

<b>ADDRESS:</b> 107-117 & 133-141 Morning Lane, Hackney, London, E9 6LH	
<b>WARD:</b> Homerton	<b>REPORT AUTHOR:</b> Alix Hauser
<b>APPLICATION NUMBER:</b> 2023/0356	<b>VALID DATE:</b> 09/02/2023
<b>DRAWING NUMBERS:</b> MGL_1250_A_01; MGL_200_A_01; MGL-E_50_N_06; MGL-E_50_A_07; MGL-E_50_N_08; MGL-E_50_N_09; MGL-E_50_N_10; MGL-E_50_N_65; MGL-E_50_N_66; MGL-E_50_N_67; MGL-E_50_N_68; MGL-W_50_N_01; MGL-W_50_A_02; MGL-W_50_N_03; MGL-W_50_N_04; MGL-W_50_N_05; MGL-W_50_N_61; MGL-W_50_N_62; MGL-W_50_N_63; MGL-W_50_N_64.	
<b>APPLICANT:</b> Lab-C Estates Limited (in liquidation) acting by John Wills & Nathan Pask As Joint Fixed-Charge Receivers c/o Avison Young	<b>AGENT:</b> Oliver Collins Avison Young Gresham Street, London, EC2V 7NQ
<b>PROPOSAL:</b> Change of use from restricted retail use (Use Class A1) to Commercial, Business and Service use (Use Class E).	
<b>POST SUBMISSION REVISIONS:</b> None	
<b>RECOMMENDATION SUMMARY:</b> Grant planning permission subject to conditions.	
<b>NOTE TO MEMBERS:</b> None.	

<b>REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:</b>	
Major application	
Substantial level of objections received	<b>Yes</b>
Council's own planning application (in accordance with the Planning Sub-Committee Terms of Reference)	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	

## **ANALYSIS INFORMATION**

### **ZONING DESIGNATION**

	<b>Yes</b>	<b>No</b>
<b>CPZ</b>	D	
<b>Conservation Area</b>		X
<b>Listed Building (Statutory)</b>		X
<b>Listed Building (Local)</b>		X
<b>Priority Industrial Area</b>	X	

**LAND USE**

	<b>Use Class</b>	<b>Use Description</b>	<b>Floorspace Sqm</b>
<b>Existing</b>	A1	Restricted Retail (clothing and accessories)	2,467
<b>Proposed</b>	E	Commercial	2,467

**CASE OFFICER'S REPORT****1.0 SITE CONTEXT**

- 1.1 The application site comprises two parcels of land located at 107-117 on the corner of Churchwell Path and Morning Lane and 133-141 on the corner with Link Street and Morning Lane. Each site contains a three-storey, plus basement, building that runs parallel to the London Overground railway line and was completed in 2016 as part of redevelopment of the area known as "Hackney Walk".
- 1.2 The western building, which has a gross internal area (GIA) of 1,464sqm, was historically occupied by Nike but, is currently vacant. The eastern unit, which has a GIA of 1,003sqm, has not been occupied since being constructed.
- 1.3 The site is accessed from Morning Lane.
- 1.4 The site is designated within the Homerton Priority Industrial Area.
- 1.5 The surrounding area is characterised by a mixture of uses. Residential properties are located adjacent to the site to the north on Mehetabel Road. A stretch of 12 retail units within the railway arches are located directly north of the site and also form part of the 'Fashion Hub'. A mixture of residential and community uses are located south of the site on the opposite side of Morning Lane. Several schools are located towards the north and east of the site.
- 1.6 The Major Town Centre of Hackney Central which is characterised by retail, commercial, leisure and other town centre uses is located to the west of the site.
- 1.7 There are no locally or statutorily listed buildings in the surrounding area and the closest conservation area is Clapton Square located to the north of the site.

