

Committee: Development	Date: 29 th June 2011	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Richard Murrell	Ref No: PA/11/00602
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Central Area, Spitalfields Market E1
Existing Use: Market, exhibition and public event purposes.
Proposal: Variation of condition 2 attached to planning permission reference PA/02/1211 to allow market use in trading hall area on Saturdays.

Amended Condition to state 'The stall market hereby approved, including the setting up and taking down of stalls, shall operate between 8.00am and 8.00pm Monday to Friday, 9.00am and 6.00pm Saturdays (with stalls open from 11.00am), 8.00am and 5.00pm Sundays and Public Holidays'.

Documents:

- Impact Statement prepared by Rolfe Judd dated March 2011
- Explanatory Planning Statement prepared by Rolfe Judd Dated March 2011
- Transport Assessment prepared by WSP dated March 2011
- Old Spitalfields Market Lamb Street Noise Monitoring Prepared by WSP Dated 16th February 2011.
- Old Spitalfields Market Noise Monitoring Assessment prepared by WSP dated 16th February 2011
- Spitalfields Old Market Statement of Community Involvement Dated March 2011 prepared by Indigo Public Affairs

Drawing Nos:

- Old Spitalfields Market (Site Ownership Plan)
- RJP/P4037/P01
- RJP/P4037/P02

Applicant: Ballymore Properties Ltd and Wellington Market Company Plc

Ownership: Various. Refer to Application Form.

Historic Building: Grade II
Conservation Area: Fournier Street / Brick Lane.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007), the Council's Interim Planning Guidance for the purposes of Development Control (2007), the adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:
- 2.2 The site is located in, and makes a significant contribution to, a vibrant part of the Borough where higher levels of noise and disturbance are likely to be experienced. The proposal will have impacts on residents who live in close proximity to the site in terms of increased levels of activity and noise. However, the impacts are acceptable as they are relatively limited, and are seen as being part of the character of the Spitalfields Area. On balance the proposal is therefore acceptable in terms of Core Strategy 2010 objective SO10, which seeks to deliver healthy and liveable neighbourhoods. Core Strategy Policy SP03(2a), which seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise and Core Strategy policy SP10(4) seeks to ensure development protects amenity, Unitary Development Plan 1998 policies DEV2, DEV50, Planning Standard Two (Noise), and Interim Planning Guidance policies DEV1, DEV10, which relate to the preservation of residential amenity and protection from excessive noise.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

Conditions

1. The stall market hereby approved, including the setting up and taking down of stalls, shall operate between 8.00am and 8.00pm Monday to Friday, 9.00am and 6.00pm Saturdays (with stalls open from 11.00am), 8.00am and 5.00pm Sundays and Public Holidays'
2. Delivery and Service Plan in relation to proposed Saturday Opening.
3. No live or amplified music shall be played by stall holders on Saturdays
4. Trolleys supplied by market shall be fitted with rubber wheels.
5. The re-imposition of relevant conditions (3, 4, 5 and 7 from Planning Permission reference PA/02/1211) relating to public access, delivery times, restricting on permanent affixing of stalls and units to the ground, and requirement for the development to be carried out in accordance with approved plans.
6. Any other condition considered necessary by the Director of Development and Renewal.

S106 Obligations

3.2 The prior completion of a legal agreement to secure the following planning obligations:-

1. A deed of variation to ensure obligations secured under Planning Permission PA/02/1211 continue to apply to this permission.
2. Any other obligation considered necessary by the Director of Development and Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 In July 2004 planning permission was granted for the use of the central area of Spitalfields for 'market, exhibition and public event purposes' (reference PA/02/1211).

4.2 A condition was placed on the permission restricting the days and times at which the stall market could open. The condition states:-

The Stall Market hereby approved, including the setting up and taking down of stalls, shall operate between 8.00am and 8.00pm Monday to Friday, 8.00am and 5.00pm Sundays and Public Holidays, and not on Saturdays.

Reason: To safeguard the amenity of the adjoining premises and the area generally from excessive noise and disturbance in accordance with Unitary Development Plan Policy HSG15.

