

## MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

THURSDAY 8 JUNE 2023

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtube.com/live/zTSDOSBzZVk>

- Councillors Present:** Councillor Steve Race in the Chair  
Cllr Clare Joseph, Cllr Clare Potter, Cll Ali Sadek,  
Cllr Jessica Webb (Vice-Chair) and  
Cllr Sarah Young
- Apologies:** Councillor Michael Desmond and Councillor Jon Narcross
- Officers in Attendance:** Robert Brew, Major Applications Team  
Graham Callam, Growth Team Manager  
Adele Castle, North Area Planning Team Leader  
Luciana Grave, Conservation Urban Development  
Sustainability Manager  
Alix Hauser, Major Projects Planner  
Mario Kahraman, ICT Support Officer  
Gerard Livett, Senior Planner - North Team  
Qasim Shafi, Principal Transportation Planner  
Gareth Sykes, Governance Officer  
John Tsang, Development Management and  
Enforcement Manager  
Sam Woodhead, Specialist Planning Lawyer
- Joined remotely** Cllr Ifraax Samatar

### 1 Appointment of Chair and Vice-Chair of the Planning Sub-Committee for the municipal year 2023/24

- 1.1 The Planning Sub-Committee noted the appointment of Councillor Steve Race and Councillor Jessica Webb had been appointed as Chair and Vice-Chair of the Planning Sub-Committee by Council on 17 May 2023 and the Corporate Committee on 7 June 2023, for the municipal year 2023/24.

### RESOLVED:

It was noted that Councillor Steve Race and Councillor Jessica Webb had been appointed as Chair and Vice-Chair of the Planning Sub-Committee by Council and the Corporate Committee, for the municipal year 2023/24.

**2 The Terms of Reference of the Planning Sub-Committee for the Municipal Year 2023/24**

- 2.1 The Planning Sub-Committee noted the Terms of Reference for the Planning Sub-Committee for the municipal year 2023/24.

**RESOLVED:**

To note the Terms of Reference for the Planning Sub-Committee for the municipal year 2023/24.

**3 Apologies for Absence**

- 3.1 Apologies for absence were received from Councillors Desmond and Narcross.
- 3.2 It was noted that Cllr Samatar joined the meeting remotely. The Chair reminded the Committee members that any Councillors accessing the meeting remotely were not counted as being 'present' for the purposes of the Local Government Act 1972 and may not vote on any item under consideration. At the discretion of the Chair, may however contribute to the discussion and participate in non-decision making capacity.

**4 Declarations of Interest**

- 4.1 There were no declarations of interest.

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

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

**6 Minutes of the Previous Meeting**

- 6.1 The minutes of the previous meeting held on 3 May 2023 were agreed as a true and accurate record of those proceedings.

**RESOLVED:**

The minutes of the previous meeting, held on 3 May 2023, be agreed as an accurate record of those meetings' proceedings.

**7 2022/1165: Telephone House, 69 - 77 Paul Street, Hackney, London, EC2A 4NW**

- 7.1 The application 2022/1165, Telephone House, was withdrawn from the meeting agenda.

**8 2023/0478: 189-201 Morning Lane (Arches), London, E9 6LJ**

- 8.1 The application 2023/0478m, 189-201 Morning Lane (Arches), was withdrawn from the agenda.

