



Appeal Decision

Hearing held on 15 September 2022

Site visit made on 15 September 2022

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/U5360/W/22/3299278

10 Fairweather Wharf, Unit 10, Timberwharf Road, Hackney, London N16 6DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ultry Ltd for and on behalf of Yeshiva Lepeitim against the decision of London Borough of Hackney.
 - The application Ref 2022/0351, dated 11 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is change of use to F1(f) as a Yeshiva.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's officer report refers to a site at Ravensdale Industrial Estate, rather than the appeal site. However, the site notice was placed in a suitable location on Timberwharf Road and referred to the appeal site address. Furthermore, interested parties were consulted properly. The Council's statement refers to the appeal site and the Council has confirmed its agreement to the location of the appeal site. I have therefore dealt with the appeal on the basis of the site address given in the banner heading above.
3. The Council advertised the hearing as an event where interested parties could participate virtually. Interested parties present at the hearing raised concerns that some local residents had not received a virtual link and were not able to participate. In the interests of fairness, I allowed receipt of written representations from interested parties after the hearing. The main parties were given the opportunity to comment on those representations. I have taken all representations and comments into account in reaching my decision.
4. An enforcement notice 2021/0205/ENF has been issued by the Council for the alleged breach of planning control for without planning permission, a material change in use of the property from an office on the first floor and storage and distribution on the ground floor (Sui Generis Use) to a Class F1(f), for, or in connection with, public worship or religious instruction. The enforcement notice has been appealed, but the enforcement appeal has not yet been determined.
5. During the hearing, I was offered video evidence relating to purported noise and disturbance from the Yeshiva. I did not accept this due to concerns about safeguarding of children and the lack of clear measurable noise levels. The

appellant also sought to submit a noise survey undertaken for the enforcement appeal. As the Council had not seen this survey and no Environmental Health colleagues were present, I did not accept this late evidence.

6. In addition to my site visit on 15 September 2022, I carried out an unaccompanied familiarisation visit on the afternoon of 22 August 2022.

Main Issues

7. As the change of use has already occurred, the main issues in this appeal are:
 - a) the effect of the development on the provision of employment floorspace;
 - b) whether the development makes appropriate provision for its users, with particular regard to outdoor space, daylight, access, and safety;
 - c) the effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy; and
 - d) whether any harm identified, including conflict with the development plan, would be outweighed by other considerations.

Reasons

Employment floorspace

8. Located close to the River Lea, the appeal site is at the rear of a long, thin access with other industrial uses located to the west closer to the junction of the access with Timberwharf Road. Residential units at Maple Close lie to the north, while further residential units are at Saw Mill Way to the south. The appeal site consists of a large rectangular brick building over three floors. The top floor does not form part of the appeal scheme.
9. The building's ground and first floors are used for the Yeshiva. The ground floor comprises a dining room, prayer room, classrooms, staff and storage rooms, while the mezzanine first floor contains a study room, offices, and storage.
10. It was agreed by the main parties at the hearing that the appeal site's current lawful use is likely to be B8 (storage or distribution) with some ancillary B1 office space on the mezzanine floor. Additionally, the Council confirmed that the appeal site is not located within any specific designated employment area.
11. Policy LP27 of the Hackney A Place for Everyone: Hackney Local Plan 2033 (Adopted July 2020) (Local Plan) seeks to protect and promote office floorspace. Amongst other things, Local Plan Policy LP27 at Part I criteria i - iii looks to retain office floorspace outside Priority Office Areas. It requires robust marketing evidence to demonstrate that there has been no demand for the land and floorspace for its current or former use, and the possibility of retaining, reusing or redeveloping it for similar or alternative smaller or more flexible units for employment generating use, or other alternative employment generating use has been fully explored. It also expects any new employment use to provide a range of higher quality, more flexible floorspace and preferably higher density employment, and states that it should be demonstrated that the new commercial floorspace has a strong likelihood of being occupied through the submission of a detailed marketing strategy.

