

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

WEDNESDAY, 4TH MARCH, 2020

<b>Councillors Present:</b>	<b>Councillor Vincent Stops in the Chair</b>  <b>Cllr Katie Hanson, Cllr Susan Fajana-Thomas, Cllr Brian Bell, Cllr Peter Snell, Cllr Clare Potter and Cllr Benzion Papier (Substitute)</b>
<b>Apologies:</b>	<b>Cllr Michael Levy, Cllr Clare Joseph and Cllr Steve Race</b>
<b>Officers in Attendance</b>	<b>Rob Brew, Major Applications Team Natalie Broughton, Acting Head of Planning and Building Control Luciana Grave, Conservation, Urban Design and Sustainability (CUDS) Manager Peter Kelly, Senior Urban Design Officer Gerard Livett, Senior Planning Officer Tom Mouritz, Planning Legal Officer Qasim Shafi, Principal Transport Planner Catherine Slade, Major Projects Planning Officer Gareth Sykes, Governance Services Officer John Tsang, Development Management &amp; Enforcement Manager</b>

### **1 Apologies for Absence**

- 1.1 Apologies for absence were received from Councillors Joseph, Levy and Race. Apologies for lateness were received from Councillor Potter, who arrived during item 5.

### **2 Declarations of Interest**

- 2.1 There were declarations of interest from Councillors Bell, Fajana-Thomas and Hanson in relation to item 6. They reported that they knew one of the persons speaking in objection to application 2019/1041.

### **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 by the Council's Monitoring Officer.

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

- 4.1 The minutes of the previous Planning Sub-Committee meetings, held on the 8<sup>th</sup> January 2020 were AGREED as an accurate record of those meetings proceedings.

4.2 The minutes of the previous Planning Sub-Committee meeting, held on the 6<sup>th</sup> November 2019, were AGREED as an accurate record of those meetings proceedings, subject to the following amendments:

- Paragraph 5.22, first and second sentences, to read:  
The Chair of the committee recommended that there should be a condition on the brick work separate from the Construction Management Plan (CMP). Members agreed that the CMP and details on the brick work would come back to committee for members' consideration.
- Agenda item 8, the recommendations appear to have been duplicated.

**5 2019/3445 & 2019/3453 Curtain House, 134-146 Curtain Road, London, EC2A 3AR**

**5.1 PROPOSAL: 2019/3445 (full planning permission):** Demolition of unlisted building element fronting Rivington Place; excavation of basement under part of building; erection of new four-storey building element fronting Rivington Place; demolition of part of Listed Building to rear of main part of the building and erection of part single- and part two-storey extension to provide additional floorspace at second and third floor levels; infill of front lightwell; external alterations, including window refurbishment and creation of new entrances.

2019/3453 (listed building consent): Demolition of unlisted building element fronting Rivington Place; excavation of basement under part of building; erection of new four-storey building element fronting Rivington Place; demolition of part of Listed Building to rear of main part of the building and erection of part single- and part two-storey extension to provide additional floorspace at second and third floor levels; infill of front lightwell; external alterations, including window refurbishment and creation of new entrances; internal alterations including creation of newcores, demolition of internal walls, renovation of historic fabric and relocation of plant.

**5.2 POST SUBMISSION REVISIONS:**

Revised proposed basement drawing received (Revision K, superseding Revision J) indicating 119 cycle parking spaces, as opposed to 108, and 14 1,100 litre refuse and recycling bins, as opposed to 12. These changes were not subject to external consultation as they related to internal changes only (As per the addendum – see below).

5.3 The Senior Planning Officer introduced the planning application as set out in the meeting papers .Committee members noted during the officer's presentation reference was made to the addendum and the following amendments:

Post Submission Revisions:

Add:

"These changes were not subject to external consultation as they related to internal changes only."

Paragraph 8.1.14 s278

Add to end of condition (before reason):

"The applicant shall investigate with TfL the potential for a blue badge bay at the location of the former cross-over".

Recommendation C

Add as heads of terms:

"Payment for highways improvements on LB Hackney Road, at an estimated cost of £20,763" and "Payment of £3,800 monitoring fee for travel plan monitoring fee".

5.4 In response to a question from the Chair of the committee, the Senior Planning Officer replied that the Iron Jade Building was relevant. The officer stated that it was part of the complex but it did not form part of the application.