**2.0 RELEVANT HISTORY**

- 2.1 The following planning history is considered relevant to the current application.
- 2.2 2009/0445 – planning permission GRANTED for change of use of B2/B8 (general industry/storage or distribution) arches at 196-198 Morning Lane to A1 and physical refurbishment of existing arches at 189-222 Morning Lane, including installation of new elevations (brickwork and glazing), extensions (to north of arches 216-219 and to the south of 202-210), internal improvements and resurfaced access and parking arrangements to the Morning Lane frontage between arches 193-198.

- 2.3 2011/0936 – outline permission GRANTED for outline application (seeking approval for appearance and layout) for erection of 4-storey mixed-used development comprising A3 floorspace, B1 floorspace, and 9 residential units (2 x 2-bed, 4 x 3-bed, 3 x 4-bed).
- 2.4 2011/2385 – planning permission GRANTED for redevelopment of the site by the erection of a 4-storey mixed-used development comprising three B1 units (174 sq m) at ground floor level and 8 residential units (2 x 2-bed, 4 x 3-bed, 2 x 4-bed) with associated roof terraces/balconies on the upper floors.
- 2.5 2012/2585 – planning permission GRANTED for change of use of arches at 189-201 Morning Lane from industrial and storage (B1 and B8 uses) to retail (A1 use). Installation of new shopfronts to front elevation and louvres to rear elevation, erection of two single storey detached kiosks for retail use (A1 use), landscaping, refuse/recycling facilities and bicycle parking.
- 2.6 2013/4123 – planning permission GRANTED for erection of a four storey building at 107-117 Morning Lane (west building situated at junction of Morning Lane and Churchwell Path) comprising retail floorspace (class A1); and erection of a four storey building at 133-141 Morning Lane (east building at junction of Morning Lane and Link Street) comprising retail floorspace.
- 2.7 2014/2374 – non-material amendment GRANTED for amendments to planning permission 2013/4123 dated 15/07/2014. Amendments relate to positioning and size of openings, addition of smoke vents and alterations to parapet, roof profile behind parapet and various internal alterations.
- 2.8 2014/2648 – planning permission GRANTED for submission of details pursuant to condition 12 (street lighting feasibility) of planning permission 2013/4123 dated 15/04/2014.
- 2.9 2014/2689 – planning permission GRANTED for submission of details pursuant to condition 4 (construction management and logistics plan) of planning permission 2013/4123, 15/07/2014.
- 2.10 2014/2774 – planning permission GRANTED for submission of details pursuant to condition 5 (construction methodology for rail infrastructure) of planning permission 2013/4123 dated 15/07/2014.
- 2.11 2014/3295 – non-material amendment GRANTED for amendments planning permission 2013/4123 dated 15/07/2014. Amendments relate to fenestration of the western building.
- 2.12 2015/0919 – planning permission GRANTED for submission of details pursuant to condition 3 (materials) of planning permission 2013/4123 dated 15/07/2014.
- 2.13 2015/3934 – non-material amendment GRANTED for amendments to planning permission 2013/4123 dated 15/07/2014. Amendment relates to entrance to the east building.

- 2.14 2016/1200 – advertisement consent GRANTED for display of internally illuminated wayfinding totem sign with text on all four sides and dimensions 300mm x 300mm x 1800mm situated on forecourt to the arches.
- 2.15 2022/3027 – planning permission GRANTED for alterations to access arrangements and associated alterations to the elevations including formation of covered entrances; widening of fire escape doors of 107-117 Morning Lane to create a second entrance on Churchwell Path; Relocation of fire escape door on Hackney Walk to new entrance on Link Street at 133-141 Morning Lane.
- 2.16 2023/0478 – Removal of condition 12 (restriction to A1 uses) attached to planning permission 2012/2585 dated 05/12/2012. **Currently being considered.**
- 2.17 2023/0453 – Proposed removal of 36 metal roller shutters and installation of 12 aluminium gridded electrically operated roller shutter doors. **Currently being considered.**

