

**APPROVED MINUTES OF THE PLANNING SUB- COMMITTEE
HELD ON
WEDNESDAY, 7 July 2021**

**THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:
<https://youtu.be/HI-2MfMvUJ4>**

- Chair:** Councillor Vincent Stops in the Chair
- Councillors in Attendance:** Councillor Brian Bell, Councillor Ajay Chauhan, Councillor Katie Hanson (Vice-Chair) and Councillor Steve Race
- Apologies:** Councillor Humaira Garasia, Councillor Clare Joseph, Councillor Michael Levy and Councillor Sarah Young
- Officers in Attendance:** Kim Aukett, Planning Case Officer
Nick Bovaird, Senior Planner, Major Projects
Robert Brew, Major Applications Manager
Natalie Broughton, Head of Planning and Building Control
Graham Callam, Growth Manager
Seonaid Carr, Central Team Leader
Mario Kahraman, ICT Support
Conor Keappock, Conservation, Urban, Design and Sustainability
Louise Prew, Senior Planning Officer
Qasim Shafi, Principal Transportation Officer
John Tsang, DM & E Manager
Andrew Spragg, Governance Services Team Leader
Sam Woodhead, Planning Lawyer

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors Humaira Garasia, Clare Joseph, Michael Levy and Sarah Young.

2 Declarations of Interest - Members to declare as appropriate

- 2.1 Councillors Race and Stops declared an interest in relation to agenda item 5; they had received correspondence from various interested parties, which they had passed on to the Planning Service.

3. Proposals/questions referred to the Sub-Committee by the Council's Monitoring Officer

- 3.1 There were no proposals/questions referred by the Council's Monitoring Officer to the Sub-Committee.

4. Minutes of the Previous Meetings held on 2 June 2021

- 4.1 The Planning Sub-Committee agreed the minutes of the meeting held on 2 June 2021 as an accurate record of those meeting's proceedings.

RESOLVED, the minutes of the meetings held on 2 June 2021 were agreed as a true and accurate record of proceedings.

5 2020/3839 16 Orsman Road, Hackney, London, N1 5QL

- 5.1 PROPOSAL: Demolition of existing buildings on site and erection of a part 5, part 6 storey building comprising office floorspace (Use Class E); a flexible unit at ground floor level (Use Class E); and provision of associated waste storage, cycle parking, balconies, roof and rear terrace sand plant.

POST SUBMISSION REVISIONS:

The Fire Strategy and BREEAM pre-assessment tracker reports were submitted after consultation. Alterations to the ground floor and roof terraces were also made after consultation. Due to the minor nature of these changes, consultation was not required.

- 5.2 The Planning Officer introduced the application, as set out in the papers. During the course of their presentation, reference was made to the published addendum which highlighted additions and amendments to the application report.
- 5.3 Objectors to the application spoke next, raising a number of concerns over the impact of height and massing of the proposals and also its potential to lead to a lack of light and loss of amenities. Objectors were also concerned

about an apparent lack of consultation and the impact of the proposals on the local ecology with the loss of an existing vegetated bank.

- 5.4 The applicant spoke of how the site was in a designated priority office area and that the proposals would include policy-compliant affordable workspace. The proposals were considered to be of a high quality and were of a positive benefit to the local townscape. The application would result in a biodiversity net gain and would not encroach any nearer to the canal. The proposed building had been pulled back so that local residents could enjoy good levels of daylight and sunlight.
- 5.5 During the discussion phase of the meeting a number of points were raised including the following:
- On the issue of massing, it was clear that neighbouring buildings, compared to the proposed site, were five stories in height, their emphasis was on a wide footprint. The character of the north side of the canal was more homogenous while the south side had more variation in its roof line. The application's massing was broken down by the vertical emphasis on the northern facade which was split up into three bays. Also the plant, as consequence of the proposals, was now more integrated into the overall design
 - On the issue of the accuracy of the daylight and sunlight impact report, the Planning Service was of the view that the figures in the report were considered acceptable and that all the windows in relation to the neighbouring Mandarin Wharf, for example, had been taken into account. The applicant added that in their daylight and sunlight report they had included all the indentations in the Mandarin Wharf building. It was noted that the changes in the different windows were quite sensitive to the proposed building being pulled back from the canal
 - Following the pre-application process and an application affected by the cyber attack, the proposed building's emphasis was on a northern elevation sectioned into ribbons with hung balconies which characteristic canalside architecture. The materiality of the proposed building was varied in keeping with the surrounding area with a corrugated system which was secured by a materials condition
 - Amendments to the external lighting condition in the addendum should address local residents concerns about lighting
 - There were roof terraces on the fifth floor of the proposed site. They were restricted to use up to 20:00 hours every day. The terrace had also been pulled back away from the local residents
 - There would be some pruning of the Tree Preservation Order (TPO) trees as part of the construction process

