

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

WEDNESDAY, 5TH FEBRUARY, 2020

<b>Councillors Present:</b>	<b>Councillor Vincent Stops in the Chair</b>
<b>Apologies:</b>	<b>Cllr Katie Hanson, Cllr Susan Fajana-Thomas, Cllr Peter Snell and Cllr Steve Race</b>
<b>Officers in Attendance</b>	<b>Cllr Michael Levy, Cllr Brian Bell and Cllr Clare Joseph</b>
	<b>Natalie Broughton, Acting Head of Planning and Building Control</b>
	<b>Graham Callam, Acting Growth Team Manager</b>
	<b>Luciana Grave, CUDS Manager</b>
	<b>Alix Hauser, Planning Officer</b>
	<b>Gerard Livett, Senior Planning Officer</b>
	<b>Steve Fraser-Lim, Planner, Major Applications Growth Team</b>
	<b>Siddhartha Jha, Planning Lawyer</b>
	<b>Anam Rafiq, Senior Transport Planner</b>
	<b>Yvette Ralston, Planning Officer (Major Applications)</b>
	<b>Gareth Sykes, Governance Services Officer</b>
	<b>John Tsang, Development Management &amp; Enforcement Manager</b>
	<b>Tim Walder, Principal Conservation and Design Officer</b>

### **1 Apologies for Absence**

1.1 Apologies were received from Councillor Bell, Councillor Joseph and Councillor Levy.

### **2 Declarations of Interest**

2.1 There was a declaration of interest from Councillor Race in relation to agenda item 5, application 2019/2175, 305a Kingsland Road. Councillor Race explained that he had met one of the objectors to the application previously to discuss the ecology of the canal.

2.2 The chair of the committee reminded the attendees that, because of the result of an administrative error, application 2019/3445 and 2019/3453 (agenda item 9) had been withdrawn from the meeting agenda. All the relevant parties had been notified of this development prior to the commencement of the committee meeting.

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

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

#### **4 Minutes of the Previous Meeting**

- 4.1 The minutes of the previous meeting, held on the 2<sup>nd</sup> October 2019, were AGREED as an accurate record of those meeting's proceedings, subject to the following amendment:

*5 2018/2783 337-359 Kingsland Road Hackney London E8 4DR - Paragraph 5.7 to insert the following at the end of the paragraph*

This was agreed.

#### **5 2019/2175 305A Kingsland Road, London, E8 4DL**

- 5.1 PROPOSAL: Demolition of existing buildings and structures and erection of a part 6 and part 7 (plus basement) storey building comprising flexible workspace and co-living accommodation (sui generis); along with plant; cycle parking; refuse / recycling facilities; and associated works.
- 5.2 POST-SUBMISSION AMENDMENTS: Yes: Reduction in massing at site boundary; submission of additional information with regard to biodiversity, heritage, daylight / sunlight.
- 5.3 The planning officer introduced the application, as set out in the agenda meeting pack, during the officer's presentation reference was made to the addendum and the following:

Parking details table, para 4.7.2, 6.8.3 and 8.1.16 to be amended:

To refer to proposed cycle parking provision of 225 spaces.

Update to paragraph 4.5.1 of the report:

A total of 208 objections, 5 supports and 58 comments have now been received, alongside a comment from Cllr Burke (cabinet member with responsibility for biodiversity), following the publication of the report. Issues raised in the most recent responses are set out in the original committee report.

New points raised are that:

- A detailed survey of the biodiversity in the waterbody is necessary to be able adequately predict ecological impacts of the development, as well as to identify further biodiversity of conservation importance.
- A noise report should be submitted to assess noise impacts from roof terraces.
- The daylight assessment should be undertaken with balconies retained as part of the assessment, and not removed as is the case with the submitted assessment. These concerns have been assessed within the committee report and would not alter the officer assessment or recommendation.

Condition 8.1.11 (hard / soft landscaping) to be amended:

The following text “(which will include no access to the basin edge at ground floor level)” to be inserted after the ‘details of boundary treatment’ bullet point. This is to make clear that access to the basin edge at ground floor level will be prevented.

Condition 8.1.22 to be added:

“A minimum of 3 units within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To ensure that the proposed development is adequately accessible for future occupiers”.

- 5.4 The Planning Sub-Committee (PSC) first heard from four objectors representing various groups. The first of these, from Shelter, the homeless charity, explained that they were against the application because it would ruin the character of the Kingsland basin and create disturbances and noise. They claimed that the application failed to take into account the tranquillity of the site and how the proposed site would lead to additional noise that would vertebrate around the area. No consideration had been given to the impact of artificial light and it was felt lip service had been given to the employment element of the application.
- 5.5 A representative for Hackney Society’s Planning Group spoke next, highlighting Historic England’s comments that the proposals caused harm to two conservation areas. The proposed building was too big, too dense and introduced too much change into the area.
- 5.6 A local resident spoke next. They began their objection by stating that the proposals breached the London Borough of Hackney’s statutory obligation in relation to biodiversity. It should be refused because of its impact on ecology and biodiversity in Kingsland Basin. It was felt that it should be deferred to allow for a springtime survey to be undertaken of the fish in the Kingsland Basin.
- 5.7 Another local resident began by speaking about the moorings in the Kingsland Basin and how they had originally been created by Hackney Council in 1980s therefore it was felt that the council needed to ensure that existing residents had a right to light. It was felt that the report did not take into account the impact of daylight/sunlight on boats. It was claimed that the proposals would reduce the amount of daylight/sunlight below acceptable standards. It was suggested that a re-design take place to lessen the negative impact of daylight/sunlight on the canal boats.
- 5.8 The committee next heard from a local ward councillor, Councillor Burke, who began by stating that he was not requesting refusal for a development, but he was raising his concerns about the ecological studies completed. As raised by the other objectors he was calling for a full springtime ecological study and for the reorientation of the communal balconies away from the basin. As mentioned previously, there were concerns about the impact of the proposed development in terms of light pollution in the area and its impact on the ecology of the area.
- 5.9 The applicant made their submission to the PSC and began by stressing how the proposed development was in a Priority Employment Area (PEA) and that the key driver was to maximise work space. The proposals would increase employment on site by providing high quality work space as well as providing affordable accommodation. The

proposals had been robustly tested by Hackney Council's viability consultants who saw the proposals to maximise floor space in accordance with council policy. The project had the potential to support over 200 jobs which would provide a significant benefit to the area. The scheme would also deliver 121 co-living units. Co-living was a relatively new concept. It was seen as a less expensive alternative to traditional housing. Co-living or purpose-built housing seeks to address the issues associated with traditional housing options by providing safe co-habitable living in a professionally managed accommodation with communal dining and kitchen areas. There would be staff on site 24 hours a day. A draft Management Plan had been submitted with the application and a final version would be covered by condition. The applicant was keen to finalise the plan, in consultation with neighbours, to come to the committee if appropriate, to ensure there were robust processes in place. Both the new London plan and the Hackney local plan support the proposals. The applicant highlighted, referring to the plans, how the scheme made a positive contribution to Hackney's housing stock. In terms of design, the scheme responded to local context and the materials used were of high quality. In terms of conservation, the applicant had been working closely with planning officers to ensure there was no negative impact. In terms of ecology and the proposals relationship with the Kingsland Basin, the applicant had taken a long time considering this issue particularly in recognition of the work of Haggerston Gardens and the celebration of biodiversity of the area. The applicant had made a number of changes to the scheme particularly in response to the community consultation. The proposed building had been pushed back and the upper levels had been set back. There was significant planting on walls and ledges. The applicant had proposed the creation of a landscape strip at the edge of the basin to offer protection. The proposals saw a range of ecological initiatives such as bat boxes, additional planting and swift boxes. The applicant had also undertaken a number of surveys, including weekend surveys, in response to comments from local residents, and as a result the applicant gave reassurances that the proposals would not cause harm. The applicant concluded that the proposals would improve the viability of the area in accordance with the London policy considerations. The applicant re-iterated that they were keen to work with neighbours going forward. The proposals provide a significant employment opportunity with affordable work space and opportunities for employment. This would provide high quality living accommodation in a sensible location. The applicant stated that they had worked very closely with council officers to develop the proposals carefully and a number of adjustments had been made in response to issues raised and the applicant would continue to work with neighbours in the design and operation of the site.