- 5.5 The Planning Sub-Committee members noted that a previous application had been submitted in 2014.
- 5.6 The objector began by giving a brief overview of the history of their company, adding that their business was in close proximity to the proposed development and that they currently employed 45 full-time staff. They explained that they were not against this type of development, however, these proposals would negatively impact on their and other neighbouring businesses, with a particular impact in relation to loss of light and privacy. The objector was of the view that the design of the proposed scheme was poor and, compared to the 2014 proposals, it made little sense. The current proposals, in terms of massing, were seen as excessive and would negatively affect the site as a conservation area. There was little precedent for these proposals and they would have a harmful impact on the townscape. The objector re-iterated concerns over the scale of the massing and it was suggested that the site should be reduced by one storey. They concluded by stating that the site was grossly overdeveloped in an area that was already a very tight space.
- 5.7 The applicant began their submission by explaining that over the past 18 months they had worked closely with both Hackney Council and Historic England officers. Throughout the process they had taken on board the observations made and changes to the massing to the proposed scheme had been undertaken. The committee noted that the proposed development was seeking to enhance the features of the former furniture showroom. The applicant highlighted how the site was in a Priority Employment Area (PEA) and how this type of proposed development was encouraged by Hackney Council. The applicant next addressed those concerns raised about the former 2014 application, stating that the design had essentially involved placing a large box on the front of the structure. Committee members noted that in 2014 it was a different design of a different quality. On the loss of light issue the applicant highlighted how two windows, facing west, had been blacked out by the occupants of the building.

*The applicant had brought an architectural model to the meeting, which members of the Planning Sub-Committee viewed.*

*Under the Planning Code of Practice for Planning Sub-Committee members, because Councillor Potter had not been present for the entirety of this item, she could not and did not participate in the discussion and final decision on this item.*

- 5.8 In response to a question from the Chair of the committee, the applicant replied that the proposed development would be an upgrade from the existing building. They saw the application as essential as currently the building was suffering from a number of issues including a leaking roof and a lack of Air Conditioning.
- 5.9 In response to questions from Councillor Fajana-Thomas, the Senior Planning Officer replied that the distance between the setback building of the upper floor and the inset of the back of buildings C and D was 5.2 metres. The officer went on to explain that in terms of whether, if the committee were to grant the planning application, it may set a precedent for similar applications involving listed buildings, the Officer was of the view that there was no precedent and that each planning application should be considered on its own merit. The officer added that in the introduction of his report, which gave a detailed history of the building and a significant part of the building was the front, whilst the ranges at the back were added later. The additional storey, building D, was added on to an already existing two storeys. The officer stated that he disagreed with a view expressed that half of the building had been chopped off. Whilst it was correct that some part of the historic fabric of the building would be lost, it was not as much compared to how much of the historic fabric was being retained. The officer was of the view that the heritage benefits of the scheme would outweigh those historic elements that were being lost.

**Wednesday, 4th March, 2020**

- 5.10 In response to a question from the Vice Chair of the committee, the senior planning officer replied that in terms of extra tests for listed buildings these would have to be undertaken under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which was the general duty to safeguard the special historic or architectural interest of listed buildings in the exercise of planning functions. The officer added that building elements F and G of the site were architecturally very significant but they were not being altered in any way. Committee members noted that building elements C and D were less significant than building element B, which was already a historic building. The planning service was of the view that the proposals would result in less than substantial harm to both the Listed Building and the Conservation Area. The proposed development would result in an additional 850 square metres of employment floor space while the roof of building element B would be restored, together with other improvements to the building. Using the balancing test in the National Planning Policy Framework (NPPF), these public benefits are considered to outweigh the harm.
- 5.11 In response to a question from Councillor Snell, the objector replied that they had blocked the skylights on their premises because their business was a photographic studio; they required a dark room as well as a light space. In response to a further question from Councillor Snell, the Senior Planning Officer confirmed that the response from MOLA (Museum of London Archaeology) was included in the report in the meeting papers pack.
- 5.12 In response to a question from Councillor Snell, the Senior Planning Officer replied that the Building Research Establishment (BRE) guidelines applied to residential buildings. The standards that the planning service would apply to office buildings were slightly different. The officer explained that there would often be office buildings built up right to the edge, the question would then have to be asked - did that preclude someone from building on an adjoining site? Each planning application would have to be assessed on its own individual merits, there were no guidelines as such. The officer added, that in terms of the right to light, it had been established, through case law, that commercial buildings can have a right to light but that was not dealt with through the planning process but by way of an injunction.
- 5.13 In response to a question from the Chair of the committee, the Senior Planning Officer replied that the planning service, with this planning application report, had not quite mirrored the surrounding buildings because of the tight space that was involved. The committee noted that the horseshoe aspect of the proposed development was slightly narrower than the building's length.
- 5.14 In response to a question from the Chair of the committee, the applicant replied that the current site was all owned by the developer and that the bar/restaurant on the ground floor, the Blues Kitchen, was on a long lease.
- 5.15 The Planning Sub-Committee noted that there was a condition in place to ensure that the architect continued to be employed as the project architect through the whole of the construction phase. This would be until the completion of the development.
- 5.16 In response to a question from the Chair of the committee, the applicant replied that they were proposing an electricity substation on site because currently the building did not have enough power.
- 5.17 The Planning Sub-Committee noted that the green wall would be maintained by condition (part of condition 8.16 Biodiversity Enhancements). The Senior Planning Officer suggested that the applicant may wish to consider installing some means by which to collect rain water from the higher roofs to irrigate the green wall. The applicant replied that they were content to do this.
- 5.18 In response to a question from the Vice Chair of the committee, the applicant replied that the unsightly extract duct, raised as a concern by objectors, belonged to the Blues Kitchen. The applicant explained that they had no control over the duct.

