

MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY 3 MAY 2023

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/PVeC52UgceA>

- Councillors Present:** Councillor Steve Race in the Chair
- Cllr Michael Desmond, Cllr Michael Levy, Cllr Jon Narcross, Cllr Lee Laudat-Scott, Cllr Jessica Webb (Vice-Chair) and Cllr Sarah Young.
- Apologies:** Councillor Clare Joseph, Councillor Clare Potter and Councillor Ali Sadek.
- Officers in Attendance:** Nick Bovaird, Deputy Team Leader, Major Projects
Robert Brew, Major Applications Team
Natalie Broughton, Head of Planning and Building Control
Graham Callam, Growth Team Manager
Adele Castle, Team Leader North
Louise Claeys, Principal Sustainability and Climate Change Officer
Joe Croft, Senior Transport Planner
Micheal Garvey, Planning Officer
Luciana Grave, Conservation and Urban Design Sustainability Manager
Mario Kahraman, ICT Support Officer
Catherine Nichol, Senior Planning Officer - Central Team
Thomas Russell, Planning Officer
Gareth Sykes, Governance Officer
John Tsang, Development Management and Enforcement Manager
Sam Woodhead, Specialist Planning Lawyer

1 Apologies for Absence

- 1.1 Apologies for absence were received from Cllrs Joseph, Potter and Sadek.

2 Declarations of Interest

- 2.1 Cllr Desmond declared a non-pecuniary interest in relation to agenda item 5; the declaration was made on the basis that his doctors surgery was next to the site and they were also a member of the patients committee.

2.2 The Chair declared a non-pecuniary interest in relation to agenda item 6; the interest was declared on the basis that the Chair knew one of the representatives for the applicant.

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 Planning Sub-Committee agreed the minutes of their previous meeting held on 3 April 2023.

RESOLVED:

That the minutes of the previous meeting, held on 3 April 2023 be agreed as a true and accurate record of proceedings.

5 2020/4116: 10-13, Urban Hive, Theydon Road, Hackney, London, E5 9BQ

5.1 PROPOSAL:

Demolition of existing building and erection of a part 1, part 2, part 5, and part 6 storey building to accommodate Use Class E employment floorspace at ground and first floor levels and 48 residential dwellings at second to fifth floor levels, with associated external rear deck access, communal amenity terrace, landscaping, bicycle parking and waste / recycling storage facilities.

POST SUBMISSION REVISIONS:

- Revisions to the proposal include:
 - o Changes to the detailed design of the building
 - o Provision of affordable housing

A 14 day reconsultation has been undertaken in respect of the amended and additional information.

5.2 A member of Hackney Council's Planning Service's Major Applications Team introduced the application report as published. During the course of the officer's presentation reference was made to published addendum and the following points:

In paragraph 6.5.13 reference is made to a financial contribution of £167,525 to health infrastructure in the area that was requested by the NHS. Since the report was written the applicant has had a chance to respond to this request and they say that paying the contribution would mean a reduction in affordable housing provision. Given what we know about the viability of the scheme the applicant's claim seems reasonable. In this instance the provision of affordable housing is considered to be a greater priority than the health infrastructure contribution, especially as the scheme would deliver 48 new homes, below the threshold of 50 new homes set out in the Planning

Obligations SPD. There is no suggestion that the scheme has been manipulated to be below the threshold.

The wording for Condition 8.1.21 Commercial use was revised.

A number of proposed conditions were included relating to Sustainability measures, these conditions included:

- 8.1.22 Energy Statement 1
- 8.1.23 Energy Statement 2
- 8.1.24 Emission reporting
- 8.1.25 Whole Life and Embodied carbon
- 8.1.26 Whole life and Embodied carbon 2
- 8.1.27 Whole life carbon reporting
- 8.1.28 Circular Economy 1
- 8.1.29 Circular economy 2
- 8.1.30 Overheating 1
- 8.1.31 Overheating 2
- 8.1.33 Air permeability
- 8.1.34 Heat pump and highly efficient boilers - Hybrid heating
- 8.1.35 Active cooling
- 8.1.36 PV panels
- 8.1.37 BREEAM 1
- 8.1.38 BREAM 2

