed to be satisfactory.

In light of concerns raised from some of the Sub-Committee members about the CMP and ongoing concerns over local residents' access to the private road, the Chair recommended that the application be deferred. The CMP would be considered at a future meeting and also that the applicant be present at that meeting. The Sub-Committee agreed to defer making a decision on the application.

Decision:

A motion to defer the application was proposed by Councillor Webb and seconded by Councillor Young.

This motion was carried unanimously. The Sub-Committee agreed to DEFER the application to allow for the consideration of the matter at the next Planning Sub-Committee meeting.

7 2022/1971: 10-20 Windus Road, London, N16 6UP

7.1 PROPOSAL: Submission of details pursuant to condition 3 (external materials) attached to planning permission 2016/0466 dated 15/06/2020.

POST SUBMISSION REVISIONS: Revised drawings indicating a soldier course requested.

7.2 The Council's Planning Service's Senior Planning Officer - North Team introduced the planning application as set out in the published papers. During the course of the officer's presentation reference was made to the addendum and the following amendments to the application:

Revised drawings received 30/08/2022

Drawing numbers: PR.101 Rev A; PR.102 Rev A; PR.103 Rev A

Officer comment: These drawings indicate a soldier course above the ground floor.

The Sub-Committee noted that no persons were registered to speak in objection or support of the application.

7.3 The Senior Planning Officer confirmed that the condition had been brought before the Sub-Committee was a standard condition. In the original submission the accompanying drawings had just stated brick, however this could in retrospect could refer to any type of brick. For a building of this scale in the application it was necessary to specify the type of brick.

Vote:

For: Cllr Desmond, Cllr Levy, Cllr Narcross, Cllr Potter, Cllr Race, Cllr Sadek, Cllr Webb and Cllr Young.

Against: None.

Abstention: None.

RESOLVED:

Details were approved.

8 Delegated decisions

8.1 The decisions document from the previous meeting, held on 27 July 2022, which had incorrectly listed the ward allocations for the planning applications, would be submitted to the next meeting for noting.

- 8.2 The Planning Sub-Committee noted, subject to one minor amendment, the contents of the Delegated Decisions document for the meeting - one of the applications had been incorrectly listed in the Brownswood ward when it was actually in the Woodberry Down ward.

RESOLVED:

The delegated decisions document, subject to one minor amendment, was noted.

9 Any Other Business

- 9.1 None.

10 Future meeting dates

- 10.1 Sub-Committee members noted the following meeting dates:

2022

- 28 September
- 19 October (Pre-Application)
- 2 November
- 7 December

2023

- 11 January
- 1 February
- 22 February
- 3 April
- 3 May

Sub-Committee members noted that the 19 October 2022 pre-application meeting would start at the late time of 7:00pm and would be held in the Committee Rooms at Hackney Town Hall.

Duration of the meeting: 6:30pm – 9.15pm

Signed:

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Chair of Planning Sub-Committee, Councillor Steve Race

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