- 5.19 In response to a question from the Vice Chair of the committee, the Senior Planning Officer replied that, in terms of the applicant consulting with the neighbours, in regards to tidying up, there were a number of conditions in place requiring the scheme to be implemented with terms in the s106 with all the work to be undertaken as part of a single building operation.. The officer explained that the planning service wanted to avoid a situation where a developer would only partially do the work and then sit on the rest for a number of years. The planning service wanted the scheme to be delivered and perceived that the associated legal agreement to be sufficiently robust to allow that to happen. There was no specific end date in place but various contracts for work on the scheme did have deadlines, however if the planning service considered those deadlines to be too lengthy then that would be subject to negotiation with the applicant.
- 5.20 In response to a question from the Chair of the committee, the Senior Planning Officer replied that there were several examples in London, implemented over the years, where green walls had been maintained in perpetuity. The committee agreed that there would be a new condition on water recycling collection (see also minute 5.17 above).
- 5.21 In response to a question from the Chair of the committee, the Principal Transport Planner (Development Management) replied that an additional condition would be put in place regarding cycle parking. It would be added under condition 8.1.10. The committee agreed that there would be additional condition regarding the attachment of a light to the building.
- 5.22 In response to a question from Councillor Fajana-Thomas, the Senior Planning Officer replied that there were conditions in place, under conditions 8.1.18 to 8.1.23 in the report, covering the management of pollution.
- 5.23 In response to a question from Councillor Bell, the Senior Planning Officer replied that he would include an additional condition, which would safeguard the amenity of neighbouring occupiers, by restricting the use of the new roof terraces to between the hours of 0900 and 2200.

Vote

For	Councillors Bell, Fajana-Thomas, Hanson, Snell, Stops and Papier.
Against	None
Abstentions	None

## **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. NSC - Demolition Contract

No works of demolition shall take place until a binding Demolition Works Trade Contract for the whole of the relevant works has been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure that premature demolition does not take place and that an unsightly gap or derelict site does not detract from the character and

appearance of the area.

8.1.5. NSC - Draft Basement Contract

No later than twenty (20) weeks after the commencement of Demolition Works the Applicant shall send a draft Basement Trade Contract, which shall include details of the basement construction methodology and timescale to the Local Planning Authority for approval in writing.

REASON: To ensure that the basement works are undertaken in an appropriate and timely manner.

8.1.6. NSC - Confirmation of Basement Contract

No later than thirty (30) weeks after commencement of Demolition works, the Applicant shall enter into the binding Basement Trade Contract and provide a certified copy to the Local Planning Authority.

REASON: To ensure that the basement works are undertaken in an appropriate and timely manner.

8.1.7. NSC - Above Grounds Works Contract

No later than fifty two (52) weeks after commencement of Demolition works, the Applicant shall enter into the Above Ground Trade Contract, which shall include a timescale for the completion of the works, and provide a certified copy to the Local Planning Authority for approval in writing.

REASON: To ensure that the above ground works are undertaken in an appropriate and timely manner.

8.1.8. Section 106 Agreement

The approved scheme shall be implemented in full accordance with the Section 106 Agreement entered into between the Council and the applicants or their successors in title.

REASON: To ensure that the public benefits of the approved scheme are achieved.

8.1.9. SCM2 - Materials to be approved

Full details, including physical samples, of all the materials to be used on the external surfaces of the building, including, but not limited to roof slates, leadwork, perforated metal screens, bifolding metal access gates, corten steel, new bricks and bricks used for repair, external stonework, coping stones, concrete lintels and terra cotta, shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. Full details of the glazed north lights with integrated PV panels shall also be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.1.10. 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.

a) Details of fenestration, windows and doors at 1:10

b) Details of balconies at 1:10

c) Details of entrance doors

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the conservation area and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.1.11. NSC - 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. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

#### 8.1.12. Travel Plan

The development hereby permitted shall not be occupied until a full workplace travel plan has been submitted to, and approved in writing by, the local planning authority which should establish a long-term management strategy with measurable targets and create a package of measures to encourage sustainable and active travel. The travel plan should include details of regular reviews.

REASON: To promote sustainable transport and in the interests of highway safety.