12. Local Plan Policy LP28 deals with the protection and promotion of industrial land and floorspace. At Part D criteria i – iii of Local Plan Policy LP28, the same criteria are set out as for Local Plan Policy LP27, Part I as set out above, but in respect of retention of industrial floorspace outside Priority Industrial Areas and Local Significant Industrial Sites. Both Local Plan Policies LP27 and LP28 refer to Appendix 1 which addresses marketing evidence and strategy.
13. Although Appendix 1 requires marketing evidence at submission, the planning application for the Yeshiva was submitted without marketing evidence and was refused by the Council for this reason. Marketing evidence was provided at the hearing in the form of a letter from Nextgen Real Estate, dated 21 July 2022.
14. Paragraph 1.5 of Local Plan Appendix 1 expects adequate marketing through a commercial agent at a price that reflects market value for employment use for a minimum of two years. It appears that the property was marketed by Nextgen from May 2019 up to July 2022, without success apart from the appellant's interest. Reference has been made to a 12 month period, but it is unclear when that was. The application form confirms that works for the change of use of the building to use class F1(f) commenced on 14 April 2021.
15. Paragraph 1.9 of Appendix 1 sets out marketing criteria, all of which should be met. Criterion 1 requires registration of the property with at least 2 reputable commercial property agents. The property was marketed by Nextgen Real Estate only, with marketing particulars were circulated to other local and central London agents. While some attempt was made to circulate marketing information, it has not been demonstrated that criterion 1 has been met.
16. Criterion 2 requires provision of contact information posted on an advertising board for the duration of the marketing period. Compliance with this was achieved by erection of a marketing board facing Timberwharf Road.
17. Criteria 3 and 4 state that property and marketing information should be posted on the internet in popular areas such as commercial property selling/letting websites and in newspapers respectively. No evidence has been provided of internet marketing or newspaper publication, with reference made only to circulation to existing clients, other agents, and addition to the company's Office List. Criteria 3 and 4 are therefore not met.
18. It appears that the property details/particulars were available to inquirers on request. Details of interested companies and the reasons why offers were not forthcoming have been provided. This indicates compliance with both criteria 5 and 12. However, criterion 6 was not met as the property was not registered with the Council's Economic Regeneration Team.
19. The appellant considers that the property was marketed for redevelopment opportunities for policy compliant uses as well as the proposed use. However, it is not clear what the marketing particulars consisted of, and what uses the property was actually marketed for during the marketing period. Some companies expressed interest in the property in 2019, but it is not evident whether those uses would have been policy compliant. It has not been demonstrated that criterion 7 has been met.
20. Criterion 9 relates to action being taken to refurbish or reconfigure the existing vacant property to meet the identified needs of local businesses subject to financial viability. The appellant considers this not to be applicable, while

interested parties consider this important. While marketing was not exhaustive, the property's refurbishment or reconfiguration does not appear to have been a key consideration preventing potential occupiers from taking the lease. As such, I find that this criterion would not be applicable in this instance.

21. Criterion 10 requires professional valuations from at least 3 agents to confirm site value and/or existing rental levels, the last 4 years' rental levels, and future rental levels. This overlaps with criterion 8 on reasonable pricing and criterion 15 on rental levels. These 3 criteria are not met as a single valuation was sought and the rental price has not been established as reasonable.
22. While I have not seen the marketing particulars, they appear to have included basic information such as site location, description, and rental costs. This indicates compliance with criterion 11. Criterion 13 was not applicable as the tenant had already left at the time marketing commenced, while criterion 14 was met as all available floorspace was marketed.
23. Despite having met some criteria in Appendix 1, the marketing information does not meet criteria 1, 3, 4, 6, 7, 8, 10 and 15. While the appellant suggests that the marketing requirements should not be rigidly applied, there are no specific circumstances before me that indicate that the unmet criteria should not be applied in full. As such, the development fails to meet Local Plan Policy LP27 Part I i and Local Plan Policy LP28 Part D i.
24. The Yeshiva presently employs some 20 staff, though some are part-time. While the quantum of staff on site at any one time varies, it is likely that the number of staff employed by the Yeshiva is of a higher density than those employed by the appeal site's previous use for storage and distribution. However, I agree with the Council that the type of employment is fundamentally different. Furthermore, I am unconvinced that the new employment use provides higher quality, more flexible floorspace than the previous use. As such, it has not been demonstrated that Local Plan Policy LP27 Part I ii and Local Plan Policy LP28 Part D ii are met.
25. Local Plan Policy LP27 Part I iii and Local Plan Policy LP28 Part D iii appear not to be directly relevant as the premises are already occupied by the Yeshiva. However, both policies require all three relevant criteria to be met, and I have indicated that the first two criteria have not been met for either policy.
26. Reference has also been made to nearby applications at Oak Wharf, Saw Mill Way¹ and Ravensdale Industrial Estate². The delegated reports for these applications date from 2011 and 2016 respectively, and were written at a time when the Hackney Core Strategy was in place. It is not clear whether the current Local Plan's marketing requirements are more onerous than those of previous development plan documents. Notwithstanding this, it appears that the Oak Wharf scheme included a detailed marketing report and that officers found that to be convincing. Additionally, the Ravensdale Industrial Estate scheme was for prior approval, with different requirements for assessment than this appeal. While I note the presence of non-commercial uses in the area,

¹ 2011/3023 Ground & First Floor Flat Oak Wharf Saw Mill Way Timberwharf Road London N16 6DB for change of business space (class B1) on ground and first floors to 15 intermediate affordable dwellings (3x1, 9x2 and 3x3 beds) together with external alterations.

