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| Committee: Development Committee | Date: 21 December 2005 | Classification: Unrestricted | Report Number: DC035/056 | Agenda Item Number: 5.2 |
| Report of: Director of Development and Renewal Case Officer: Gillian Nicks | | Title: Town Planning Application Location: The Fountain Public House, 123 Sceptre Road, London, E2 0JU Ward: Bethnal Green South | | |

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01671

Date Received: 04/10/2005

Last Amended Date: 11/10/2005

1.2 Application Details

Existing Use:

Public House

Proposal:

Demolition of existing public house and erection of a five storey plus basement building comprising 208 sq.m of A3 (Restaurant/ café/ snack bar) use at basement and ground floor level including installation of a full height fume extraction duct on the internal rear wall with eight flats on upper floor levels comprising two, one-bed flats, and six two-bed flats.

Applicant:

Cross Pears Ltd

Ownership:

As above

Historic Building:

Not applicable

Conservation Area:

Not applicable

2. RECOMMENDATION:

2.1 That the Development Committee **grant** planning permission subject to:

1. A section 106 car free legal agreement
2. Conditions outlined below:

- (1) Three year time limit
- (2) Control of hours of construction
- (3) Control of hours of operation:

Sunday to Thursday 9am – 10.30pm

Friday to Saturday 9am – 11pm

- (4) Reserved matters:
 - a. Obscured glazing screens shall be installed to the balconies on the west elevation at head height;
- (5) No music shall be audible from outside the building.
- (6) Measures to ensure no impact upon tree during construction
- (7) Contamination Report

3. Informatives

- (1) Future Advertisement consent maybe required for the A3 use
- (2) Required to contact Environmental Health prior to development
- (3) Required to contact Building Control prior to development

3. BACKGROUND

Site and Surroundings

- 3.1 The application site is situated on the north-west corner of the junction of Braintree Street and Sceptre Road, south of Roman Road. It is occupied by a two-storey public house. The building footprint is an irregular hexagon that does not cover the curtilage area of the site.
- 3.2 The surrounding area is predominately residential, though a school occupies the south-west corner of Braintree Street and Sceptre Road.
- 3.3 To the immediate north and west of the site are Silvester and Forber House respectively. These are part of a larger nineteenth century residential housing estate, consisting of predominately five storey, including mansard, buildings that characterise the area to the west of the site between Roman Road and Cornwall Avenue. An alley entrance to the estate runs between the subject site and Forber House.
- 3.4 To the eastern side of Sceptre Road are later five-storey residential flat developments, within the Rogers Estate, whilst Pavan Court consists of a part 2, part 4 residential block.
- 3.5 Within the surrounding area two pubs are located within close proximity, 131 Globe Road, approximately 130 metres north and at 30 Massingham Street, approximately 325 metres to the south.

Relevant Planning History

- 3.6 None

Proposal

- 3.7 Application is made for full planning permission for the erection of a five-storey building, plus basement, to provide 450 m² of residential and 208 m² of A3 class use. The residential use would consist of 2x1 bed and 6x 2 bed flats over upper floors, with A3 use at ground and basement level.
- 3.8 The entrance to the residential units would be from Sceptre Road, with lift and stairs to upper floors. This access would allow entrance into the rear outdoor space, to be occupied by the A3 use. Off from this entrance will be cycle provision (seven bikes) and refuse storage.
- 3.9 The outdoor space to the rear would accommodate four picnic benches and some soft landscaping along the back wall with the alleyway between the site and Forber House. Secondary access to this space will also be available off from Braintree Street, between the back wall and an existing electricity sub-station.
- 3.10 The rear building line of the proposed development would extend beyond the existing public house. The existing line extends 13.8 metres from the Sceptre Road frontage, whilst that of the proposal would be at a depth of 16 metres, at ground floor level. On the top floor the rear building line would extend from 10.2 metres to 11.2 metres.
- 3.11 The building would have a contemporary design, with white render and zinc roofing as the principle materials to the elevation and roof. Juliet balcony detail is proposed to the east and south elevations. The south elevation would incorporate timber-framed sliding doors at ground floor level, which would complement the neighbouring sub station, which is to be timber clad. Three dormer windows would be installed at roof level with Juliet balconies. The east elevation would include gated entrance to the residential units and the open space to the rear. In addition to Juliet balcony details there would be porthole windows at ground, first, second and third floors. The west elevation would include curved walling with balconies to provide amenity space to the residential units.
- 3.12 The floor heights within the proposed development would be lower than those at the neighbouring Sylvester House. However, the mansard roof of Sylvester House is at the same height as the dormer windows of the development, whilst the existing chimney breast at Sylvester House is at a height of 2.1 metres above the proposed roof level.

