



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

WEDNESDAY 3RD FEBRUARY 2021

<b>Councillors Present:</b>	<b>Cllr Vincent Stops in the Chair</b>  <b>Cllr Katie Hanson, Cllr Brian Bell, Cllr Clare Joseph, Cllr Clare Potter Cllr Michael Levy, Cllr Peter Snell and Cllr Steve Race</b>
<b>Officers in Attendance</b>	<b>Natalie Broughton, Head of Planning and Building Control</b> <b>Gareth Barnett, South Team Leader</b> <b>Robert Brew, Major Applications Manager</b> <b>Joe Croft, Sustainable Transport Planner</b> <b>Adam Dyer, Conservation Urban Design and Sustainability Officer</b> <b>Steve Fraser-Lim, Planner, Major Applications Growth Team</b> <b>Alix Hauser, Planning Officer</b> <b>Mario Kahraman, ICT Support Analyst</b> <b>Gerard Livett, Senior Planner</b> <b>Matt Payne, Conservation, Urban Design &amp; Sustainability Deputy Manager</b> <b>Christine Stephenson, Specialist Lawyer (Commercialisation, Sustainable Procurement and Regulatory)</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> <b>Sam Woodhead, Planning and Regeneration Lawyer</b>

### **1 Apologies for Absence**

1.1. There were no apologies for absence.

### **2 Declarations of Interest**

2.1. There were declarations of interest from Councillors Potter and Snell; the application under agenda item 5 was in Councillor Potter's ward and the application under agenda item 6 was in Councillor Snell's ward. As set out in Hackney Council's Constitution,

Section 2.5 of the Planning Code of Practice, Paragraph 2.5. Sub-Committee Councillors can hear applications from within their particular ward.

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

3.1 There were no proposals/questions referred for consideration.

### **4 Minutes of the previous meeting**

4.1 The committee agreed the minutes of the previous meeting, held on the 7th of October 2020, as an accurate record of that meeting's proceedings.

**RESOLVED, the minutes of the 7th October 2020 Planning Sub-Committee meetings were AGREED as an accurate record of that meeting's proceedings.**

### **5 2020/2610 Alcock, Barcham and Richard Fox Houses, London, N4 2TB**

5.1 **PROPOSAL:** Erection of single-storey upward extension on existing building to provide six new residential dwellings, associated refuse/recycling and cycle storage facilities.

5.2 **RECOMMENDATION SUMMARY:** Grant planning permission, subject to conditions and completion of a legal agreement.

5.3 The Senior Planner for Hackney Council's Planning Service presented the application as set out in the published meeting papers. During the course of the presentation reference was made to the addendum which outlined amendments to paragraphs 5.5.1, 6.4.1, 6.4.12, 6.4.14 and condition 8.1.4\*\*.

5.4 The sub-committee heard from an objector who spoke on behalf of eight leaseholders at Barcham House. They raised a number of concerns about the application ranging from the detrimental impact of the proposals on the Brownswood Conservation Area, the design of the proposals to the lack of any affordable housing provision or a Construction Management Plan (CMP).

5.5 The representative for the applicant gave a brief overview of the proposals in support of the application. They spoke of how careful consideration had been given to the proposals in the Brownswood Conservation Area. It was highlighted in the Brownswood Conservation Area Appraisal and Management Plan (CAAMP) that the scheme was considered appropriate to the scale of the host buildings below. Dark clay would be used in the materials and heritage window frames would be installed. An energy assessment had been submitted which concluded that the development would achieve a saving of 19%. The new units would also be car free and concerns raised about overlooking could be mitigated through the use of suitable screening which could be imposed by condition.

*Due to IT related issues Councillor Bell was unable to participate in the rest of the meeting.*

5.6 The Planning Sub-Committee raised a number of the questions whereby the following points were raised:

- A previous application in April 2020 had been refused on the grounds of inappropriate bulk, prominence, detailing and external materials which would have been detrimental to the character and appearance of the host building and the visual amenity of the Brownswood Conservation Area