- 5.3 The Planning Sub-Committee heard from one person speaking on behalf of several local residents in objection to the application. They raised a number of concerns including the impact of the proposals on car parking in the area, long term management of the development and relationship to the neighbouring Bellevalia Court e.g. the impact on daylight/sunlight, a perceive lack of consultation with local residents on the application and concerns about the impact of the proposals on the future of the neighbouring doctors surgery.
- 5.4 The Planning Sub-Committee heard from a representative for the applicant who began by giving a brief overview of the benefits of the scheme and how it would provide an asset to the local area. They stressed that the scheme was a car-free scheme and located in Controlled Parking Zone (CPZ). They highlighted that the site was within reasonable walking distance of Clapton railway station which they felt was appropriate. The applicant had offered a travel plan as well offering local residents membership of a car club. It was also noted that there were existing car parking bays on the road with new ones being added with no change to the width of the road. The applicants were of the view, in relation to noise, that their proposals, being a combination of residential and small scale commercial activities would provide an improvement. The massing was stepped away and the cutaway to the rear it was felt would minimise the daylight/sunlight impact on neighbours with the localised impact on only one to two bedrooms.
- 5.5 During a discussion on the application a number of points were raised including the following;
- The planning service acknowledged that there would be some loss light for some of units at the neighbouring Bellevalia Court some of which

would not be noticeable. A 20 percent loss of light was considered to be noticeable, according to the Planning Service. The 44 percent loss of light suggested by local residents may suggest a lot but actually in reality it may not seem so bad and it was noted by the committee that currently some of the units at Bellevalia Court had open aspect windows and were currently getting a lot more light. Two bedrooms on the ground floor and two above would be effected and while it was regrettable they did not outweigh the overall benefits of the scheme. If efforts were made to totally mitigate against the loss of light of those neighbouring units would likely lead to an unviable proposed scheme;

- The planning service was of the view that any loss of light was not necessarily linked to a property developing damp;
- The Planning Service stated that there were some gaps in the sustainability information and there were areas that required improvement, however, the Planning Service had concluded that it did meet policy and did provide in excess of the 35 per cent carbon emissions reduction target. There were some further where information could be provided by the applicant and on how they were going to achieve some of the objectives they have set out, this was appropriate for this to be submitted at a later date. A number of conditions had been included in the addendum;
- Air Source Heat Pumps had been included as part of the scheme but they were not sort that been by the committee previously. In With this scheme a ground floor plant room was proposed. The scheme would be a combination of the pumps and a gas boiler. Due to the short height of the building Air Source Heat Pumps would be placed on the roof;
- The plant room was proposed to be at the rear and would be entirely internal. PV panels would be placed on the roof;
- In terms of the impact of the rear elevation on Bellevalia Court would be limited and the deck access was not considered any issues relating to lack of privacy. The Planning Service's Conservation, Urban Design and Sustainability (CUDS) Officer was of the view that the proposals were will articulated with the recess with brick panels on the sides. It was felt to be robust enough in terms of materiality and the design to help break the massing;
- In relation to use of materials, the Council's Planning Service stated that the Fire Service would only comment on planning proposals on a building a lot taller than what was proposed. The main material to be used was to be brick and various building and fire regulations and the applicant would be taking specialist fire risk advice because of the current fast moving nature of this area of building matters.
- Regarding the proposed housing tenure mix, the policy recommendation was for 35 per cent three bedroom units or more. The proposals were below this target but this was not unusual. The Council would have liked more affordable housing but it was concluded that this would make the scheme not viable. However the Council and the applicant did agree on the delivery of the proposals;
- The Planning Service considered the loss of off street loading capacity on to the street was acceptable because of the comparative service nature demands of the two uses for the proposed site. The existing site was currently used predominantly for storage with vehicle use tending to be much larger with longer waiting times. The proposed ground floor

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would be a designed for light industrial use which would have far less service demand;