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

- 4.1 The relevant policy framework against, which the Committee is required to consider planning applications includes the Governments regional planning advice, the London Plan 2004, the Council's Community Plan and the adopted Unitary Development Plan (UDP) 1998.
- 4.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF) which has recently been published for public consultation.
- 4.4 The report takes account of the policies in Government advice, the London Plan 2004, the statutory UDP 1998.
- 4.5 In accordance with Article 22 of the General Development Order 1995, Members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.
- 4.6 No Unitary Development Plan **proposals** effect this site.
- 4.7 The following Unitary Development Plan **policies** are applicable to this application:
- (1) DEV1 and DEV2 – General Design and Environmental Requirements.
 - (2) DEV3 – Mixed Use Developments
 - (3) DEV4 - Planning Obligations
 - (4) DEV12 – Provision of landscaping in Development
 - (5) DEV15 - Retention/replacement of mature Trees
 - (6) DEV50 – Noise
 - (7) DEV51 – Contaminated Land
 - (8) EMP2 – Retaining existing employment uses
 - (9) HSG1 – Provision for housing Development
 - (10) HSG2 – Location of New Housing
 - (11) HSG3 – Affordable Housing
 - (12) HSG6 – Accommodation over shops
 - (13) HSG7 – Dwelling mix and type
 - (14) HSG10 – Density of new housing development
 - (15) HSG15 – Preservation of residential character
 - (16) T15 – Location of New Development
 - (17) T16 – Traffic priorities for New Development
 - (18) T17 – Planning Standards
 - (19) S7 – Development of special uses
 - (20) S12 – Residential use of upper floors
- 4.10 The following Community Plan **objectives** are applicable to this application:
- (1) A better place for living safely
 - (2) A better place for living well
 - (3) A better place for creating and sharing prosperity

5. CONSULTATION

- 5.1 The following were consulted regarding this application:

(2) **Head of Building Control**

No objection in principle.

(3) **Environmental Health**

Advises approval of the type of plant and equipment to be used, and their noise output in A3 unit and layout of noise producing equipment within the building, will be required. Also recommends an intrusive investigation to identify the nature and extent of any contamination at the site.

(4) **Head of Highways Development**

The site is located within an area of good public transport accessibility. Parking in the area is at saturation level and no provision is being made for off street parking. No objection subject to a car free agreement.

(5) **Horticultural Officer**

No objection.

5.2 Responses from neighbours were as follows:

No. Responses: 4 In Favour: 0 Against: 3 Petition: 1

The petition contained 89 signatures.

Objections received can be summarised as follows:

- i. Development could result in more cars being parked within the vicinity of the school causing even more difficulties for the staff and pupils.
- ii. Loss of public house.
- iii. Late night license for restaurant/ café.
- iv. Loss of sunlight and daylight from scale of proposed developed and increased sense of enclosure.
- v. Increased density in small area.
- vi. Impact on tree at site.
- vii. Increased noise levels and extended use of restaurant pub.
- viii. Access to site from path between site and Forber House.
- ix. Flat roof detract from pitched roof scene.
- x. Stepped shape, mass and materials of building out of keeping with buildings in area.
- xi. Concerns for other items – a/c units, alarms, exterior lighting and signage etc.
- xii. Restaurant use may give rise to unpleasant smells.
- xiii. Effect construction would have on foundations to Sylvester House.

5.5 Site Notice:

Yes – dated 2 November 2005.

6. **ANALYSIS**

Land Use and Principle of Development

- 6.1 There is no policy in the 1998 Unitary Development Plan to protect public houses. Whilst emerging policy in the Local Development Framework seeks to safeguard the loss of public houses, being a much valued part of communities within the east end of London, in this case, the proposal will not create a shortage of public houses as there are other pubs within easy walking distance from the site (as discussed in section 3.5).
- 6.2 In view of the predominately residential use of the surrounding area, in principle the proposal

for residential and the introduction of A3 use (restaurants, snack bars and cafes) in lieu of a public house is considered acceptable.

