



## Minutes of the Meeting of the London Legacy Development Corporation Planning Decisions Committee

**Date:** Tuesday 25 March 2014  
**Time:** 6.00 pm  
**Venue:** Rooms 1, 2 & 3, LLDC, Level 10, 1 Stratford Place,  
Montfichet Road, London E20 1EJ

### **PRESENT:**

Philip Lewis (Chair)  
Lynda Addison OBE  
Nicholas Bitel  
Piers Gough CBE RA  
Councillor Lester Hudson  
Lord Mawson OBE  
Councillor Geoff Taylor  
Dru Vesty MBE  
Councillor Terry Wheeler

### **IN ATTENDANCE:**

Anthony Hollingsworth, Director of Planning Policy and Decisions, LLDC  
Alex Savine, Head of Planning Policy and Decisions, LLDC  
Allison De Marco, Senior Planning Development Manager, LLDC  
Rachel Gleave, Planning Development Manager, LLDC  
Anne Ogundiya, Senior Planning Decisions Manager, LLDC  
Simon Kelly, Planning Solicitor, LLDC  
Joanna Brown, Committee Secretary, GLA

## **1 Updates, Order of Business and Requests to Speak (Item 1)**

- 1.1 The Chair stated that there were Update Reports for:
- Agenda Item 6 (Eton Manor Landscaping – ref 13/00444/FUL);
  - Agenda Item 7 (Queen Elizabeth Olympic Park Temporary Events 14/00037/FUL);  
and
  - Agenda Item 9 (117 Wallis Road, London E9 5LN).
- 1.2 The Chair stated that he had received requests to speak in respect of the following items:

- Agenda Item 5 (Extensions to Hackney Wick and Fish Island Conservation Areas);
- Agenda Item 6 (Eton Manor Landscaping – ref 13/00444/FUL); and
- Agenda Item 9 (117 Wallis Road, London E9 5LN).

1.3 The Chair reminded people who had requested to speak that they would have a maximum of five minutes.

## **2 Apologies (Item 2)**

2.1 Apologies for absence were received from Councillor Conor McAuley and Councillor Rabina Khan.

## **3 Declarations of Interest (Item 3)**

3.1 The Committee received the report of the Director of Planning Policy and Decisions which set out, for the purposes of transparency, where a Member of the Committee was an elected Member of a Host Borough to which a planning application and/or other matter to be dealt with at the meeting related.

3.2 Nick Bitel declared a non-pecuniary interest in Agenda Item 7 (Queen Elizabeth Olympic Park Temporary Events 14/00037/FUL), and stated that he would withdraw from the meeting during the discussion of that item because he was director of a company that held events in the Park.

3.3 Councillor Geoff Taylor declared a non-pecuniary interest in Agenda Item 9 (117 Wallis Road, London, E9 5LN – 13/00157/COU), as he was a member of the London Borough of Hackney's Licensing Committee but he stated that he had not taken part in any of the decisions relating to the licensing issues concerning the property. As the interest was not considered to constitute a prejudicial interest Councillor Taylor remained in the meeting for this item.

3.4 **Resolved:**

**That the report be noted.**

#### **4 Minutes from previous meeting - 25 February 2014 (Item 4)**

##### **4.1 Resolved:**

**That, subject to the deletion of paragraph 6.22, the minutes of the meeting of the Committee held on 25 February 2014 be signed by the Chair as a correct record.**

#### **5 Extensions to Hackney Wick and Fish Island Conservation Areas (Item 5)**

5.1 The Committee considered a report of the Director of Planning Policy and Decisions.

5.2 In response to a question about why the matter had been brought back to the Committee, the Director of Planning Policy and Decisions stated that since the matter had been considered by the Committee at its meeting on 25 February 2014, the planning officers had considered the Committee's comments, for example could the proposed boundary of the extensions be changed, and the intention of this report was to update the Committee on those points and for the Committee to make any further comments before a report was submitted to the Legacy Corporation's Board meeting on 30 April 2014. The Chair added that the cancellation of the Legacy Corporation's Board meeting scheduled for earlier in the day on 25 March 2014, which had been due to consider the proposal, had provided an opportunity for the Committee to give further consideration to the proposals.

5.3 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 1** to the minutes) and published on the LLDC's website: <http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).