#### 8.1.13. Service Delivery Plan

The development hereby permitted shall not be occupied until a full service delivery plan has been submitted to, and approved in writing by, the local planning authority which should provide details of the location, number and timings of deliveries and collections, and the types of delivery and collection vehicles.

The Plan should include details of refuse collections and timings, and details of how the refuse containers will be moved from the basement to the ground floor.

REASON: In the interests of highway safety and the amenity of neighbouring occupiers.

#### 8.1.14. s278

Prior to the first occupation of the development hereby approved, the cross-over on Curtain Road which will become redundant as a result of the development hereby approved shall be removed and any other highways works undertaken. The works shall only be undertaken by Transport for London (or by a third party appointed by TfL), and shall be undertaken at the expense of the developer. The applicant shall investigate with TfL the potential for a blue badge bay at the location of the former cross-over.

REASON: To ensure that an adequate highway environment is provided

#### 8.1.15. SuDS

No excavation or below ground works shall take place until full particulars of a Sustainable Urban Drainage System (SuDS), including the following, has been submitted to and approved in writing by the Local Planning Authority.

- a) Details of a SuDS that achieves a 50% betterment in surface water run-off rates in respect of the new build elements compared to the existing run-off rates.
- b) A detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site.

c) A strategy which demonstrates how any SuDS and/or attenuation features will be suitably maintained for the lifetime of the development. The development shall not be carried out otherwise than in accordance with the details thus approved, which shall be implemented in full prior to the first occupation of the development hereby approved

REASON: To ensure that the development will provide a sustainable drainage system. The condition is required to be discharged prior to the commencement of development to ensure that sustainable drainage is incorporated into the design of the development.

#### 8.1.16. Biodiversity Enhancements

The development hereby permitted shall not be occupied until full details of biodiversity enhancements, including, but not limited to, nesting boxes or bricks, an insect hotel and a green wall, have been submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall be implemented before occupation of the development and thereafter retained. The details should include measures for rainwater harvesting to irrigate the green wall.

REASON: In the interests of enhancing biodiversity at the site and in the wider area.

#### 8.1.17. Works to roofs

No works to roofs shall take place during the bird nesting season (March to October) unless a nesting survey, undertaken by a suitably qualified ecologist, indicating that no nesting birds would be disturbed by the works, has been submitted to, and approved in writing by, the local planning authority.

REASON: To safeguard nesting birds at the site.

#### 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 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 - Noise from plant

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 noise sensitive premises and 5 dB(A) or more from 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.

#### 8.1.23. 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.

#### 8.1.24. NSC - Archaeology

No relevant demolition or development shall take place until a stage 1 archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site excavation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. A statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI. REASON: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and the NPPF. The condition is required to be discharged prior to the commencement of development as the archaeological remains are of regional significance.

8.1.25. NSC - Demolition, Construction Management and Logistics  
A Demolition, Construction Construction Management and 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, if required;
- (f) measures to minimise the emission of dust

The demolition and construction shall thereafter take place in full 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.

8.1.26. NSC - Non Road Mobile Machinery

Only Non Road Mobile Machinery which complies with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery' will be present on or used at the development site during the demolition and construction process. All NRMM must be entered on the Non Road Mobile Machinery online register at <https://nrmm.london/user-nrmm/register> before being operated. Where Non-Road Mobile Machinery, which does not comply with 'chapter 7 of the Cleaner Construction Machinery for London: A Low Emission Zone for Non-Road Mobile Machinery', is present on site all development work will stop until it has been removed from site.

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 course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedences of National Air Quality Objectives.

8.1.27 NSC - Roof Terrace

The roof terrace hereby permitted shall not be used as an amenity area outside the following hours:

09:00 to 22:00 on any day.

REASON: To safeguard the amenities of neighbouring occupiers.

## **8.2. Recommendation B**

8.2.1. That Listed Building Consent be GRANTED, subject to the following conditions

8.2.2. SCB2N - Commencement within three years

The Development hereby permitted must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: In order to comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

8.2.3. SCB0 - Development in Accordance with approved drawings

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.

8.2.4. NSC - Expert Supervision

Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the Local Planning Authority.

REASON: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works.

8.2.5. NSC - New Discoveries

During the works, if hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.2.6. NSC - Structural Variation

In the event that a variation is proposed from the structural interventions hereby approved, full details of the varied structural interventions shall be submitted to and approved by the Local Planning Authority, in writing, before the relevant part of the work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the special architectural and historic interest of this building is safeguarded and that the proposal does not detract from the character and appearance of the conservation area.