- 5.10 The chair of the committee highlighted that a strategic housing officer was not present at the committee meeting. Therefore, the committee may not be able to resolve all the issues under discussion at the meeting.
- 5.11 The vice chair of the committee began by raising concerns about changing the proposed site to co-living the applicant was seeking to move the building into a different type of category. There was concern that this would set a precedent for the future. The vice chair highlighted from the new plan that in some cases co-living was acceptable, however, the local plan did state that the site under discussion at the meeting was not suitable. The vice chair felt that the applicant had not demonstrated why the site was not suitable for conventional housing. The vice chair did not believe the argument put forward that certain people would be happier in co-living accommodation. It was felt that type of living may lead to contested spaces. Did the planning service think that this was the type of accommodation that the local plan had in mind when it stated that in some circumstances if the site was not suitable for conventional housing other models, like co-living, would be considered?

- 5.12 In response to a question from the chair of the committee, the applicant replied that the primary driver behind the development was the size and location of the site in the PEA. This was the overriding policy driver. The applicant worked long and hard with planning officers to test the proposals against conventional housing to see if it would provide maximum amount of housing space and because of the light industrial history of the site and work was undertaken to look into that if conventional housing was to be delivered it would result in a direct conflict with the council's PEA policy. There would be less employment space if the conventional housing option was chosen. The reason the applicant had done this work, in consultation with the planning service, was to set a very high bar as to whether the applicant could do this work. The applicant suggested that the committee to think about housing needs in their broadest sense and what the applicant was able to do was provide accommodation that would give people choice. There was relatively very small housing stock in the borough and these proposals were about maximising employment space was overarching policy driver. Co-living was a concept that emerged over recent years, it was common on the continent and in Europe. The applicant reiterated that site was in a PEA and the key policy driver was about maximising employment space and that the applicant had demonstrated that conventional housing was not an option and would not maximise the employment space.
- 5.13 In response to a question from the chair of the committee, the applicant replied that there were some particular characteristics to the site under discussion. The site previous use, for example, as a light industrial space. In order to meet light industrial space needs, which incorporated a loading bay. Most PEA sites did not have the constraints of this site, therefore there was a unique set of circumstances attributed to this site.
- 5.14 In response to a question from the vice chair of the committee, the planning officer replied that for the applicant it was not about viability it was about practicalities. The first criteria of the policy outcome 21 was intended to set a high bar. This was a unique application that was suitable to this site. A lot of sites in Hackney could in some respects accommodate residential but it was whether then there was a knock on effect. Policy needed to be considered in the broader sense. With this particular site, it had to be determined whether the site would deliver any benefits. On this occasion the reasons for the employment space were quite persuasive. Kingsland Road was very busy and with the inclusion of the loading bay, if conventional housing was considered there would have to be separate bins etc on the ground floor. The ground floor frontage would also need to be taken away. There would also likely lead to further compromises on site. A conventional housing option on site would lead to greater sized units that would lead to compromises elsewhere. The officer turning to the issue of accessibility, explained this was a highly sought after location in the city fringe. The planning services when considering the application had felt that it was quite detailed in terms of living space. It was considered a well-designed scheme. The site had different policy challenges.
- 5.15 In response to a question from the chair of the committee, the planning officer replied that in talks with Hackney Council's housing team they certainly would not like to see a housing development like this on every site in a PEA as they would start to push out other conventional housing projects. This was a set of proposals that should not be replicated, however, on a smaller scale, it did increase the range of choice, and though it would not be attractive to all people it would be attractive to others. The planning officer confirmed that it was rental in perpetuity. The chair of the committee queried whether it could be assured that it would be rental in perpetuity. The applicant added that it was a requirement of the s106 agreement.

- 5.16 In response to a question from the chair of the committee, the planning service's Acting Head of Planning and Building Control replied that development plan was very much an emerging policy in the London and local plan. With Hackney's local plan there was a very strong preference for C3 conventional housing, which was the most acute need in the borough. The policy did allow for other forms of housing. In terms of circumstances in the future, there were very few sites to be accepted. The planning service would be providing further guidance on housing SPD. It was a combination of looking at the site constraints, in the case of this application it included the employment land use designation.
- 5.17 Councillor Fajana-Thomas was of the view that from the co-living in London that she had seen the majority of the occupants were living in hotels and what to live somewhere where they can come and go. The councillor was of the view that this development would not help in building a community. Some young professionals did not necessarily want to get involved in their community. The councillor also felt that there was not much detail on how much discussion had taken place beforehand, between the planning service and the applicant, on the type of occupants they were hoping to attract with this development.
- 5.18 In response to a question from the chair of the committee, the planning officer replied that this type of development was new and therefore it was difficult to determine what type of persons would live on site. There was a level of uncertainty and risk involved. The applicant may argue that they were trying to build a community and attract people who were working in the borough. The applicant added that Hackney Council and the Greater London Authority (GLA) had a policy in place on the type of accommodation involved with this application. The committee needed to be mindful of this. The applicant re-iterated that if they went with a conventional housing option then there would be a reduction in employment opportunities. It was hoped that with this type of accommodation that it would be more community minded.
- 5.19 In response to a question from the chair of the committee, the applicant replied that there was a similar development in west London which had been in operation for four to five years.
- 5.20 In response to a question from Councillor Race, the planning officer replied that the viability assessment was a condition as part of the application and the planning service were working with a consultant, who was working with the council's property services, on this issue. It was untested because there was not anything comparable. Part of the viability input would look at rental levels for example. The applicant added that the rental levels for the accommodation could be worked out at approximately £360 a week. The applicant added that they could be higher. Councillor Race replied that the rent cost per week meant that it could hardly be classified as affordable housing. The councillor added that if it was not affordable where was the affordable element? The planning officer replied that the issue with this site was that there was the competing priorities of the site being in a PEA and there was the element of residential co-living. When both elements were involved it was difficult to reach the 50% policy target for affordable housing. The chair of the committee added that the council's policy sought work space before affordable housing in the location. The council was not seeking to maximise affordable housing space. The planning officer stressed that policy states that the development must be employment-led. Unfortunately there was no surplus remaining for affordable housing.

- 5.21 In response to a question from Councillor Race, the planning officer replied that the applicant had stated that most of their rooms were 24 square metres per capita. The applicant was attempting to show that the combination of living space and communal space was greater than space provided under a conventional HMO option such as a flat or house share.
- 5.22 In response to a question from Councillor Snell, the planning officer replied that a bathroom was included as part of each living unit. The planning service had not received any comments from the private sector housing team, they do not normally comment on planning applications. It was also noted that private sector housing was a separate policy regime.
- 5.23 In response to a question from Councillor Fajana-Thomas, the planning officer replied that there were the national space standards for self-contained residential units. It could be argued that those standards were not applicable in relation to this application as it was not conventional C3 residential but nevertheless it was a benchmark to compare it against. The planning service queried whether the claim that the application was 'pocket planning' was relevant in this case.
- 5.24 The planning service's Conservation and Design Officer spoke about the principles behind the demolition of the existing building. The site was with two conservation areas (Regents Canal and Kingsland). The adjacent building (Quebec Wharf) is nationally listed at Grade II and the impact of the development on the setting of the listed building was a material consideration. The current building on this site was not a nationally or locally listed building. The building design dated from 1938 and the building was built in 1954. Up to that year it was an open yard. Some alterations were made in 1957 and 1980. Changes were made to the façade in 1984. The buildings and open yard were currently in use by Travis Perkins the builders' merchants. In pre-application discussions, following requests for further information and a Heritage Statement, the view taken had been that since the current building dates back to only 1954, it was not of sufficient historic or architectural interest to merit retention, particularly since it was not identified as a positive building in the Conservation Area Appraisal of either Conservation Area and, indeed, these documents assumed the site would be redeveloped as an enhancement to the Conservation Areas. The officer commented that there was a difference of opinion between him and Historic England, as indicated at paragraph 4.9.1 in the application report. Historic England were of the view that the building was a rare surviving example of that type of building. As previously mentioned, it had been used as a timber yard but after the big freeze of 1963 timber would not have been supplied from the canal. As Conservation Area legislation does not protect historic uses, only historic buildings, there was no protection of the historic use as a timber yard. The Conservation, Urban Design and Sustainability (CUDS) manager added that they noted Historic England's comments and they had assessed the proposals and they were of the view that the existing site was not of a strong enough historical interest to warrant it not being demolished.
- 5.25 In response to a question from the chair of the committee, the representative for Hackney Society's planning group replied that their concern was that the existing building was of interest because of its three-dimensional form. They added that the flank wall of the nearby listed building at Quebec Wharf was of as significant as the facade and would be obscured by the proposed development.
- 5.26 In response to a question from the Chair of the committee, the planning officer replied that, regarding biodiversity, ecological assessment had been submitted to assess biodiversity impacts, which included bats, birds and fish. The existing buildings on site

were assessed to have negligible potential for roosting bats. No bats were identified emerging from buildings within the site and bats were noted to enter the basin either from the Regents Canal to the south, or between buildings at the north end of the basin. The proposed development was noted not to interfere with these activities. Further reports had been submitted by the applicants to address issues of increased overshadowing impacting on fish in the Kingsland Basin. A further Ecology note has responded to the concern about the proposed development obstructing commuting routes for bats into the basin. Bats would still be capable of travelling at the height of the proposed building and were noted to forage on the brown roofs of other nearby seven storey buildings. The information from the applicant's consultants, along with representations from objectors, which dispute the findings of the submitted reports are noted. However officers consider that sufficient evidence from appropriately qualified consultants has been submitted to show that on balance the proposals would improve the biodiversity value of the site itself, in comparison to the existing situation, subject to conditions to secure proposed biodiversity enhancements.