² 2015/4590 Units 1 2 and 3, Ravensdale Industrial Estate Timberwharf Road, London, N16 6DB for prior approval for the change of use of a storage building from use class B8 (storage and distribution) to 7 residential units, use class C3 (Residential).

given the content of Local Plan Policies LP27 and LP28, it appears that the Council wishes to retain employment floorspace, where possible.

27. I acknowledge Nextgen Real Estate's comments about the location, parking and access to the site. Given the likely authorised use of the appeal site for storage and distribution, it is possible that any commercial user of the appeal site could use the site intensively over longer hours than the Yeshiva, with numerous transport movements on a regular basis, including lorries. However, this does not alter my concerns regarding the loss of employment floorspace.
28. In conclusion, the development has a harmful effect on the provision of employment floorspace. Accordingly, it conflicts with Local Plan Policies LP27 and LP28 as set out above. Local Plan Policy LP26 relates to new employment floorspace and refers to particular areas, which the appeal site does not fall within. As such, this policy is not of relevance to my decision. Furthermore, Policy E2 of The London Plan: The Spatial Development Strategy for Greater London (March 2021) (the London Plan) does not appear to be directly relevant as the appeal site does not fall within a designated area where there is a shortage of lower-cost space or workspace of particular types, uses or sizes.

Provision for its users

29. While the Yeshiva falls within use class F1(f) used for, or in connection with, public worship or religious instruction, it is agreed by the main parties that it is not dissimilar from a school in its requirements. The Council considers that social and community uses, including schools, places of worship and places for religious instruction, should be located close to, and with direct access to, public highways rather than being located at the back of an industrial estate.
30. The Yeshiva's hours of operation are from 0700 to 1900 Sunday to Thursday, from 0700 to 1300 on Friday, and at no time on Friday afternoon and on Saturday. It accommodates some 90 boys of 12 - 13 years of age, but the School Management Plan indicates that up to 100 boys could be accommodated at the Yeshiva. All of the Yeshiva's current students are from the local Charedi community and are electively home educated. All students are present at the Yeshiva on a daily basis during its hours of operation, while staff numbers on site fluctuate. It was confirmed at the hearing that the Yeshiva is used by local residents for prayer, given the distance to a synagogue. However, the frequency and number of such visits to the Yeshiva was not quantified.
31. The Yeshiva's main vehicular and pedestrian access is from Timberwharf Road. Timberwharf Road is a relatively narrow and busy road serving a number of residential and commercial buildings. Parking occurs on both sides of the road. The access off Timberwharf Road towards the appeal site is long, passing commercial buildings and culminating in a yard. The yard contains vehicles and refuse, while the access is used for loading, unloading, and parking of vehicles.
32. Saw Mill Way, an unadopted road serving residential units and a nursery, adjoins the appeal site. Residential properties on Saw Mill Way have flammable cladding. Fire wardens are located in cabins along Saw Mill Way, restricting road width. The nursery lies at the junction of Saw Mill Way and Timberwharf Road. It was confirmed at the hearing that the nursery does not benefit from planning permission, but is operating nevertheless. This adds to vehicles using Saw Mill Way and Timberwharf Road. After the hearing, the appellant

confirmed that any minibuses on Saw Mill Way are associated with the nursery not the Yeshiva and that Saw Mill Way is not used for access to the appeal site.