4.3 This planning application seeks to vary this condition to allow the market to operate on Saturdays between the hours of 9.00am and 6.00pm, including the time for setting up and taking down stalls. The stalls would be allowed to trade from 11.00am.

4.4 The market would continue to operate on the other days for which it currently has permission. In full, the amended condition would therefore state:-

The stall market hereby approved, including the setting up and taking down of stalls, shall operate between 8.00am and 8.00pm Monday to Friday, 9.00am and 6.00pm Saturdays (with stalls open from 11.00am), 8.00am and 5.00pm Sundays and Public Holidays'.

4.5 The proposal only relates to the stall market, and does not amend the permission in respect of exhibitions or events – which are not restricted by planning condition (control is exercised via the licensing regime).

Site and Surroundings

4.6 The application site is located within Spitalfields Market. The market is bounded by Lamb Street to the North, Commercial Street to the East, Brushfield Street to South and Crispin Place to the West.

4.7 There are two main areas within the Spitalfields Market complex. The historic part of the market comprises the brick built Horner Buildings and the covered Central Market Hall. The Horner buildings are predominately commercial (retail/restaurant uses) on the ground floor with residential above. This part of the market is Grade II Listed.

4.8 This submission relates to the stall market held within the historic central market hall. This market contains a maximum of approximately 160 stalls. Other trading stalls are located within the more recently developed part of the complex to the West, and are not affected by

this permission.

- 4.9 The Western part of the market was redeveloped in the late 1990s / early part of the new millennium to provide offices, restaurant and retail spaces.
- 4.10 There are eight pedestrian gates providing access to the market hall. The market hall is a popular destination and can attract in the region of 25, 000 people on a busy Sunday.
- 4.11 The site is located close to very good transport links including Liverpool Street, Shoreditch High Street and Aldgate East Stations.
- 4.12 The site is located within the designated Fournier Street / Brick Lane Conservation Area. The site also falls within the designated Central Activity Zone.

Planning History

- 4.13 The following planning decisions are relevant to the application:

PA/02/01211 Continued use of the central area for market, exhibition and public event purposes.

Approved 23 July 2004 subject to conditions and a S106 Agreement.

At the time planning permission was granted the Council also undertook a screening opinion, and determined that the proposal was not EIA development.

- 4.16 PA/05/00859 Installation of external seating and table areas plus placement of mobile trading units at designated areas.

Approved 13 October 2005 subject to conditions.

(This application granted planning permission for a market stall type trading units within the redeveloped part of the Spitalfields complex)

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Core Strategy 2010 (adopted September 2010)

Policies and Principles	S01	Delivering Tower Hamlets Regional Role
	S03	Achieving wide sustainability
	SP01	Town Centre Hierarchy
	SP10	Healthy and Liveable Neighbourhoods
	SP03	Addressing the Impact of Noise and Air Pollution
	SO14	Plan and Manage Waste
	SP05	Implement Waste Hierarchy
	S015	Support thriving and accessible global economic centres
	SP06	Seek to Deliver Investment and Job Creation
	S016	Support Business Growth
	S020	Deliver safe and attractive streets
	S021	Creating safe attractive streets and places
	SP09	Implementing Street Hierarchy

S022	Creating Distinct and Durable Places
SP10	Implementing Distinct and Durable Places
SP12	Delivering Place making

5.3 Unitary Development Plan 1998 (as saved September 2007)

DEV2	Environmental Requirements
DEV4	Planning Obligations
DEV50	Noise
DEV56	Waste recycling
T16	Traffic priorities for new development
	Planning Standard No. 2 Noise.

5.4 Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV10	Disturbance from Noise
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	CON1	Listed Buildings
	CON2	Conservation Areas

5.5 Spatial Development Strategy for Greater London (London Plan)

3D.3	Maintaining and Improving Retail Facilities.
4A.20	Reducing Noise

5.6 Government Planning Policy Guidance/Statements

PPS1	Sustainable development and climate change
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning and the historic environment
PPG24	Planning and Noise

5.7 Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Environmental Health

- 6.3
- Noise assessment/measurements were undertaken from various monitoring points (namely residential properties) to determine whether the noise levels from Market activities would cause an undue disturbance and a statutory nuisance to local residents. The measurement results indicated that Market noise on a Saturday is unlikely to cause a nuisance to residents in the vicinity.
 - Environmental Health recommend that the Market trolleys used by stall holders to transport goods inside the Market area are replaced with rubber wheels.

