

Councillors' attendance

William Hodgson (Chair)
Abdul Mulla
Shuja Shaikh
Muttalip Unluer
Simon Pearce
Simon Tesler
Jessica Webb

Substitutes

No substitutes

Not Present:
Afolasade Bright
Ian Sharer

Officers

Sue Foster, Head of Planning
Femi Nwanze, Development Control
Manager
Sarah Hill, Team Co-ordinator
Ralph Mullan, Planning Officer
Gwen Markham, Legal Adviser
Tom McCourt, Assistant Director,
Planning and Transportation
Carl McDonagh, Committee Officer
Felicity Lawlor, Committee Officer

**1 APOLOGIES FOR ABSENCE AND
APPOINTMENT OF SUBSTITUTES**

- 1.1 Apologies were received from Cllrs Bright
and Sharer.

2 MINUTES

- 2.1 The minutes of the meeting held on 31
January 2005 were approved and signed
as a correct record.

3. ORDER OF BUSINESS

- 3.1 Item 14 was taken after Item 8.

**4. DECLARATIONS OF INTEREST AND
DISPENSATION**

- 4.1 Cllr. Pearce stated that he had a personal,
but not prejudicial interest in items 5 and 12
as he is the Ward Councillor for the ward
where the property is located.
- 4.2 Cllr. Mulla stated that he had a personal but
not prejudicial interest in item 9 as he is the
Ward Councillor for the ward where the
property is located.
- 4.3 Cllr Shaikh declared a prejudicial interest in
Item 11 and withdrew for this item.

**5. 50-60 Wharf Road, N1 7SF (2004/2702)
Applicant: Workspace Group PLC**

- 5.1 The Planning Officer introduced the report and the addendum report, and noted that the application site is the subject of an appeal on the basis of non-determination of a previous application. The current scheme is considered to address the reasons for refusal. Additional comments have been received from the Greater London Authority and the Royle Residents Association. Computer-generated images based on the developers' drawings were circulated.
- 5.2 Councillor David Manion, objecting, stated that he represented the Royle Residents Association. He noted that as the scheme was a site recommended for approval, that more Members should have taken the opportunity to visit it. It is the same scheme in the third of its guises, with the first being withdrawn, and the second the subject of an appeal. There are three reasons why the scheme should be rejected: it is an unbalanced process; the scheme does not meet the concerns expressed; and there is considerable loss of amenity. The Officer's report barely mentions the objections expressed, and the total impact of the scheme is the same as the scheme rejected in December.
- 5.3 Paul O' Neill, for the applicant stated that the site would be regenerated by this scheme. He noted that this is a revised scheme from the one that was refused last December, and it addresses all the reasons for refusal. It meets all the relevant policies and has the support of Officers, The canal residents who objected to the previous application have not objected to this one.
- 5.4 In reply to Cllr Webb, it was noted by the applicant that the inappropriate use of a non-native plant species as outlined in paragraph 4.3.5 had been rectified.
- 5.5 In reply to Cllr Webb, the applicant stated that a scheme of allocating car parks to the larger units (rather than allocating to those who applied first) had not been discussed with Officers. Bicycle spaces are secure and covered.
- 5.6 In reply to Cllr Pearce's comment that that design solution of the site will fundamentally affect the look of the canal, and that the design solution falls short, the Planning Officer noted that it is an improvement on the last scheme, and it was considered an acceptable standard of design by the Conservation and Design Officer, with, most significantly, the north end being reduced in profile and footprint.
- 5.5 There being no further questions the Chair moved for a vote, and noting the amendments contained in the addendum report, the Committee

RESOLVED

(A) That planning permission be GRANTED subject to:

CONDITIONS:

- 1 (SCB1) Commencement within 5 years

- 2 (SCM6) *Materials to be approved*
- 3 (SCM7) *Details to be Approved (General) Drawings at a scale of 1:50 showing:*
 - *further detailing on elevations including articulation in the brick detailing / rendering and quality of materials,*
 - *All windows/glazing, architraves, glazing bar profiles*
 - *All balconies*
- 4 (SCM9) *No Extraneous Pipework*
- 5 (SCD1) *Level Access*
- 6 (SCR3) *Residential Units to Mobility Standards*
- 7 (SCH4) *Forward Vehicle Ingress/Egress Only*
- 8 (SCH5) *Provision of Parking, Turning, Unloading Facilities*
- 9 (SCH8) *Provision of 5 Parking Spaces for Persons with Disabilities*
- 10 (SCH9) *Marking of Parking Areas*
- 11 (SCH10) *Provision of 46 Car and 70 Cycle Parking Spaces*
- 12 (SCG1) *Restricted Hours of A3 Use (0800 – 2300 Monday to Saturday, 1000 – 2100 Sundays)*
- 14 *SCM5 Boundary Walls to be Approved*
- 15 *SCT1 Landscaping Scheme to be Approved*
- 16 (NSC1) *Development shall proceed in full accordance with the approved plans.*
(NSR) *To ensure appropriate development.*
- 17 (NSC2) *Details of dustbin enclosures including recycling areas showing the design and location, shall be submitted to and approved by the Local Planning Authority, in writing, before the use/development commences. The development shall not be carried out otherwise than in accordance with the details thus approved.*
(NSR2) *To ensure that the development is has adequate waste and recycling facilities.*
- 18 (NSC3) *Prior to the commencement of works a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. These details shall be submitted to and appropriate remedial measures agreed with the Local Planning Authority in writing and implemented prior to the commencement of any work on site.*

(NSR3) To ensure that the development is not prejudicial to the health of environment and prospective residents and occupiers.