- The proposed window design for the extension was similar to the building below
- In the context of the application and the London Plan, there was policy 3.8 relating to housing choice, which required all dwellings to meet part M42 which was accessible and adaptable homes which was carried forward into policy D7 of the emerging London Plan. However, the supporting text for both those policies does allow for buildings to not necessarily have lifts if it was not feasible or the building was of an age or type where it could not realistically be put in. In addition, there is an exception for small sites under policy H2 of the emerging London Plan. Bearing this in mind the Planning Service were of the view that the non-provision of a lift was acceptable
- In relation to the Brownswood Conservation Area there was a condition in place 'to safeguard the visual amenity of the building and the conservation area
- As affordable housing could not be accommodated on site, there was a payment of the sum of £300,000 towards the provision of affordable housing off site
- A CMP was being sought by way of condition
- There was considered to be no detrimental impact on the Brownswood Conservation Area as the proposed extension was building upwards
- It was noted that the objectors' concerns over use of materials related to the materials on the previously refused application from April 2020. It was not clear why some of the materials had been refused but some were in the application before the committee now The Planning Service considered the proposed room sizes to be fit for purpose
- Rejecting the current application on the grounds that it had similar materials to the previously refused application was not a suitable reason for refusal. Any concerns about the materials could be addressed through a submission of details condition
- The layout of the existing building meant that the developer was not able to build a lift that would give access to all the floors. If a lift were to be installed there could be resulting issues, e.g. noise emanating from the lift
- The bulk of the scheme had been reduced from the previous refused proposals
- It was noted that on page 14, of the Brownswood Conservation Area Appraisal and Management Plan (CAAMP), as making a 'positive contribution to the conservation area' (see paragraph 6.4.3 of the application report)
- The Council's Conservation Urban Design and Sustainability (CUDS) Officer had accessed the scheme against the Brownswood Conservation Area and they had concluded that it preserved the character and appearance of the Conservation Area. The massing was subservient and proportionate and the window details picked up on the detail of the structure below the extension
- With regards to the 19% energy reduction against the building regulations, post occupancy/construction analysis had not been conditioned. The Planning Service stated that such an analysis was something that was not normally required for a site of this size and consideration would need to be given to the reasonableness of such work were it to be conditioned
- The applicant had no obligation to the people who lived below about the proposed extension. Legal advice to the committee stated that the committee were looking at the current application before them if there were any issues regarding construction management there was normally a condition included in regards to the developer taking care in the way that they were going to build and carry out their work on site.

The committee could not add anything else relating to the impact of the proposals on the leaseholders

- In the absence of affordable housing on site the Council had received an affordable housing contribution from the developer. Policy LP13 (Affordable Housing), of the new Hackney Plan, requires new development to maximise opportunities to supply genuinely affordable housing. For sites that provide between 1 and 9 new units, the policy also requires the provision of affordable housing either on site, or to provide payments in lieu for the provision of affordable housing elsewhere in the borough. In the case of this application the £300k contribution was seen as policy compliant
- The existing roof space meant that it would be problematic to implement a different unit distribution from the one that was proposed
- On the materials, ceramic tiles, the CUDS team had included a notwithstanding condition so they could look at the final detail of the materials and go back to the developer if needed
- Subsidence was not material planning issue and therefore was not for discussion by the committee
- A mock up of materials for the site would come back to the committee for members' consideration. It was agreed that the materials condition would come back to the committee. This would include the windows
- A Car Parking Zone (CPZ) exclusion would be implemented to the site and the new residents would not be eligible to park on the public highway. There was an expectation that the landscaping by the cycle parking area would not be used because it was private land owned by the freeholder. ~~but~~ Hackney Council, as the local highway authority, could not control the use of parking. As the focus of the application was on the roof area it would be difficult for the committee to include a condition involving the landscaping area and would potentially be onerous for the freeholder and could fail the test of reasonableness. It was noted that in the terms and conditions that the development was a car free development
- Windows were crittall casements capped with flat projecting lintels, this would result in a better link between the extension and the existing building below

Vote:

For: Councillors Stops, Hanson, Levy, Snell and Race  
Against: Councillor Joseph  
Absention: Councillor Potter

**RESOLVED, planning permission was GRANTED subject to conditions and completion of a Legal Agreement\*.**

\* As set out in the report and addendum and or Planning Sub-Committee meeting minutes.

**6 2020/3516 34 Colvestone Crescent, London, E8 2LH**

6.1 **PROPOSAL:** Erection of a rear dormer and installation of roof lights to front roof slope.

6.2 **POST SUBMISSION REVISIONS:** Size and design of dormer were amended. Re-consultation was carried out in the form of letters to surrounding occupiers and objectors for a period of 14 days post submission of revised drawings. An Energy Statement was submitted. Given the scope of the application and the minor nature of the Energy Statement, further consultation was not required for this document.

6.3 The Planning Service's Planning Officer presented the application as set out in the

meeting papers. In the course of the officer's presentation reference was made to the addendum with amendments to paragraphs 2.7, 4.13, 5.7, 6.2.4, 6.2.5, 6.2.7 and 6.2.9\*\*. It was noted that there is not any more modern prescriptive advice in regards to residential extensions than the Residential Extensions and Alterations SPD. Whilst it was acknowledged that it held less weight as time goes on it was still the most relevant design guidance for residential extensions.