33. Reference has been made by the appellant to pedestrian access from the towpath along the River Lea. It is unclear whether this would result in any pedestrians using Timberwharf Road or if they would solely access the Yeshiva from the towpath itself. On visiting the appeal site in August 2022, I saw an area of boarding on the wall adjacent to the towpath, but this has since been replaced by a large sliding gate at one corner of the playground adjacent to the towpath. This gated access is not marked on the plans before me or described on the application form or notification letters.
34. The appellant's documentation indicates that approximately 45% of existing students travel to the Yeshiva by minibus. While it is said that they arrive via the access and yard and alight behind the roller shutter door for the storage area, this appeared unlikely at the time of my site visit in September 2022 due to the clutter of items in the storage area and vehicles blocking the roller shutter door and yard. The presence of other vehicles and clutter would likely lead to potential for conflict between minibuses and other users of the yard if attempts were made to drop students off in this location.
35. Some 51% of students arrive on foot and only 4% use public transport. Given the Yeshiva's location within an area of poor public transport accessibility (PTAL 1a), it is not surprising that few students use public transport to reach the Yeshiva. For those accessing the site on foot, they walk down Timberwharf Road and down the long vehicular access or use the towpath. Despite the positive effects of exercise for children, these routes are not without danger. The main access has no safe demarcated space for pedestrians. Students risk being involved in an accident with a vehicle using the access for either the Yeshiva or the adjoining commercial uses, particularly in poor light conditions. Students using the towpath are also at risk due to an absence of lighting along the towpath, the proximity of the waterway, and the towpath's heavy use by cyclists and e-scooter users. Neither access is safe for the Yeshiva's students.
36. Although I do not doubt the demand for the Yeshiva and note the findings of the Building Regulations Compliance Report dated 10 December 2020, the siting of the appeal property within an industrial estate and adjacent to a river is such that I have concerns about the access and safety of the Yeshiva's students. The appellant asserts that the neighbouring residential units have eroded the area's industrial nature and introduced conflicting adjacent uses. However, given the other commercial activities present in adjacent units and the lack of safe separation between the different uses, I consider that these concerns about access and safety cannot be adequately resolved by condition.
37. Numerous interested parties supporting the development raised concerns about lorries using the roads locally and the unsuitability of the appeal site for storage and distribution. The level of congestion, associated pollution and noise, and number of movements by large vehicles apparently fluctuates dependent on time of day and at times has resulted in accidents and damage to other vehicles. While the Yeshiva may have reduced vehicle movements from storage and distribution uses slightly with a potential enhancement to air quality, there are still other commercial uses within the remaining industrial area which present a risk to the Yeshiva's students and to local residents.

38. The appellant has referred to other nearby schools and nurseries and the possibility that their pupils may use the towpath and that the travel patterns of those schools involve more car movements with younger children. However, in the absence of any evidence of travel patterns for those institutions, it is not possible to compare them with the travel patterns of the Yeshiva's students.
39. Concerns have been raised about the extent of daylight provided to the rooms within the Yeshiva. The windows serving the various rooms in the Yeshiva are generally narrow and relatively high level. The glazing is opaque and includes wire mesh reinforcement. Some of the glazing has previously been cracked and is held together by the mesh. The narrow windows in the Yeshiva's dining room tilt open on a central vertical bar, while others are boarded up, and are high level and/or narrow. Even if the windows were repaired or fully reinstated, there would not be considerable daylight entering the building due to the relatively limited number, size, and location of windows. As such, the level of daylight does not support a high quality environment for students and staff.
40. The Yeshiva's outdoor space lies east of the building and is surrounded by a tall wall. It consists of an unevenly surfaced concrete playground accessed via a metal staircase from the rear of the building. Local residents raised concerns about the Yeshiva's students playing with rubble and construction waste in the playground. While I appreciate the importance of the students' safety and wellbeing, it appears possible for the quality of the outdoor space to be improved by implementation of a condition on hard and soft landscaping.
41. Concluding on this main issue, while I find that the matter of outdoor space could be remedied by means of condition, the development does not make appropriate provision for its users, with particular regard to daylight, access, and safety. Consequently, it fails to comply with Policy S3 of the London Plan and Local Plan Policies LP1 and LP8.
42. London Plan Policy S3, amongst other things, requires education and childcare facilities to be in accessible locations, with good public transport accessibility and access by walking and cycling. Local Plan Policy LP1 addresses design quality, including facilitation of movement through areas with direct, safe, accessible and easily recognisable routes. Local Plan Policy LP8 deals with social and community infrastructure. Amongst other things, this policy requires development to be of a high quality and inclusive design, in places accessible by walking, cycling or public transport. London Plan Policy D4 deals with design quality and does not appear to be directly relevant.