- 19 *(NSC5) The development shall provide shower facilities for cyclists on each storey of the B1 and A3 floorspace.
(NSR5) To ensure that the development promotes sustainable transport choices in accordance with the London Plan.*
- 20 *(NSC6) Deliveries to and from the site shall be restricted to 0800 to 1800 weekdays.
(HSR) To ensure that the development is not prejudicial the amenities of surrounding and prospective residents.*
- 21 *(NSC7) – Provisions shall be made within the site to ensure that all vehicles associated with the demolition and construction of the development hereby approved are properly cleaned to prevent the passage of mud and dirt onto the adjoining highway.
(NSR7) To ensure that the development does not pollute local watercourses and is does not prejudice highway safety.*
- 22 *(NSC8) No development shall take place until the applicant has secured the implementation of a program of archaeological work in accordance with a written scheme for investigation which has been submitted to an approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.
(NSR8) To ensure that the development does not have an adverse impact on any archaeological remains.*
- 23 *(NSC9) No works shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers the existing buildings structure (excluding the north most building), architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.
(NSR9) Important structural remains are present on the site. Accordingly the Local Planning Authority wishes to secure the provision of historic building recording prior to development, in accordance with the guidance contained within PPG15*
- 24 *(NSC10) Prior to the commencement of work an Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be prepared in accordance with the recommendations in report prepared by URS dated 4 January 2005.
(NSR10) To protect the local environment during demolition and construction.*
- 25 *(NSC11) Prior to the commencement of work a detailed landscape plan shall be submitted to an approved in writing by the Local Planning Authority. The*

landscape plan shall be in accordance with recommendations of the report prepared by URS dated 4 January 2005.

(NSR11) To ensure that the proposed landscaping is appropriate to its location and utility.

- 26 *(NSC12) A landscape management plan including management responsibilities and maintenance schedules for all landscapes areas shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The landscape management plan shall be carried out as approved.*

(NSR12) To ensure the ongoing maintenance of the landscaping.

- 27 *(NSC13) Prior to the commencement of work details of the ventilation system to the basement car park shall be submitted to and approved in writing by the Local Planning Authority.*

(NSR13) To ensure that the ventilation and the basement car park are not hazards to local fauna.

- 28 *(NSC14) Detailed drawings showing the following modification to the scheme shall be submitted to and approved by the Council in consultation with the Environment Agency before any work is commenced on the site. This part of the development shall be completed only in accordance with the modification thus approved:*

The set back of the north east section of the building at the corner of the canal and basin to clearly designate a 1.5m wide wildlife corridor with appropriate native planting.

(NSR14) To protect and preserve the amenity and quality of the ecological environment.

- 29 *NSC15) All lighting is to be directed away from the watercourse and wildlife corridor, where practicable. All barriers (railings, fencing, etc) between the development shall be designed to allow the free movement of wildlife. Access ramps for wildlife, from the water to the bank, shall be incorporated into the design of the canal side decking.*

(NSR15) To protect and preserve the amenity and quality of the ecological environment.

- 30 *NSC16) Details to be submitted and approved by the Local Planning Authority in writing of green roofs (stoney field type with sparse vegetation) before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved. NSR16) To protect and enhance local biodiversity i.e. Black Redstarts and to be part of the site's Sustainable Urban Drainage System.*

- 31 *NSC17) Details to be submitted and approved by the Local Planning Authority in writing of methods of sustainable urban drainage before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved. NSR17) To protect and enhance the local environment including the quality of the Blue Ribbon Network.*

- 32 *NCS18 The development shall provide and secure 26 carparking spaces for the 26 family sized units. NSR18 To protect the amenity of the future occupiers of the family sized units.*

SECTION B - The Landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the following matter to the satisfaction of the Director of Planning and Transportation and the Head of Law to the Council:

- a) *The landowner/developer/mortgagee will contribute £162,400 for the purpose of providing education and/or training facilities and initiatives for the residents of the London Borough of Hackney.*
- b) *The landowner/developer/mortgagee will contribute £66,000 for the purpose of improving open space and children's play facilities for the residents of the local area.*
- c) *The Developer to ensure that each occupier of the residential units is advised that they will be prohibited from applying for a residential parking permit except where those residential occupiers are medically certified disabled.*
- d) *The landowner/developer/mortgagee to use best endeavours to employ 25% of local people and offer formal training opportunities for at least 3 local residents during the construction of the development.*
- e) *That the provision of 32% (25 units) affordable housing be secured by Mosaic Housing Association providing 72% (18 units: 3 x 1 bed unit, 5 x 2 bed, 5 x 3 bed units, 5 x 4 bed units) for social housing for rent and 28% (7 units: 2 x 1 bed units, 5 x 2 bed units) for shared ownership. Any variation to these figures will be subject to agreement, in writing, by the Local Planning Authority.*
- f) *That all the Affordable Housing units and the commercial units shall be built with the Affordable Housing transferred to the RSL prior to the occupation of 50% of the private units for sale.*
- g) *All residential units to be built to lifetime homes standards of which 10% should be to full wheelchair standard including parking for people with disabilities.*
- h) *The installation of permanent public art including temporary hoarding, detail to be agreed. With a minimum spend of £10,000*
- i) *The preparation and implementation of an ecological management plan with a minimum spend of £35,000.*
- j) *Payments by the landowner/developer/mortgagee of all the Council's reasonable legal, monitoring and other relevant fees, disbursement and value added tax in respect of the above negotiations and completion of the proposed Section 106.*

Section 278 – Highways Act

- k) The owner will be required to enter into agreement under Section 278 of the Highways Act to pay to the Council costs to reinstate and improve the public footway adjacent to the boundary of the site and include any measures for the relocation of street furniture and carriageway markings.*
- l) That the planning appeal made to the Planning Inspectorate (APP/U5360/A/04/1150594) is withdrawn immediately on completion of the Section 106 Legal Agreement.*