- 5.27 The objectors replied that the biodiversity assessment was not correct. There were multiple issues that needed to be taken into account. There remained concerns over the impact of artificial light on not just the bats and fish but also insect life in the area. The applicant replied that the area in question was a small part of the basin. The foraging area for the bats, for example, was much larger and wider than the basin. They had concluded that the development would not impact on the bats.
- 5.28 In response to a question from the chair of the committee, the applicant replied that the proposed building would have installed low transmission glass which would reduce the light. The applicant noted the suggestion of automatic blinds being installed, however, the applicant's ecology expert was of the view, because of the result of their work, and they were of the view that blinds were not necessary as bats would not be unduly affected by this building.
- 5.29 In response to a question from the chair of the committee, the objector replied that, in terms of the loss of sunlight during the four specified hours in the morning and its impact on the degradation of the water ecology, currently there was approximately 80% or higher of the basin in the morning covered in shade. Between 8am and 9am in the morning there was approximately 10% sunlight on the basin. The applicant claimed that the new building would lead to the sunlight being reduced down to 3%. The applicant replied that they had submitted a fisheries report and they had determined that there was no significant effect on the basin ecology. The applicant added that their experts had looked at the impact of daylight/sunlight on the basin ecology and it was suggested that there would be no impact.
- 5.30 The objector replied that they had video evidence of fish spawning in a large gap in the basin. They argued that the impact of the proposed development as a result of daylight/sunlight would impact on the fish's progress. The applicant re-iterated that the application be halted while a springtime survey was undertaken in the basin.
- 5.31 In response to a question from the chair of the committee, the planning officer replied that there were balconies at the rear of the location in the upper levels, but the officer highlighted that there were balconies located on a number of other buildings in the area. The officer confirmed that on the proposed site there would be inset balconies.
- 5.32 In response to a question from Councillor Snell, one of the objector's replied that it was important to conduct a springtime survey fish spawn in the basin and it was important



to find out where they are in the area and where they would be impacted by the loss of sunlight for example in relation to changes in water temperature.

- 5.33 The chair of the committee was of the view that the concept and policy position of co-living/working needed to be explained further. The chair recommended that the application be deferred requesting that the applicant undertake further work to explain the concept of co-living. It was also felt by the committee that further explanation was needed on the special exemptions for the site for not providing conventional housing. The vice chair of the committee added that the applicant needed to clarify how their proposals met the criteria as set out under the new local plan. The applicant replied that they had spent a lot of time on the application, however, they were content to come back to the planning sub-committee with that additional information that they had requested.

The committee members took a vote to defer the application.

Vote

For (deferring the application) Unanimous

**6 2019/0619 1-3 Victoria Grove, London N16 8EN**

- 6.1 PROPOSAL : Erection of third and part fourth floor extensions; first floor side extension; change of use of second floor from office use (Use Class B1) to residential (Use Class C3); provision of 9 residential units on second, third and fourth floors (3 x one-bedroom, 4 x two-bedroom; 2 x three-bedroom); change of use of ground floor from café / social club (Use Class D2 and office (Use Class B1) to provide office space (Use Class B1), use of first floor to provide offices (Use Class B1); external alterations including hard and soft landscaping, car parking, changes to windows and doors and provision of balconies and roof terrace.
- 6.2 POST SUBMISSION REVISIONS: Revised context drawings received, Daylight and Sunlight Assessment received.
- 6.3 The senior planning officer introduced the application as set out in the meeting papers. During the officer's submission reference was made to the addendum and the following amendments:

In parking details

Proposed disabled parking spaces should be 0 and not 2

Update paragraph 4.7 to read:

Consultation letters were sent to 130 neighbouring occupiers. 22 letters of objection have been received raising the following grounds:

Add: Overlooking of properties on opposite side of Victorian Grove from third floor and roof terrace

Add new paragraph 6.5.8 and renumber existing paragraphs 6.5.8 and 6.5.9 as 6.5.9 and 6.5.10

Representations have been received noting that the new third floor windows and front roof terrace could result in unacceptable levels of overlooking of properties on the opposite side of Victorian Grove and requesting 1.8m high privacy. It is noted that Victorian Grove is 12m wide at this point, with the flats on the opposite side having been built up to the edge of the footway, resulting in a separation distance between the properties of approximately 14m. There is no statutory minimum separation

distance between habitable windows, and in the dense urban environment that prevails in this part of Hackney, such separation distances, especially between properties on either side of a street, is commonplace. As such, officers consider that, given these specific site circumstances, the proposal would not result in unacceptable overlooking of the flats opposite and a requirement for privacy screening is not required.

- 6.4 A local ward councillor made his submission to the planning committee on behalf of local residents, some of which were young families, speaking in objection to the application. The councillor highlighted a number of concerns. He highlighted issues over noise disturbance and light pollution in the area, particularly impacting on those residents at 1 Ormsby Place, who were approximately seven feet apart from the proposed site. It was felt that the Computer Generated Images (CGI) referenced during the meeting did not accurately show the distance between the proposed site and the neighbouring buildings. The councillor explained how one of the windows of 1-3 Victorian Grove directly overlooked into the property next door which was felt by local residents to be an unreasonable invasion of their privacy and could lead to a rise in anxiety. The councillor also highlighted that in the summer months there would be the added concern, with open windows, of increases in noise as well as smoke. The councillor stressed that the planning committee needed to ensure that steps were taken to mitigate the impact of the proposals on local residents' rights to peace and quiet. The councillor continued by highlighting local residents' concerns about bin storage and the occurrences of ASB in the vicinity. The councillor spoke of how one of the bin storage areas was directly opposite 1 Ormsby Place. The councillor reiterated that there was only a gap of seven feet between the neighbouring properties and local residents' were concerned over stench and vermin in the area. The councillor added that the council waste team had made an assessment of this area and had concluded that they would not be making collections. The councillor continued by highlighting the incidents of ASB in the area, citing a garden area, which was implied from the application would be open to the public. The councillor was of the view that the plans that had been submitted did not include the garden area. He added that contained within the garden area was an old boiler house. There were concerns that if this was to be demolished then due care and attention would be needed to safely remove any signs of asbestos within the boiler house, this would have a knock on effect on the occupants at number two Ormsby Place who would have to move out. On the parking bays on site they had previously been at the front of the site. With the proposed site there were concerns expressed about access, as it could result in a tight and dangerous parking space. There also appeared to be no daylight/sunlight report submitted particularly in relation to natural light overshadowing 1 Ormsby Place, this would have an effect on local residents right to natural light. The councillor highlighted that a comprehensive asbestos report was needed. The councillor concluded by reiterating local residents' concerns over the proposed site overlooking adjacent buildings and the potential invasion of privacy.
- 6.5 The objector made his submission to the committee and he began by highlighting the point, raised by the ward councillor previously, about how the drawings referred to at the meeting did not show the surrounding environment and did not properly show the seven feet gap between the proposed site and the neighbouring buildings of 1 and 2 Ormsby Place. Concerns were raised that they did not see the daylight/sunlight report until the day of the committee meeting. The objector also highlighted how the straight line on the drawings did not accurately reflect the lightwell and staircase. As with the ward councillor before him, the local resident highlighted concerns over the close proximity of 1 Ormsby Place to bin storage. It was felt that the details that had been provided misrepresented the distance between the proposed site and the adjacent buildings.

The applicant had declined to attend and register to speak at the meeting.