Officer comment: A condition requiring the use of rubber wheels on market trolleys would be imposed on any permission.

LBTH Highways

- 6.4
- No physical changes to the highway will be necessary.
 - Service Management Plan requested by condition.
 - Financial Contribution requested to fund 'London Cycle Network Plus' scheme for calming and sharing carriageway along Hanbury Street.
 - Traffic Road Order could be necessary in order to place the same restrictions on parking that currently operate on other days when the market is taking place.
 - Subject to above, no objections.
- 6.5 *Officer comment: A Service Management Plan for the Saturday operation would be secured by condition. The need for a financial contribution has been considered against the tests set out in planning legislation. In this case the use of the land to provide a market has already been established. The only potential impact to consider is whether any increased Saturday cycle trips on their own warrant a contribution towards a cycle lane. As the level of additional cycling on a Saturday is unlikely to greatly exceed the number of cycling trips on other days on which the market already operates it is not considered a contribution could be justified. The Council's Parking Section do not consider that it is necessary to alter the permit restrictions. A covenant imposed under section 106 agreement would require the developer to meet the cost of any road traffic order (or amendment) considered necessary.*

LBTH Waste Management

- 6.6
- Current contract for street cleansing should cater for any increased litter produced.

LBTH Markets Service

- 6.7
- No objection in principle to creation of private market on Saturday. S106 contribution for additional street cleaning should be considered.
- 6.8 *Officer comment: As reported above, the Council's Waste Section consider that the current contract for street cleaning with Veolia provides for adequate street cleansing in area.*

LBTH Parking Service

- 6.9
- Changes to Business bays/Pay&Display bays are not necessary on highway safety grounds.
- 6.10 *Officer comment: The submitted Transport Assessment noted that currently permit parking bays around the market do not restrict parking on Saturday, and suggested it might be necessary to amend the restriction so that it also applied on Saturday. However, the Council's parking Section do not consider this necessary to make the development acceptable. The Parking Service would be able to change parking restrictions at a later date should it prove necessary.*

English Heritage

- 6.11
- Do not wish to comment on application

Transport for London

- 6.12
- Support principle of extension in trading hours.
 - TfL Highway Authority for Commercial Street.
 - As identified in submitted Transport Assessment, proposal likely to increase pressure on existing parking bays. Request condition requiring submission of Delivery and Service Plan to mitigate these impacts.

6.13 *Officer comment: The requested condition would be imposed on any permission.*

6.14 **City of London**

- No comments received

7. LOCAL REPRESENTATION

7.1 A total of 630 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received in response to notification and publicity of the application were as follows:

7.2 No of individual responses: 215 Objecting: 63 Supporting: 135
No of petitions received: 1 in objection containing 21 signatures

7.3 The submitted representations take several different forms. The letters of support include 'form type' letters where individuals / businesses have added their name and addresses to a standard template.

7.4 Some local amenity groups / societies have made objections on behalf of their members. These include:-

Spitalfields Society
Spitalfields Community Association
St Georges Residents Association
Spitalfields Markets Residents Association

7.5 The following issues were raised in objection to the proposal that are material to the determination of the application, and they are addressed in the next section of this report:

- Additional noise / disturbance / congestion / general disruption
- Loss of only quiet day of week
- Condition was imposed to protect amenity, should not now be changed.
- Additional traffic generation
- Loss of unrestricted parking in area
- Additional rubbish and general nuisance

7.6 The following issues were raised in support of the proposal that are material to the determination of this application, and they are also addressed in the next section of this report.

- Positive impact on trading
- Very little activity / footfall on Saturdays
- Improve Spitalfields as a destination

7.7 The Applicant has submitted a Statement of Community Involvement with the application which details their consultation with the local community prior to the submission of the application.

8. MATERIAL PLANNING CONSIDERATIONS

The S73 Process

8.1 Section 73 of the Town and Country Planning Act 1990 allows an application to be made to

develop land without compliance with conditions previously attached, or to grant planning permission subject to conditions that differ from those on the previous planning permission.