Section C Recommendation: That in the event of the S106 referred to in Recommendation A has not been completed within 13 weeks of the date of complete submission of the application, the Head of Development Control be authorised to refuse the application for the following reasons:

- a) The proposed development in the absence of a legal agreement for a contribution of £162,400 towards education and/or training, would be likely to have a detrimental impact to education and employment for the residents of the London Borough of Hackney contrary to Hackney UDP policies ST1, ST3, and EQ1.*
- b) The proposed development in the absence of a legal agreement for a contribution of £66,000 for the purpose of improving open space and children's play facilities for the residents of the local area would have a detrimental impact to the provision of open space and play areas for residents of the London Borough of Hackney contrary to Hackney UDP policies ST1, ST3, ST39, EQ1, EQ7, OS6, OS9, OS13.*
- c) The proposed development in the absence of a legal agreement to ensure that the developer advises each occupier of the residential units that they will be prohibited from applying for a residential parking permit except where those residential occupiers are medically certified disabled, would be likely to give rise to additional indiscriminate kerbside parking at and within the vicinity of the site, which in turn would be detrimental to both the safety of both vehicles and pedestrians and would not result in a sustainable form of development contrary to Hackney UDP Policies TRG6, TR7, TR8 and TR19 and PPG13.*
- d) The proposed development in the absence of a legal agreement to ensure that the developer uses best endeavours to employ 25% of local people and offer formal training opportunities for at least 3 local residents during the construction of the development would have a detrimental impact to employment needs within the borough contrary to Hackney UDP policies ST1, ST3, ST24, E2, E5, E12, E14, SSH4, SSH5 and E18.*
- e) The proposed development in the absence of a legal agreement to ensure the provision of 32% (25 units) affordable housing be secured by Mosaic Housing Association providing 72% (18 units: 3 x 1 bed unit, 5 x 2 bed, 5 x 3 bed units, 5 x 4 bed units) for social housing for rent and 28% (7 units: 2 x 1 bed units, 5 x 2 bed units) for shared ownership would have an adverse impact to the housing needs of the borough contrary to Hackney UDP policies ST1, ST3, ST21 and ST23,*

Planning Circular 06/98 and Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance Note 3: Housing

- f) *The proposed development in the absence of a legal agreement to ensure that all the Affordable Housing units and the commercial units shall be built with the Affordable Housing transferred to the RSL prior to the occupation of 50% of the private units for sale would have an adverse impact to the housing needs of the borough contrary to Hackney UDP policies ST1, ST3, ST21 and ST23, Planning Circular 06/98 and Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance Note 3: Housing.*
- g) *The proposed development in the absence of a legal agreement to ensure all residential units are built to lifetime homes standards of which 10% should be to full wheelchair standard including parking for people with disabilities would have an adverse impact to the housing needs of the borough contrary to Hackney UDP policies ST1, ST3, ST21 and ST23, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance Note 3: Housing.*
- h) *The proposed development in the absence of a legal agreement to ensure the installation of permanent public art including temporary hoardings with a minimum spend of £10,000 would result in an adverse visual impact to the area contrary to Hackney UDP Policies ST1, ST3 and EQ1 and Planning Policy Statement 1: Delivering Sustainable Development.*
- i) *The proposed development in the absence of a legal agreement to prepare and implement an ecological management plan would have an adverse impact to the quality of the local ecology contrary to Hackney UDP policies ST1, EQ24, EQ26, EQ30, OS14, and OS17.*
- j) *The proposed development in the absence of a legal agreement for the landowner/developer/mortgagee to pay all the Council's reasonable legal, monitoring and other relevant fees, disbursement and value added tax in respect of the above negotiations and completion of the proposed Section 106 would result in abortive costs for the Council contrary to Hackney UDP Policy ST3.*
- k) *The proposed development in the absence of an agreement under Section 278 of the Highways Act by the owner to enter into to pay to the Council costs to reinstate and improve the public footway adjacent to the boundary of the site and include any measures for the relocation of street furniture and carriageway markings would result in a detrimental impact to the quality of the surrounding highway contrary to Hackney UDP policies ST1, ST3, ST32, TR6 and TR20.*

INFORMATIVES:

1. (SI.1) Building Control
2. (SI.2) Work Affecting Public Highway
3. (SI.3) Sanitary, Ventilation and Drainage Arrangements
4. (SI.7) Hours of Building Works
5. (SI.24) Naming and Numbering
6. (SI.25) Disabled Person's Provisions

7. (SI.27) Fire Precautions Act 1971
8. (SI.30) Refuse Storage and Disposal Arrangements
9. (SI.34) Landscaping
10. (SI.44) Safeguarding Employment Generating Uses
11. The applicant/Developer is to contact British Waterways (third party works engineer, on 02079857268) in order to ensure that any necessary consents are obtained and the works are compliant with current British Waterways "Code of Practice for Works affecting British Waterways".

**6. Land Adjacent to 58 Aden Grove, N16 (2004/1281)
Applicant: Miss Celina Smith and Mr Chris Raine**

- 6.1 The Planning Officer introduced the report and the addendum note, which contained further communications from objectors including a daylight and sunlight report.
- 6.2 Cllr Karen Alcock, on behalf of a group of residents objecting to the application, noted that the scheme contravenes a number of policies of the Council, and that she has a petition signed by 58 residents objecting to the scheme.
- 6.3 Stephen Halsey, also objecting, noted that the scheme breached the minimum standard of separation of habitable rooms of 21 metres. From the roof garden the occupants will be able to see into neighbouring childrens' bedrooms. There is also a lack of consistency in applying policies in keeping with the surrounding streetscape.
- 6.4 Selena Smith, applicant, stated that the space at the moment is derelict land, and the design for the house would improve the street. The applicant has done everything possible to meet concerns of residents, for example by reducing the level of the property, and no windows in the basement of the property.
- 6.5 In reply to Cllr Pearce, the Planning Officer noted that planning policies are intended as a guide to good practice only. In this case there are no windows at the rear elevation first floor level overlooking other residents.
- 6.6 There being no further questions the Chair moved for a vote, and noting the amendments contained in the addendum report, the Committee:

RESOLVED

(A) That planning permission be GRANTED subject to the following conditions and Heads of Terms:

1. *Commencement within 5 years (SCB1)*
2. *Materials to be approved (SCM2)*
3. *Landscaping Scheme to be approved (SCT1)*
4. *Dustbin Enclosure Details (SCR2)*

5. *Boundary Walls to be approved (SCM5)*
6. *Restriction of Permitted Development Rights (SCG6)*
7. *Ground Surface Treatment (SCM4)*
8. *No Extraneous Pipe Work (SCM9)*

INFORMATIVES:

Reasons for Approval: The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: Policy ST1; ST2; ST4; ST5; EQ1 (Development Requirements); EQ45 (Waste Disposal); HO1 (Provision of Additional Housing); H03 (Other Sites for Housing); HO9 (New Build Housing Schemes); & HO20 (Planning Standards), and TR6 (Traffic, Access and Parking).

- SI.1 Building Control*
- SI.2 Works affecting Public Highway*
- SI.3 Sanitary, ventilation, and drainage arrangements*
- SI.6 Control of Pollution (Clean air, noise, etc)*
- SI.7 Hours of Building Works*
- SI.24 Naming and Numbering*

**7. 67-87 George Downing Estate (off Cazenove Road and Alkham Road)
(2004/1711) (2003/2287)**

Applicant: Southern Housing Group

- 7.1 The Planning Officer introduced the report and the addendum note and asked Members to note that the amount of proposed parking was 75 not 86 spaces, which then changed the description of the development.
- 7.2 In reply to Cllr Pearce, the architect for the applicant noted that the design had to be kept simple, in keeping with the existing estate.
- 7.3 In reply to Cllr Webb, the applicant noted that 50 percent of car parking spaces would be for existing residents. Cllr Webb noted that while people should not be encouraged to use cars, the car parking spaces should go to the larger family units.
- 7.4 In reply to Cllr Unluer, the Planning Officer noted that the scheme falls below the 50 percent social housing required for new developments, but that given the proposed merits landscaping and community amenities, it was decided that this was an exception.
- 7.3 There being no further questions, the Chair moved for a vote and the Committee

RESOLVED

(A) That planning permission be GRANTED subject to:

1. (SCB1) *The development hereby permitted must be begun not later than the expiration of five years beginning with the date of this permission.*
2. (SCM2) *Full details, with samples, of the materials to be used on the external surfaces of the building, including glazing, shall be submitted to and approved by the Local Planning Authority in writing within three months of the date of the decision or before the commencement of works on the site. The development shall not be carried out otherwise than in accordance with the details thus approved.*
3. (SCM4) *Full details of all ground surface treatment to the site shall be submitted to and approved, in writing, by the Local Planning Authority before work commences. The development shall not be carried out otherwise than in accordance with the details thus approved.*
4. (SCM5) *Full details, including materials, of all boundary walls and enclosures shall 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.*
5. (SCM7) *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.*
 - *Layout, elevations and details of play equipment proposed.*
 - *Layout, location and details of covered bicycle parking facilities.*
6. (SCD1) *A level access shall be provided to all ground floor units hereby approved before the use is first commenced.*
7. (SCN1) *Full particulars and details of provisions for soundproofing between each new residential unit and the community centre shall be submitted to and approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed in the building in a satisfactory manner, before the development is first occupied.*
8. (SCH1) *The garage(s) shall be used only as private garage(s) for keeping vehicles for purposes incidental to the enjoyment of a dwelling house or flat/unit and for no other purpose, including any trade or business.*
9. (SCH6) *The whole of the car parking accommodation hereby approved shall be provided before the occupation of any of the approved units, and retained*

permanently for the accommodation of vehicles for purposes incidental to the enjoyment of the residential accommodation.

10. *(SCR7) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development Order 1988, as amended (or in any provision equivalent to that Order in any statutory instrument revoking and re-enacting the Order) no enlargement, improvements, or other alterations shall be carried out to the dwelling houses hereby approved without express planning permission first being obtained from the Local Planning Authority.*
11. *Before the development hereby permitted first commences, at least 5 car parking spaces shall be marked and retained permanently for use by the vehicles of persons with disabilities at locations close to the entrances to the building(s).*
12. *(SCH10) Space shall be made available for the secure parking of 26 covered cycles within the site before the use is first commenced.*
13. *(NSC1) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.*
14. *(NSC2) Development should not be commenced until:*
 - *Details of the water infrastructure plans have been submitted to, and approved by, the Local Planning Authority in consultation with Thames Water and that these plans, together with the anticipated flow rates necessary to support this development, have been properly scrutinised by Thames Water; and*
 - *Arrangements have been made to the satisfaction of the Planning Authority, in consultation with Thames Water for the provision of adequate water supplies for the whole of the development. Such supply should be secured where appropriate by means of a water main requisition pursuant to Sections 41 to 44 of the Water Industry Act 1991.*
15. *(NSC3) A Landscape Management Plan (including design and species selection, long term design objectives, management responsibilities and maintenance schedules for all landscaped areas other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. All landscaping work specified in the approved Landscape Management Plan shall be carried out within a period of twelve months from the date on which the development of the site commences of the first planting season following completion of the development and shall be maintained to the satisfaction of the local planning authority for a period of ten years, such maintenance to include the replacement of any plants that die or are severely damaged, seriously diseased, or removed.*

16. (NSC4) *Details of dustbin enclosures showing the design, location, external appearance, waste separation and recycling facilities shall be submitted to and approved by the local planning authority, in writing, before the development commences. The development shall not be carried out otherwise in accordance with details thus approved.*

17. NSC5 *The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.*

NSR5: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if carried out or carried out differently in any degree from the details submitted.