- 6.6 In response to a question from the vice chair of the committee, one of the objectors replied that the lightwell and recess on the existing front elevation were not included in the drawings referred to during the meeting. Members noted that the area in question was in the eastern elevation.
- 6.7 The chair of the committee raised the point that in terms of parking a blue badge would be provided on the street.
- 6.8 In response to a question from the chair of the committee, the Senior Planning Officer replied that the lightwell would be infilled. Having reviewed the site circumstances between the current application and the previous application. Currently 1 Ormsby Place already has low levels of light, with the new application the loss of light would not be so significant to warrant refusal of the application.
- 6.9 In response to a question from the vice chair of the committee, one of the objectors replied that there balconies on site (they had not been included on the images referred to at the meeting). The vice chair of the committee queried whether the committee would make a resolution if the balconies were not included. The Senior Planning Officer, referring to the drawing the second floor elevation, highlighted that there were some terrace gardens proposed on the second level on the east side of Ormsby Place. The recess would be set back from the face of the building. A condition would be required for a screening to be erected around the terraces. The balconies on the south elevation on the second floor were beyond the face of the building, those facing the property on the opposite side, 1 Ormsby Place, top and rear, there was a further recess balcony on the west elevation. Referring to the CGIs, the Senior Planning Officer, highlighted on the east elevation CGI clarifying the location of the terraced areas.
- 6.10 In response to a question from the chair of the committee, the senior planning officer replied that in his assessment the seven foot gap did not directly overlook the neighbouring 1a Ormsby Place property.
- 6.11 In response to questions from Councillor Fajana-Thomas, the Senior Planning Officer replied that the way the BRE guidelines operate if there was a building with poor levels of daylight then it is reduced by a certain proportion then the daylight/sunlight into the affected room is not that great. The officer briefly explained example of loss of light and how the loss of a small proportion of light, say from 100 down to 90, was considered to be acceptable. The officer added that bins could not be placed on the west side because of access arrangements as that was where the residential access was to be located and therefore separate refuse storage was required. Commercial and residential bins were dealt with by two different collection regimes. On the question of the encouragement of a roof terrace, the officer explained that it would not be over the whole roof area, they do provide outdoor amenity space and it was also a requirement of London Plan policy that community space be provided. The maintenance of the green roof does happen from time to time and would likely occur every six months. The officer added that there was a condition in place restricting the use of outside terraces. The chair of the committee highlighted the concerns of the narrowness of the space in question. The chair understood from the officer that there would be a reduction of light but only by a small amount.
- 6.12 In response to a question from Councillor Race, the Senior Planning Officer replied in terms of the layout of floor space if there was to be put in additional residential units

there would have change in the mix of housing which would not be in accordance with planning policy of one third family units in the development. The officer highlighted that one of the proposed units was slightly generous in its floor space and it was also important to bear in mind the nationally prescribed floor space standard minimum. The planning service did have a recommended head of terms in the legal agreement that if any sub division occurred or if any of the employment space is converted into residential then the planning service would seek a claw back on the provision of affordable housing on site.

- 6.13 In response to a question from Councillor Race, the Senior Planning Officer replied that because of the number of proposed affordable was below the threshold set by planning service policy then there was no obligation to seek a financial contribution.
- 6.14 In response to a question from Councillor Snell, the Senior Planning Officer replied that the daylight/sunlight assessment did look at sunlight through windows as well as the shadowing of neighbouring gardens. The officer referred to a shadowing diagram showing how the proposed development casts a shadow on neighbouring gardens. The officer highlighted from the report that the impact of daylight/sunlight on gardens and neighbouring properties was within acceptable levels.
- 6.15 In response to a question from the chair of the committee, the Senior Planning Officer replied that the existing boiler house was not represented in the plans presented at the meeting because it was outside planning control. It would be a private matter for neighbouring owners to resolve.
- 6.16 In response to a question from the chair of the committee, the Senior Planning Officer replied that one of the concerns raised was a material planning consideration, there were concerns that there might be a possibility that a terrace may overlook neighbouring property 1a Ormsby Place. The officer believed it would be helpful, on hearing from objectors at the meeting, to add to an existing condition the inclusion of some form of screen. The chair of the committee added that the previous planning permission was a material consideration and that the impacts had previously been assessed as being acceptable

Vote

For	Councillor Hanson, Snell, Stops and Race
Against	None
Abstention	Councillor Fajana-Thomas

**8. RECOMMENDATIONS**

**8.1. Recommendation A**

8.1.1. That planning permission be GRANTED, subject to the following conditions:

8.1.2. SCB1 – Commencement within three years

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

8.1.3. SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved

#### 8.1.4. SCM6 - Materials to be approved

Details, including samples, of materials to be used on the buildings, boundary walls and ground surfaces shall be submitted to and approved by the Local Planning Authority in writing before any work commences on site. The ground surface for the parking area should be of permeable paving.

The following samples would need to be provided:

- Sample window frame
- Sample brick
- Sample paving
- Sample boundary fence or other boundary treatment, including gates
- Sample door frame
- The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure a satisfactory form of development

#### 8.1.5. SCM7 - Details to be approved

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

Details of fenestration, windows and doors at 1:10

Details of balconies at 1:10

Details of entrance doors

Details of proposed gate to driveway

Detail of lamps to Ormsby Place

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

#### 8.1.6. SCM7 - Cycle Parking

Detailed drawings / full particulars of the cycle storage enclosure for the residential units hereby permitted, indicating the provision of a minimum of 18 secure covered cycle spaces, together with details for the secure parking of at least four cycles for the commercial floorspace shall be submitted to, and approved in writing, by the local planning authority prior to the first occupation of the development hereby permitted. The cycle storage and parking shall be implemented before the use is first commenced and shall thereafter be retained.

REASON: To ensure that a reasonable provision is made within the site for the parking of cycles and in the interest of promoting sustainable transport.

#### 8.1.7. SCM7 - Refuse Storage

Details of refuse enclosures, including facilities for the storage of materials for recycling, showing the design and external appearance, shall be submitted to and approved by the Local Planning Authority, in writing, before the use/development commences. The details shall include a management strategy for the commercial waste. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In order to provide adequate bin enclosures in the interest of the appearance of the site and area.

#### 8.1.8. SCS5 - Refuse storage within premises

Except on day(s) of collection, all refuse and waste shall be stored in sealed containers in the approved refuse storage areas.

REASON: In the interests of the appearance of the street and the amenity of

adjoining occupiers.

#### 8.1.9. SCT1 - Landscaping

A hard and soft landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before the development is occupied, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed, together with details of all boundary treatment, fences and other hard landscaping features; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

#### 8.1.10. SCM9 - No Extraneous Pipework

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the street elevations of the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

#### 8.1.11. NSC - No Roof Plant

No roof plant, other than as shown on the approved drawings, including all external enclosures, machinery and other installations shall be placed upon or attached to the roof or other external surfaces of the buildings.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

#### 8.1.12. SCR8 - Obscure Glazing

The new windows in the rear (north) elevation of the development hereby permitted shall be obscure glazed and fixed shut below a height of 1.7m above finished floor level and permanently retained in that form.

REASON: To safeguard the residential amenities of neighbouring occupiers.

#### 8.1.13. Roof

Other than as shown on the approved drawings, the roof of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.

REASON: To safeguard the residential amenity of neighbouring occupiers.

#### 8.1.14. NSC - Construction Logistics Plan

A Construction Logistics Plan (CLP) specifying hours of working, construction traffic routing, measures to prevent dust pollution and contact arrangements between residents and contractors shall be submitted and agreed by the Local Planning Authority Prior to the commencement of the development.

The construction logistics plan shall also include the following details:

- (a) loading and unloading of plant and materials;
- (b) storage of plant and materials;
- (c) programme of works (including measures for traffic management);
- (d) provision of boundary hoarding behind any visibility zones;
- (e) wheel cleaning provision on site.

The construction shall thereafter take place in accordance with the measures

identified within the CLP.

REASON: In order to ensure that the development does not prejudice the amenity of adjoining occupiers and in the interests of highway safety.

#### 8.1.15. NSC - Air Quality

All non-Combined Heat and Power (CHP) space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development hereby approved shall achieve dry NO<sub>x</sub> emission levels equivalent to or less than 40 mg/kWh.

REASON: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum as a result of the development and to contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

#### 8.1.16. Green / Brown Roof

Notwithstanding what is shown on the approved plans, full details of bio-diverse green / brown roofs, to include a detailed maintenance plan, shall be submitted to and approved by the Local Planning Authority, in writing, before development proceeds beyond superstructure level. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied, and retained thereafter.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building.