8.2 S73 states that on receipt of such an *application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted*. The effect of granting an application under S73 is a new planning permission.

8.3 Condition 2 attached to planning permission PA/02/1211 states:-

The Stall Market hereby approved, including the setting up and taking down of stalls, shall operate between 8.00am and 8.00pm Monday to Friday, 8.00am and 5.00pm Sundays and Public Holidays, and not on Saturdays.

8.4 The reason for the condition states:-

Reason: To safeguard the amenity of the adjoining premises and the area generally from excessive noise and disturbance in accordance with Unitary Development Plan Policy HSG15.

8.5 Unitary Development Plan policy HSG15 stated:

'In predominately residential areas planning permission for non-residential development will normally only be granted where it is likely to have no adverse effects on residential amenity. All new developments (including conversions, extensions and changes of use) within residential areas will be required to take account of Planning Standard NO.2 Noise. Conditions will be imposed, where appropriate, to control hours of work, the operation of plant and machinery and the hours of delivery.'

8.6 UDP policy HSG15 was removed when the Council adopted the Core Strategy 2010. Appendix Five of the Core Strategy states that UDP policy HSG15 has been replaced by Core Strategy policy SP02. Core Strategy policy SP02 relates to the delivery of new housing, and has very little relevance to this application.

8.7 The condition was imposed in 2004 to protect those living in the area from excessive noise and disturbance arising from the use of the stalls market. Therefore the main issue for Members to consider is whether Saturday operations are now likely to cause excessive noise and disturbance.

8.8 The operation of the stalls market on Saturday may also have other planning impacts. These include issues around transport impacts and servicing. The operation of the market on Saturdays may also have economic impacts in terms of increasing the number of people visiting the area on Saturday.

8.9 Officers' consider that these issues can also be given some weight, as the issues are clearly directly related to the principle of the extension of the trading hours to include Saturday and the approval of this application would result in the grant of a new planning permission.

Amenity

8.10 Core Strategy 2010 objective SO10 seeks to deliver healthy and liveable neighbourhoods. Core Strategy Policy SP03(2a) seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise. Core Strategy policy SP10(4) seeks to ensure development protects amenity.

- 8.11 Unitary Development Plan 1998 policies DEV2, DEV50, Planning Standard Two (Noise), and Interim Planning Guidance policies DEV1, DEV10 are all also considered relevant in that they relate to the preservation of residential amenity and protection from excessive noise.
- 8.12 There are residential properties in close proximity to the stall market. This includes residents of flats within the Horner Buildings, some of whose flats have single glazed windows which face directly out onto the area where the stall market is held. Other residential properties in the area include those along Lamb Street and Brushfield Street, which are opposite the entrance gates into the market hall.
- 8.13 The operation of the stalls market has a variety of amenity impacts on the surrounding area. There are those impacts which are relatively direct and measurable, for instance noise levels resulting from the setting up of the market stalls themselves, the general hubbub of trading activity, and cleaning / removing litter afterwards. Then there are also more subjective amenity issues, particularly those around the character of the area, which is articulated by residents desire to have a 'quiet' day of the week when Spitalfields hosts fewer visitors and streets are less congested.
- 8.14 When making the assessment of amenity impacts, it is important to bear in mind that this application relates only to the stalls market. The existing condition does not control the operation of other uses within the Spitalfields market complex or wider area.
- 8.15 Officers' consider that the experience of the operation of the market on other days of the week, particularly the busy trading which occurs on Sunday, is likely to give a good indication of the level of activity that could be expected on a Saturday.
- 8.16 The trading hours of the proposed Saturday Market are 11.00 – 18.00, with set-up of stalls commencing from 09.00. The existing Sunday Market is permitted to open from 08.00 to 17.00, including the set-up times for stalls.
- 8.17 The application has been accompanied by reports detailing the findings of Noise Monitoring Assessments which took place in and around the market buildings. Officers from the Council's Environmental Health and Development Control section have visited the market hall and properties within the Horner Buildings to carry out additional monitoring to verify the Applicants submissions. Monitoring has taken place at weekends, in the early hours of the morning, and through-out the busier times of the markets in the afternoons.
- 8.18 The submitted studies highlight that outside of the market hall the most significant source of noise is road traffic. Within the market hall high noise levels are more occasional and tend to stem from the erection and dismantling of stalls, pressure washing of the market square floor or music being played by stall holders.
- 8.19 The studies reveal that existing noise levels on a Saturday are relatively quiet compared to Sundays. If, as a worse case scenario, noise levels became equivalent to those currently experienced on a Sunday the increase would be noticeable. However, the noisiest periods on a Sunday are typically experienced late in the afternoon when the market is busiest (between the hours of 13.00 and 16.00). The increase in noise levels would be significant, but during the afternoon the resultant noise levels are not considered to be excessive.
- 8.20 It is noted that, in part, some of the higher noise levels in the afternoon are associated with stall holders playing amplified music. This issue has also been raised by residents in letters of representation as a particular cause of annoyance. To further mitigate against potential impacts from the Saturday opening a condition is recommended preventing stall holders being allowed to play amplified music on Saturdays.