### **3.0 CONSULTATIONS**

- 3.1 Date Statutory Consultation Period Started: 28/03/2023
- 3.2 Date Statutory Consultation Period Ended: 29/04/2023
- 3.3 Site Notice: Yes.
- 3.4 Press Advert: Not required

#### **Neighbours**

- 3.5 Letters of consultation were sent to 164 adjoining owners/occupiers. At the time of writing the report, 24 objections were received in the form of individual representations. One objection was also received from the Churchwell Residents Group representing the residents of Mehetabel Road, Isabella Road & Sutton Place. All representations are summarised below:

#### *Objecting to developing the site;*

- Inadequate supporting documentation provided within the application submission to determine the potential amenity and environmental impacts of the development or enable lawful consultation, consideration and decision-making under section 73.
- Loss of amenity from potential evening uses and pollution (including noise, light and odour) from uses falling within Use Class E(b), (d) and (f) and potential plant and mechanical equipment being installed to the rear of the units.
- Increased footfall and traffic and reduction of highway safety.
- Potential of bars and hot food takeaways to move into buildings as a result of the application.
- Potential of anti-social behaviour.
- Increased congestion, parking pressure and pollution from motorcycles as a result of potential takeaway food outlets.
- Ecology impacts the existing plant and equipment on rear gardens of Mehetabel Road.

- Existing ventilation and plant strategy is not acceptable and should be located to the front of the site and not the rear.
- The use of public funds to develop privately owned sites.
- The applicant has not engaged with the local community about its intentions for these sites.

*Other comments;*

- Support for bringing the units back into active use.
- Object to Bohemia Place being turned into a pedestrian thoroughfare and linked [Officer note: This is not proposed as part of this application].
- Keeping the golden colour would be insensitive and symbolic of failure
- Request to consider submissions received after 20/04/2023.
- The applications should be considered by the Planning Sub-Committee.
- An equality impact assessment should be carried out so that the community can have confidence in the change.

3.6 The above comments are addressed within the assessment section of this report.

### **Statutory Consultees**

3.7 London Overground: No response received.

3.8 Network Rail: No response received.

3.9 TfL: The current cycle parking of 5 spaces is not in line with London Plan policy T5 part A for the proposed use. The applicant must provide a minimum of 33 long-stay and 5 short-stay spaces for business office use which should be located in a secure, sheltered and accessible location, and should meet design standards set out in Chapter 8 of the London Cycle Design Standards (LCDS).

### **Council Departments**

3.10 Traffic & Transportation: No response received.

3.11 Waste: No response received.

### **Local Groups**

3.12 Clapton CAAC: We note that no alteration to the buildings is proposed. The change of use from A1 to E, however, will open up a very wide range of potential activities within the building, some of which will undoubtedly cause nuisance for neighbours. Conditions should be imposed on any permission granted that will protect the amenity of surrounding streets.

## **4.0 RELEVANT PLANNING POLICIES**

### **4.1 Hackney Local Plan 2033 2020 (LP33)**

- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP26 Employment Land and Floorspace
- LP27 Protecting and Promoting Office Floorspace in the Borough

- LP28 Protecting and Promoting Industrial Land and Floorspace in the Borough
- LP32 Town Centres
- LP36 Shops Outside of Designated Centres
- LP38 Evening and Night Time Economy
- LP39 Over-Concentration of Uses
- LP42 Walking and Cycling
- LP43 Transport and Development
- LP45 Parking and Car Free Development
- LP58 Improving the Environment - Pollution

### **4.2 London Plan 2021**

- GG2 Making the Best Use of Land
- GG5 Growing a Good Economy
- D1 London's Form, Character and Capacity for Growth
- D3 Optimising Site Capacity through the Design-led Approach
- D13 Agent of Change
- D14 Noise
- E1 Offices
- E2 Providing Suitable Business Space
- E4 Land for Industry, Logistics and Services to Support London's Economic Function
- E7 Industrial Intensification, Co-location and Substitution
- E9 Retail, Markets and Hot Food Takeaways
- T5 Cycling
- T6 Car Parking

### **4.3 SPD / SPG / Other**

None.