8.2.7. NSC - Building Control Variation

In the event that a variation is proposed from the works hereby approved, as a result of discussions with Building Control and the requirement to meet Building Regulations, full details of the variations to the works shall be submitted to and approved by the Local Planning Authority, in writing, before the relevant part of the work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In order that the works approved are carried out in a satisfactory manner which safeguards the special historic and architectural interest of the building and that the proposal does not detract from the character and appearance of the conservation area.

8.2.8. NSC - Exterior Cleaning

No cleaning of masonry to the retained historic buildings, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.2.9. SCM7 - Further details to be Provided

**Wednesday, 4th March, 2020**

Full details of the following shall be submitted to, and approved in writing by, the Local Planning Authority before the start of the relevant part of the works. The works shall not be carried out otherwise than in accordance with the details thus approved:

- A. Details of all rainwater goods to the historic buildings including but not limited to gutters, hoppers and downpipes in the form of manufacturer's specification or similar showing the dimensions, design painted black ;
- B. Pavement lights to Curtain Road in the form of a manufacturer's specification or similar showing the dimensions, design and materials;
- C. Details of services within the historic buildings in the form of a set of floorplans with the routes for all services shown;
- D. Details of raised access floors within the historic building in the form of a typical section drawing;
- E. Details of replacement windows to the historic buildings in the form of a 1:20 elevation showing the glazing pattern and 1:5 sections showing the frames, glazing bars and glazing units;
- F. Details of all new and replacement external doors to the historic buildings (particularly, but not limited to the ground floor level on Curtain Road) in the form of a 1:20 elevation showing the general appearance and 1:5 sections showing the material and construction;
- G. Details of any re-roofing works to the historic buildings in the form of typical sections showing the roof covering, relevant roof structure, any insulation and other alterations to existing, with details of the proposed materials;
- H. Details of any new or altered internal drainage system to the roof of Building B;
- I. Details of the reinstatement of the voussoirs to the arch at Number 146 in the form of a 1:20 elevation drawing and 1:5 sections showing the materials and buildup;
- J. Details of new restraint beams within the proposed lightwell;
- K. Details of the louvred roof to Building H in the form of a typical 1:5 section;
- L. Details of the corten window screens to Building H in the form of a typical 1:20 elevation and 1:5 section;
- M. Notwithstanding the approved plans and documents, details of the protection of the two front cornices from water (e.g. through leadwork or provision of drips);
- N. Details of the mechanical smoke extractor and noise attenuator to the roof of Building B in the form of a manufacturer's specification with dimensions and details of materials;

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 8.2.10. NSC - Restoration Method Statement

Notwithstanding the approved drawings and documents, before the start of the relevant part of the works, a Restoration Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No other restoration works are authorised by this consent without prior approval of the details. The Restoration Method Statement shall address the following:

- A. The material, method and style of re-pointing;
- B. The method of any cleaning of the external elevations;
- C. The method for the removal of paint from terra cotta (if any);
- D. The method for the conservation or restoration of the ghost signs to the rear elevation of Building B;
- E. The approach to the reinstatement of the rear elevation of Building B, where exposed in the proposed lightwell;

- F. The approach to newly exposed structural elements within the proposed lightwell;
- G. The exposure of brickwork internally;
- H. The approach to newly exposed ceilings;
- I. Sealing of brickwork (including externally (if any), within basement vaults and elsewhere within the historic buildings);
- J. The refurbishment of internal steel fire doors;
- K. The approach to bringing the clock on the front elevation of Building B back into working order.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 8.2.11. SCL2 - Materials to Match

All new works, and works of making good to the retained fabric, shall match the existing adjacent work in respect to materials, dimensions, colour and texture, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 8.2.12. NSC - Brickwork to Match

The new facing brickwork shall match the existing brickwork adjacent in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 8.2.13. NSC - Second-hand Bricks

Where second-hand or salvaged bricks are to be used, these are to be entirely cleaned of paint, soot and any other coatings before reuse.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 8.2.14. NSC - Use of lime

All works of bedding, pointing and rendering to brickwork on the retained historic buildings shall be performed in lime based mortars consisting of 1 part lime to 3 parts sand. Cement and mortars containing cementitious materials shall not be used.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 8.2.15. SCL6A - Retention of Features

All existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors, staircase balustrading shall remain undisturbed in their existing position and shall be fully protected during the course of works on site, unless specifically authorised otherwise on the drawings hereby approved. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that those features which contribute to the special architectural and historic interest of the building are retained.

#### 8.2.16. SCM9 - External Pipework etc

No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 8.2.17. NSC - External Equipment

No new grilles, security alarms, lighting, security or other cameras or other fixtures or plant whatsoever shall be mounted on the external faces or roof of the building other than those shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 8.2.18. NSC - Punctuations in Walls and Roofs

No additional punctuations in the external walls and roofs shall be permitted other than as shown on the drawings hereby approved.