5.4 The Senior Planning Development Manager stated that the Board would give considerable weight to the Committee's comments. He stated that section 5 of the report dealt with each of the comments raised by the Committee.

5.5 The Senior Planning Development Manager referred to the expressions of support and objections that had been received. He stated that English Heritage supported the proposal and that on 25 March 2014 a petition in support had been received from the East End Waterways Group.

- 5.6 The Senior Planning Development Manager explained the rationale for the proposal and stated that the proposal would reinforce the wider benefits of the distinctiveness of Hackney Wick and Fish Island and would contribute to place-setting. Officers were confident about the case for extending the boundaries of the conservation areas and considered that the existing fabric provided sufficient historic interest to justify those extensions, whilst providing for new buildings and new uses.
- 5.7 The Chair invited Mr Lance Forman, Formans, to speak for up to five minutes against the proposal.
- 5.8 Mr Forman's speech to the Committee, which he circulated is attached at **Appendix 2** to the minutes and is published on the LLDC's website:  
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 5.9 Mr Forman disputed some of the comments in the officer's report concerning the merits of including the Forman's site in the proposed extension of the conservation area, the support expressed by English Heritage in their letter, and that the Committee had expressed support for the proposal at its last meeting. He concluded by stating that the Forman's site should be excluded from the proposed extension to the conservation area. He considered that an extension of the conservation area would lead to fragmentation and would be pointless and he questioned the inconsistency of why the Neptune Wharf and Monier Road sites had been excluded.
- 5.10 The Chair invited Mr Charlie Hammond, to speak for up to five minutes against the proposal.
- 5.11 Mr Hammond stated that he was speaking on behalf of Hamlets Industrial Estate, which owned two sites in the northern part of the proposed extension to the conservation area. He stated that he wished to reiterate the points made by Mr Richard Coleman and Piers Gough at the last meeting. Mr Hammond stated that he considered that the proposal devalued the designation of a conservation area and that the Committee should take on board the points made by Piers Gough at the last meeting. Mr Hammond considered that the proposal was not justified and was a shift away from the Tower Hamlets Area Action Plan and would exacerbate the housing crisis. He stated that he could not recall the suggestion for a site visit but he welcomed it and suggested that Board Members be accompanied by Members of the Committee.
- 5.12 The Chair reminded the Committee that in relation to this particular matter, the Committee was a consultee and that it was not considering a planning application. Nevertheless the

Legacy Corporation's Board had made it clear before the last meeting that it would welcome the views of the Committee. The Chair therefore requested Members to express their views.

- 5.13 Nick Bitel stated that he understood the purpose was to protect the canal but he was somewhat confused as to why a large area of land to the east of Roach Road was not included in the proposed extension. He considered that the proposal for the south part was illogical, as there were very few buildings of historic merit (although he suggested that the chimney and the lock could be included in a smaller extension). However, he did consider that there were buildings of historic merit in the northern part of the proposed extension. Nick Bitel concluded by stating that his view had not changed from the previous meeting in that he considered that the proposed extension in respect of the southern part went far beyond what was required for the preservation of the area.
- 5.14 Councillor Taylor stated that he considered that the inclusion of the photographs in the presentation had been very helpful in elucidating the issues. He stated that if the Committee considered that the canalside was worthy of inclusion in the proposed extensions, then in his view it was necessary to include the area between the canal and Fish Island in order to have a coherent boundary. Councillor Taylor stated that therefore for him the issue was whether the buildings, especially the wharves, contained within the proposed extension were worthy of a conservation area. He requested more information on the buildings.
- 5.15 The Senior Planning Development Manager responded to Councillor Taylor's question, stating that the buildings had historically been used for printing purposes and had an intrinsic relationship with the canal so although they were not of great architectural merit, they were of townscape merit, particularly those that related to the corner of Roach Road and the canal. The Senior Planning Development Manager noted that there was an empty site in the proposed extension and stated that the National Planning Policy Framework (NPPF) acknowledged that a conservation area might contain large empty sites that did not contribute to that conservation area. He added that the implication of a conservation area was that conservation area consent would be required for demolition and in relation to the empty site in the proposed extension, as it was empty already, officers were confident that it would come forward for development. Furthermore, as the empty site was surrounded by a number of heritage elements and its development would affect those heritage elements, the inclusion of the empty site in the conservation area was warranted.
- 5.16 A Member sought clarification as to why the Omega Works and other canalside buildings had been excluded from the conservation area. The Committee was informed that the

Omega Works site had received planning permission within the last 10 years, was unlikely to change and in itself was not deemed worthy of preserving. Its exclusion from the conservation area served as a reminder that the LLDC advocated good architecture.