- 9 2023/0356: 107-117 and 133-141 Morning Lane, Hackney, London, E9 6LH**
- 9.1 PROPOSAL: Change of use from restricted retail use (Use Class A1) to Commercial, Business and Service use (Use Class E).
- POST SUBMISSION REVISIONS: None
- 9.2 The Major Projects Planner introduced the application as published. During the course of their presentation reference was made to the addendum and the following amendments to the published report;
- The revised wording of the following proposed condition was suggested:
- 7.1.10 Maximum Size of Units
- No single unit hereby approved falling within Use Class E (a) of the Town and Country Planning (Use Classes) Order 1987 or such replacement legislation shall have an area of more than 261 square metres.
- REASON:
- In order to ensure that the vitality and viability of nearby town centres is not prejudiced by the development in line with policy LP32 of Hackney Local Plan 2033.
- The revised wording of the following proposed condition was suggested:
- 7.1.7 Cycle Parking
- Prior to the occupation of each planning unit hereby approved, a policy compliant cycle parking plan, which shows details of layout, foundation, stand type shall be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interest of relieving congestion in surrounding streets and improving highways conditions in general.
- 9.3 Objectors spoke to the Sub-Committee highlighting a number of concerns including an apparent lack of consultation on the proposals, inadequate supporting documentation provided within the application, loss of amenity from potential evening uses, and pollution from uses falling within Use Class E(b), (d) and (f). There were also concerns expressed about the potential of bars and hot food takeaways to move into buildings as a result of the application and the potential for anti-social behaviour as a consequence as well as the likelihood of increased congestion and parking pressure.
- 9.4 The applicant spoke of about how the focus of the application was specifically on the two buildings at 107-117 on the corner of Churchwell Path and Morning Lane and 133-141 on the corner with Link Street and Morning Lane. The western building was historically occupied by the sports brand Nike but was

currently vacant. The eastern unit had not been occupied since its construction. A number of conditions had been proposed to minimise any disruption should the application be approved including areas such delivery, refuse collection and ventilation. As outlined in the published application report, the buildings were in a Priority Industrial Area with conditions limiting 50% of the proposed units to employment generating uses with 41% proposed as office space.

9.5 Following the submissions, members of the Sub-Committee asked questions which were responded to as follows:

- In response to a question about the change in use class, the Planning Service explained that the application had not come before the Sub-Committee before because of a change in use in E class and that there was a condition in the original application which restricted the use to a specific type of retail use. It was noted that the Council did not have any marketing evidence in regards to the proposed E class uses as the buildings had not been used within that specific E use class to date. In 2020 the E use classes had been widened because they were considered not to have significantly different amenity impacts;
- The site was in an Priority Industrial Area, the floorspace was being reduced and the Council was being flexible in providing a 51% limit on the office floorspace because there was no marketing evidence to date that its viable use within the area of the site. The 51% was reached at based on existing conditions;
- In response to concerns raised about the lack of consultation, the Planning Service confirmed that letters of consultation were sent to 164 adjoining owners/occupiers and a site notice had been put up;
- Replying to a query about the possibility of deferring the application, the Planning Service responded that the application could not be deferred in order to consider it alongside the application 2023/0478 (agenda item 8 - deferred), which was in the same area, because they were two separate applications, with two different applicants, and each application had to be considered on its own individual merits. Context was helpful but legally they had to be considered separately from one another;
- It was clarified that the local policy was set with designated boundaries and the site of the proposals area did not fall within the boundaries of Hackney Central's town centre;
- It was noted members concerns over the condition of the footpath next to the eastern unit, however, it did not fall within the remit of the application and therefore was not a material planning issue;
- The application for consideration was about the change of use class. Members identified the quality of the pavement adjacent to the site. Officers advised that the proposed uses would have similar (or lesser) footfall to consented uses so there was no planning justification to require works to be undertaken. Customer footfall was considered as part of the previous approved application and was considered acceptable at the time;
- If a section 73 application was submitted in the future with adequate justification which persuaded the Council to change its assessment of the proposed scheme then that could be an option. However as the application was not considered a major scheme it would not

automatically come to committee it would be dependent on the level of interest at the time;

- In response to members' concerns raised about the context of the site, the Planning Service replied acknowledging the concerns however they stated that each planning application had to be considered on its own individual merits. Ownership of specific land was not relevant to the application and was not a material planning matter;
- In response to a question raised about what constitutes as a restaurant, the Planning Service replied that the definition, as set out under use class E, of a restaurant was a premises for the sale of food and drink for consumption mostly on the premises. However it was recognised that this can include deliveries from the premises by takeaway drivers. If the premises were to rely primarily on deliveries then that would be a hot food takeaway and would be a change of use. The Planning Service agreed to factor into the delivery management plan if a restaurant decided to use a food delivery company;
- Committee members were reminded that class E use was primarily consumption of food and drink on site, Any change in that would result in placing the site outside that use class, however, a number of factors would need to be taken into account by the Council's enforcement team when determining this;
- In reply to a suggestion about issuing a temporary change of use, the Planning Service replied that issuing a temporary change of use would be problematic for the two buildings as currently it was not clear which type of tenants would be moving into them;
- In response to a question relating to the inclusion of a community space, the Planning Service responded that the size of the two buildings under consideration the inclusion of a community space was not possible.