#### 8.1.17. Accessibility

All dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To ensure that the development is adequately accessible for future occupiers

#### 8.1.18. NSC - Contaminated Land Investigation

No development shall take place until details and results of a soil contamination survey of the site and details of remedial measures proposed to treat/eradicate any contamination found have been submitted by the applicant and approved by the Local Planning Authority in writing. The survey shall be carried out by a suitably qualified person or body to be agreed by the Council. The development shall not take place otherwise than in accordance with the details so approved.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination

#### 8.1.19. NSC - Contaminated Land Remediation

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To protect the end user(s) of the development, any adjacent land

user(s) and the environment from contamination.

#### 8.1.20. NSC - Contaminated Land Implementation

The approved remediation scheme shall be implemented in accordance with the approved timetable of works. Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination

#### 8.1.21. NSC - Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the site investigation, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of the approved remediation scheme. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with the implementation of the remediation scheme.

REASON: To protect the end user(s) of the development, any adjacent land user(s) and the environment from contamination.

#### 8.1.22. NSC - Use Class Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order modifying, revoking or re-enacting that Order with or without modification, the office floorspace hereby permitted shall not be used for any purpose other than a purpose falling within Use Class B1 as defined in the Town and Country Planning (Use Classes) Order 1987, or any Order modifying, revoking or re-enacting that Order with or without modification, without the prior written approval of the local planning authority.

REASON: To ensure the provision of employment floorspace

#### 8.1.23. NSC - Biodiversity Enhancements

The development hereby permitted shall not be occupied until at least two Swift bricks have been installed in accordance with the manufacturer's specifications and retained thereafter.

REASON: To enhance biodiversity at the site.

#### 8.2. Recommendation B

That the above recommendations be subject to the applicant, the landowners and their mortgagees enter into a legal agreement in order to secure the following matters to the satisfaction of the Head of Planning and Interim Director of Legal Services

- The owner shall be required under Section 278 of the Highways Act to pay the Council to reinstate and improve the footway adjacent to the boundary of the site (approx), and include if required, any access to the Highway, measures for street furniture relocation, carriageway markings, and access and visibility safety requirements. Unavoidable works required to be undertaken by Statutory Services will not be included in the LBH Estimate or payment



- Car free development
- Provision of two lamps to the Ormsby Place elevation
- A contribution towards the provision of affordable housing should an application for the conversion of the commercial floorspace to residential uses be received. The quantum of the contribution to be calculated on the basis of a viability assessment submitted with any such application
- Commitment to the Council's local labour and construction initiatives
- Contribution towards monitoring of the planning obligations
- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed legal agreement prior to completion

### 8.3. Recommendation C

That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the [recommended heads of terms and/or] recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

## 9. INFORMATIVES

9.1. SI.1 Building Control

9.2. SI.7 Hours of Building Works

9.3. SI.24 Naming and Numbering

9.4. CIL Informative

9.5. S106 Informative

9.6. The applicant is advised that refuse containers will need to be moved to a paved area on day(s) on collection as operatives will not move refuse containers on cobblestones.

9.7. NPPF Informative

## 7 2019/2872 91 Barrett's Grove, London N16 8AP

### 7.1 PROPOSAL:

Demolition of garage and redevelopment of the site for a mixed use scheme comprising 135sqm of B1 space and 23 residential units in three blocks ranging between six storeys and four storeys in height with associated landscaping.

### 7.2 POST SUBMISSION REVISIONS:

Updated Design and Access Statement and CGIs to reflect minor design changes to the elevations and materials. Updated sustainable Urban Drainage Strategy to propose an additional alternative drainage scheme in case infiltration is not feasible.

7.3 The planning officer introduced the application has set out in the meeting papers. During the officer's presentation reference was made to the addendum and the following amendments to the application:

Update to condition 3 to require a wall at the front of the residential entrances on Barrett's Grove:

### 8.1.3 Details to be approved

Full details (manufacturer's details and samples if appropriate) of the following shall

Be submitted and approved in writing by the local planning authority prior to commencement of the relevant parts of the development. The development shall be carried out in accordance with the approved details:

- section drawings of typical walls (scale 1:5, 1:10 and 1:20) showing all joints Between adjoining materials and features, including doors and windows sills and thresholds with balconies, balcony soffits and balustrades, bonding, doors canopies and planters.
- details of the external entrances, doors and boundary treatment including a wall in front of the residential entrances fronting Barrett's Grove to ensure adequate defensible space between the front entrances and the public footpath;
- 1:20 details showing a typical window section on both front and courtyard elevations and section through a typical recessed balcony.
- full details and physical samples of materials for external surfaces including bricks, mortar, cladding, walling, glazing (including a sample of glass to be used at ground level facing the street, residential windows and balconies, to ensure low levels of coloured tinting.
- Details of materials and elevations for bin stores and cycle store.

REASON: To ensure that the external appearance of the building is satisfactory and Does not detract from the character and visual amenity of the area.

- 7.4 The agent addressed the committee briefly, explaining that the application had been subjected to extensive consultation with the planning service officers as well as other officers in the council. The agent acknowledged that the site was in a conservation area and was a listed building. The agent added that a lot of work had been undertaken to produce a design of high quality and the proposals were seen as a significant enhancement to what was currently a poor quality site. The proposed development would create high quality employment space as well as market housing and affordable housing. There would also be the creation of a central courtyard for community space. It was a sustainable location that was optimising housing space. The s106 agreement would ensure that a high quality building would be delivered.
- 7.5 In response to a question from Councillor Race, the Planning Officer replied that London Affordable Rent (LAR) had been chosen because it considered to be genuinely affordable housing at rents only slightly higher than social rent housing. For the planning service LAR was the type of housing that they are seeking for family-size units.
- 7.6 In response to a question from the vice chair of the committee, the planning officer replied that under condition 8.1.25, lighting strategy, prior to occupation, a lighting strategy would be provided for the whole site prior to occupation, including details of how the entrance passageway between blocks A and B from Barrett's Grove would be lit.
- 7.7 In response to a question from the chair of the committee, the applicant replied that they had considered using cross laminated timber when sourcing materials but had decided against it going with masonry instead. It felt it kept more in keeping with the character of the area.

Vote

For Unanimous

## 8. RECOMMENDATIONS

### Recommendation A

8.1 That planning permission be GRANTED, subject to the following conditions:

#### 8.1.1 SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

#### 8.1.2 SCB1 - Commencement within three years

The development hereby permitted must be begun not later than three years after the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

#### 8.1.3 Details to be approved (as per addendum)

Full details (manufacturer's details and samples if appropriate) of the following shall be submitted and approved in writing by the local planning authority prior to commencement of the relevant parts of the development. The development shall be carried out in accordance with the approved details:

- section drawings of typical walls (scale 1:5, 1:10 and 1:20) showing all joints between adjoining materials and features, including doors and windows sills and thresholds with balconies, balcony soffits and balustrades, bonding, doors canopies and planters.
- details of the external entrances, doors and boundary treatment including a wall in front of the residential entrances fronting Barrett's Grove to ensure adequate defensible space between the front entrances and the public footpath;
- 1:20 details showing a typical window section on both front and courtyard elevations and section through a typical recessed balcony.
- full details and physical samples of materials for external surfaces including bricks, mortar, cladding, walling, glazing (including a sample of glass to be used at ground level facing the street, residential windows and balconies, to ensure low levels of coloured tinting.
- Details of materials and elevations for bin stores and cycle store.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

#### 8.1.4 No new pipes and plumbing

No new plumbing, pipes, soil stacks, flues, vents grilles, security alarms or ductwork shall be fixed on the external faces of the building unless as otherwise shown on the drawings hereby approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

#### 8.1.5 Piling

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any

piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground sewerage utility

infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

#### 8.1.6 CLS1.1: Contaminated land (pre-development)

Development except demolition to ground level will not commence until additional physical site investigation work has been undertaken and fully reported on and a remedial action plan has been produced to the satisfaction of and approved in writing by the Planning Authority. Where physical site investigation work has not been agreed at a pre-application stage further physical investigation work must be agreed with the contaminated land officer before being undertaken. Development will not commence until all pre-development remedial actions, set out within the remedial action plan, are complete and a corresponding pre-development verification report has been produced to the satisfaction of and approved in writing by the Planning Authority. Work shall be completed and reported by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Planning Authority and Contaminated Land Officer must receive verbal and written notification at least five days before investigation and remediation works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases.

REASON: To protect human health, water resources, property and the wider environment

from harm and pollution resulting from land contamination.