- 5.17 In response to a question about whether the Committee would have dealt differently with the Neptune Wharf and Monier Road sites if they had been in a conservation area, the Director of Planning Policy and Decisions stated that the report to the Committee had considered both sites in the context of the existing conservation areas.
- 5.18 Lynda Addison stated that her views, which the Chair had reported to the last meeting of the Committee, had not changed and that the current report before the Committee reinforced her views and she therefore supported the proposal. She believed that the proposed extension would benefit the area, helping to achieve regeneration and give the area uniqueness and character. She suggested that it had been demonstrated across the country that conservation areas had assisted regeneration and had given uniqueness to those areas. The designation of the conservation area would help to keep the character of the area, which was different from the rest of the Legacy Corporation's area and would preserve the canal pattern and street patterns. She considered that the whole townscape issue, which was about spaces as well as buildings and how they related to the water, justified its designation as a conservation area.
- 5.19 Lord Mawson stated that he tended to agree with the above point although it was a matter of opinion how much the buildings were of historical interest. He supported the careful management of development, but acknowledged that it might not be as good as other conservation areas. It was a question of thinking about how the spaces, including the canals, and buildings worked together and their potential.
- 5.20 Dru Vesty stated that she supported the proposal, given the townscape setting and the potential to develop the area whilst retaining its charm. She recommended that the Board be encouraged to visit the area to inform their consideration of the proposal.
- 5.21 Councillor Wheeler stated that the report to this meeting had reinforced the point that a conservation area was not just about buildings but about the area and the space and bringing forward developments sensitive to a conservation area. He therefore supported the proposal. He acknowledged that there were a number of comments in support for the proposal from the community at large, whilst noting the views of principal landowners against.

- 5.22 Piers Gough stated that he did not support the proposal. He stated that he had been either a member of English Heritage's London Advisory Committee or an English Heritage Commissioner for 14 years and he took heritage designations very seriously. However, he was concerned that the proposed extension lacked intellectual rigour and he considered that it failed the NPPF tests. He compared it with other conservation areas around Britain and suggested that the existing areas would fall within the bottom quartile of conservation areas and the extensions would devalue the point of conservation areas. Piers Gough stated that he considered that the officer's report was an emotional response and overstated a very modest case for the heritage significance within the proposed extensions.
- 5.23 Councillor Hudson stated that he did not support the proposal as his main concern was to see the creation of jobs and housing and he did not consider that the proposal for the extension of the conservation areas outweighed the need for either jobs or housing.
- 5.24 The Chair stated that he did not support the proposal. He believed that there was some merit in extending the Hackney Wick Conservation Area to include the station and surrounding buildings but saw no merit in extending the conservation area in the south. He agreed with Councillor Hudson's point that the Legacy Corporation should be proactively encouraging the creation of new developments.
- 5.25 The Chair commented that Members had expressed very mixed views during the discussion and the Board should be informed of those differing views. He noted that paragraph 3.4 of the report to the Committee did not accurately reflect the views expressed at the meeting of the Committee on 25 February 2014 and suggested that point ought to be revised in the report to the Board. The Director of Planning Policy and Decisions assured the Committee that he had not been of the view after the meeting of the Committee in February that there was overwhelming support for the proposal, and that was one of the reasons for submitting a further report to the Committee to address the points which had been raised. He added that, in the light of the Committee's various comments, he would now give further consideration as to whether to submit a report to the Board.