- 6.3 Policy S7 of the Unitary Development Plan 1998 says proposals for restaurants will be considered in light of:
- i. Amenity of nearby residents;
 - ii. On-street car parking;
 - iii. Free flow of traffic;
 - iv. Other policies within the Unitary Development Plan; and
 - v. Adequate measures for ventilation where food will be prepared on premises (see section 6.14).
- 6.4 There are no highway objections and in view of the above and the existing public house at the site, it is considered the proposed restaurant is acceptable.
- 6.5 Unitary Development Plan policies HSG1 and HSG2 seek to encourage residential proposals within localities that are adequately serviced, and overall a satisfactory residential environment can be assured. Given the surroundings, it is considered this test is met. The proposed mix is considered satisfactory in accordance with policy HSG7. Family accommodation is not considered suitable over a restaurant in a situation where only a limited amount of amenity space can be provided.

Design

- 6.6 The proposal has been subject to pre-application discussion and account has been taken of the surrounding area in the design. Whilst the site is not within a conservation area, existing rooflines of neighbouring sites are replicated and it is considered that the design meets policy DEV1 of the Unitary Development Plan.
- 6.7 Objection has been raised regarding the stepped form of the building and that the flat roof does not comply with the building form of the surrounding area. However, the stepped form (at first and fourth floor) would reduce the bulk of the building and would be softened by the curvature to the west elevation and it is considered that the stepped form would be appropriate at this corner position.

Amenity

Overlooking/Loss of privacy/ Sense of enclosure

- 6.8 Objection has been raised with regard to the overlooking and the loss of privacy and sense of enclosure to adjacent occupiers, particularly at Forber House to the west.
- 6.9 The proposed building line would be forward of Sylvester House and policy DEV2 requires for a distance of 18 metres between opposite habitable rooms. In this case, the west elevation includes windows and balconies to all residential floors with a minimum distance between habitable rooms of 9 metres. To maintain privacy, it is recommended that any permission be conditioned to require head height screens, replacing proposed balustrades.

Sunlight/Daylight

- 6.10 The siting of the proposal is such that, whilst the morning sunlight received by Forber House will be reduced, the scheme would comply with the standards of the Building Research Establishment. Furthermore, daylight to properties in the northern part of Forber House and Sylvester House is already effected by a tree located to the north-west boundary of the site. The scheme would not materially effect conditions. There would be minimal impact upon occupiers opposite the site within the Rogers Estate and no impact on sites south of Braintree Street.
- 6.11 White render proposed as a facing material for the building would also assist in providing light to adjoining premises. Overall, it is considered that policy DEV2, criterion 2 of the Unitary Development Plan 1998, would be satisfied.

Hours of operation

- 6.12 At present, the public house is open until 11pm but with no planning condition on its hours of operation. Given the site is adjacent to residential occupiers, a condition to limit the hours of operation of the restaurant/café is recommended.

Noise and discharge

- 6.13 The restaurant would require a flue to ensure that the discharge of fumes is appropriately dealt with. It is proposed that a flue be fed internally, emerging at roof level to rise along side the lift overrun. This would ensure that there would be no detrimental impact on the streetscape and no adverse impact on adjoining occupiers.
- 6.14 Soft landscaping is proposed within the outdoor amenity area. It is considered that this, in addition to an existing 2.4 metre perimeter wall, will act as a buffer and help absorb any noise that may arise. Nevertheless, it is recommended that any permission be conditioned to ensure that music shall not be audible from outside the property. Overall, it is considered that the proposal would comply with policy DEV50 (Noise) of the Unitary Development Plan 1998.

Outdoor space/ Trees

- 6.15 An impact assessment of the development on the plane tree to the north west boundary of the site was submitted with the application. This concluded that whilst the new development would not adversely impact upon the tree's condition or upkeep, precaution measures should be secured by condition.

Other matters

- 6.16 The planning authority does not have the control over the installation of alarms, which would normally be considered de minimis. There is control over the erection of advertisements and associated lighting. At this stage the applicant is unable to provide this information. These would be submitted for approval at a later date and an appropriate informative is recommended.
- 6.17 No part of the site will be accessed from the path alongside Forber House and therefore objection on these grounds is not understood.