REASON: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 8.3. Recommendation C

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 to the satisfaction of Head of Planning and Interim Director of Legal Services:

- Considerate Contractor
- Workplace Travel Plan monitoring
- Hackney Works (Construction phase)
- Architect, Design and Heritage
  - To use all reasonable endeavours to ensure that the Architect continues to be employed as the project architect through the whole of the Construction Phase and until completion of the Development;
  - The Owner shall not submit any drawings relating to details of the design of the Development that are required to be submitted pursuant to conditions of the Planning Permission and Listed Building Consent unless such drawings have been prepared or overseen by the Architect. In the event that changes to the Architect or Heritage Consultant become necessary due to circumstances beyond the control of the Owner, the Owner shall immediately notify the Council of this fact and the Owner shall be at liberty to appoint another architect or heritage consultant for the purpose of the completion of the Development.
- Securing heritage benefits
  - Not to occupy or re-occupy or cause or permit the occupation or re-occupation of the Development or any part thereof and not to use or cause or permit the use of the Development or any part thereof until such time as the Heritage Renovation Works have been implemented and completed.
- 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.

and (As per the addendum):

- Payment for highways improvements on LB Hackney Road, at an estimated cost of £20,763
- Payment of £3,800 monitoring fee for travel plan monitoring fee

### 8.4. Recommendation D

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. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>.

9.7. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>

9.8. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://thameswater.co.uk/buildingwater).

9.9. 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.

9.10. Written schemes of investigation will need to be prepared and implemented by a suitably qualified / professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

9.11. NPPF Informative

## 6 **2019/1041 1 Londesborough House, Londesborough Road, Hackney, London N16 8RJ**

6.1 PROPOSAL: Erection of ground and first floor extensions to side and rear of existing two-storey house and two storey extension above existing house to provide two additional self-contained residential units and refuse and cycle storage.

6.2 POST SUBMISSION REVISIONS: Alterations to the bicycle and waste (refuse and recyclables storage) and internal layouts.

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

Site Location Plan: The site location plan at page 201 in the agenda papers incorrectly identifies the site. The correct site location plan had been circulated to Planning Sub-Committee members, tabled at the meeting and was included in the presentation. For the avoidance of doubt, the site location plan submitted in support of the application correctly identifies the site to which the application relates.

**Wednesday, 4th March, 2020**

Additional representation: 1 An additional representation had been received from the North and South Defoe Residents Association. This raises concerns that the site history had not been fully disclosed and examined and over the consultation process, namely in reference to previous proposals at land adjacent to 8 Londesborough House. The applications referred to in the representation had been assessed and found not to be germane to the determination of the current application as they represent a different form of development in a different location. In this instance, the current application site seeks to extend the 'book-end' of Londesborough House whereas the applications for land adjacent to 8 Londesborough House were situated on a separate parcel of land that was not attached to Londesborough House.

It was therefore considered that proposals for the 2 sites are materially different, and the officer's report appropriately assesses the planning merits of the case. The Local Planning Authority has complied with its statutory obligations in respect of the consultations, and the TRA has been given an opportunity to address the Planning Sub-Committee.

Paragraph 8.2 2 Add (as a head of term in the legal agreement): "Considerate Constructors"

- 6.4 Local residents began by making their submissions in objection to the planning application. The first of the local residents raised concerns about the increase in height of the planned development and its potential impact on the loss of privacy to those living adjacent to the structure. They explained that the proposals would lead to the building overlooking adjacent private properties leading to loss of privacy. The local resident suggested that the inclusion of obscure glazing was not a solution. The objector also raised concerns about the impact to neighbouring buildings by the proposed scheme on the loss of light. This was a particular issue for those properties number one and number eight. They saw the scheme as being unsympathetic of Londesborough Road.
- 6.5 Another local resident also raised concerns about the loss of light, privacy and outlook. The local resident cited the Planning Inspectorate's (PI) decision statement relating to 8 Londesborough House. They felt that the PI's statement was believed to be equally relevant to the proposed application as it was to the proposed development at 8 Londesborough House. Local residents felt that there had been wider points made in relation to the local street scene and scope/bulk of the development that had not been taken into account in the application.
- 6.6 The next local resident raised concerns about how the relevant history for the site had not been disclosed. They felt it was significant and should be taken into account. As was mentioned earlier, this included the PI decision from 2009, which had been dismissed an applicant appeal at the time relating to an identical site at Londesborough House which proposed a similar development at No.8 Londesborough House. The local resident stated that numbers 1 and 8 Londesborough House were identical three bed 'bookend' freehold maisonettes located at both ends of Londesborough House as part of Londesborough Estate. The following planning applications relating to the development at No.8 Londesborough House had either been refused, withdrawn, dismissed on appeal and final appeal dismissed by the PI at the time. The local resident stated that both existing properties were identical in structure and design at Nos 1 and 8 Londesborough House. The difference between the two applications is one was to add a separate new dwelling and the other is a significant extension upwards to the existing dwelling to convert into three separate residential units. Both developments were/are proposed to make use of the existing private gardens at the said applications. As stated by the other local residents, the bulk and scale of the proposed development at No.1 Londesborough Road would significantly impact on the local street scene and the Planning Inspectorate's appeal decision is still relevant and equally applies the current live planning application for the property. The local resident felt that it was disingenuous for the PI ruling, relating to Number 8, not to be disclosed. It was also felt that the Planning Service had not consulted with the Director of Housing on this matter as the proposed development is within the existing boundary of a council estate. The local resident highlighted that the Tenant & Residents' Association for Londesborough Estate had also not been consulted about the application.