5.26 **Resolved:**

**That the Committee's comments be provided to the Legacy Corporation's Board.**

## **6 Eton Manor Landscaping - ref 13/00444/FUL (Item 6)**

- 6.1 The Committee considered the report of the Senior Planning Development Manager.
- 6.2 An Update Report was circulated to the Committee (which is attached as **Appendix 3** to the minutes and published on the LLDC's website:  
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 6.3 The Chair stated that the planning application had been considered by this Committee at its meeting on 25 February 2014 where it had been resolved to grant planning permission, subject to the a number of planning conditions and the completion of a section 106 legal agreement. However, the application had been resubmitted to the Committee because the original report to the Committee had only made reference to two letters of objection when three had actually been received by officers.
- 6.4 The Chair stated that Mark Harton, Manor Gardening Society (MGS), had spoken against the application at the meeting on 25 February 2014, and had requested to speak against the application again at this meeting. Mr Paul Charman had also requested permission to speak against the application.
- 6.5 The Senior Planning Development Manager made a presentation to the Committee (which is attached as **Appendix 4** to the minutes and published on the LLDC's website:  
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 6.6 The Senior Planning Development Manager apologised for the omission of the letter and acknowledged that it had prevented the objector from making direct representations to the Committee at the last meeting. She stated that the objector's comments were addressed in the report on pages 70 and 71 of the agenda and the objector's letter was printed in full on pages 105 and 106 of the agenda. The Senior Planning Development Manager stated that she was confident that the issues raised by the objection had been addressed in the original report to the Committee or had been considered during the Committee's deliberations on the application. Nevertheless it was considered appropriate as a point of procedure to report the matter back to the Planning Decisions Committee.
- 6.7 The Senior Planning Development Manager stated that the report set out the further comments received by the MGS and updated the conditions and Heads of Terms for the section 106 agreement, in the light of the comments made by the Committee on 25 February 2014. The Update Report set out two further letters of representation.



- 6.8 The Senior Planning Development Manager stated that officers had considered the Committee's comments at the last meeting and the further representations. She drew the Committee's attention to three new proposed conditions and recommended the Committee to approve the application.
- 6.9 The Chair invited Mr Paul Charman and Mr Harton to each speak for up to five minutes each against the proposal.
- 6.10 Mr Charman stated that he was disappointed with the report. He questioned whether the proposed section 106 legal agreement was lawful because there was an absence of development in the planning application and it was not necessary to obtain planning permission for landscaping works. Effectively the application constituted an alternative proposal and the provision of allotments was not a material planning consideration. Mr Charman stated that the problem had arisen because of the commitment by a former planning authority to provide allotments. He stated that it would be difficult to say whether the issue of allotments was fairly related in scale and kind to the development. Mr Charman considered that it would be a mistake to grant planning permission because of the section 106 process. He could not be sure that the section 106 agreement would ever be completed and he was concerned that planning permission would be granted, conditional to the completion of the section 106 agreement. Even if the section 106 agreement was deemed to be lawful, Mr Charman stated that he did not feel that it would work because of a number of issues that had not been addressed and it was not clear what would happen if the agreement did not come to fruition.
- 6.11 Mr Harton stated that he was concerned by the legitimacy of the section 106 process because the MGS had received many assurances during the last seven years which had not come to fruition. Mr Harton referred to the allotments at Pudding Mill Lane and explained that the MGS had invested much time in processes to ensure that the allotments were fit for purpose for their users and those processes did not exist in relation to the Marsh Lane allotments site, which had been provided as a temporary site. He stated that it would be necessary to bring the Marsh Lane allotments up to the standard that was intended for the allotments at Eton Manor. Mr Harton referred to the issue of water logging at Marsh Lane and stated that the mitigation should be part of the design of the Marsh Lane site.
- 6.12 Mr Harton stated that the MGS had successfully managed the Marsh Lane site with a 100% tenancy occupation. He understood that the London Borough of Waltham Forest intended to manage the site in the future whereas he considered that self-managed sites worked better.