### **4.4 National Planning Policies/Guidance**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (NPPG)

### **4.5 Legislation**

Town and Country Planning Act 1990

### **5.0 COMMENT**

#### **5.1 Background**

- 5.1.1 Planning permission was granted at the site in 2014 for the erection of two four storey buildings at 107-117 Morning Lane comprising retail floorspace (class A1).
- 5.1.2 The scheme resulted in the loss of approximately 700sqm of land previously used for employment purposes within what was then a Priority Employment Area (now a Priority Industrial Area) and replacement with a 100% retail use that was not the preferred use within a PEA. However, permission was granted due to the specific set of circumstances that were unique to the site and which presented an

opportunity that was considered would provide jobs and boost the local economy as part of the wider 'Hackney Fashion Hub' regeneration scheme.

- 5.1.3 The permission was granted subject to various conditions including condition 13 which reads

*“The units shall be used as retail floorspace for the sale of clothing and clothing accessories only (Use Class A1) and for no other purpose, including other A1 uses, unless otherwise approved in writing by the Council”.*

*REASON: To ensure that the retail use does not impact upon the vitality and viability of existing town centres pursuant to Core Strategy Policy 13 of the Hackney Development Plan 2010.*

- 5.1.4 The condition was included on the permission in order to safeguard the vitality and viability of the nearby Hackney Town Centre and to ensure that the units were used specifically for fashion retail which was one of the specific contributing factors that was considered on balance to result in an acceptable scheme.
- 5.1.5 Changing market demands and the Covid-19 pandemic have resulted in limited occupier demand for such a restricted use within the two buildings. It is also noted that one building has sat vacant since completion in 2016.
- 5.1.6 The A1 Use Class was revoked on 01/09/2020 and replaced with The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This introduced a new Use Class E which subsumes the former A1 use as well as including a wider scope of uses.
- 5.1.7 Therefore, the current application has been submitted to allow a change of use of the whole site from restrictive A1 retail to a flexible Use Class E use to allow a wider array of uses.
- 5.1.8 The main considerations relevant to this application are:
- Principle of Development/Land Use
  - Neighbouring Amenity
  - Traffic & Transportation

Each of these considerations is discussed in turn below.

## **5.2 Principle of Development / Land Use**

### *Loss of Restricted Retail (Use Class A1)*

- 5.2.1 Policy LP36 (Shops Outside of Designated Centres) of LP33 specifies that individual shops or parades outside of designated town and local centres will be safeguarded for A1 retail purposes and the loss of A1 retail will only be permitted (i) if there are alternative shopping facilities for local residents within reasonable walking distance of 400m from the retail unit, (ii) the retail character of the parade is not undermined, (iii) the proposed use is an A-class or community use; and (iv) a shop front and active frontage is retained or provided.

- 5.2.2 The site is located adjacent to the Hackney Central Major Town Centre within which there are adequate alternative shopping facilities for local residents at a reasonable distance.
- 5.2.3 The effect of the change of use would result in both buildings being within the E Use Class which allows for, amongst other things, retail and community uses. As such, the proposal is considered to accord with parts (ii) and (iii) of policy LP36.
- 5.2.4 No external changes are proposed as part of the application so the shopfront and active frontages existing as part of the site would be retained.
- 5.2.5 It is important to highlight that the original consent for particular A1 uses was allowed as a result of the unique opportunity that the premium fashion retailers/labels would provide in regard to boosting the local economy and providing jobs whilst recognising that the allowed use was not a traditional employment generating use. Whilst the change of use away from this restrictive use would result in the site being used differently from what was allowed and this is regrettable, the changing market demands have resulted in an underutilised site that it is considered important to return into an active use in order to contribute to the vitality and character of the surrounding area.
- 5.2.6 Given the presence of nearby retail facilities that meet the standards of policy LP36, on balance, officers consider that the loss of the restrictive retail use which has remained vacant for long periods of time, is a positive response which is supported in land use terms.