- An ecological management plan was to be produced which would include recommendations identified at the preliminary stage of the ecological proposals e.g. floating habitats. The bank at the bottom of the TPO trees would be retained. Objectors were concerned that planting to the north would be lost and the new planting would take longer to grow and lead to less wildlife. The applicant replied that the original habitat/bank would be retained as well as a proposed floating habitat. They were of the view that any shading created as a result of the new structure would not have a detrimental effect on the biodiversity of the canal because there would be additional habitat in a better location
- Any new structure would create some overshadowing, but the Planning Service was of the view that this would be mitigated by the proposed ecological improvements. There was a presumption that the proposed floating habitat would be in proximity to the existing building and in consultation with the Canal and River Trust and local ecologists
- An Affordable Workspace Statement would further detail where the affordable workspace would be located in the proposed building and how it would be managed. It was 10 percent at 60 percent market rent
- The commitment to the new habitat being 50 metres from the proposed building was reached following consultation between the applicant and local ecologists
- There was a condition in place to ensure maintenance of the proposed green wall
- The Planning Service were content with the lighting that had been proposed
- On the issue of the loss of privacy to the top floor flat of Kleine Wharf, the Planning Service acknowledged that, because of the position of the windows, there was an issue however this was due to the neighbouring building being a poor neighbour
- Closed Circuit Television (CCTV) was absent from the cycle storage area as it was located internally in a reception area of the proposed structure and therefore the Planning Service considered it to be fairly secure

Vote:

For: Councillors Bell, Chauhan, Hanson, Stops and Race

Against: None

Abstention: None

RESOLVED, planning permission was granted subject to conditions and completion of section 106 legal agreement.

The Planning Sub-Committee took a five minute break.

6 2020/3507 Land at Wilmer Place, Stoke Newington, London N16

- 6.1 PROPOSAL: Erection of a building of up to four storeys comprising 30 residential units (Use Class C3); and associated development including a landscaped courtyard, living roofs, car parking spaces and cycle and refuse stores.

POST SUBMISSION REVISIONS: Amended viability offer: 10 Affordable Homes (eight originally proposed). Reconsultation on the basis of the new viability offer.

- 6.2 The Planning Service's Senior Planner, Major Projects, introduced the application, as set out in the papers. During the course of their presentation, reference was made to the published addendum which highlighted additions and amendments to the application report.
- 6.3 A local resident spoke first, highlighting that the application needed to respect existing legislation protecting biodiversity. They felt that the design of the proposals was detrimental to the area, with glass not being compliant because it was a reflective surface. There were also concerns raised over the height of the proposals which had exceeded the height of the treeline and were at risk of breaching guidelines. Also because of the height of the proposed building, it would need to go deeper underground, leading to greater interaction with the network of roots of the surrounding trees. The objector reiterated the need for the developer to be compliant in relation to the biodiversity in the area and any potential negative impact as a result of sound and light levels emanating from the proposed building.
- 6.4 The applicant was present at the meeting but did not wish to speak.
- 6.5 During the discussion phase of the meeting a number of points were raised about the application including the following:
- The Chair of the committee reminded the committee members that the massing on site was overall no greater than the committee had accepted before. It would be difficult for the committee to row back on the massing without good reason
 - The proposed application would include a number of features that would help to address some of the issues raised by the objector e.g. low transparency glazing and aluminium louvres on the stairwells
 - The rear of the development backed on to soft landscaping and the Planning Officer confirmed that a landscaping condition included as part of the application
 - 'Hit and miss' fencing allowed wildlife to pass through the gaps unheeded