- 6.13 The Legal Adviser to the Committee responded to the points raised by the objectors about the requirement for planning permission in respect of this application and stated that he was confident that it did require planning permission, given that the proposal includes associated engineering operations as part of the landscape works.
- 6.14 Members commented that the issues Mr Harton had raised were a matter for negotiation and were outside the remit of the Committee. However, they understood the concern that promises may have been made in the past that had not been kept. The Legal Advisor to the Committee stated that the heads of terms of the section 106 agreement were headline points to be worked into a contract. The purpose of the section 106 agreement was to ensure that all parties were focused on the issues and he confirmed that it was lawful in this case.
- 6.15 Nick Bitel proposed that the heads of terms include a provision that the Management Plan of the allotments should be agreed by the Legacy Corporation and the Committee indicated their support for that point.
- 6.16 Councillor Wheeler stated that the London Borough of Waltham Forest was supportive of allotments, although there was always a balance to be struck with how open space was provided to meet the needs of different sectors of the community. He considered that the section 106 agreement would give an opportunity for a reasonable settlement to be reached.
- 6.17 **Resolved (unanimously):**
- 6.17.1 That planning permission be approved for the reasons given in the report, subject to conditions and informatives set out in the report to the Committee and subject to the satisfactory completion of a section 106 legal agreement based upon the heads of terms set out in the report to the Committee, and the amendment agreed by the Committee that a Management Plan for the allotments should form part of the s.106 agreement specification to be agreed by the Legacy Corporation.**
- 6.17.2 That authority be delegated to the Director of Planning Policy and Decisions to issue the planning permission upon completion of the s.106 legal agreement, including authority to make any necessary and consequential amendments to the planning conditions and the section 106 legal agreement heads of terms.**

## **7 Queen Elizabeth Olympic Park Temporary Events 14/00037/FUL (Item 7)**

- 7.1 During the consideration of this item Nick Bitel left the room and took no part in the discussion.
- 7.2 The Committee considered a report of the Senior Planning Development Manager.
- 7.3 The Chair stated that an Update Report had been circulated to the Committee (attached as **Appendix 5** to the minutes) and published on the LLDC's website:  
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 7.4 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 6** to the minutes) and published on the LLDC's website:  
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 7.5 The Senior Planning Development Manager stated that the application was for temporary use from 1 April 2014 to 1 October 2015 (the current temporary planning permission expired in April 2014) of open areas of parkland and development platforms within Queen Elizabeth Olympic Park (QEOP) for temporary events such as live music broadcasts, festivals and mass participation sports zones. As part of the temporary use of the site for events a number of temporary structures would be required.
- 7.6 The Senior Planning Development Manager stated that the application was recommended for approval as the events would attract visitors to QEOP and as the application was in accordance with the London Plan and the core strategies of the London Borough of Newham, London Borough of Hackney and London Borough of Tower Hamlets.
- 7.7 The Senior Planning Development Manager explained that ordinarily temporary events would not require planning permission if held over a period of 28 days or less and where they conform to other provisions in the general permitted development order. However those permitted development rights were removed from the Olympic planning permissions and therefore express planning permission was required in this case.
- 7.8 The Senior Planning Development Manager stated that there had been some changes to conditions since publication of the agenda, and these amendments were listed in the Update Report. The amendments were to avoid duplication of those requirements under licensing.

**7.9 Resolved (unanimously):**

**7.9.1 That the application be approved as follows:**

- (a) Conditional approval for application 14/00037/FUL for temporary events from 1 April 2014 to 1 October 2014, subject to the conditions and informatives set out in the report to the Committee and Update Report; and**
- (b) The partial discharge of conditions LTD.27 of 07/90010/OUMODA, PGT.58 of 09/90410/FUMODA, and NNP.56 of 11/90766/FUMODA.**

**7.9.2 That authority be delegated to the Director of Planning Policy and Decisions to make any refinements, amendments, additions and/or deletions to conditions and informatives, as the Director of Planning Policy and Decisions considers reasonably necessary.**

Following the consideration of Item 7, Nick Bitel returned to the room.

**8 150 High Street, Stratford, E15 - 13/00564/VAR (Item 8)**

- 8.1 The Committee considered a report of the Senior Planning Development Manager.
- 8.2 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 7** to the minutes) and published on the LLDC's website: <http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&Mid=5185&Ver=4>).
- 8.3 The Senior Planning Development Manager stated that the application proposed alterations to the internal layout of a 43 storey tower that formed part of the 150 High Street development by seeking to retrospectively amend the approved drawings attached to the original planning permission. He informed the Committee that the tower was constructed, fitted out and almost entirely occupied. The Senior Planning Development Manager stated that the internal alterations involved fitting out the vast majority of flats without a glazed internal partition between habitable rooms and winter gardens. The advantage of removing the internal partitions included larger habitable rooms and improved daylight and sunlight conditions, views and ventilation. The Senior Planning Development Manager stated that

the applicant had provided evidence that prospective buyers had requested that the internal partitions be removed as part of the purchase.