18. NCS6 *The development shall provide and secure carparking spaces for all of the family sized units. NSR6 To protect the amenity of the future occupiers of the family sized units.*

SECTION B - The Landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the following matter to the satisfaction of the Director of Planning and Transportation and the Head of Law to the Council:

- a) *The landowner/developer/mortgagee will contribute £63 547 for the purpose of providing education and/or training facilities and initiatives for the residents of the London Borough of Hackney.*
- b) *The Developer covenants to use all reasonable endeavours including the inclusion of a term in all residential tenancy or lease agreements prohibiting application by residential occupiers to the Council for residential parking permits except those residential occupiers who are medically certified disabled.*
- c) *That 21.5% of total number of units within the residential development hereby approved shall be secured by a Registered Social Landlord, namely Southern Housing Group. The following residential units shall be secured, occupied as socially rented housing by a Registered Social Landlord, namely Southern Housing Group; 6 x 3 bed dwellings and 6 x 4 bed dwellings.*
- d) *There shall be no occupation of the market housing units on the site until the affordable housing units have been built and secured by a Registered Social Landlord namely Southern Housing Group.*
- e) *That 50% of the car parking spaces shall be secured and made available to the existing residents on the site.*
- f) *There shall be no occupation of the market housing units until the community centre has been completed.*
- g) *The owner will be required to enter into agreement under Section 278 of the Highways*

Act to pay to the Council costs to reinstate and improve the public footway adjacent to the boundary of the site and include any measures for the relocation of street furniture and carriageway markings.

- h) Payments by the landowner/developer/mortgagee of all the Council's reasonable legal and other relevant fees, disbursement and value added tax in respect of the above negotiations and completion of the proposed deed.*

INFORMATIVES:

10.2 (Sl.1) Building Control

10.3 (Sl.2) Work Affecting Public Highway

10.4 (Sl.3) Sanitary, Ventilation and Drainage Arrangements

10.5 (Sl.7) Hours of Building Works

10.6 (Sl.24) Naming and Numbering

10.7 (Sl.25) Disabled Person's Provisions

10.8 (Sl.27) Fire Precautions Act 1971

10.9 ((Sl.30) Refuse Storage and Disposal Arrangements

10.10 (Sl.34) Landscaping

10.11 (Sl.35) Archaeological Investigation

10.12 (NSI.1) The affordable housing approved as part of this application to be primarily offered to existing families within the George Downing Estate.

8. 80C Eastway, London E9 5JH (2004/1916)

Applicant: Space

- 8.1 The Planning Officer introduced the report and addendum report noting that the application was the refurbishment of an existing 2 storey building and erection of two four-storey buildings to provide 68 artist studios and 8 car parking spaces, and asked Members to note that number of parking spaces is 8, not 18. It was noted that it is not considered necessary to lock the studios in as affordable by legal means.
- 8.2 Frida Scheikher, Chair of Hackney Playbus, stated that both the Albion Kids Show and Hackney Playbus (charities which currently also occupy the site) were not consulted by the Planning department, and the applicant also had no communications with them. If the application was granted, this would result in job losses. She asked for the report to be deferred so that they had time to prepare a more detailed objection.
- 8.3 Charlotte Robinson of Space, the applicant, noted that the proposal is an attempt to ensure the future for artists in Hackney. Space has been granted a substantial sum for development of the whole site, but noted that they are happy to work with the other current occupants of the site.
- 8.4 In reply to Cllr Pearce, the Head of Planning noted that when a planning application is submitted, there is a requirement to inform those on the land. Consultation letters were sent by the Planning department to the site, and the application was advertised in accordance with statutory requirements. The applicant confirmed that a notice was served by the applicant to the site owner, Hackney Council.

- 8.5 In reply to the Chair, Charlotte Robinson stated that Space would not be adverse to supporting Albion Kids on the site, as they had occupied the site for a long time.
- 8.6 In reply to Cllr Pearce, the Planning Officer noted that the affordable status of the studios could be locked in by a legal agreement. Charlotte Robinson indicated that she would have no objection to being tied into a Section 106 agreement. The Head of Planning noted that it is difficult for planning to distinguish between charities in planning terms as they are all the same class. It is outside of the planning process to take a view on ownership issues.
- 8.7 There being no further questions, the Chair moved for a vote and the Committee

RESOLVED

(A) APPROVAL is recommended subject to the following conditions and the satisfactory completion of a Section 106 Agreement.

CONDITIONS

- i. SCB3 – Commencement within 5 years (Outline Permission)
- ii. SCB4 – Approval of Reserved Matters (Outline Permissions)
This is an outline planning permission and the following matters are reserved for further approval: landscaping, external appearance and refuse/recycling facilities. Detailed drawings of the proposed development showing the reserved and other matters set out below must be submitted to and approved by the Local Planning Authority before any work is commenced. Application for the approval of reserved matters must be made not later than the expiration of three years from the date of this permission. The development shall not be carried out otherwise than in accordance with the reserved matters thus approved.
- a) *Full plans and elevations of the building and other structures showing the design, external appearance and internal layout, including details of all materials to be used.*
- b) *The means of enclosure on all site boundaries, indicating clearly which are existing and which are proposed and including details of height, materials and construction.*
- c) *The use, surface treatment and/or landscaping of any part of the site not proposed to be covered by buildings, roads or parking areas.*
- d) *Details of facilities to be provided for the storage and removal of waste materials and recyclable materials.*
- REASON: To ensure the satisfactory design, layout and appearance of the development.*
- iii. SCM6 – Materials to be approved
- iv. SCM5 – Boundary Walls to be Approved