#### 8.1.7 CLS1.2: Contaminated land (pre-occupation)

Before first occupation/use of the development a post-development verification report will be produced to the satisfaction of and approval in writing by the Planning Authority. The verification report must fully set out any restrictions on the future use of a development and demonstrate that arrangements have been made to inform future site users of the restrictions. Work shall be completed and reporting produced by a competent person/company in line with current best practice guidance, including the Council's contaminated land planning guidance. The Contaminated Land Officer must receive verbal and written notification at least five days before development and remedial works commence. Subject to written approval by the Planning Authority, this condition may be varied, or discharged in agreed phases. Any additional, or unforeseen contamination encountered during the course of development shall be immediately notified to the Planning Authority and Contaminated Land Officer. All development shall cease in the affected area. Any additional or unforeseen contamination shall be dealt with as agreed with the Contaminated Land Officer. Where development has ceased in the affected area, it shall re-commence upon written notification of the Planning Authority or Contaminated Land Officer.

REASON: To protect human health, water resources, property and the wider environment

from harm and pollution resulting from land contamination.

#### 8.1.8 Building Regulations M4

At least 10% of all dwellings across all tenure types within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4

(3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and

shall be retained as such thereafter. The remaining dwellings should also be built and maintained to a minimum of M4 (2) standard.

REASON: To ensure that the development is adequately accessible for future occupiers.

#### 8.1.9 Installation of plant and machinery

No plant or machinery shall be installed on the external surfaces of the building without the submission to and agreement by the local planning authority.

REASON: In order to safeguard the appearance of building and the amenity of future and surrounding occupiers.

#### 8.1.10 Delivery and Servicing Plan

Prior to the occupation of the development a Delivery and Servicing Plan shall be submitted

to and approved by the Local Planning Authority setting out:

- Frequency of deliveries per day/week
- size of vehicles
- How vehicles would be accommodated on the public highway

Thereafter deliveries and servicing shall be carried out in accordance with the approved plan.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or public safety along the neighbouring highway(s).

#### 8.1.11 Secure Bicycle Parking

Internal lockable space shall be made available for the secure parking of 45 bicycles for the residential units and 2 bicycles for the commercial space, as well as 10 short stay spaces for the residential and 6 short stay spaces for the commercial, as shown on the plans hereby approved, prior to the first occupation of the development.

Information on how the cycle

storage will be managed between the two uses will also be provided.

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 highway conditions in general.

#### 8.1.12 Demolition and Construction Management Plan

No development hereby approved shall take place until a detailed Demolition and Construction Management Plan covering the matters set out below has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the demolition and construction management plan, which shall be maintained throughout the entire construction period.

- A demolition and construction method statement covering all phases of the development to include details of noise control measures and measures to preserve air quality (including a risk assessment of the demolition and construction phase);
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 08:00 – 18:00 Mondays-Fridays, 08:00 -13:00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- The best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise and vibration from the site;
- A demolition and construction waste management plan setting out how resources will be managed and waste controlled at all stages during a construction project, including, but not limited to, details of dust mitigation measures during site clearance and construction works (including any works of demolition of existing buildings or breaking out or crushing of concrete), the location of any mobile plant machinery, details of measures to be employed to mitigate against noise and vibration arising out of the construction process demonstrating best practical means
- Details of the location where deliveries will be undertaken; the size and number of lorries

expected to access the site daily; the access arrangements (including turning provision if applicable); construction traffic routing and trip generation and effects on the highway network; details of parking suspensions (if required) and the duration of construction

- A dust management plan to include details of how dust from construction activity will be controlled / mitigated / suppressed following best practice guidance. This should include monitoring of particulate matter at the application site boundary in the direction of sensitive receptors following the SPG Mayor of London Control of Dust and Emissions Guidance.

Upon demand a monthly monitoring report should be sent to the council for review.

- A barrier shall be constructed around the site, to be erected prior to demolition;  
 - A wheel washing facility shall be installed and operated to ensure that dust/debris is not carried onto the road by vehicles exiting the site.

REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity. To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works.

#### 8.1.13 Internal Noise Criteria for New Residential Units

All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels:

Activity	Location	Activity Location 7am to 11pm (Day)	11pm to 7am (Night)
Resting	Living room	35dB L Aeq,16hrs	-
Dining	Dining room/area	40dB L Aeq,16hrs	-
Sleeping	Bedroom	35dB L Aeq,16hrs	30dB L Aeq,8hrs

Sound insulation shall be installed between the commercial premises on the ground floor and residential unit on the first floor. The applicant shall provide a scheme of sound insulation that shall be submitted for approval to the Council's Noise Section prior to the commencement of use of the residential units.

REASON: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess noise from neighbouring uses

#### 8.1.15 Air Quality Monitoring

All measures included within the approved air quality assessment shall be fully implemented.

No occupation will take place until a report demonstrating that each measure is fully implemented has been provided to the satisfaction of and approved in writing by the Planning Authority. This should include details of building emissions considering the type of energy system which will be used in the development and show that the specified energy system will meet standards set out in the air quality neutral planning support document. Air quality monitoring should be undertaken in line with the methodology set out in Local Air Quality Management (LAQM) Technical Guidance (TG.16) to determine if any mitigation measures are required.

REASON: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

#### 8.1.16 Energy system specification and layout

Prior to the commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) full specification, including detailed layout of the heat pump system (or any other technology) that has been prioritised according to the hierarchy for selecting energy system (as indicated in the GLA Energy Assessment Guidance, 2018); confirmation that the plant proposed has been designed to connect into a wider District Heat Network if one becomes available in the future; the efficiency and capacity of the installed plant if different to that proposed in the application;
- b) sample of SAP and BRUKL sheets;
- c) clear justification for the exclusion of PVs from the development;
- d) calculation of the carbon emission savings, the shortfall to the zero carbon policy and associated payment to the carbon fund, if the proposed solution is different to that proposed in the application.

REASON: To ensure the development meets the sustainability requirements of the London and Local Plans

#### 8.1.17 Noise from Plant and Equipment

The rated aggregate noise level from the equipment hereby approved shall be 10 dB(A) or more below the measured LA90 level at the façade of the nearest residential premises and 5 dB(A) or more at the façade of the nearest office. The method of assessment shall be carried in accordance with BS4142:2014 'Methods for rating industrial and commercial sound

REASON: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance and other excess noise.

#### 8.1.18 Air Permeability Testing

Prior to occupation of the development hereby approved, a full air permeability test report confirming the development has achieved an average air permeability of 3 and 5 m<sup>3</sup> /h/m<sup>2</sup> @50pa, for all the residential units and non-domestic development, respectively, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect air quality and people's health

#### 8.1.19 Overheating

Prior to the commencement of construction of the development hereby approved an assessment of the risk of overheating should be undertaken with dynamic simulation as indicated in the Energy Assessment Guidance Greater London Authority guidance on preparing the energy assessments (2018), based on CIBSE TM59:2017 and adopting weather files as indicated in CIBSE TM49:2014, or any other methodology that may replace it. If overheating is present on the assessment, strategies proposed to mitigate the problem shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To mitigate the risk of overheating with passive strategies avoiding reliance on active cooling systems.

#### 8.1.20 Bird and Bat Box Provision

Details of Bird and Bat Box provision, including swift bricks, shall be submitted to and approved in writing by the local planning authority, prior to the completion of the relevant part of the development hereby approved. The approved details shall have been fully implemented prior to first occupation of the development.

REASON: To provide potential habitat for local wildlife.

#### 8.1.21 Waste and recycling facilities

Prior to the first occupation of the development hereby approved, waste and recycling facilities shall be provided in accordance with the details contained within the Design and Access Statement prepared by DGA Architects and any subsequent approval of details.

REASON: To ensure adequate provision is made for the storage of refuse and recycling in

the interests of amenity.

#### 8.1.22 Surface water

No properties shall be occupied until confirmation has been provided that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

REASON: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

#### 8.1.23 Sustainable Drainage

No development shall commence, other than works of demolition until the following has been provided:

1. The full detailed specification of the sustainable drainage system, including the use of permeable paving and filter drains, supported by appropriate calculations, construction details, drainage layout, and a site-specific management and maintenance plan.
2. An infiltration test carried out in accordance with the Building Research Establishment (BRE) Digest 365 and all designs shall be based on actual infiltration figures obtained through the percolation tests. Infiltration units must stand the test of half-emptying the provided storage within 24hrs for up to the 1 in 10yr return period storm for all rainfall duration events.
3. If the actual infiltration test is confirmed to be not optimal, surface water should be managed according to the drainage strategy as outlined in the Sustainable Drainage Statement (ref: 191027\_425\_10084.0001\_Barrett's Grove SuDS Issue 1 dated October 2019) with the peak discharge rate limited to 1 l/s.