- 8.4 The Senior Planning Development Manager stated that the London Borough of Newham had objected to the application on the basis that it would result in a loss of private amenity space. The London Borough of Newham had requested that the Legacy Corporation take enforcement action against the development on the basis that it had not been constructed in accordance with the approved drawings. The Senior Planning Development Manager stated that the Legacy Corporation did not consider it to be expedient to take enforcement action against the applicant as the original permission did not prevent the subsequent removal of the glazed internal partition and the work in itself would not require planning permission. The Legacy Corporation had received legal advice that the matter could be dealt with through a section 73 application to amend a condition attached to the existing permission.
- 8.5 In response to questions about how planning permission had been granted for an application that had not been deliverable, the Director of Planning Policy and Decisions stated that the LLDC had inherited decisions made by previous planning authorities and that lessons had been learned for the future in terms of looking at details reserved by conditions. Planning officers were aware that on occasion details submitted subsequently for approval changed and would need close inspection.
- 8.6 In response to a further question about enforcement, it was noted that on this occasion it would be difficult in practice for the reasons set out in the report, namely that the conditions required the applicant to put in a partition, but not to retain it.
- 8.7 Piers Gough requested that guidance be provided to the committee on future applications for winter gardens. Dru Vesty set out that provision of external space was a sensible policy that the PDC should take seriously.
- 8.8 Nick Bitel sought and received confirmation that the building had been built in compliance with drawings, apart from the glass partition issue.

8.9 **Resolved (eight votes cast in favour and one vote against):**

8.9.1 **That planning permission be granted subject to:**

- (a) **The applicant providing a S106 Unilateral Undertaking to confirm that the obligations contained within the S106 Agreement attached to the original planning permission apply to this planning permission; and**
- (b) **The amendment of condition 2 of planning permission reference 09/01507/LBNM to include the list the revised drawings and update the other previously approved planning conditions accordingly.**

## **9 117 Wallis Road, London, E9 5LN - 13/00157/COU (Item 9)**

9.1 The Committee considered a report of the Senior Planning Development Manager.

9.2 The Chair stated that an Update Report had been circulated to the Committee (attached as **Appendix 8** to the minutes) and published on the LLDC's website:  
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&Mid=5185&Ver=4>).

9.3 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 9** to the minutes) and published on the LLDC's website:  
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&Mid=5185&Ver=4>).

9.4 The Senior Planning Development Manager stated that the application was for a temporary change of use (2 years) from a storage and distribution property (Class B8) into a multipurpose events space (Class D1, D2 and sui generis) with alterations to the building fabric at 117 Wallis Road, Hackney Wick.

9.5 The Senior Planning Development Manager explained the background to the application. There had been two previous applications for this site for a similar change of use, although in both cases the hours of operation were in excess of the current application. The first had been considered by the London Borough of Hackney and had been refused in late 2012. The second had been considered by the Legacy Corporation and had been refused in early 2013. In mid-2013 an enforcement case had been opened following large parties at the site, and this was still open pending resolution of this application, which sought to regularise and reduce the hours of operation on these premises.

- 9.6 In response to a question as to whether each application was for the same operation, the Senior Planning Development Manager stated that they were not. The current operator was a different operator to when the enforcement case had been opened.
- 9.7 The Senior Planning Development Manager updated the meeting that since publication of the agenda, there were now in total three current objections in respect of the application and one letter in respect of alleged raves on the site. The Senior Planning Development Manager explained that this street had a number of premises which had previously been the subject of enforcement activities, and in relation to the latest complaint (received the previous day on 24 March 2014), she was waiting for the applicant to respond.
- 9.8 The Senior Planning Development Manager corrected an error on page 163 of the agenda. The hours set out at paragraph 3.6 were those that had been submitted. What had been approved was no later than 2am, and this had been reduced further to the hours set out in the current application.
- 9.9 The Senior Planning Development Manager stated that officers had sought to reduce the hours and considered that the current proposed hours would not give rise to excessive disturbance in terms of crowd dispersal. A noise impact assessment had been submitted and officers were satisfied that, contingent on the conditions recommended, there would not be undue disturbance to residents to the north of the site.
- 9.10 The Chair invited Mr David Dadds (Dadds Solicitors) counsel for the applicant, to speak for up to five minutes in support of the proposal.
- 9.11 Mr Dadds stated that he had decided to attend the meeting because of the complaint received about a large party at the weekend. He stated that this complaint was without merit, and suggested that it was not a coincidence that it had been raised just before the Committee's meeting. Mr Dadds stated that the premises had operated since September for temporary events without any complaints. Furthermore, each event had been submitted to the Environmental Health Department and the Police Service, and had not been opposed. Mr Dadds pointed out that the application before the Committee had reduced closing hours of 11.30pm. Mr Dadds read out a supportive email from Mrs Trimmer, Chair of the Lea Bank Square Residents' Committee, which stated that the applicant provided positive activities for young people, and that, in her view, the (one) accusation about a large party was untrue. Mr Dadds also mentioned the support of William Chamberlain, Chair of the Hackney Wick Fish Island Cultural Interest Group.