- v. *SCM9 – No Extraneous Pipework*
- vi. *SCL10 – Archaeological Investigation*
- vii. *SCH4 – Forward Vehicle Ingress/Egress Only*
- viii. *SCH8 – Parking for Persons with Disabilities*
Before the use hereby permitted first commences, at least 2 car parking spaces shall be marked and retained permanently for use by the vehicles of persons with disabilities at locations close to the entrances to the building(s).
- ix. *SCH10 – Provision of 10 Covered Cycle Parking Spaces*
- x. *SCI3 – No Roof Plant*
- xi. *SCI7 – No Storage of Dangerous Materials*
- xii. *SCD1 – Level Access*
- xiii. *SCG5 - Restriction on Use*
The premises shall be used for artist studio purposes falling within Class B1(c) and for no other purposes including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Uses Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re- enacting that Order.
- xiv. *Non-standard condition 1*
The proposed crossover shall be reduced to 6 metres.

Non-standard reason 1

The maximum width of crossovers servicing commercial buildings is 6 metres, in the interests of pedestrian safety.

xv. Non-standard condition 2

Planting on Mabley Green shall be able to use the boundary wall for the purpose of support and growth.

Non-standard reason 2

To promote the planting on Mabley Green.

xvi. Non-standard condition 3

An accurate and detailed tree survey plan including a method statement and tree protection plan, indicating precise location, species, height and condition of each tree together with the spread of each tree accurately plotted and showing which trees are to be retained and which it is proposed should be felled shall be approved by the Local Planning Authority before any work commences on site.

Reason: SRT4

xvii. *A Construction Statement shall be submitted to and approved by the Local Planning Authority before works commence on site. This statement should detail how the buildings will be erected and how adjacent vegetation and trees shall be protected before, during and after works.*

Reason: SRT4

xviii. *The development hereby approved shall be built in accordance with the approved plans.*

Reason: To ensure appropriate development.

RECOMMENDATION (B)

That recommendation A be subject to the applicant entering into a deed of Planning Obligation by means of planning agreement pursuant to Section 106 of the Town and Country Planning Act with the Council as the Local Planning Authority to secure the following matters to the satisfaction of the Assistant Director of Planning and Transportation and the Secretary and Solicitor to the Council:-

- (i) Payment by the applicant/developers of all the Councils legal and other relevant fees, disbursements and value added tax in respect of the above mentioned negotiations and completion of the proposed deed.*
- (ii) The owner will be required to enter into agreement under Section 278 of the Highways Act to pay to the Council costs to reinstate and improve the public footway adjacent to the boundary of the site and include any measures for the relocation of street furniture and carriageway markings. Any unavoidable works required to be undertaken by Statutory Services will not be included in the estimation or payment. Recompense will be paid if pay and display parking bays are removed to provide access visibility.*

INFORMATIVES:

- i. Building Control (Sl.1)*
- ii. Works Affecting Public Highway (S1.2)*
- iii. Sanitary, Ventilation and Drainage Arrangements (Sl.3)*
- iv. Hours of Building Works (Sl.7)*
- v. No notice, sign or advertisement shall be displayed, other than in accordance with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 (Sl.11).*
- vi. Health, Safety and Welfare at Work (Sl.19)*
- vii. Naming and Numbering (Sl.24)*

- viii. *Disabled Persons' Provision (SI.25)*
- ix. *Fire Precautions Act 1971 (SI.27)*
- x. *Refuse Storage and Disposal Arrangements (SI.28)*
- xi. *Potential Archaeological Interest (SI .29)*
- xii. *Archaeological Investigation (SI.35)*
- xiii *The applicant is to use best endeavours to work and the Hackney Playbus with the Albion Kids Show with the Council's Property Services to try to retain the uses on-site for a minimum of a six-month period.*

8.12 It was noted that all voted in favour except Cllrs Shaikh and Tesler who voted against.

**9. 144-146 Lower Clapton Road, E5 (2004/0412)
Applicant: Groveshire**

- 9.1 The Planning Officer introduced the report and the addendum note which noted that there will now be 16 social rent units and 21 shared ownership units.
- 9.2 In reply to Cllr Webb, the applicant stated that cycle parking is safe and secure, and that he would be happy to have a scheme of allocating car parks to those units which were larger.
- 9.3 In reply to Cllr Unluer, the applicant noted that the design of the building provides a transition between a taller building on the left and the brick framed building on the right.
- 9.4 There being no further questions from members the Chair moved for a vote and the Committee

RESOLVED unanimously

(A) That planning permission be GRANTED subject to the following conditions and Head of Terms:

SECTION A: Planning Conditions

- 1. SCB1: Commencement within 5 years*
- 2. SCM5: Boundary walls and enclosures to be approved*
- 3. SCM6: Materials to be approved*
- 4. SCM9: No extraneous pipe work*

5. *SCM11: Modifications to be Approved (General)*
 - *Lower Clapton Road elevations showing a dark render as opposed to white.*
 - *Details of fenestration, on courtyard elevations, showing measures to minimise overlooking.*
6. *SCG11: Drainage Specification to be approved*
7. *SCG10: Soil Contamination Survey/Treatment*
8. *SCD1: Level access*
9. *SCT1: Landscaping Scheme to be approved.*
10. *SCI3: No roof plant*
11. *SCH2: Loading/Unloading within Site/Building*
12. *SCH8: Parking for Persons with Disabilities (3 spaces)*
13. *SCH9: Marking of parking/services areas*
14. *NSC1: No deliveries shall take place for the B1 component of the development except between the hours of 0800 and 1800 on Mondays to Saturdays and not at all on Sundays or Bank Holidays.*

NSR1: To ensure that the use B1 component operates in a satisfactory manner and does not unduly disturb adjoining residential occupiers or prejudice local amenity generally.
15. *NSC2: Full details of dustbin enclosures and recycling facilities, showing the design, capacity, recycling measures, location, and external appearance, shall be submitted to and approved by the Local Planning Authority, in writing, before the use/development commences. The development shall not be carried out otherwise than in accordance with the details thus approved.*

NSR2: In order to provide adequate bin enclosures and sufficient recycling facilities, in order to protect the quality of the local environment and to promote sustainable waste practises.
16. *NSC3: Before the use hereby permitted first commences, at least 3 car parking spaces shall be marked and retained permanently for use by vehicles using the commercial element of the development, of which 1 will be for disabled parking.*

NSR3: In order to ensure that sufficient parking is provided for the commercial element and that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.
17. *NSC4: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a*

written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

NSR4: Important archaeological remains may exist on the site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16.