- 8.21 The early hours of the morning are considered to be more noise sensitive, and a market could bring problems associated with traders arriving and setting up for the day ahead. This issue has been highlighted by residents of Lamb Street, who have concerns around noise from Traders using the service bays along this road. Residents have stated that traders often arrive early for the start of market and make a noise when using trolleys to move goods into the market hall.
- 8.22 In the case of the proposed Saturday market, it is noted that the earliest start time for setting up would be 09.00. This hour is less noise-sensitive than the 08.00 currently permitted on other-days, and the noise levels likely to be experienced at this hour would be acceptable. It is also noted that trading itself would not be permitted to start until 11.00, which would act as a disincentive from arriving too early. As a further safeguard a condition is recommended that would require the trolleys supplied by the market to be fitted with rubber, rather than metal, wheels. This would reduce the potential for clattering type noises.
- 8.23 Noise from putting up / taking down the actual market stalls themselves has also been raised as an issue. The Applicants have noted that in-practice if a Saturday market is permitted the stalls are likely to be left in-situ all weekend, which would mean this noise source is unlikely to occur.
- 8.24 Another specific complaint from residents is around the noise caused when refuse vehicles clear the market at the end of the day. The Applicants have clarified that refuse collection is likely to take place at 6.00pm from the Lamb Street gate. Collection of refuse and glass recycling can result in noise disturbance. However, the impact is for a relatively limited time and at 6.00pm is unlikely to have a significant negative impact on residential amenity. A condition requiring the approval of a Deliveries and Servicing Management Plan would allow the Authority to control the time at which refuse collections take place.
- 8.25 Residents have questioned what has changed since the condition was originally imposed, and have noted that the popularity of the area as a destination for visitors has only increased in the last decade. The original application did seek Saturday opening, however this was removed from the scheme prior to the decision being made. Officers' consider that it is as much the experience of the use that provides the opportunity to re-examine the need for the condition at this stage. Even on the busiest day of trading on Sunday, the operation of the market does not cause any significant impacts in terms of excessive noise levels. With the added safeguards (no live music, and later start time) proposed, trading on a Saturday would not have a significant impact on residents in terms of noise levels.
- 8.26 The objections received, particularly from those who live nearby, make it clear that operations at Spitalfields Market are seen by some as causing adverse amenity impacts. However, the results of the Applicants, and the Council's own, noise monitoring exercise provides evidence that the operation of a Saturday market is unlikely to have an unreasonable impact on the amenity of those living closest to the site in terms of actual noise disturbance.
- 8.27 The perception that the area has become too busy to be an enjoyable place to live, and that 'one day of piece and quiet' from the hustle and bustle of a tourist destination should be afforded to residents who live nearby is one that needs to be carefully considered. However, as suggested by the letters of support received, there are also residents, workers and visitors who are attracted to this type of vibrant and busy place. With fewer restrictions on Sunday trading, it has become common for many commercial areas in London to be busy on both days of the weekends. Planning policy would tend to support this type of activity in the Spitalfields area, as it forms part of the city fringe. On balance Officers' consider that this level of activity forms part of the character of the area and in this context the amenity impact of a Saturday market is considered to be acceptable.