- The Planning Sub-Committee were keen that there was condition in place ensuring the landscaping adjacent to Abney Park
- The £25,000 contribution was specifically allocated for any works to be undertaken on the boundary wall with Abney Park Cemetery
- The Chair stressed the importance that the committee was consistent with any decision that it made. The Planning Service had undertaken a lot of work to get the viable affordable housing component of 30 percent. Early and late stage reviews were conditioned as part of the application
- The recent ministerial statement regarding First Homes was a material planning consideration and would need to be considered against Hackney's Local Plan and the wider London Plan which identified housing need in the borough. In the case of the application, the affordable housing offer had been meant. The Committee noted that the proposals were policy compliant in relation to affordable housing
- The Planning Service emphasised that there was an external lighting condition, and as mentioned previously there was low transparency glazing and aluminium louvres on the stairwells that would seek to reduce the amount of light spill onto the park
- Regarding Transport of London's (TfLs) comments on the Car Club, the Council's Principal Transportation Officer explained that TFL's opinion was likely based on the red line boundary which was not the norm in Hackney and given the site's location off the public highway the transport team felt it was a satisfactory location. It was suggested that TFL may not have considered non-Controlled Parking Zones (CPZs) when reaching its decision. What was proposed was in order to discourage the use of private vehicles. On site currently there were 12-15 private cars parked at any given time. The proposals sought to eradicate that issue. The committee noted that this was an incentive to encourage a Car Club only when required and the committee was still supportive of the Car Club, despite TFL's view
- There was cycling parking throughout the scheme, however, the Planning Service were of the view that CCTV was not required as it was relatively secure. The applicant added that if the committee wanted to include a condition for CCTV to be installed then they would not disagree. The Chair recommended that an informative be included regarding the installation of CCTV
- There was no playspace because the site did not reach the threshold for a policy requirement to provide playspace and the constraints of the site did not suggest a suitable location for it

- As part of LP33 there was requirement for both residential and non-residential developments to have decent digital connectivity
- The Planning Officer highlighted that Issues around overlooking and Anita House had been addressed in the application
- There was no condition requiring public access to the site. Planning permission would be needed if gates were to be installed on site
- The committee agreed that condition 6, in relation to the removal of Permitted Development Rights (PDR) should include the removal of the PDR to provide gated access. This would ensure access to the car club space by members of the public and access to the existing 'Cotton Exchange' development
- The Chair reiterated that the committee had agreed to an informative ensuring soft landscaping associated with the boundary. In the past the application. had described these types of areas as a 'woodland edge'. The Planning Committee now wished to see the soft landscaping retained to provide habitat. The Chair also reiterated that the committee had agreed to an informative for the installation of CCTV

Vote

For: Councillors Bell, Chauhan, Hanson, Race and Stops

Against: None

Absentation: None

7 2020/3710 70 Osbaldeston Road, London, N16 7DL

7.1 PROPOSAL: The excavation and extension of the existing basement to create a two bedroom flat at basement level. The proposal includes front and rear light wells and alterations to the front stairs leading to the basement. New windows are proposed in the side wall at the rear of the building. Cycle parking and bin storage are proposed in the front yard.

POST SUBMISSION REVISIONS:

- The number of bedrooms has been reduced from three to two
- A cycle store has been added at the front of the property.

No reconsultation was undertaken following the receipt of these amendments as the development has not been materially altered and details of the cycle storage would often be considered via an approval of details application.

7.2 The Planning Officer introduced the application as set out in the papers. During the course of their presentation reference was made to the published addendum which highlighted additions and amendments to the application report.