*Proposed Commercial Use (Class E)*

- 5.2.7 The site is located within the Homerton Priority Industrial Area (PIA), which is covered by the provisions of policy LP28 (Protecting and Promoting Industrial Land and Floorspace in the Borough) in the LP33.
- 5.2.8 Policy LP28 includes three criteria where redevelopment will be permitted within the PIA, including (i) where it maximises the delivery of employment floorspace by maintaining or re-providing the same quantum of industrial floorspace (as either B1c, B2, B8), (ii) it includes the maximum viable amount of employment floorspace and (iii) in the case of mixed use development schemes, is designed to ensure that there are no environmental impacts or conflicts between uses, applying the agent of change principle.
- 5.2.9 Given the location of the site and its surroundings, a new B2 or B8 industrial use would not be practical. Such uses are more likely to have a detrimental impact on nearby residential units, conflicting with part (iii) of policy LP28 outlined above and as such it is considered that alternative employment floorspace is more appropriate within the location in order to comply with part (ii) of policy LP28.
- 5.2.10 The applicant has applied to change the use from the restrictive A1 retail use on the basis of allowing uses that fall within all different sub-classes of Use Class E (ie. E(a), E(b), E(c), E(d), E(e), E(f) and E(g)). However, by their nature, uses that now fall within Use Class E(g) and were previously covered by Use Class B1 would be most appropriate within the location and meet the requirements of this policy, including resulting in the provision of employment generating uses.



- 5.2.11 It is recognised that the existing use of the site does not allow for the provision of any employment generating uses and this must form part of the context and assessment. However, this cannot be considered in isolation. The wholesale loss of industrial and employment generating floorspace which was exceptionally allowed as part of the previous application was, as outlined above, allowed as a result of a very specific and unique set of circumstances.
- 5.2.12 If the change of use were to be allowed unconditionally it would result in a completely different provision of potential retail uses at the site and would conflict with land use policies with regard to the nearby major town centre. It could also result in a situation where a previous industrial site within a PIA would not comprise any employment generating or industrial floorspace which would conflict with land use policies in regard to the PIA.
- 5.2.13 As such, whilst there is no objection to the principle of the proposed change of use from restricted fashion retail, in order to ensure consistency with the PIA designation, it is considered that employment generating uses covered by Use Class E(g) should be maximised across the application site and should comprise a minimum of 50% of the units.
- 5.2.14 Furthermore, to ensure that the proposal would not result in conflict with the requirements of the nearby major town centre, it is considered necessary to limit the size of any retail unit (Use Class E(a)) within the buildings to an area of 200sqm or less. This would ensure compliance with part B of policy LP32 (Town Centres) of LP33 which does excludes retail or leisure uses over 200sqm outside of the town centres listed unless it can be demonstrated that there is no suitable premises available in the designated centres and that there would be no harm to the vitality and viability of these centres.
- 5.2.15 Given the history of the site, having previously been in industrial use and the need to revitalise the area and bring vacant units back into active use, subject to conditions limiting 50% of the proposed units to employment generating uses and the maximum size of any retail unit, the proposed change of use from the restricted A1 retail to a flexible Use Class E is supported and would accord with the relevant policies of the Local Plan and London Plan.

### **5.3 Neighbouring Amenity**

- 5.3.1 Policy LP2 (Development and Amenity) of LP33 requires development proposals to be designed to ensure there are no significant adverse impacts on the amenity of occupiers and neighbours.
- 5.3.2 Given the nature of the proposal would not involve any external alterations, it is considered that the development will not result in an unacceptable detrimental impact upon neighbouring occupiers in terms of provision of daylight/sunlight or outlook from the site, and would not result in unacceptable overbearing impact or sense of enclosure.
- 5.3.3 However, it is considered that the unrestricted provision of uses falling within Use Class E could give rise to potential conflicts with residential amenity if not appropriately managed. As such, it is considered necessary to limit the use of

amplified music, both internally and externally within the buildings to ensure that noise nuisance is not caused as a result of the change of use.