8.28 The proposal is located in the Fournier Street/Brick Lane Conservation Area, and the extension of the market would preserve the existing character of this area.

Highways and Servicing

8.29 S020 seeks to deliver a safe, attractive, accessible and well designed network of streets and spaces. Saved policy T16 requires the local authority to have regard to the servicing requirements of new development. SO14 seeks to plan and manage the Borough's waste efficiently. Policy SP05 seeks to implement the Borough's Waste Hierarchy.

8.30 The principle of the use of the land to provide a stall market was established with the grant of planning permission under reference PA/02/1211. The main issue to consider is whether Saturday opening would introduce any specific additional transport impacts that need to be addressed.

8.31 The Application has been accompanied by a Transport Assessment which analyses existing highway and pedestrian activity around Spitalfields.

8.32 The majority of visitors to the market are likely to be pedestrians who arrive having used the public transport infrastructure in the area. At a peak hour total market access footfall is estimated to be in region of 15,000. The anticipated number of visitors to the Saturday market can easily be accommodated within this existing public transport network.

8.33 In terms of pavement congestion, the Transport Assessment notes that the utilisation of pavements in the vicinity of the market (including Brushfield Street and Commercial Street) will increase. However, the results of pedestrian flow modelling shows that there is still likely to be a sufficient area of pavement for people to freely select their own walking speed, bypass slower pedestrians and avoid crossing conflicts with others.

8.34 The Transport Assessment also analyses the likely requirements of a Saturday Market in terms of Servicing and Deliveries (this includes the impact of Traders arriving and setting up at market). The study uses Sunday as a comparator, and notes that existing servicing is roughly equally divided between Lamb Street (Mulberry and Crispin Gates), Commercial Street (loading Bay – John Balch Gate) and Brushfield Street (Punchinello Gate). The study gives an estimate of the total level of servicing that might occur on Saturday by adding the current Saturday Servicing to the current Sunday Servicing, this creates a worst case scenario for the modelling.

8.35 The table below summarises the likely servicing demand and loading area utilisation:

Street	Demand (Vehicles per hour)	Capacity (Vehicles Per Hour)	Utilisation
Lamb Street	13	18	70%
Brushfield Street	14	35	40%
Commercial Street	12	13	94%

8.36 This suggests that servicing can be accommodated within existing loading areas. The utilisation of the Commercial Street area would be high, and the TA suggests that mitigation could be incorporated into Service Delivery Plan to encourage the use of alternative areas on Lamb Street and Brushfield Street.

8.37 The submitted Transport Assessment has been reviewed by LBTH Highways Officers and Transport for London who raise no objection to the proposal. The impact of Saturday trading

is considered to be acceptable.

- 8.38 There are a number of existing residential and permit holder parking bays in the area, including those along Brushfield Street and Lamb Street. The permit holding spaces around the site operate Monday to Friday 0830 – 1900 and Sunday 0830 – 1400. The absence of Saturday from these restrictions is likely to reflect the lack of market activity on this day (Residential permit parking operates 7 days a week).
- 8.39 The submitted Transport Assessment suggested that it might be necessary to amend the restrictions to prevent parking on Saturday. However, the Council's Parking Services section do not consider that this is necessary
- 8.40 There would be no changes to the residential parking bays, which already operate 7 days a week.

Other Planning Issues

- 8.41 Representations made in support of this application make reference to the desirability of increasing footfall in the vicinity of the site and to the benefits that the scheme will have in terms of promoting trade at the shops and restaurants within the market, and in the wider area.
- 8.42 Officers' consider that the main issues to consider are those that relate directly to the reason for the original imposition of the condition (i.e. noise and disturbance). However, an application made under S73 does result in the grant of a new planning permission. It is therefore open for Members to give weight to these other planning issues when considering the application.