- 7.3 A local resident spoke first, raising three areas of concern. Firstly, the road was in a conservation area and it was felt that this should protect local residents in the area from overdevelopment represented by this application. The application was felt would result in an unacceptable increase in square footage and there were concerns raised about the installation of air conditioning, which did not appear to be included in the planning application. Secondly, there was an assertion made that the planning application process was somehow being manipulated. A previous application, approved in late 2019, was cited as an example of disruption, dust and noise to the local area. A subsequent enforcement notice had led to the building works being left incomplete for the past four months. A new application, according to the objector, had been submitted but the square footage did not appear to have changed. Thirdly, there was concern that the application would set a precedent for future proposals and it was understood that at least two other future applications on the road were proposed. Local residents were not hopeful that planning guidelines would be adhered to resulting in months of chaos and ongoing disputes damaging community relations.
- 7.4 The applicant began by stating that it was regrettable that some local residents were upset about the proposals. It was understood that there was a lot of anxiety around planning applications and it was hoped that if the application was granted that everyone could look back with no worry. On those concerns raised about apparent additional square metres, the applicant explained that these were sitting under the out rig, they were not additional square metres, outside the footprint of the original house. On the proposed plans it was the main bedroom and the plant room that were the additional square metres. It was felt that this would not have an effect on the street or the conservation area. Regarding concerns raised about air conditioning, the application responded that this was the first time that they were made aware of the matter but they highlighted that Hackney Council had all the powers to enforce any conditions if any air conditioning was installed without planning permission. On the claim about a perceived flouting of the planning application process, the applicant replied that the application in question had taken almost over a year and was nearly concluded in May 2020, well before the enforcement matter had arisen. The application had taken so long because of previous uncertainties with the application. It was hoped that the development would come to an end shortly. In terms of a precedent being set, the applicant was sure that Hackney Council would consider the impact of the application and it was noted that the Council's transport and highways team had concluded that there was no impact on the street.. If there was to be found any breach of the planning process then the Council had to be notified and the appropriate action taken.
- 7.5 During the discussion phase of the meeting a number of points were raised about the application including the following:

- Committee members were reminded that their focus at the meeting was just on the application before them. On those concerns raised about additional square metres, the committee noted that for the application before them at the meeting there was an additional 44 square metres. The Planning Service confirmed that the additional metres would be underneath the rear extension under the existing footprint of the building.
- The changes to the lightwell at the front of the property was not considered too different from the previous 2019 application.
- The Planning Service confirmed that no air conditioning was proposed as part of the application. If they were proposed they would require planning approval.
- On those concerns raised about disruption, dust and noise as a result of any construction work, the Planning Service highlighted that most construction work had been undertaken. There was some excavation required as part of the building of the basement flat, which would be subject to a construction condition.
- It was noted that the extension at the rear of the site was not yet built and the existing garden would remain a part from the extension.
- It was noted that the proposed cycle storage could be a little bulky and it was conditioned that further details would be provided.
- On the absence of condition 8.1.1 from the report, it was clarified that condition would have referred to the commencement of works but because the works had already commenced the condition no longer applied.
- On the concerns raised about post submission revisions and the claim of gaming the planning process, the Planning Service responded that this was common practice to have post submission revisions and changes to the application to address various matters. In the case of the application under consideration at the meeting it was deemed unnecessary not to re-consult the planning process due to the post-submission revisions made because the objections that had already been made would cover the matter.

Vote

For: Councillors Bell, Chauhan, Hanson, Stops and Race
Against: None
Abstention: None

RESOLVED, that planning permission was granted subject to conditions and Section 106 legal agreement.

8. Delegated Decisions

8.1 The Planning Sub-Committee noted the document.

RESOLVED, the Planning Sub-Committee noted the delegated decisions document.

Duration of the meeting: 18:30 - 21:20 hours

Chairperson for the meeting: Councillor Vincent Stops

Contact:

Gareth Sykes, Governance Services Officer
gareth.sykes@hackney.gov.uk