REASON: To mitigate surface run off and flood risk

#### 8.1.24 Secured by Design

(1) Prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full Secured by Design Accreditation.

The development shall only be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

(2) The development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide or alternatively achieve Crime Prevention Standards to the satisfaction of the Metropolitan Police and the Local Planning Authority. Details of these shall be provided in writing to the Local Planning Authority and therefore built in accordance with.

REASON: To ensure community safety

#### 8.1.25 Lighting strategy

Prior to occupation, a lighting strategy will be provided for the whole site including details of how the entrance passageway between blocks A and B from Barrett's Grove will be lit.

REASON: To ensure safety

#### 8.1.26 Landscaping

Landscaping is to be carried out in accordance with the approved Landscape Design Document (prepared by Standerwick Land Design). Details shall be submitted to and



approved in writing by the Local Planning Authority prior to commencement of the relevant part of the development for play equipment, all trees and other planting showing location, species, type of stock, numbers of trees/plants, and areas to be seeded or turfed. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To provide adequate play space and to enhance the character, appearance and ecology of the development and contribution to green infrastructure.

#### 8.1.27 Biodiverse roof

Prior to commencement of the relevant part of the work, the applicant shall submit, and have approved in writing by the Local Planning Authority, a detailed drawing, full specifications and a detailed maintenance plan of the biodiverse roofs as shown on the approved drawings with a minimum substrate depth of 80mm, not including the vegetative mat. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

REASON: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

#### Recommendation B

8.2 That the above recommendation be subject to the applicant, the landowners and their mortgagees enter into a legal agreement in order to secure the following matters to the satisfaction to the satisfaction of the Council:

1. The owner shall be required to enter into agreement under Section 278 of the Highways Act to pay the Council to undertake public realm improvements including the reconstruction of the adjacent footway on Barretts Grove with Fibre Reinforced Artificial Stone Paving and new granite kerb and the installation of five trees at an adjacent location determined by LBH Senior Arboricultural Officer at a cost of £33,878.
2. Provision of a minimum of 4 x 3-bed affordable units (2x 3B4P and 2 x 3B5P) provided at London Affordable Rent in Block C. All affordable dwelling will be delivered prior to the occupation of open market dwellings.
3. Review mechanism - scheme viability will be reviewed after commencement.
4. Hackney Works Employment and Training contribution (construction phase) of £12,047.40.
5. Apprenticeships – apprentices (residents of Hackney) in the various building trades such as brick laying, carpentry, electrical, plumbing and plastering and the new methods of construction. At least one full framework apprentice is to be employed per £2 million of construction contract value.
6. Commitment to the Council's local labour and construction initiatives
7. Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.
8. Adoption and compliance with Travel Plan (residential) and Travel Plan Monitoring fee of £500.
9. Car Club Membership - To provide three (3) year's free car club membership for one  
(1) new resident of each residential unit, on first occupation of the each residential unit (23 x £60 = £1,380).
10. Car free - Residential and business occupiers to be ineligible to apply for residents parking permits for the local Controlled Parking Zone (CPZ) (with the exception of

disabled residents)

11. Carbon offset payment of £26,460

12. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the proposed negotiations and completion of the proposed Section 106 Agreement.

Recommendation C

8.3 That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions or legal agreement as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the Sub-Committee).

## 9 INFORMATIVES

SI.1 Building Control

SI.2 Work Affecting Public Highway

SI.3 Sanitary, Ventilation and Drainage Arrangements

SI.6 Control of Pollution (Clean Air, Noise, etc.)

SI.7 Hours of Building Works

SI.25 Disabled Person's Provisions

SI.27 Fire Precautions Act

SI.28 Refuse Storage and Disposal Arrangements

SI.34 Landscaping

SI.45 The Construction (Design & Management) Regulations 1994

SI.48 Soundproofing

NSI Prior consent for construction from the Local Authority.

NSI Thames Water will aim to provide customers with a minimum pressure of 10m head

(approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters

pipes. The developer should take account of this minimum pressure in the design of the

proposed development.

NSI A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wqriskmanagement@thameswater.co.uk](mailto:wqriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

NSI The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCs). The services of MPS DOCs are available free of charge and can be contacted via [docmailbox.ne@met.police.uk](mailto:docmailbox.ne@met.police.uk) or 0208 217 3813.

## 8 2019/3807 40 Andrews Road London E8 4RL

- 8.1 PROPOSAL Change of use of the rear of the site from vehicle decommissioning and recommissioning area to vehicle parking; installation of storage containers and portacabin along the northern boundary; relocation of floodlights; and continued use of the existing portacabin and front yard as offices and associated vehicle parking, for a temporary period of three years.

8.2 POST SUBMISSION REVISIONS None

8.3 The planning officer presented the planning application as set in the meeting papers.

*There was no applicant or objector registered to speak.*

8.4 Committee members noted there was a flood lights condition included and the lights were triggered by movement. Members also noted that, in terms of the nearest residential properties, the closest were on the opposite side of the bus depot.

#### Vote

For Unanimous

### 8 RECOMMENDATIONS

#### 8.1 Recommendation A

That planning permission be GRANTED, subject to the following conditions:

##### 8.1.1 SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

##### 8.1.2 NSC

The proposed uses and buildings hereby permitted shall be retained for a limited period of three years from the date of this permission. At the expiry of the three year period the use shall cease, the buildings removed and the land restored to its former condition.

REASON: To allow the site to be comprehensively redeveloped in accordance with emerging development plan policies.

##### 8.1.3 NSC

All vehicle movements to and from the site shall be limited to between the hours of 0700 and 0000.

REASON: To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

##### 8.1.4 NSC

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before the first occupation of the site. The development shall not be carried out otherwise than in accordance with the details thus approved and retained thereafter.

- The location, detailed design and luminance levels of the proposed replacement lighting.

REASON: To ensure that it does not detract from the character and visual amenity of the area.

#### 8.2 Recommendation B

That the Sub-Committee grants delegated authority to the Director of Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions as set out in this report provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee (who may request that such alterations, additions or deletions be first approved by the

Sub-Committee).

9 INFORMATIVES

9.1 SI.1 Building Control

9.2 SI.7 Hours of Building Works

9.3 NPPF

9.4 The land is located within 10 metres of operational railway land. Any development must comply with the requirements of Network Rail. The applicant is advised to contact Network Rail before any work begins.

**9 2019/3445 & 2019/3453 Curtain House, 134-146 Curtain Road, London EC2A 3AR**

9.1 Due to an administrative error, application 2019/3445 and 2019/3453, Curtain House, 134-146 Curtain House, had to be withdrawn from the meeting agenda.

**10 2019/3436 Former Rectory, Scout Hut and Learning Trust Facility, St John of Hackney, Lower Clapton Road, London E5 0PD**

10.1 PROPOSAL:

Submission of details pursuant to condition 3 (public access statement), and 27 (delivery and servicing management plan) of planning permission granted on 06/03/15 (ref: 2012/3345) for the redevelopment of the site to accommodate residential and community uses.

10.2 POST-SUBMISSION AMENDMENTS: Yes. The application was reported to the planning sub-committee meeting on 8th January 2020. Members raised concerns with the proposed public access strategy and deferred the application. The applicant has now submitted a revised public access statement, which responds to the concerns raised by members.

10.3 The planning officer introduced the application as set out in the meeting papers. During the officer's presentation reference was made to the addendum and the following amendments to the application:

Update to paragraph 4.5.1 of the committee report:

Objections received from Cllr Hayhurst and Cllr Chapman raising the following concerns:

- It would be a great pity if access is being limited. It's sad if the reaction to the threat of ASB is to create "no go" areas rather than deal with the problem at source. I don't approve of what might be seen as a new gated development in central Hackney.
- Object to the inclusion of gates within the development. Question whether there are any precedents for gating of public squares in town centres.

Paragraph 6.1.3 to be amended:

In order to provide clarification that the retained section of wall is 1.2m in height and 6.3m in length. The length of the wall which is completely demolished is 9.5m in length.

10.4 The committee heard from a local resident objecting to the application. They spoke of how the proposals were not keeping with the spirit of the area and how it need not be about 'us versus them'. They felt that it needed to be about working with market traders and the council. What the applicant was proposing was against what was originally agreed. The objector concluded by claiming that the applicant was responsible for

creating social division in the area. Hackney had always avoided gated communities, why was it acceptable in this case?

