

MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY 6 DECEMBER 2023

Councillors Present:	Councillor Steve Race in the Chair
	Cllr Michael Desmond, Cllr Clare Joseph, Cllr Jon Narcross, Cllr Clare Potter, Cllr Ali Sadek, Cllr Jessica Webb (Vice-Chair), Cllr Sarah Young and Cllr Michael Levy
Apologies:	Cllr Ifraax Samatar
Officers in Attendance:	Gareth Barnett, South Area Team Leader Natalie Broughton, Assistant Director Planning and Building Control Adele Castle, Team Leader North Louise Claeys, Principal Sustainability and Climate Change Officer James Clark, Planner Luciana Grave, Conservation and Urban Design Sustainability Manager Mario Kahraman, ICT Support Officer Thomas Russell, Planning Officer Gareth Sykes, Governance Officer John Tsang, Development Management and Enforcement Manager Sam Woodhead, Specialist Planning Lawyer
Also in attendance:	Cllr Polly Billington (speaking in support)

1 Apologies for Absence

1.1 Apologies were received from Cllr Samatar.

2 Declarations of Interest

2.1 The Chair declared a non-pecuniary interest in relation to agenda item 5; the interest was declared on the basis that the Chair knew one of the applicant.

2.2 The Sub-Committee members declared a non-pecuniary interest; the Committee members had received an email from the applicant for agenda item five outlining the proposals being put forward.

2.3 All of the Sub-Committee members declared a non-pecuniary interest; the Committee members all knew fellow Hackney Councillor Polly Billington who was speaking in support of agenda item 5 2022/0971 and 2023/0973 53 Northchurch Road.

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 considered and approved the minutes of the Planning Sub Committee meetings held on 6 September 2023.

RESOLVED:

The minutes of the previous Planning Sub-Committee meetings, held on 6 September 2023 be approved as an accurate record of those meetings' proceedings.

5 2023/0971 (FP) & 2023/0973 (LBC): 53 Northchurch Road, Hackney, London, N1 4EE

5.1 PROPOSAL: Installation of Photovoltaic panels on the rear and side roof slopes.

POST SUBMISSION REVISIONS: Not applicable

5.2 The designated Planning Officer introduced the application.

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

5.3 Stephen Grosz, representing the applicant, addressed the Sub-Committee speaking in support of the application.

5.4 Hackney Councillor Polly Billington addressed the Sub-Committee speaking in support of the application.

5.5 During the course of submissions and a discussion of the application, the following points were noted:

- The Council's Planning Service Conservation, Urban, Design and Sustainability (CUDS) Manager stated that the installation of the solar panels was reversible. The view of the Planning Service, in relation to the roof slates, was once the fabric was removed that was considered to be a loss and seen as irreversible. The Planning Service accepted that the applicant could do that but there was little power the Planning Service had to allow that;
- There was a brief explanation by the Planning Service of what was meant by substantial and less than substantial harm, as set out under the National Planning Policy Framework (NPPF). Sub-Committee members noted that a very high bar was set for substantial harm. It was also noted that less than substantial harm could also refer to a significant impact on a heritage asset. In the case of the application before the Sub-Committee one significant impact was the visual impact on the architectural significance of the listed building and its immediate surroundings through the installation of the solar panels;
- The Planning Service highlighted that there were no solar panels on any of the roofs of the surrounding grade two listed buildings on Northchurch Road as well as the buildings being in a conservation area. It was noted

that the Planning Service had previously consented to three other similar types of installation but they were based on a side rear element with the level of harm being much reduced. If the application was approved it could potentially set a harmful precedent to designated heritage assets within the borough;