- 5.3.4 Furthermore, it is considered that potential restaurant uses falling within Use Class E(b) could give rise to amenity impacts in regard to noise nuisance from potential plant and machinery required for the operation of these uses. As such, a condition will be included to require details of any primary cooking ventilation equipment to be submitted prior the commencement of this type of use.
- 5.3.5 Whilst concerns have been raised about potential hours of operation and the impacts this could have on the amenity of neighbouring occupiers it is not considered necessary to impose any limitations on operating hours. Any future potential uses that fall within Use Class E and that could be commenced lawfully on site as a result of this application would predominantly be used within working hours given the nature of uses that fall within Use Class E. Use Class E does not allow for any nighttime uses such as bars or nightclubs. Furthermore, given the size of each of the units, and the proposed limitation in regard to retail unit sizes, it is considered that any potential uses and their amenity impacts would be limited by the area and number of patrons that could comfortably be situated in a single unit at any one time. Lastly, by virtue of their inclusion within the Use Class E, the majority of uses are of a nature that can be carried out in a residential area without detriment to its amenity.
- 5.3.6 It is noted that concerns were raised about the potential of the sites to be used as bars or hot food takeaway units and the potential disruption this would cause in regard to pollution and congestion from motorcycle riders. It is however noted that bars and hot food takeaways do not fall into Use Class E so could not be operated lawfully as a result of the removal of the restrictive A1 retail condition.
- 5.3.7 Given the above, the development is considered to be acceptable in relation to impacts on the amenity of surrounding properties.

#### **5.4 Traffic & Transportation**

- 5.4.1 The development is not considered to be of a scale that would have an unacceptable impact on parking pressure or highways infrastructure. The site has a very good Public Transport Accessibility Level (PTAL) of 6a with excellent access to public transport. Bus routes run along Morning Lane, Mare Street to the west and Homerton High Street to the north and Hackney Central Overground Station is within walking distance of the site. The site is within a Controlled Parking Zone.
- 5.4.2 The development does not propose to increase the quantum of cycle parking available on site, which as approved includes 5 long-stay cycle parking spaces across the two buildings for staff and 18 short-stay visitor car parking spaces outside the eastern building on Morning Lane. The provision of visitor cycle parking spaces is policy compliant and meets relevant standards. As such it is not considered necessary to seek any further visitor cycle parking spaces. However, the long stay cycle parking provision previously approved is well below current standards, which as part of this application would require a minimum of 40 long-stay cycle parking spaces be provided (on the basis of 50% of floorspace being office and the remainder being retail).

- 5.4.3 As a result, the change of use application, whilst not providing any additional floorspace would have a deficit in the provision of cycle parking spaces when compared with current cycle parking standards of 35 cycle parking spaces. Whilst the development is considered unlikely to give rise to additional impacts on parking pressure or highways infrastructure it is considered reasonable to request additional cycle parking on site. As such, a condition will require the provision of additional cycle parking. As the development will result in flexible uses being provided on site, it is considered prudent to be flexible with cycle parking provision. A condition will therefore require details of a minimum of 30 additional cycle parking spaces on site be submitted prior to occupation. This would ensure that the employment generating uses would be provided with the required amount of long-stay cycle provision (25 spaces) and the other uses would be provided with 10 long-stay cycle parking spaces which would take into account the higher requirement for retail in comparison to other uses within the Use Class E.
- 5.4.4 No Delivery, Service and Refuse Plan was submitted with the application to demonstrate appropriate management of future deliveries and waste collection. In order to ensure that the proposed storage and collection of waste and deliveries does not unduly impact on the amenity of nearby residential occupiers, for example by undertaking deliveries or emptying drinks bins at unsociable hours, it is considered necessary to require a Delivery, Service & Refuse Plan by condition.
- 5.4.5 As such, the proposal is considered acceptable in regard to traffic and transportation issues.