- 6.4 The sub-committee next heard from a local resident who spoke on behalf of several local residents who had submitted objections to this development since it began in October 2019. There were a number of concerns raised, including concerns about the serious damage to the fabric of the building and the terrace in a Conservation Area and the serious distress being caused to the neighbours and community. It was also felt that the Planning Sub-Committee was being asked to set aside the well-documented poor conduct of the developer to date and it was also recommended that the committee attach a condition which would only allow the dormer to be built only if the building was returned to its approved condition.
- 6.5 The sub-committee next heard from the developer who began by giving an overview of the property. It was claimed that the property had been unoccupied for the last ten years and was currently empty. It was claimed that the developer of the property was working in a hostile environment and that he was keen to bring the house back into use. It was claimed that the terrace had no uniformity, consistent approach or look from the rear. It was also claimed that a number of properties in the immediate area had been converted into flats. The developer claimed that during the Dangerous Structure Notice it was Hackney Council building control that insisted that the developer undertake all the works to secure the building. It was claimed that the objections raised were not planning related.
- 6.6 The Planning Sub-Committee raised a number of the questions wherein the following points were raised:
- It was noted that the proposed dormer was not fully compliant with Hackney's Residential Extensions and Alterations SPD as it was more than half the height of the roof but with this type of housing stock the roof pitch was shallow therefore it would be difficult to install a rear dormer window that was not more than half the height of the roof. It was considered that if a dormer was well placed and centrally within the roof then it was considered an acceptable placement within the roof.
  - It was also noted, as mentioned earlier during the meeting, that there was a precedent for rear dormers in the immediate area, they were located at numbers 8, 24, 27, 45 and 48. As was previously mentioned, the proposals were broadly compliant with the current guidance but there were some aspects of it that were not. This was also the case for some of the dormers already in place at neighbouring properties
  - The SPD allows for two roof lights and it was noted that the roof lights would not be visible from the public realm at ground level because of the height of the buildings and the shallow pitch of the roof. It was also noted that the proposed rooflights had been revised and were no longer Velux but the correct conservation type
  - Committee members were reminded that their focus was only on the merits of planning application before them at the meeting. The chair asked the planning officer to take the committee through the compliance of the proposed extension with reference to the extensions SPD and materials proposed
  - The windows on the extension would align with the windows on the property below
  - Officers stated that they were satisfied with the details of the proposals put before the committee at the meeting

- The legal officer explained that because the property was currently involved in an ongoing enforcement process the committee could not comment on the current status of that process. It was not considered to be a material planning issue

Vote:

For: Councillors Stops, Hanson, Joseph, Levy, Potter, Snell and Race  
 Against: None  
 Abstention: None

**Resolved planning permission was GRANTED subject to conditions\*.**

\* As set out in the report and addendum and or Planning Sub-Committee meeting minutes.

**7 2020/3220 and 2020/3562 Artotel 84-86 Great Eastern Street and 1-3 Rivington Street, London, EC2A 3JL**

**7.1 PROPOSAL:**

**2020/3220:**

Submission of details pursuant to condition 23 (Construction Logistics Plan) (part 4, above ground superstructure works) of planning permission 2018/4549 dated 29/03/19 for demolition of existing buildings and construction of a part 4 and 27 storey building comprising hotel, retail, restaurant, art gallery and office floorspace.

**2020/3562:**

Submission of details pursuant to condition 21 (Construction Method Statement) (partial discharge of condition in connection with phase 4 'above ground superstructure works' only) of planning permission 2018/4549 dated 29/03/19 for demolition of existing buildings and construction of a part 4 and 27 storey building comprising hotel, retail, restaurant, art gallery and office floorspace

**7.2 POST SUBMISSION REVISIONS:** Non-applicable

7.3 The Planning Service's Planner, Major Applications Growth Team presented the application report as set out in the papers. Reference was made to the addendum including the replacement of a number of drawing numbers, the updating of paragraphs 4.2, 5.7.2 and 6.2.6\*\*.

There were no persons registered to speak in relation to the application.

7.4 The Planning Sub-Committee raised a number of the questions wherein the following points were raised:

- The planning service had been in discussion with Transport for London (TFL) about the application and TFL, in principle, were in favour of the proposals
- For this type of application the Planning Service would not normally consult with local residents or Tenants Associations because it was a discharge of conditions application
- There was an obligation on the Council to try to facilitate the construction of the building involved. Planning permission had been granted, Hackney Council had to ensure the building was constructed in a way that would cause the least disruption
- The planning service had carefully considered alternative routes for vehicle access to the site, however they had concluded that they were more disruptive in comparison to what had been proposed
- It was noted that the tower crane on site would eventually be moved to the top of the building nearest to the site

- It was acknowledged that there would be some impact on surrounding bus and cycle lanes, however, the planning service disputed a claim that the proposals were just for the benefit of the construction company involved. They had to weigh up which option would ultimately cause the least amount of disruption
- There would be banksmen in place monitoring the area and carefully managing the entry and exit points to the site. There would be review of the measures put in place after six months
- Any changes to the bus lanes on Old Street, as a result of the proposals, would require consent from TFL and would be up to them to manage any closures
- It was reiterated that the Banksmen on site would carefully manage the area to prevent any queueing of construction vehicles wishing to enter into the site. The Planning Service had concluded that currently the site was being well managed

Vote:

For: Councillors Stops, Hanson, Levy, Potter, Snell and Race  
 Against: None  
 Abstentions: Councillor Joseph

**RESOLVED, the discharge of conditions 21 and 23 of planning permission 2019/4549 was AGREED.**

**8 Delegated Decisions**

8.1 The committee noted the contents of the delegated decisions report.

**RESOLVED, the Planning Sub-Committee NOTED the contents of the Delegated Decisions document.**

**Duration of the meeting: 18:30 – 20:35**

**Signed:**

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

**Contact:**  
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\*\*The planning application reports and the addendum can be viewed in full by the following link and scrolling down to the relevant meeting on the Hackney Council website:  
<https://hackney.gov.uk/council-business>