Vote:

For: Cllr Clare Joseph, Cllr Clare Potter, Cllr Steve Race, Cllr Ali Sadek, Cllr Jessica Webb, and Cllr Sarah Young

Against: None.

Abstained: None.

**RESOLVED:**

Planning permission was granted subject to conditions.

**10 2021/2558: Springdale Mews, London, N16 9NR**

10.1 PROPOSAL: Submission of details pursuant to conditions 4 (Detailed Drawings), 5 (Construction Management Logistics Plan), 7, (Contaminated Land), 11 (Arboricultural Impact Assessment and Method Statement) 12 (Landscaping) & 15 (Obscure Glazing) attached to planning permission 2021/2474 dated 07/03/2023.

**POST SUBMISSION REVISIONS:**

Revised Construction Management and Logistics Plan received Revised facade drawings received.

- 10.2 The Senior Planner - North Team introduced the application as published. During their presentation reference was made to the addendum and the following points:

Add after paragraph 6.2.13:

6.2.14 With regards to noise, the CMP states that all operations will be undertaken in due consideration of BS5228 Noise and Vibration Control on Construction and Open Sites, in particular Part 1 and Part 2. Measures proposed in section 5 of the CMP include limiting hours of work (which are also controlled by other legislation), the correct use of acoustic covers to machinery, the use of acoustic barriers and fencing and ensuring plant and machinery is properly maintained.

Renumber original paragraphs 6.2.14 to 6.2.17 as 6.2.15 to 6.2.18.

- 10.3 The legal representative for the objector spoke of how the latest application in relation to condition five did not provide sufficient details regarding what was meant by temporary road/ footway closures during the construction period. They felt that the aim of the developer not to block access for longer than a consecutive 10-minute period at any one time was not a serious endeavour. It was also not clear from the Construction Management and Logistics Plan (CMLP) what size of construction vehicles were likely to be used.
- 10.4 The representative for the applicant explained that the rights of access were consulted on extensively prior to the application being submitted and a number of conditions had been included as a result. The applicant had clarified that there would be no operative parking either on site, in the mews, or in any controlled parking zone in the borough. The CMLP would include details on the construction programme timescales; the number and frequency and size of construction vehicles; construction traffic route; location of deliveries; pedestrian and vehicular access arrangements; any temporary road/ footway closures during the construction period. The representative for the applicant explained that there would be some disturbances because of construction but every effort would be made to minimise the impact.
- 10.5 During the discussion phase the following points were raised:
- In response to a question about the drainage plans, the Planning Service replied that the drainage plans were subject to a separate application and the planning service could not confirm that the roadway would be dug up;
  - In reply to a question about the CMLP, the Planning Service responded that the CMLP set out a number of parameters on how the construction would take place and it was envisaged that there would be an average deliveries per day over the course of a 12 month construction period. Which would be ten minutes each time, however, the CMLP did acknowledge on occasion that the roadway would need to be closed for longer;
  - The legal officer reminded committee members that they had to decide on whether they had received enough evidence and the plan that had been submitted met the criteria of the condition. The officers had examined that detail and they had concluded that it had met that criteria;