- The applicant commented that in the process of reversal all that would occur would be the removal of roof slates where fixings were required would be replaced by composite slates which would be drilled through and were in line with Historic England's guidelines which states that the original roof slates must be maintained. The applicant stated that they were content to accept a condition similar to what had been accepted for a similar scheme in the Royal Borough of Kensington and Chelsea. They also stated that once the solar panels were removed the roof would be restored to its original state;
- The designated Planning Officer stated that the Planning Service were concerned that someone would be able to see the solar panels whilst walking down Northchurch Road. It was also highlighted that the solar panels would be more visible in the winter with less foliage around and also because they would be raised slightly off the roof;
- The designated Planning Officer stated that they had discussed the solar panels as set out in the application. The provision of heritage solar panels could potentially lead to a greater loss of historic fabric.
- Sub-Committee members were reminded by the Planning Service that they were at the meeting to consider the proposals as set out in the application. As mentioned a heritage style solar panel design had to be engineered in such a way that would considerably impact on the original roof fabric. Planning Officers reiterated that the solar panels, if approved, would be prominently visible as someone walks down Northchurch Road as well from a rear private cul-de-sac and private residences both at the front and back of the site. All these elements were seen as material in relation to the assessment of harm to the grade two listed building and the conservation area;
- The Planning Service's South Area Team Leader explained, regarding what guidance was available to them on how weigh up the balance between less than substantial harm against any benefits of the scheme, that the Planning Service had as a Planning Authority it had a statutory duty to assess every application in accordance with the Development Plan unless material planning conditions state otherwise. As part of the Development Plan there were national (NPPF), regional (London Plan) and local (LP33) policies as well sections 16, 66 and 72 legislation. In the NPPF it stated that 'substantial weight should be given to the preservation of conservation of heritage buildings'. The Planning Service concluded that there was harm attached to the installation of the solar panels that outweighed the public benefit;
- The applicant explained, in relation to any further retrofitting work taking place on site, that they had secondary glazing installed on nearly all the windows as well as internal insulation on the back extension as well as insulation in the roof and in the loft. The roof would be repaired if needed. They applicant added that these measures would reduce heat loss and their reliance on the use of gas;
- The Planning Service's CUDS Manager understood that in the case of the application, the Planning Service would always encourage a fabric first approach. One of the concerns of Planning Officers was that they

had seen little evidence of this approach in relation to the application. It was also highlighted that at the key time of the day when the solar panels generated energy was when they were least needed and instead ended up going to the grid and were not actually used at the property. The Planning Service noted that there was a lack of any evidence of battery storage on site;

- The applicant explained that there had not been any discussions with the Planning Service as to what mitigating measures could be put in place. The applicant added that in the initial refusal they had only seen one suggestion of installing solar panels on the flat roof. They also added that they would store four batteries on site and the energy would not go back to the grid. They could also add time and temperature controlled valves to their radiators so they could control the heat in any room they were in at any one time;
- The designated Planning Officer responded that there had been no formal pre-application process but discussions had taken between the applicant and the Planning Service's Conservation Officer;
- The designated Planning Officer stated that he could not comment on some of the neighbouring properties and the current status of those planning applications, however, the Planning Service understood that the application at 35 Northchurch Terrace was currently under construction. Regarding the use of the term 'viable' the Planning Service understood this to refer to a return on the installation. On the aforementioned 35 Northchurch Terrace property the Planning Service understood from that applicant that the solar panels would not be installed on the property's main roof because of the potential damage to the roof fabric. The Council's Assistant Director Planning and Building Control confirmed that the applicant at 35 Northchurch Terrace was planning to implement the scheme;
- The designated Planning Officer explained that there were examples in the immediate area of solar panels being installed on flat roofs. In relation to the example cited by the applicant, in the Royal Borough of Kensington and Chelsea, a number of conditions had been imposed that would not necessarily be imposed in Hackney. The Planning Service's South Area Team Leader and the CUDS Manager added that in relation to similar examples in Hackney, the Hackney Empire was cited. At that location they were on a flat roof, but they were not visible from the street, owing to the building height and position behind a raised parapet. Also a comparison could not be made between the Royal Borough of Kensington and Chelsea and the London Borough of Hackney as the former contained different housing stock and was assessed under a different Development Plan. The Council Planning Service's Assistant Director Planning and Building Control added that recent analysis of list building consent in conservation areas had found about 90% of applications had been approved and the other 10% the Planning Service were working with the applicants to look at what other measures could be considered;
- Service's CUDS Manager replied that in relation to Conservation Areas they were bound by law and to protect the desirability and character of the conservation area and materiality was one of those elements which contributes to that special character and appearance of the conservation area. Where planning permission was required there may be certain permitted development rights which the Planning Service may not be

able to control but where planning permission was required materiality would be considered e.g. lights or solar panels on front elevation for example. There was a degree of impact on the character and appearance of the conservation area as mentioned earlier the main part of the harm in relation to the application was the harm to the listed building and then cumulatively this impacted on the conservation area;