- The Sub-Committee was reminded that the scheme was car free. There would be no car parking on site and this supported by wider Hackney Council policies, for example the site was in a Controlled Parking Zone (CPZ) and the Council very much that discouraged car use in lieu of using public transport in the area;
- Regarding concerns raised by local residents about the four foot setback on the covenant of other buildings on the street. The Planning Service was not aware to the matter and it was understood not to be material planning issue. A local resident explained that there was understood to be a covenant across Woodmill Road when it was previous a Saw Mill stating that the site could not be built above four stories and that the unit must be set back four feet from the street. The local resident could obtain a copy of the covenant from a solicitor and it was understood to apply up to the edge of Theydon Road;
- The Planning Service explained that in terms of the set back at the rear of the site and its relationship with Bellevalia Court over local residents about overlooking, distances would differ depending on which unit was effected. It was noticeable that if the residents on site would coming up to the amenity space on the second level then they would be closer to Bellevalia Court, the distance was estimated to be about 24 metres. This had resulted in a privacy scheme being placed in that particular area. The distances on the upper levels were not at all unusual for the borough. The planning service concluded that the distances were acceptable;
- The Planning Service had not considered any restrictions on any future occupiers of the site and how they may choose to use the communal deck area. The general principle was that use of residential space was not noise generating per se and would cause a noise nuisance. Any noise generated by neighbours would be dealt with by separate legislation outside planning;
- On concerns raised by local residents over the lack of consultation, the Planning Service confirmed that there had been two rounds of consultation and it was understood that a site notice had also been posted. Letters of notification of the meeting were also sent out to those who had submitted a previous written submission in relation in objection to the proposals;
- The Planning Service stated that any future increase in the proposed shared ownership units would require a review of the viability assessment. If there was a wider change in economic circumstances then there was a viability assessment review mechanism in place.

Vote:

For: Cllr Steve Race (Chair), Cllr Jessica Webb (Vice-Chair), Cllr Michael Desmond, Cllr Michael Levy, Cllr Jon Narcross, Cllr Lee Laudat-Scott, and Cllr Sarah Young.

Against: None.

Abstained: None.

RESOLVED:

Planning permission was granted subject to conditions and completion of a Legal Agreement.

6 2022/1680 Development House, 56-64 Leonard Street, London, EC2A 4L

6.1 PROPOSAL:

Demolition of existing office building and construction of a new ten storey office building (Use Class E(g)(i)) with flexible retail (Use Class E(a)) and restaurant (Use Class E(b)) at ground floor, terraces and other associated works.

POST SUBMISSION REVISIONS:

- Removal of Green Walls and amended Urban Greening Factor document
 - Submission of suite of Energy and Sustainability documents
 - Submission of Transport note
 - Submission of TVHIA addendum
 - Submission of amended Drainage documents
- Planning Sub-Committee – 3 May 2023
- Submission of revised Fire Statement
 - Submission of amended Air Quality assessment.

6.2 The Planning Service's Deputy Team Leader, Major Projects introduced the application report as published. During the course of their presentation reference was made to the published addendum and the following points relating to the application report:

Air Quality Assessment

During the course of the application, the applicants had produced an Air Quality Assessment. The wording of paragraph 4.84 of the published application report would be amended to reflect this development.

The two recommended conditions were already within the report. The recommended 7 condition under paragraph 8.1.20, requiring an Air Quality Assessment to be submitted, would be deleted.

Wesley's Chapel

Following discussions with the Borough's Heritage Officer in relation to the impacts on Wesley's Chapel, the Planning Service noted that the proposed development was marginally visible in View 2 of the TVIA addendum and that, rather than 'neutral' the impact in View 4 should be considered at the "low end of less than substantial' harm. As such, the wording of paragraph 6.4.22 would be amended

Conclusions to the Urban Design, Conservation and Heritage Impacts Section

An erroneous line in the last paragraph (6.4.32) of the Urban Design, Conservation and Heritage Impacts conclusions should be removed. It referred to "the public benefit of its reuse and restoration". The 6.4.32 paragraph would be amended.

Biodiversity Net Gain

As written, the report did not refer to an area of the existing site with planters providing some existing biodiversity. As such, paragraph 6.5.1 would be amended.

Blue Badge Parking Spaces

The number of required blue badge car parking spaces in the conclusion to the Transport assessment should be one, in line with the assessment in the paragraphs above. As such paragraph 6.5.2 would be amended.

Kiffen Street

Following a query by the applicant and a clarification from the Highways team, one of the Heads of Terms to the legal agreement should be amended to remove reference to 'cyclists and pedestrians'. This is a private road and the purpose of the Heads of Terms (and the condition) is to make sure that the servicing bay to the rear is always available, not to provide a public through route.