- 6.7 The applicant made a brief submission to the Planning Sub-Committee. They explained how the proposed application was for the erection of ground and first floor extensions to the side and rear of the existing two-storey house. There was also proposed a two storey extension above the existing house to provide two additional self-contained residential units and refuse and cycle storage. The proposal would result in an increase in massing and height of the existing building. There would also be the introduction of a distinctive development within the street scene. The applicant also believed that the massing was acceptable and that it was in keeping with the character of the area. The committee noted that Daylight and Sunlight Assessment, undertaken in accordance with BRE guidance, had been provided in support of the application. The assessment had indicated that the proposal would result in an acceptable outcome which complied with the national guidance. Committee members noted that the application was required to be a car free development in order to prevent highway safety harm by way of increased traffic generation and pressure for on street car parking.
- 6.8 In response to a question from the Chair of the committee, the Council's planning legal officer replied that the site was under ownership of Blufox Development Ltd and therefore was privately owned, not Council housing controlled land. The Planning Officer added that she had a copy of the Land Registry title, verifying ownership of the land, which she was prepared to send to the objectors.
- A copy of the Land Registry title was sent to the objector on the night of the meeting,*
- 6.9 In response to a question from the Chair of the committee, the Major Projects Planning Officer replied that consultation letters were sent to 70 neighbouring occupiers with 34 objections from 23 households. The committee noted that a site notice had been up during the summer of 2019 and the officer reported that she had visited the site in January 2020 and the site notice was still on display.
- 6.10 In response to a question from Councillor Snell, the Major Projects Planning Officer replied that the applications referred to in the representation had been assessed and found not to be relevant to the determination of the current application as they represent a materially different form of development in a different location. The Planning Sub-Committee noted that the proposed application, at 8 Londesborough House, was for a new build dwelling. The Chair of the committee added that the current application was a different size to the previous 2009 application.
- 6.11 In response to a question from the Vice Chair of the committee, one of the objector's replied that the previous application had come to the Planning Sub-Committee and had been refused. The Chair of the committee understood that at the time of the previous application Hackney Council had been the freeholder.
- 6.12 The Chair of the committee highlighted that since 2008 planning policy had changed with the presumption that planning policy would be in favour of housing.
- 6.13 In response to a question from the Vice Chair of the committee, one of the objector's replied that numbers one and eight were subservient to the proposed scheme in terms of height. They were both stepped forward in terms of the main elevation. The committee noted that the front building elevation would be unchanged in terms of its position relative to the main building and public highway.
- 6.14 In response to a question from the Vice Chair of the committee, the Major Projects Planning Officer replied that there were already three windows on the first floor level side elevation. When additional windows were to be brought in the planning service would have to assess how much worse would they make the situation. The applicant was seeking to put in obscure glazing and the planning service could require that to be a condition where they were not only obscure glazed but also fixed above third floor level. As the applicant had put forward this suggestion of

obscure fixed glazing the planning service had no reason to disagree with it. The fixed obscured glazing would be put in and retained in perpetuity.