Living conditions

43. The Yeshiva is located adjacent to a number of residential blocks, including flats at Maple Close and Saw Mill Way. While the easternmost residential block at Maple Close is located adjacent to the Yeshiva's playground, there are no windows on the flank elevation of this residential block. In contrast, a number of windows and balconies at Elder Court on Saw Mill Way face the flank wall of the appeal property and its playground and external staircase.
44. I visited a flat within Elder Court and saw the proximity of the flat to the Yeshiva and its playground. It was possible to view most of the playground and part of the side wall including the nearest windows. When visiting the Yeshiva, I could see into the kitchen and living space of the same flat at Elder Court from the nearest window. While the windows in the Yeshiva's dining area are

relatively high level, I am no taller than some of the students would be. As such, and dependent on the use of the dining space, it is possible for the students to look into a number of neighbouring residential units during the daytime and evening in the week and at weekends. This has an intrusive and negative effect on the privacy of those adjoining occupiers at Elder Court.

45. This negative effect would not be mitigated by some form of screening of windows or non-opening windows for the Yeshiva as I am not convinced that this would allow for light and ventilation for the students and staff of the Yeshiva. This is of particular importance as I have already found the level of daylight to be poor within the Yeshiva.
46. At the hearing, local residents commented on the use of the playground and the external staircase, with students looking into the neighbouring flats at Elder Court from both vantage points. While this would be either at a lower level or at a greater distance than the window to window views previously mentioned, the effect on privacy remains negative. Although there was discussion of mitigation through closer supervision of students and alteration of the playground's boundary wall, it would not be possible for supervision or boundary treatments to be so extensive so as to prevent students from looking into the adjacent flats while maintaining suitable light and outlook for both students of the Yeshiva and the adjoining residents.
47. The outlook for occupiers of Elder Court is presently of both the building and the playground. While it could be considered that the effect of residents looking out over the playground has a greater effect on the privacy of the Yeshiva students than on the residents themselves, with particular regard to safeguarding of children, this matter cuts both ways. Despite only limited breaks during the Yeshiva's operating hours, the presence of the Yeshiva students in the playground so close to the neighbouring flats at Elder Court does have a detrimental effect on the outlook of those residents.
48. In addition to controlling hours of operation, I have considered whether it would be possible for effects on outlook to be controlled by restrictions on how the Yeshiva operates, with particular reference to breaktimes for the students. However, I am concerned that imposing restrictions on the Yeshiva's operation in such a way would negatively affect the wellbeing of its students.
49. Local residents have diametrically opposing views with regard to noise and disturbance. Some residents in Maple Close consider the sound of children playing to represent an improvement on previous criminal activity and lorries manoeuvring and loading, while residents of Saw Mill Way highlight noise from the Yeshiva during and outside its stated opening hours, both from inside the building and the playground. I note the appellant's reference to the layout of the building, with the main teaching rooms adjacent to Maple Close. However, in the absence of technical evidence from both main parties on this issue, I have not addressed this matter further. In any event, it would not alter my findings on other main issues within this decision.
50. Local residents have also mentioned the effect of lighting from the Yeshiva. In the absence of detailed evidence, I have not addressed this further.
51. I conclude the development has a harmful effect on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy. Accordingly, it conflicts with Local Plan Policy LP2, which requires development

to be appropriate to its location and designed to ensure that there are no significant adverse impacts on the amenity of occupiers and neighbours. This includes privacy and overlooking, and outlook.

Other considerations

52. Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. To this end, I now turn to the other considerations put forward.
53. In considering this appeal, I have had due regard to the Public Sector Equality Duty in the Equality Act 2010. This requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's race, religion or belief, and age. The development advances equality of opportunity in that it meets the needs of people who share protected characteristics that are different from those who do not share those protected characteristics. This is therefore a benefit of the development. I afford this significant weight.
54. Throughout the appeal process, I have also had regard to Articles 8(1) and 9(1) of the Human Rights Act 1998. These are qualified rights that respectively provide that everyone has the right to respect for his private and family life, his home and his correspondence, and that everyone has the right to freedom of thought, conscience and religion. This latter right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
55. I have also regarded no other consideration as inherently more important than the best interests of the children and, prior to my assessment of their individual circumstances, none have been given greater weight. However, the best interests of the children will not always outweigh other considerations including those that impact negatively on the environment.
56. The appellant has confirmed that 90 children presently study at the Yeshiva. No specific needs were mentioned in relation to the individual children. I accept that having access to a Yeshiva within a reasonable travel distance from their homes allows them to study and further their religious education. However, it has not been demonstrated that the development represents the only possible or least harmful option for their religious education. Additionally, the proximity of the Yeshiva to its students is tempered by the conditions I saw on site, which gave rise to my concern for the students' welfare. This reduces the weight I afford to the need for this specific Yeshiva to moderate weight.