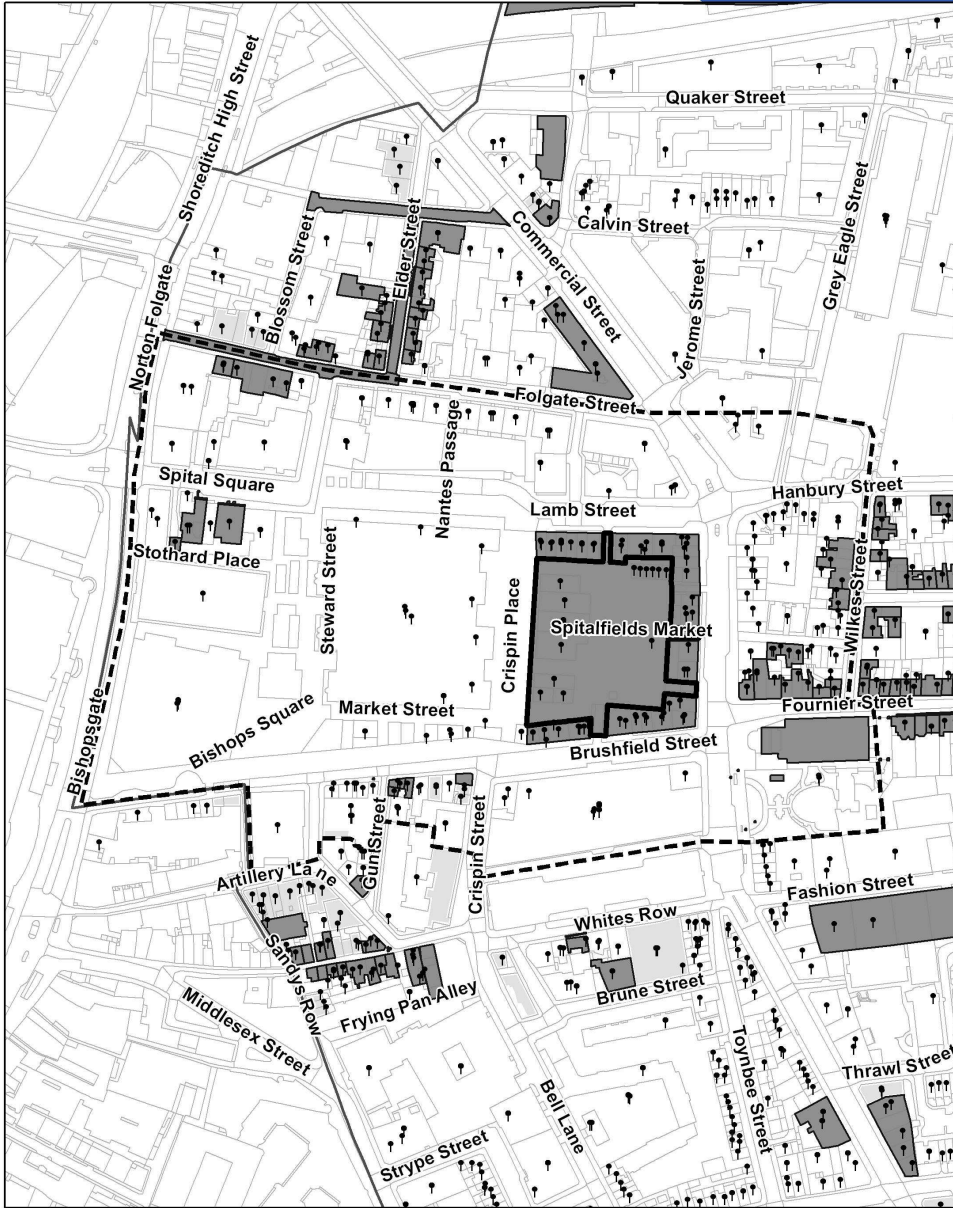
S106 and Conditions

- 8.43 The original planning permission (reference PA/02/1211 was granted subject to a number of planning conditions and a S106 agreement. These restrictions and obligations relate to the issues that were considered when the main permission was granted. Conditions and obligations that remain on-going would be re-imposed on the new permission.
- 8.44 The recommendation section of this report details three new conditions that are directly relevant to the principle of the extended Saturday opening.

Conclusions

- 8.45 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address
Consultation Area	Statutory Listed Buildings	0 30 m 1:2,750

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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