- 6.15 In response to a question from the Chair of the committee, the council's Senior Urban Design Officer replied by giving a brief overview of the design options for the proposed scheme. One option saw repeating the trio of windows from the new second floor above. The other option saw full storey glazed windows in the same pattern as the windows below which also extended into the roof space. The option before the planning committee allowed for occupancy of the roof level. The larger windows would provide the best quality of return for the new homes and it would be a better standard of architecture with a very simple repetition of the 1990s style of windows which the planning service believed would not be a high standard of architectural design. It was also felt that the additional bulk and roof level, viewed from the houses on Barbauld Road, would be hidden in the foreground and would not see any loss of any additional views of the sky. The Planning Service disagreed with the view that the development would not be sympathetic to the design of the host building. It followed the trio of the windows. The proportion and width of the development had a relationship with those windows. Materials would be conditioned but to what the materials actually were was not yet determined. The Chair of the committee recommended that the materials return to committee for members' consideration. The committee agreed to this.
- 6.16 In response to a question from the Vice Chair of the committee, the Major Projects Planning Officer replied that there was no affordable housing requirement as the proposals fell below the social housing threshold. The application could not be refused on the grounds that the scheme had failed to provide an affordable housing component.
- 6.17 In response to a question from Councillor Fajana-Thomas, the Senior Projects Planning Officer replied that there was an s106 agreement in place preventing new occupants from applying for a parking permit on the street.
- 6.18 Councillor Fajana-Thomas put a question to the Acting Head of Planning and Building Control and planning officers about Hackney Housing and Hackney Property Services. The councillor highlighted those concerns raised by the objectors about ownership of the site. In response to a question from the chair of the committee, the Senior Projects Planning Officer replied that they would send a copy of the land registry document to one of the objectors as requested.
- 6.19 In response to a question from Councillor Snell, one of the objectors replied that where the obscure glazing would be situated would be overlooking into their property. The objector added that the current separation distance between her property and the existing building was approximately 11.9 metres. The proposed development would reduce this separation distance by approximately 1.4m.
- 6.20 Planning Sub-Committee members agreed that the materials would come back to a future committee meeting for member's consideration. There would also be a condition in place to ensure obscure glazing was fixed. Members also noted, as mentioned in the meeting earlier, that the Major Projects Planning Officer would send a copy of the title deed to the objectors.

Vote

For Unanimous

**8. RECOMMENDATIONS**

**8.1. Recommendation A**

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

8.1.1. 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).

#### 8.1.2. 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.

#### 8.1.3. Materials and architectural detailing

Works above ground level shall not commence until details, including samples, of all materials to be used on the external surfaces of the building and hard surfacing materials (which shall be of permeable construction), have been submitted to the Local Planning Authority and approved in writing. The details submitted shall include, inter alia, elevational and sectional drawings to a scale of 1:20 of the feature windows and their relationship to the main roof and front elevation of the host building. The development shall not be carried out otherwise than in accordance with the details thus approved, and shall be maintained as such thereafter.

REASON: To ensure that the external appearance of the development is satisfactory.

#### 8.1.4. Refuse and bicycle stores

Prior to the first occupation of the development hereby permitted, details of (i) secure, accessible, on site bicycle storage facilities for a minimum of five bicycles, including enclosure(s), layout, stand type and spacing and (ii) 250l (unit 1), 100l (unit 2) and 150l (unit 3) waste storage (including details of enclosures), of which 50% of each must be allocated for refuse and 50% for recyclables, shall be submitted to and approved in writing by the Local Planning Authority.

Such details as approved shall be implemented prior to the first occupation of the development and shall thereafter be retained and maintained.

REASON: To ensure that adequate provision for the safe and secure storage of bicycles and waste is made for future occupiers, in the interest of safeguarding highway safety, and ensure that the external appearance of the development is satisfactory.

#### 8.1.5. Boundary treatments

Prior to the first occupation of the development hereby permitted, details including elevation and cross section drawings at a scale of 1:20, of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. Such details as approved shall be implemented prior to the occupation of the development and shall thereafter be retained and maintained.

REASON: To ensure that the external appearance of the development is satisfactory.

#### 8.1.6. Swifts

Prior to the first occupation of the development hereby approved a minimum of 3 Swift nesting bricks and/or boxes shall be provided at or close to eaves level on the north and/or east elevations of the development hereby approved. The bricks/boxes shall be retained thereafter in perpetuity.

REASON: in the interests of biodiversity.

#### 8.1.7. Tree protection

The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), which shall include details of the trees on and off the site, and proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or

materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority. In the event of the tree(s) dying, being removed or becoming seriously damaged or diseased within 5 years from the completion of the development die, it shall be replaced within the next planting season with another of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard existing trees neighbouring the site to be retained and ensure a satisfactory setting and external appearance to the development.

Additional condition:

Before the development hereby permitted is first occupied, the windows to the north elevation at first floor level and above shall be obscure glazed and fixed/unopening below a height of 1.7m above finished floor level and shall thereafter be maintained as such;

REASON: To prevent overlooking of adjoining properties and to safeguard the privacy of prospective occupiers.

## **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:

- Car free development
- 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.

and (As per the addendum):

- Considerate Constructors

## **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. NPPF**

### **9.2. SI.1 Building Control**

### **9.3. SI.7 Hours of Building Works**

## **7 Delegated Decisions document**

- 7.1 The Planning Sub-Committee members noted the contents of the Delegated Decisions document.

Wednesday, 4th March, 2020

Duration of the meeting: 18:30 – 20:20 hours

Signed:

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

**Contact:**

Gareth Sykes

Governance Services Officer

Gareth.sykes@hackney.gov.uk