- The applicant explained that five solar panels would be placed on the east facing roof and five would be placed on the south facing roof. The solar panels would be placed at a 30-degree angle and it was understood to be sufficient an angle to harvest solar energy. More solar panels could be fitted on a sloping roof compared to a flat roof. Councillor Billington added that solar generation could be mapped across roofs and there was an optimal level in which the maximum level of energy could be generated with south facing and sloped roofs seen as being better. The careful mapping and placement of solar panels was essential if green targets were to be reached. The Planning Service's CUDS Manager added that the installation of solar panels were a key aspect of the borough's mapping on a flat roof were not as ideal as solar panels at a 15 to 30-degree angle. The Sub-Committee noted that the other applications in the immediate area that had been given consent were on flat roofs resulting in the visual impact being much reduced;
- The applicant added that in relation to the installation of doors on a property in a conservation area that they had no countervailing benefit;
- The Planning Service's CUDS Manager that Historic England was currently consulting on its Climate Change document, therefore Council Officers would not be able to afford it significant weight. In that document Historic England suggesting that adapting historic building also requires to make buildings not only beautiful and but also had to be done without harming the building's appearance;
- The Planning Service's Development Management and Enforcement Manager noted, regarding neighbouring properties and their planning history, that for the nearby property of Number 51 Northchurch Road, for example, there was no record of planning permission for the installation of roof lights. This matter was being investigated by the Council's enforcement team. The Sub-Committee noted that listed buildings had no period of immunity from enforcement action if there had been unauthorised developments. For non-listed building if such changes have been made they become immune from action if they had been in place for more than four years;
- Some of the Sub-Committee members thanked those Councillors who had requested that the case be referred to planning sub-committee for determination;
- The designated Planning Officer confirmed the single storey garden studio to the rear of 53 Northchurch Road formed part of the site's listing.;
- Clarification was sought between an apparent contradiction between paragraphs 1.3 and 5.2 of the published application report which differentiated in their interpretation of the status of various planning applications cited in the report. The designated Planning Officer responded that the applications had been approved but had not yet been installed;
- The designated Planning Officer, regarding the objection from the Kingsland Conservation Areas Advisory Committee (CAAC), as stated in

the published application report, agreed that the Kingsland CAAC's primary concern was not the impact on the fabric not on the visual impact of the proposals;

- The designated Planning Officer confirmed that the four solar panels on the side of the building on a flat roof, were part of the listed building. Some of the Sub-Committee members observed that the Planning Service appeared to have voiced any concerns about the impact of the solar panels on the fabric of that part of the site. The Planning Service's South Area Team Leader replied that the main roof of the property was made from slate, the unit to the rear of the property had a green astro-turf roof and that any solar panels on that unit's roof would be less harmful because the roof did not comprise part of the original building fabric;
- On the issue of less than substantial harm and differentiating between the visual and material impact, the Planning Service's CUDS Manager explained that there were several elements that could contribute to the harm, one of the highest being, for example, the visual impact;
- Some of the Sub-Committee members expressed a view that if the solar panels were shown to be economically viable then why should a local resident not benefit from them. The Planning Service's South Area Team Leader responded that approximately three percent of buildings in the borough were listed and the Planning Service acknowledged the benefits of solar panels in the generation of green energy, however, it was highlighted that there were measures in place to protect listed buildings. Members noted that the Government had recently expanded the scope of Permitted Development Rights (PDR) to include conservation areas with the remaining 97% of the borough could potentially install solar panels without planning permission. There was a large remit to deliver solar panels but the application before the Sub-Committee was different and Sub-Committee members were being asked to assess the harm of the proposals on a listed building;
- Regarding whether the applicant and planning officers had discussed a fabric first approach, as stated in paragraph 7.8 of the published application report, the Chair of the Committee responded that he understood that the Planning Service had not been provided with that detail from the applicant. The Planning Service's CUDS Manager concurred that this had been the case. The officer added a formal pre-application process could be seen as the best way in which to undertake those discussions. The Planning Service's Assistant Director for Planning and Building Control added that the retrofit plan should be sought and had been requested. The applicant had provided some information however the Planning Service were not yet persuaded by the information that had been provided;
- The Council Planning Service's Development Management and Enforcement Manager stated that a pre-application process could not be undertaken on the application before the Sub-Committee members because it was a current 'live' planning application. The Planning Service suggested that the application could be deferred and pre-application meeting undertaken and the application reviewed. However, such a development could potentially impact on expiry dates. Any pre-application process would look at alternative solutions while the current 'live' application would remain separate from that process;