- 9.12 The Chair invited Neil Hood (local resident) to speak for up to five minutes against the proposal.
- 9.13 Mr Hood's objection letter was attached to the Update Report (**Appendix 8** to the minutes). During his speech, Mr Hood reiterated the sentiments of his letter. He stated that the report to the Committee contained an error in setting out that there had been two letters of objection - he said there had been more than that. Mr Hood stated that he had worked for Transport for London (TfL) for 18 years, and was concerned about the short amount of time between the proposed closing hours and the last train in terms of crowd dispersal. Mr Hood read an excerpt from the email from Ms Miller (also attached to the Update report) summarising that the neighbourhood was unique and special and a family friendly area, and that the change of use proposals should be rejected as they would change the face and character of the area. In relation to Mr Dadds' presentation, Mr Hood asked the committee to note that Mrs Trimmer was the Chair of a small organisation, which he knew at one point to have been less than ten people. Mr Hood stated that he did like the idea of an arts venue but that the flats in Leabank Square had thin walls, and noise travelled further at night. He was a train driver and needed sleep in order to drive trains safely. He also mentioned another neighbour was concerned about the application. Mr Hood finished by making a plea that if this application was approved, to push for no alcohol on the premises.
- 9.14 Nick Bitel pointed out that timings mentioned in the report at paragraph 6.46 (page 173) did not match the opening hours suggested and the Senior Planning Development Manager clarified that the proposed operating times were noon until 10pm (Sunday to Monday); and noon until 11.30pm (Tuesday to Saturday).
- 9.15 Councillor Taylor noticed that the fact that the premises benefited from a premises licence was not a consideration for the Planning Decision Committee, and the Legal Adviser to the Committee confirmed that was the case.
- 9.16 There was a discussion about the Final Management and Travel Plan (p178 of the agenda, paragraph 13) in relation to how the area would be cleared after the entertainment. The Senior Planning Development Manager suggested, though it had not been negotiated with the applicant, that a requirement could be added in for a dispersal time before closing time, if Members were so minded. Although not a planning consideration, there was a requirement on the premises to have a dispersal policy, and if the above condition were added in, the Legacy Corporation would be able to take enforcement action if the condition were breached.



- 9.17 The Chair enquired why this application was being recommended for approval as opposed to the previous two applications which were recommended for refusal. The Senior Planning Development Manager stated that shorter hours had been submitted this time, along with more information on noise impact, and this had been reviewed by PPDT's environmental consultants and found to be acceptable.
- 9.18 In response to a query as to when the current operator took over the site, the Committee heard that it coincided with when the Planning Policy and Decisions Team (PPDT) had become involved. Last year a large party had occurred over a number of days, and the PPDT had served a planning contravention notice. The Senior Planning Development Manager had visited the site and had been advised by the current applicant that the previous owner would no longer be involved. The PPDT had submitted its objection to the licence application and subsequently, since the operators had changed, the PPDT and the Metropolitan Police had been comfortable with its operations. The site, under its current operator, had not been the subject of a complaint, until today. In response to a query, the Senior Planning Development Manager confirmed that this was a retrospective application. However, temporary events did not constitute a material change of use, and the applicant had been running only temporary events.
- 9.19 In relation to hours of operation, Councillor Taylor suggested that the proposed end times were too late as local public transport stopped running just 18 minutes after this, and that realistically this was too tight a schedule to ensure crowd dispersal. He stated that he would be minded to support the application if this concern could be addressed, for example end times of 10.30pm (Tuesday to Saturday). It was pointed out by officers that Hackney Wick Station was very close to the site, approximately 100 metres away, which was why 11.30pm was considered reasonable. Furthermore Wallis Road Bridge had recently opened which would allow people to access bus services to Stratford. Dru Vesty pointed out that the reason this site was able to propose such an interesting amount of uses was precisely because it was a cost effective, out of the way space.
- 9.20 Due to concerns about misuse, the Chair proposed attaching a condition to the application, for example obliging the applicant to report back after a lesser period. A one year restriction and a limit on closing time was discussed. Members' views were that if the applicant operated according to the conditions attached to the application, a one year restriction would merely be a one year review and could be renewed if there had not been breaches. Some Members voiced concern over the need for the operator to make certain investment to make the site suitable for use and that a restriction of one year might compromise the viability of the proposals. The Committee heard from Mr Dadds that though his client wanted two years, the investment question would not prevent the site