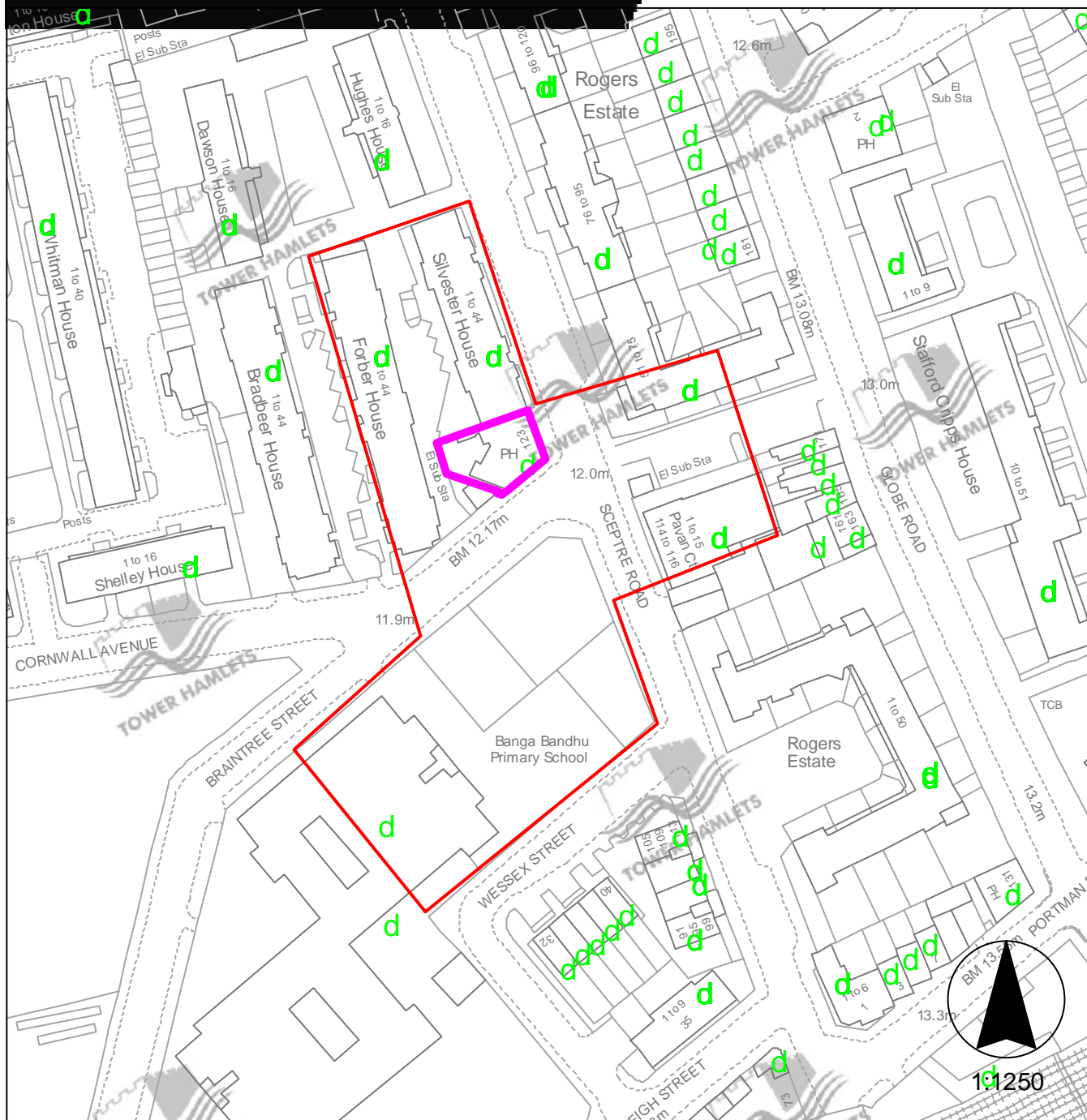
Highways

- 6.18 The site has good proximity to transport links with a PTAL 4-6 rating. Bethnal Green Tube (Central Line) and bus route no's D3 D6, 8, 106, 254 and 388 are all within five minutes walk from the site.
- 6.19 There is little off-street car parking provision in the surroundings and existing demand is saturated. Consequently, a car free legal agreement is recommended.
- 6.20 Whilst it is noted that objection include the potential for customers to the A3 use taking up car parking spaces within the immediate locality, it is considered that due to its location the majority of customers will come from the local area and by foot.
- 6.21 In accordance with policy T17 of the Unitary Development Plan 1998, cycle provision would be made within the curtilage of the site.

7. SUMMARY

- 7.1 Overall, the proposal for the erection of a five storey, plus basement, mix use building is considered to be in accordance with Council policy. As such it is recommended that planning permission be granted subject the conditions and legal agreement set out in section two above.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

The Fountain Public House, 123 Sceptre Road, London, E2 0JU