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- The applicant reiterated that the property was fully double glazed and insulated and, as previously mentioned, temperature controlled radiators had also been installed as well as an energy efficient cooker;
- The applicant confirmed that they did not have available a mockup showing the installation of the solar panels;
- The Chair of the Sub-Committee clarified that the need for pre-application meeting ultimately sat with the applicant;
- Some of the Sub-Committee members did not agree with the officer's recommendation as set out in the published application report. The Planning Service's Assistant Director of Planning and Building Control in response highlighted that in the Kingsland CAAC's response, as set out in the published application report, the installation of solar panels on the roof would cause harm to the townscape.

Vote:

For: Cllr Steve Race (Chair), Cllr Jon Narcross, and Cllr Clare Potter.

Against: Cllr Michael Desmond, Cllr Michael Levy, Cllr Ali Sadek, Cllr Jessica Webb (Vice Chair), and Cllr Sarah Young.

Abstained: Cllr Clare Joseph.

In light of a majority of the Sub-Committee members voting against the Planning Officer's recommendation (Three for, five against and one abstained), as set out in the planning application report, there was a short adjournment while a motion was considered.

A motion to defer the application to seek a Retrofit Plan from the applicant was proposed by Councillor Young and seconded by Councillor Narcross.

Vote (on the motion):

For: Cllr Steve Race (Chair), Cllr Clare Joseph, Cllr Jon Narcross, Cllr Clare Potter, and Cllr Sarah Young.

Against: Cllr Michael Desmond, Cllr Michael Levy, Cllr Ali Sadek, and Cllr Jessica Webb (Vice Chair).

Abstained: None.

Five For, Four Against the motion. The motion was carried.

RESOLVED:

On the officer's recommendation, as set out in the application report, a majority of Sub-Committee members voted against the recommendation.

A motion to defer the application to seek a Retrofit Plan from the applicant was proposed by Councillor Young and seconded by Councillor Narcross.

This motion was carried by five votes For to four Against.

The Sub-Committee agreed to defer the application to allow for the consideration of the matter at a future Planning Sub-Committee meeting.

6 2023/1922: 14 Keir Hardie Estate Springfield, Hackney, London, E5 9AT

6.1 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

- 6.2 The designated Planning Officer introduced the application as set out in the published report. This was a resubmission of a previous application submitted under the address '15 Keir Hardie Estate'. The current application has been submitted under the correct address of '14 Keir Hardie Estate' to rectify this error.

No persons were registered to speak in objection or support of the application.

- 6.3 During the course of submissions and a discussion of the application, the following points were noted:

- Some of the Sub-Committee expressed their support for this trend of changing the use of ground floor community flats into residential units. However, there was concerns expressed that the Council was opting for a piecemeal approach;
- Responding to a question about whether the Planning Sub-Committee should examine more closely the policy of converting community flats to residential units and the impact on local residents' access to community spaces; the Chair of the Sub-Committee recommended that issue would fall under the remit of the Council's Living in Hackney Scrutiny Commission

Vote:

For: Cllr Michael Desmond, Cllr Michael Levy, Cllr Clare Joseph, Cllr Jon Narcross, Cllr Clare Potter, Cllr Steve Race (Chair), Cllr Ali Sadek, Cllr Jessica Webb (Vice Chair) and Cllr Sarah Young.

Against: None.

Abstained: None.

RESOLVED:

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

7 Delegated Decisions documents

RESOLVED:

The delegated decisions document for the following periods to be noted:

- 25.8.23 to 28.9.23
- 29.9.23 to 22.11.23

8 Any Other Business the Chair Considers to be Urgent

- 8.1 The Sub-Committee noted that their next meeting was on 11 January 2024.

Duration of the meeting: 6.30pm - 8.37pm

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Date of the next meeting – 11 January 2024

Cllr Steve Race, Chair of the Planning Sub-Committee.

Contact:

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