- 10.5 The committee next heard from a local ward councillor who objected to the application on two grounds; the retention of the wall and the creation of a gated community. In respect of the wall, when the original application was submitted under the s106 agreement the wall would be removed. As raised by many others at the previous planning meeting, the wall should be removed as was originally envisaged. Coming to the planning meeting the ward councillor noted that the element of the wall was still to be retained. There should have been any back pedalling which was a trade-off which was a publicly owned space. On the issue of gated communities the ward councillor stated that there was no precedent for having a gated community anywhere in the area. The councillor questioned why a prime public space was being gated off? The only reason that was put forward by the applicant was the police statement on incidents of ASB. It was about protecting the public realm then such steps would need to be taken across the borough not just the area in question. What the applicant was proposing was not in the spirit of the borough. The ward councillor cited planning policy and how it was about reinforcing the distinctiveness and retaining the character of the area, creating open spaces and having landmarks that make a positive contribution to the area. The application before the committee was contrary to that policy. This area should not be gated off not at dawn and not at dusk.
- 10.6 The applicant replied that they had listened to the concerns of the planning committee and local residents and had taken steps to amend their plans accordingly. The applicant also highlighted that it was important to put in context the retention of the low wall. The applicant reminded the attendees that in the original application the area was completely walled off and that the area never had completely unfettered access. A discussion ensued between the chair of the committee and one of the objectors and it was understood that a person could originally walk right up to the rectory door. The chair of the committee reiterated that it appeared that it was never the case that there was unfettered access, so it must not be exaggerated and that the public square was never the public highway.
- 10.7 Vice chair of the committee understood that under the original scheme that was to be considered it would be ensured that there would be areas for the public. The vice chair recalled that there were a lot of promises made originally, to allow members of the public to use and enjoy the public space and that was the basis on what the committee made its original decision on. The vice chair understood that at the previous planning committee meeting when it was stated by the applicant that the original scheme could not be undertaken by the applicant was not of concern to the committee.
- 10.8 The chair of the committee commented that what was of the committee now was firstly, a considered removal of the rest of the wall and secondly, the gates which it was understood had been in place previously. The planning officer confirmed that the gates had been in place previously. Before the development there had not been access to the area of the site. The chair of the committee recalled from the previous application the applicant talked about a circular shopping wall, so the issue of having the area being open to 02:00 hours the committee did not appear to be determined to have a genuine public square that's open all hours. The chair understood the concerns around close proximity but the expectation from the committee was that the wall would come down. A fully public open square would be part of a walk through to encourage shopping and community activities.

10.9 The vice chair of the committee, commenting on the application that had come to the previous January planning committee meeting, felt that at that meeting the committee were being asked to vary the application.

10.10 The chair of the committee put it to the committee members whether they should insist that the wall and the gates come down? Or did the condition before the committee now was sufficient? The vice chair of the committee was of the view that if the applicant wanted the planning consent, that the committee had originally granted, to be varied then they should have made it clear originally. If the planning officers think that this application before the committee was now sufficient then it had to be made clear the reasons for why they thought this. The planning officer replied that the committee needed to be mindful of section 3.2 of the planning application which stated:

*“Prior to the first occupation of the premises hereby approved a written strategy for public access to the site shall be submitted and to, and approved in writing by, the Local Planning Authority. The strategy shall include details of the area/s to be made available to the public, the times in which the area/s will be made available, details of management of the area/s, details of gates/other forms of enclosure of the area/s and details of opening and locking arrangements for any such gates/other forms of enclosure. The development shall thereafter be operated in full accordance with the approved written strategy for public access.”*

The planning officer stated that the condition set out what was expected. It was saying that there should not be any gates anywhere, it was expected that there would be a scheme in the area to manage access and that area would be closed at certain times. The chair of the committee replied that it was expected that there would be a public highway through the area? The vice chair replied that the committee was clear that there would be a wall blocking off the café seating.

10.11 The planning service’s Acting Growth Team Manager stated that the original scheme had included the gates. The intended scheme was always going to have gates between the churchyard and the square. The plans were clear that it was never the intention to provide 24 hour access.

10.12 In response to a question from Councillor Snell, the chair of the committee replied that the committee had discussed the wall coming down and then the condition before the committee at the meeting was about the management of the space after the wall had come down.

10.13 In response to a question from Councillor Fajana-Thomas, the chair of the committee replied that he understood that the timings would likely be between 07:00am and 17:30 hours and dusk. In the summertime members understood that the public could sit in the area until 22:00 hours.

10.14 In response to a question from Councillor Race, the applicant replied by first clarifying that the area under discussion never had unfettered access and was private land. The community space provided was for local groups to use. They would not be able to hire out the area, due to Value Added Tax (VAT) restrictions. The applicant also highlighted that this application was a diocese development, it was not the church’s development. The church would be steward for the space and its facilities. The applicant explained that the issue of ASB was of real concern. The church saw this a real problem faced by the church every day. They experienced break-ins and significant incidents of drug taking in the area. The church was regularly updated by the police about incidents of ASB in the area. It was an issue that the church faced on a daily basis. The submission

from the police needed to be listened to and taken into account. The applicant was keen to work with the council to find a workable solution.

- 10.15 The chair of the committee was of the view that a public highway should not be created. The committee considered the application with the view that this was to be a gated community with a walk through and public space. The chair added that the proposition now before the committee appeared to be a solution that worked for most people in the area for most of the time.
- 10.16 One of the objectors observed that along the western boundary of the site, in the original application, access would be given to allow people to develop the rear. Two of the objectors were seeking to develop their properties on the aforementioned western boundary. The chair of the committee replied that this issue was retrospective and he did not recall any discussion about this at the time of the original application. The Acting Growth Team Manager added that any issues around access to the rear was an entirely private matter and was not a material planning matter.
- 10.17 In response to a question from the chair of the committee, the planning officer replied that the current wording in the plan was that the gates would be 'locked open'. The chair of the committee understood that the gates needed to be 'secured open'. The planning officer added that it was a separate condition involving one of the objectors and their property access.

Vote

For	Councillor Snell and Councillor Stops
Against	None
Abstentions	Councillor Hanson, Councillor Fajana-Thomas and Councillor Race

8. RECOMMENDATION

Recommendation A

8.1. Discharge condition 3 and 27 of planning application 2012/3345

**11 2019/3202 & 2019/3793 4-6 New Inn Broadway, EC2A 3PZ**

- 11.1 PROPOSAL: 1) Submission of details pursuant to condition 9 (Exhibition Management Plan) of planning permission 2016/2895 granted on 21/06/2017 2) Submission of details pursuant to condition 12 (Public Realm – Signage only) of planning permission 2016/2895 granted on 21/06/2017.
- 11.2 POST-SUBMISSION AMENDMENTS:  
Revisions to submitted Exhibition Management Plan
- 11.3 The Senior Planning Officer introduced the planning application, as set out in the meeting papers pack.
- 11.4 The applicant gave a brief explanation of the history of the site. The site was within an Archaeological Priority Area and includes part of the site of 'The Theatre' and the Holywell Priory. The proposals would see significant improvements in the exhibition / educational space and offices. Committee members noted that the application site was occupied by a warehouse which had been demolished following planning permission (application 2016/2895) granted for the erection of a five storey building

for use as exhibition / educational space and offices. Works to develop the site were nearing completion.

- 11.5 In response to a question from the chair of the committee, the applicant replied that in terms of the signage the applicant had approached The Stage, the British weekly newspaper and website covering the entertainment industry, about jointly working together. So far they had not heard back from The Stage.
- 11.6 In response to a question from Councillor Snell, the applicant replied that they would look into linking up with the local Curtain Theatre. The applicant welcomed the news that the council would look into assisting the applicant to link up with the Curtain Theatre.
- 11.7 In response to a question from Councillor Race, the applicant replied that one day a week would be dedicated to school trips, usually every Monday. Two days a week there would be entertainment on site but it should be booked in advance. The applicant added that they were not currently holding any private tours. The applicant explained that a working group was looking into this.

Vote

For Unanimous

8 RECOMMENDATIONS

Recommendation A

8.1 That details pursuant to conditions 9 (Exhibition Management Plan) and 12 (Public Realm - Signage only) attached to planning permission 2016/2865 dated 21/06/2017 be APPROVED.

**12 Delegated decisions document**

- 12.1 The committee noted the contents of the delegated decisions document.

**RESOLVED**, that the planning sub-committee NOTED the delegations decisions document.

**Duration of the meeting: 18:30 – 22:05 HOURS**

**Signed:**

.....  
**Chair of Planning Sub-Committee, Councillor Vincent Stops**

Contact:  
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