Odour (Restaurant Use)

Since the ground floor use could include a restaurant, an assessment would be added to the amenity section; 6.5.33 Odour, 6.5.34.

There would be two proposed conditions; 8.1.42 Mechanical Ventilation Equipment and 8.1.43 Mechanical Ventilation Equipment maintenance.

Fire Statement

Since the report was written the applicants have amended the submitted Fire Statement to Revision 3 and the Greater London Authority (GLA) had agreed that remaining considerations to be discussed are minor in nature and not material to the planning decision. These will be dealt with prior to the GLA's Stage 2 review of the referral and prior to any final decision.

6.3 No persons had registered to speak in objection.

6.4 A representative for the applicant spoke in support of the application giving a brief overview of the scheme highlighting, as stated in the published report that planning permission had been granted in 2019. They added that the amount of carbon offset had been increased from 35 percent to 51 percent and that 95 percent of construction waste from the site would be recycled rather than go to landfill.

6.5 During a discussion on the proposals a number of points were raised including the following:

- On observations made by Hackney Society, that the proposed facades facing the Leonard Circus would 'create a sheer cliff', the Planning Service stated that the current proposal was similar to what was approved in 2019. The approved design had been through a number of design iterations and, rather than setting back the top storeys, which might have over complicated the architecture, cutbacks had been introduced to the sides, forming more of a point block facing Leonard Circus;
- The Planning Service had concluded that the design of the proposals worked well with a defined base and that the massing was acceptable for this sensitive location. From a townscape point of view the Planning Service had concluded that it made more sense to

have more height on that corner to create a more definable break in the grid;

- The Planning Service considered access to bike storage access by lift to be relatively normal for this type of proposals with its small plot size. The Sub-Committee noted that there was also an internal staircase and there were provisions in the scheme for both electric and manual bicycle storage. The applicant explained that they would re-work the second floor cycle storage space to reduce the number of two tier cycle stands;
- The applicant was hoping to go further to reduce the amount of carbon offset currently proposed (£157,035). They had increased the amount of PV panels provision which were now combined with green roofs across the site which would include various conditions to monitor the carbon offsetting;
- The Sub-Committee noted that several of the conditions included elements of post-occupancy evaluation e.g. reporting to the Greater London Authority (GLA);
- Twenty percent of waste produced on site during construction would go to incineration and this would be monitored as conditioned. The applicant would seek to divert the waste to resourcing first and then recycling depending on the condition in place;
- Issues relating to the installation of street lighting were part of a wider strategy for the Leonards Circus areas;
- On the objections raised by Islington Council regarding Wesley Chapel, the Planning Service was of the view that the harm to the setting of the Chapel was considered to be less than substantial and was acceptably balanced against the public benefits of the scheme.

Vote:

For: Cllr Steve Race (Chair), Cllr Jessica Webb (Vice-Chair), Cllr Michael Desmond, Cllr Michael Levy, Cllr Jon Narcross, Cllr Lee Laudat-Scott, and Cllr Sarah Young.

Against: None.

Abstained: None.

RESOLVED

Planning permission was granted subject to conditions and a Section 106 legal agreement.

7 2023/0098: 5 Oswalds Mead, Hackney, London, E9 5PZ

7.1 PROPOSAL:

Conversion of ground floor community flat meeting rooms (class F2 (b)) to a residential unit (class C3) and provision of cycle store.

POST SUBMISSION REVISIONS:

None

7.2 The Hackney Council's Planning Service's Senior Planning Officer introduced the application report as published.

No persons were registered to speak in objection to the application.

Representatives for the applicant were present to answer questions from the Planning Sub-Committee.

7.3 During a discussion on the proposals the following points were raised:

- The representative for the applicant explained that that proposed residential unit would be refurbished;
- In terms of energy efficiency for the residential unit, the representative for the applicant explained that aspect would be part of a wider scheme rather than individual unit;
- The property was last occupied as a community meeting room for tenants and residents association (TRA) in 2019. There have been no requests since then to use the site for a TRA. There were community halls near to the site, Forrester Community Hall and Herbert Butler Community Hall, which were both fully accessible and Disability Discrimination Act (DDA) compliant, and were situated 0.5 and 0.6 miles, respectively, from the proposed site. There are also other larger more accessible facilities in the area which are not operated by the Council;
- The proposed cycle storage was to be made out of galvanised steel.