18. *NSC5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.*

NSR5: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if carried out or carried out differently in any degree from the details submitted.

19. *NSC5: Space shall be made available for the secure parking of 17 covered cycles within the site before the use is first commenced.*

NSR5: In the interests of promoting sustainable forms of transport.

20. *NCS6 The development shall provide and secure 26 carparking spaces for the 26 family sized units. NSR6 To protect the amenity of the future occupiers of the family sized units.*

SECTION B: *That recommendation (A) be subject to the applicant / 00Landowner and its mortgagees entering into a section 106 planning obligation by means of a legal Agreement under section 106 of the Town and Country Planning Act 1990 (as amended) and any necessary highways agreement under the Highways Act 1980 in order to secure the following matter to the satisfaction of the Director of Environment and Director of Law & Democratic Services.*

- I. That 100% of the total number of residential units (37) shall be secured, by a Registered Social Landlord namely Mosaic, as affordable housing. The following residential units shall be secured and occupied as socially rented housing by a Registered Social Landlord, namely Mosaic; 4 x 1 bed, 4 x 2 bed 4 x 3 bed, 4 x 4 bed. The following residential units shall be secured and occupied as Intermediate Housing by a Registered Social Landlord, namely Mosaic; 9 x 1 bed, 10 x 2 bed, 2 x 3 bed as shared ownership*
- II. That the A1/A2/B1 commercial floorspace be secured as B1 affordable workspace for a period of 7 years and at a rental level of 50% below the open market value to be determined by Invest in Hackney. At the conclusion of the 7 years the use will revert to either A1/A2/B1 composite use and rented/sold at market prices.*

- III. *That the B1 accommodation shall be built, fitted out to shell and core finish, before occupation of the residential accommodation component of the development.*
- IV. *Occupiers of the residential units that do not benefit from an allocated on-site parking space shall not be entitled, unless they are the holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970 to be granted a permit to park a vehicle in a Residents Parking Bay and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.*
- V. *The owner will be required to enter into an agreement under Section 278 of the Highways Act to pay to the Council costs to reinstate and improve the public footway adjacent to the boundary of the site and include any measures for the relocation of street furniture and carriageway markings. Any unavoidable works required to be undertaken by Statutory Services will not be included in the estimation or payment.*
- VI. *Payments by the landowner/developer/mortgagee of all the Council's reasonable legal and other relevant fees, disbursement and value added tax in respect of the above negotiations and completion of the s106.*

INFORMATIVES

1. *SI. 1: Building Control*
2. *SI. 3: Sanitary, Ventilation and Drainage Arrangements*
3. *SI. 24: Naming and Numbering*
4. *SI. 25: Disabled Persons' Provision*
5. *SI. 27: Fire Precautions Act 1971*
6. *NSI: The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.*

**10. 132 Kingsland Road, E2 (2004/1745 & 2004/1966)
Applicant: Jute and Commodities (INT) Ltd**

- 10.1 The Committee resolved to DEFER to allow Members to undertake a site visit.
- 10.2 When the application next comes before the Committee, Officers should address how this application relates to the new East London line and new tube station (if of planning relevance).

**11. John Howard Centre, 2 Crozier Terrace, London E9 6AT
Applicant: East London and the City Mental Health NHS Trust**

- 11.1 Cllr Shaikh declared a prejudicial interest and withdrew for this item.
- 11.2 The Planning Officer introduced the report, noting that a Travel Plan was recommended as a Section 106 agreement.
- 11.3 Cllr Vincent Stops, objecting, stated that the scheme was a breach of UDP policy, and it would generate traffic resulting in congestion and pollution. Spaces for cycles should be put nearer the buildings.
- 11.4 The applicant noted that the car park would be managed for essential users only, and that the scheme would move essential users off Kenworthy Road.
- 11.5 In reply to Cllr Mulla, the applicant noted that there is an opportunity to designate parking for visitors to the hospital. This would have to be secure due to the nature of the facility.
- 11.6 Cllr Webb expressed concern that the scheme would increase the number of car users on Kenworthy Road, which is already busy. The staff numbers at the hospital do not justify the car park, especially as Homerton train station is nearby. The car parking should be provided for essential staff, such as night nurses.
- 11.7 The Committee resolved to DEFER the application, to enable a transport impact assessment to be submitted by the applicant, which should contain information setting out a justification for a carpark of this size.