## **6.0 CONCLUSION**

- 6.1 The proposed change of use from restricted retail use (Use Class A1) to Commercial, Business and Service use (Use Class E) is acceptable. The proposed E Use Class will result in an acceptable mix of uses on the site that will not have a demonstrably adverse impact upon neighbouring amenity nor on the character and vitality of the application site or wider surrounding context and will result in an acceptable amount of employment generating uses.
- 6.2 The proposal is deemed to comply with the relevant policies in the Hackney Local Plan 2033 (2020) and the London Plan (2021) and the granting of planning permission is recommended subject to conditions.

**7.0 RECOMMENDATIONS**

**Recommendation A**

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

**7.1.1 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 permission.

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

**7.1.2 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.

**7.1.3 Delivery, Service and Refuse Management Plan**

The development hereby approved shall not be occupied until a detailed Delivery, Service and Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. Delivery and Servicing to the site shall only be carried out in accordance with the details thus approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity.

**7.1.4 Amplified Equipment**

Sound-amplifying equipment, loudspeakers, or public address systems may not be installed or operated externally. The playing of amplified music internally should be restricted to background levels only.

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

**7.1.5 Plant Noise**

The total noise from any fixed plant at the site shall at all times be 5dB(A) or more below the background noise level when measured at any nearby residential window.

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

**7.1.6 No New Pipes and Plumbing**

No new plumbing, pipes, soil stacks, soil vent pipes, flues, vents, grilles, security alarms, ductwork or any other pipework shall be fixed on the external faces of the building unless as otherwise shown on the drawings hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

**7.1.7 Cycle Parking**

Prior to the occupation of the units hereby approved, a policy compliant cycle parking plan, which shows details of layout, foundation, stand type and space of 30 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interest of relieving congestion in surrounding streets and improving highways conditions in general.

**7.1.8 Primary Cooking Condition**

Ventilation details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any uses that fall within Use Class E(b) of the Town and Country Planning (Use Classes) Order 1987 or such replacement legislation. Thereafter all ventilation shall be in accordance with the details thus approved.

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

**7.1.9 Limit on Mix of Uses**

No less than 50% of floorspace hereby approved shall be used for a purpose falling within Use Class E(g) of the Town and Country Planning (Use Classes) Order 1987 or such replacement legislation .

REASON: In order to ensure that an adequate share of employment generating uses are provided within the designated Priority Industrial Area in line with policy 28 of Hackney Local Plan 2033.

**7.1.10 Maximum Size of Units**

No single unit hereby approved falling within Use Class E(a) of the Town and Country Planning (Use Classes) Order 1987 or such replacement legislation shall have an area of more than 200 square metres.

REASON: In order to ensure that the vitality and viability of nearby town centres is not prejudiced by the development in line with policy LP32 of Hackney Local Plan 2033.

**Recommendation B**

7.2 That the Sub-Committee grants delegated authority to the Director of Sustainability and Public Realm and Head of Planning (or in their absence either the Growth Team Manager or DM & Enforcement Manager) to make any minor alterations, additions or deletions to the recommended conditions 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).

**8.0 INFORMATIVES**

The following informatives should be added:

- SI.1 Building Control
- SI.7 Hours of Building Works
- NPPF Applicant/Agent Engagement

**Signed..... Date.....**

**Aled Richards** - Strategic Director, Sustainability & Public Realm

No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact Officer
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p> <p>All documents that are material to the preparation of this report are referenced in the report</p>	<p>Alix Hauser Planning Officer X 6377</p>	<p>1 Hillman Street London E8 1FB</p>

Site Notice