Balance

57. Based on the evidence before me, there would be significant weight to advancing equality of opportunity and moderate weight to the need for this specific Yeshiva. However, even if taken together, I find that these considerations do not outweigh the considerable harm I have identified by reason of the loss of employment floorspace, the inadequate provision for the users of the Yeshiva, and the poor living conditions of neighbouring occupiers.

58. I asked the main parties at the hearing about a temporary permission as it is necessary for me to consider whether such permission would protect the public interest by a means that would interfere less with the occupants' human rights and thus be a more proportionate response to the appeal. It is not evident that the Yeshiva's circumstances will change significantly in the next few years, with religious educational needs likely to continue beyond that time period. Notwithstanding the need for students to be able to access a Yeshiva within a reasonable travel distance of their homes, there is little justification for a temporary permission that would cause harm to the provision of employment floorspace, fail to provide adequate provision for its users, and harm the living conditions of neighbouring occupiers, even on a temporary basis of 12 – 18 months. It would not be a necessary or proportionate response in this instance. Similarly, I have considered a personal permission for the named Yeshiva, but the negative effects would be long-lasting in terms of the harms identified.
59. Having had regard to all material considerations, the aim of avoiding the loss of employment floorspace, making adequate provision for the users of the Yeshiva and ensuring reasonable living conditions for neighbouring occupiers can only be adequately addressed by the dismissal of the appeal. Interference with the human rights of the appellant and the users of the Yeshiva is therefore necessary and proportionate.

Other Matters

60. With regard to whether the general educational needs of young people are met and to the safety and quality of vehicles transporting children, these are beyond the matters for this appeal. Further issues better addressed by other regulatory regimes include fire safety, existing water damage, and drainage issues.
61. The fire safety in schools informative in the draft Stamford Hill Area Action Plan (SHAAP) was discussed at the hearing. As the SHAAP has not yet been submitted for examination, I afford it only limited weight. In any event, as the Planning Practice Guidance³ advises, appeal decisions do not generally include informatives as they do not carry legal weight. Local residents have also commented on the effect on maintenance of Saw Mill Way and on property values, but these are not considered to be planning matters.

Conclusion

62. For the reasons set out above, the development conflicts with the development plan when read as a whole. There are no material considerations which would outweigh the identified harm, including the conflict with the development plan. Having had regard to all other matters raised, including the suggested conditions, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR

³ Paragraph: 21a-026-20140306 What status do informative notes appended to decision notices have?

APPEARANCES

FOR THE APPELLANT:

Giles Atkinson	Counsel
Jacob Benedikt	Appellant
Alvin Ormonde	Planning and Project Management Services

FOR THE COUNCIL:

Sandy Ampomah	Principal Technical Support Officer, Development Management
Gerard Livett	Senior Planning Officer, Development Management
Lorraine Murphy	Senior Planning Enforcement Officer

INTERESTED PARTIES:

Moshe Direnfeld	Local resident
Anja Dumschat	Local resident
Mozes Eckstein	Local resident
Joel Friedman	Local resident
Herschel Gluck	Local resident
Moshe Gluck	Local resident
Pinchas Grosz	Local resident
Sarah Khan	Local resident
Herschel Lieber	Local resident
Cristina Razza	Local resident
Shmiel Schneck	Local resident

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

Document 1	Appendix 1: Marketing Evidence and Marketing Strategy, Hackney A Place for Everyone: Hackney Local Plan 2033 (Adopted July 2020)
Document 2	Stamford Hill Area Action Plan November 2021 Draft for Consultation
Document 3	Delegated Report for 2015/4590 Units 1 2 and 3, Ravensdale Industrial Estate Timberwharf Road, London, N16 6DB

Document 4	Delegated Report for 2011/3023 Ground & First Floor Flat Oak Wharf Saw Mill Way Timberwharf Road London N16 6DB
Document 5	Letter from Nextgen Real Estate, dated 21 July 2022

DOCUMENTS SUBMITTED AFTER THE HEARING

Document 6	Number of representations from interested parties submitted by appellant
Document 7	Two further representations from interested parties submitted by appellant
Document 8	Letter dated 19 September 2022 from Tom Hoban
Document 9	Email dated 21 September 2022 from Miss Guppy
Document 10	Letter dated 22 September 2022 from Angela De Prado
Document 11	Email dated 23 September 2022 from Angela De Prado
Document 12	Email dated 23 September 2022 from Kalev Erickson and family
Document 13	Email dated 5 October 2022 from the appellant in response to representations made by interested parties (Documents 6 – 12)