functioning if temporary permission for just one year were granted. The Legal Representative confirmed that the Committee were entitled to reduce the temporary planning permission from the two years recommended.

- 9.21 The Director of Planning Policy and Decisions advised that the proposal before the Committee was for a temporary planning permission for two years (subject to the conditions and informatives set out in the report) and that if there were any breaches of condition within those two years there was a range of action that the PPDT could take. He further advised that if there were two years of repeated breaches, a renewal of planning permission would be unlikely to go in the applicant's favour. In response to further questions on enforcement the Director of Planning Policy and Decisions stated that the PPDT did have the ability and resources, but in respect of the issue of any future noise nuisance, the Police, or Environmental Health might be more appropriate organisations to take enforcement action initially.
- 9.22 Piers Gough referred to the Roundhouse, which functioned under a condition relating to noise, and asked if this application had the same condition. The Director of Planning Policy and Decisions confirmed that it did, and that this was Condition 5 of the recommendation (page 176 of the agenda).
- 9.23 Councillor Hudson moved and Councillor Wheeler seconded that if the Committee were to approve the application, that Condition 1 (Temporary Planning Permission) be reduced to 12 months, so that planning permission for the temporary uses(s) would expire on 25 March 2015. This was put to the vote and it was:
- 9.24 **Resolved (unanimously):**
- That, subject to the Committee approving the application, the date in Condition 1 (Temporary Planning Permission) be amended to 25<sup>th</sup> March 2015.**
- 9.25 A further amendment to Condition 4 (Opening Hours) was proposed, but before the Committee voted on the recommendations, the Chair invited Mr Dadds to respond to the question of how practical a reduction in opening hours by half an hour to 11pm would be. Mr Dadds responded that the range of activities his client planned to carry out were all dependent on each other. He stated that they had a dispersal plan, and that alcohol would not be served half an hour before closing time. He stated that if his client was required to finish at 11pm, alcohol would finish being served at 10.30pm, and his client might consequently be unable to attract the events, which would then mean it would not be possible to subsidise some of the community events which took place during the day.

9.26 The Chair put to the vote the recommendation that the opening hours be as recommended in the report, which would mean that people attending the events would have left the premises by 11.30pm. There were six votes in favour and three votes against.

9.27 The Chair then put the recommendation to the vote, with the amendment of Condition 1 to temporary planning permission for one year and the remainder of the conditions unchanged, and it was:

9.28 **Resolved (six votes cast in favour and three against):**

**That, taking into account the issues set out in the Update Report to the Committee, the application be approved for the reasons given in the main report to the Committee and that temporary planning permission be granted for one year (with the amendment of Condition 1 so that the expiry date for temporary planning permission is 25 March 2015), subject to the conditions and informatives set out in the report.**

## **10 Decisions Made Under Delegated Authority (Item 10)**

10.1 The Committee considered the report of the Director of Planning Policy and Decisions. The report appended a list of all decisions taken by officers between 1 February and 28 February 2014.

10.2 **Resolved:**

**That the report and attached Appendix 1 be noted.**

## **11 Any Urgent Business (Item 11)**

11.1 The Director of Planning Policy and Decisions stated that there was a large amount of business programmed for the next scheduled meeting of the Committee on 22 April 2014. He stated that as the meeting date was the day after the Easter Monday bank holiday, Members would be contacted to ascertain whether they would be available to attend that meeting.

## **12 Close of Meeting**

12.1 The meeting ended at 8.23 p.m.

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Chair

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Date