**12. 3-11 Wenlock Street, London, N1 7NT
Gamling Marketing Ltd.**

- 12.1 The Planning Officer introduced the report and the addendum note. The agent has stated that the sunlight/daylight study which was submitted for the application was issued in error, as it was based on an earlier massing study. The agent has formally withdrawn the study, but no further daylight/sunlight information has been received on which the Planning Department can assess the impact of the proposal. It is therefore considered that the agent has failed to assess the impact on the neighbouring properties in terms of loss of light. Accordingly the proposed reason for refusal was amended by Officers in the addendum.
- 12.2 In reply to the Chair, Stephen Cherry, agent for the applicant, reiterated that the daylight/sunlight report was issued in error, and noted that a detailed sunlight report has now been completed and submitted with the full planning application.
- 12.2 There being no further questions the Chair moved for a vote, and noting the amendments contained in the addendum report, the Committee:

RESOLVED

(A) Planning Permission be **REFUSED** for the following reasons:

1) Insufficient information has been submitted by the applicant for the Council to assess the affect of the proposal on the neighbouring properties and uses and therefore the applicant has failed to demonstrate that the proposal would not have a significant detrimental affect on their amenity by way of loss of sunlight and daylight and consequently the proposal is considered contrary to Hackney UDP Policy EQ1, Supplementary Planning Guidance 1 – New Residential Developments and Central Government Guidance PPS1 – Delivering Sustainable Development.

(2) The proposal fails to justify the assumptions and costs within the financial viability appraisal and therefore fails to adequately justify why the maximum reasonable amount of affordable housing could not be provided. The proposal is therefore considered contrary to Hackney UDP Policies HO1 and HO3 and London Plan Policy 3A.8.

INFORMATIVE

1. Planning Sub-Committee Members raised concerns regarding the proposed height of the building.

**13. 129 Stamford Hill, London, N16
Applicant: Focus Securities**

13.1 The Planning Officer introduced the report.

13.2 Mr Thom, the applicant noted that the scheme is designed as affordable housing using modern methods of construction. Car parking is available on site and cycle storage can be made available. The building has been designed so that the principal rooms do not overlook each other.

13.3 In reply to Cllr Shaikh, the Planning Officer noted that the quality of design is not appropriate for the site, and the accommodation provided would be sub-standard.

13.4 In reply to Cllr Tesler, the applicant noted that there are no habitable rooms looking in view of others, and that the terraces are screened at roof level. There is no amenity space jeopardised.

13.5 In reply to Cllr Tesler, the Planning Officer noted that the scope and degree of the scheme was so severe that it would cause an adverse living environment to the occupants.

13.6 The Chair urged the applicant to take on board what he had heard from the Planning Officers in regards to the scheme.

13. The Chair moved for a vote and the Committee

RESOLVED

(A) Planning permission be **REFUSED** for the following reasons:

1. *The proposal, by reason of design, scale and height, fails to contribute or respect the existing urban townscape and is not sympathetic with the scale and proportion of the surrounding buildings thereby creating a single, visually dominant block on the corner of Amhurst Park and Stamford Hill. Therefore the scheme would be contrary to policies EQ1 and Strategic Policies ST1, ST2 and ST4 of the Hackney Unitary Development Plan, Policies 4B.1 (Design Principles for a Compact City), and 4B.7 (Respect Local Context and Communities) of the London Plan 2004, and PPG3 PPS1.*

2. *The proposed development, by reason of its scale, height, form, massing, materials and design, represents an incongruous form of development that would be out of keeping with the surrounding streetscape and would adversely impact upon the character and appearance of the surrounding townscape, therefore being contrary to Policies EQ1, EQ3 and Strategic Policies ST1, ST2, and ST4 of the Hackney Unitary Development Plan, Policies 4B.1 (Design Principles for a Compact City).*

3. *The proposed development, by reason its layout and building positioning, would create a poor standard of living accommodation and an unwelcoming environment for future occupiers and therefore would be contrary to policies EQ1 and HO20 of the Hackney Unitary Development Plan, Supplementary Planning Guidance Note 1: New Residential Development, and PPS1.*

INFORMATIVES

i. *It is a requirement of all new development providing residential units/dwellings that 50% of the total number of units be provided as affordable housing. Should you wish to resubmit a planning application you are advised that this figure should be incorporated into the development.*

ii. *The proposed development fails to provide any form of secure bicycle parking and in order to promote sustainable means of transport it would need to be incorporated into the development should a new application be resubmitted.*

13.2 It was noted that all voted in favour apart from Cllrs Shaikh and Tesler who voted against.

14. 81 Glenarm Road, London, E5 (Breach of Condition) Owner/Tenant: Mr Hus

14.1 The Planning Officer introduced the report, noting that authority from Members to also issue an enforcement notice was required.

14.2 There being no questions from members the Chair moved for a vote and the Committee:

RESOLVED unanimously

- A *That the Planning Committee considers it expedient to serve a Breach of Condition Notice under Section 187(A) of the Town and Country Planning Act 1990 (as amended) alleging that there has been a breach of planning control involving failure to comply with the details of the approval No; TP/201821/D/CB/LMD dated 30th September 1997.*
- B *The said Notice shall require the breach to be remedied within 1 month of the Notice taking effect by:*
- The submission of details of an acceptable bin enclosure before the development commences.*
- C: *That the Planning Committee considers it expedient to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) alleging that there has been a breach of planning control in the last 4 years involving :-*
- the unauthorised erection of a bin enclosure*
- D *The said Notice shall require the breach to be remedied within 1 month of the Notice taking effect by:-*
- the complete and permanent removal of the unauthorised bin enclosure.*
- E *That the Director of Law and Democratic Services be authorised to issue a Breach of Condition Notice in accordance with Section 187(A) of the Town and Country Planning Act 1990 (as amended) with regard to Condition 2 of the planning permission dated 30th September 1997 (Ref:TP/201821/D/CB/LMD) and that officers also be authorised, in the event of non compliance, to commence prosecution proceedings under Section 187A(9) or other appropriate power.*
- F *That the Director of Law and Democratic Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to secure compliance with Recommendation D above. In the event of non-compliance with the Notice, officers be authorised to take legal action under Section 179 or other appropriate power, and/or take direct action under Section 178 in order to secure cessation of the breach of planning control .*

15. Information on Delegated and Appeal Decisions for January 2005 and Summary of Appeal Decisions for November and December 2004

15.1 Noted

The meeting concluded at 10.35 pm.

Chair

Date