Vote:

For: Cllr Steve Race (Chair), Cllr Jessica Webb (Vice-Chair), Cllr Michael Desmond, Cllr Michael Levy, Cllr Jon Narcross, Cllr Lee Laudat-Scott, and Cllr Sarah Young.

Against: None.

Abstained: None.

RESOLVED:

Planning permission was granted subject to conditions and a Section 106 legal agreement.

8 2022/2678: 15, Keir Hardie Estate, Springfield, Hackney, London, E5 9AT

8.1 PROPOSAL:

Change of use of ground floor community flat meeting rooms (Class F2) to a 1x 1-bedroom self-contained residential unit (Class C3) with the provision of cycle storage.

POST SUBMISSION REVISIONS:

None

8.2 The Planning Officer introduced the application report as published. During the course of their presentation reference was made to the published addendum and the following amendments to the published report:

- The wording of paragraph 5.4.4 was amended.
- Paragraph 5.8.5 was deleted and replaced with the following wording:

“In terms of accessibility, step-free access is provided at the front entrance which is in accordance with guidance.”

No persons were registered to speak in objection to the application.

Representatives for the applicant were present at the meeting to answer questions.

8.3 During the course of a discussion the following points were raised:

- The Planning Service assured Committee members that the one bedroom self-contained residential unit would be up to current building standards. The representative for the applicant added that the unit would also be subject to building regulations as part of the refurbishment;
- The property was last occupied as a community flat by the resident's association and used for residents association meetings and local ward councillor surgeries and had been closed for the past three years;
- The nearest community hall to the site was the Lea View Community Hall which was fully accessible and DDA compliant. It was situated 182 metres from the community flat. There were also other larger more accessible facilities in the area which were not operated by the Council.

Vote:

For: Cllr Steve Race (Chair), Cllr Jessica Webb (Vice-Chair), Cllr Michael Desmond, Cllr Michael Levy, Cllr Jon Narcross, Cllr Lee Laudat- Scott, and Cllr Sarah Young.

Against: None.

Abstained: None.

RESOLVED:

Planning permission was granted subject to conditions and a Section 106 legal agreement.

9 2022/3073: 5, Defoe House, Defoe Road, Hackney, London, N16 0EJ

9.1 PROPOSAL:

Conversion of ground floor community meeting room (class F2 (b) to a residential unit (class C3) and provision of cycle store to front elevation at ground floor level.

POST SUBMISSION REVISIONS:

None

9.2 Hackney Council's Planning Service's Senior Planning Officer introduced the application report as published.

No persons were registered to speak in objection to the application.

Representatives for the applicant were present at the meeting to answer questions from the Sub-Committee.

9.3.1 During a discussion on the application the following points were raised:

- The floorspace for the proposed unit was 31 square metres (sqm). Sub-Committee members noted that although there is a 6 sqm short fall, this would be acceptable in the circumstances given that it was previously used as a flat and is laid out as such;

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- Some of the Committee members were concerned about a wider trend about the loss of TRA community centres, however, it was noted that the community meeting room had not been used since March 2020. The Council would assist the TRA in looking at an alternative community space. Currently there were 60 active TRAs in the borough, 41 of whom did not have their own community space.

Vote:

For: Cllr Steve Race (Chair), Cllr Jessica Webb (Vice-Chair), Cllr Michael Desmond, Cllr Michael Levy, Cllr Jon Narcross, Cllr Lee Laudat-Scott, and Cllr Sarah Young.

Against: None.

Abstained: None.

RESOLVED:

Planning permission was granted subject to conditions and a Section 106 legal agreement.

10 Delegated Decisions

10.1 The Planning Sub-Committee noted the delegated decisions document.

RESOLVED:

The Planning Sub-Committee noted the delegated decisions document.

11 Any Other Business the Chair Considers to be Urgent

11.1 None.

END OF MEETING

Duration of the meeting: 6.30pm - 8.44 pm

Date of the next meeting - 8 June 2023

Cllr Steve Race, Chair of the Planning Sub-Committee

Contact:

**Gareth Sykes, Governance Officer
governance@hackney.gov.uk**