- In reply to a query about the position of the highway, the Planning Service explained that part of the development was proposed as an improvement to the highway which may or may not restrict the use of that highway. The Planning Service understood that there would be minimal vehicular traffic;
- The legal representative for the objector explained that they were of the view that they had not been provided with enough detail to say that those local residents in the area with cars would have enough access to enter and exit the site. Details had not been provided on the temporary road and footway closures during the construction period. Detail had not also been provided in the demolition construction plan indicating how access would be maintained on the road and there was no detail on the size of the construction vehicles to be used;
- In response to a question about how many private vehicles were in use on the road, the Planning Service responded that in their visits to the site that it appeared that not many local residents owned a private motor vehicle. Members noted at the southern end of the Mews there had been at one point a car repairs business;
- In response to a query from the Committee on whether the applicant could specify a specific number of days in which to lay down pipes, the Planning Service replied that it would not normally require a developer to specify how many days they would be laying down pipes on site. Moreover the application was about whether there was sufficient enough detail that would not lead to other people being inconvenienced while construction was going ahead. In the case of the application before the committee it was temporary obstruction;
- The legal representative for the objector explained that Springdale Mews was a mixture of businesses and residences in constant use;
- In response to a question as to how much communication had taken place between the applicant and the neighbouring properties, the brother of the applicant replied that they were in constant contact with the contractor on site and a Whatsapp group had been set up with the neighbours so if there were any blockages they would respond. They would also inform neighbours when deliveries would be coming. The idea was to ensure maximum communication. On the issue of drainage the contractor had stated that it was quite a narrow dig and a survey had been undertaken and plates would be put over the area to be dug in order to allow access;
- The brother for the applicant would welcome meetings with the local residents about the construction to take place;
- Committee members were reminded that any commitment the applicant made to communicate with neighbours was not part of the application before them at the meeting and therefore was not a material planning issue;
- In response to a question about the hours of construction, the Planning Service replied that the hours of construction were covered by other legislation which did allow for work during the week and on Saturdays. If any noisy work took place outside of those hours then the Council's noise team should be contacted and who could investigate the matter and take action;

- Committee members were reminded that the application was for an approval of details and therefore conditions could not be added or additional commitments secured;
- The applicant explained that the traditional construction hours were Monday to Friday 8:00am to 4:00pm and as previously mentioned this was covered by separate legislation. However, there was an intention by the constructors to work shorter hours than those mentioned. The representative for the applicant would speak to the construction team about the hours of construction;
- In response to a query about the location of the site office, the Planning Service replied that the location of the site office on private land was not under consideration at the meeting as part of the application before the committee;
- Replying to a question about the scale of the development, the Council's Principal Transportation Planner responded that the Council had considered the scale of the proposed development and given the information that the Council had received was deemed acceptable by the network management team. It was recognized that there would not be restrictions on the load size and size of construction vehicles on site. The Council would not be involved in that level of detail. It was accepted by the Council that within the CMLP there would be some deviation and that was generally built in and the CMLP was a live document enabling communication with the developer and would allow the Council to manage the construction phase a lot better;
- Committee members were reminded that any commitment the applicant made to communicate with neighbours was not part of the application before them at the meeting and therefore was not a material planning issue;
- Replying to a query from the committee about the management of noise on site, the Planning Service responded that the CMLP required details of noise and it was stated that it would be kept to a minimum. However it was accepted that there were activities associated with construction and in relation to safeguarding measures for trees would involve noise. This was a side effect of development activity. It was for the Committee to decide if they were satisfied that the measures proposed to limit the noise were the least intrusive as possible. Piling in relation to the lime tree was not anticipated to be a significant construction activity;
- Responding to a further question from the Committee on the management of noise on site, the Planning Service responded by referring to the published addendum which stated that an additional paragraph would be added after paragraph 6.2.13 in the application report which included details that the CMLP would state that all operations would be undertaken in due consideration of BS5228 Noise and Vibration Control on Construction and Open Sites.

Vote:

For: Cllr Potter, Cllr Race, Cllr Sadek, Cllr Webb and Cllr Young.

Against: None.

Abstained: Cllr Joseph.



**RESOLVED:**

Details were approved.

**11 Delegated decisions**

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

**RESOLVED:**

The delegated decisions document was noted.

**12 Any Other Business the Chair Considers to be Urgent**

12.1 There was no urgent business for consideration.

END OF THE MEETING

**Duration of the meeting: 6.42pm\* - 9.03pm**

\*Due to an internet outage the meeting started later than was scheduled.

Date of the next meeting – 5 July 2023

Cllr Steve Race  
Chair of the Planning Sub-Committee

Contact:  
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