

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 29 June 2011 at 7.00 p.m.

A G E N D A

VENUE

Council Chamber Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair:	
Councillor Kosru Uddin Councillor Craig Aston Councillor Helal Uddin Councillor Shiria Khatun Councillor Marc Francis 1 Vacancy	Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Kabir Ahmed, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Anwar Khan, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Ann Jackson, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services,
Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 29 June 2011

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 1st June 2011.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 10

4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

	To note the procedure for hearing objections at meetings of the Development Committee.	11 - 12	
6.	DEFERRED ITEMS	13 - 14	
7.	PLANNING APPLICATIONS FOR DECISION	15 - 16	
7 .1	Central Area, Spitalfields Market E1 (PA/11/00602)	17 - 30	Spitalfields & Banglatown; Millwall;
7 .2	Ground floor, 248 Westferry Road, London, E14 3AG (PA/11/00546)	31 - 38	
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8 .1	Bromley Public Hall, Bow Road, London, E3 3AA (PA/11/00341)	39 - 46	Bromley-By-Bow;
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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 1 JUNE 2011

**ROOM M71, SEVENTH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Helal Abbas (Chair)

Councillor Kosru Uddin
Councillor Helal Uddin
Councillor Shiria Khatun
Councillor Marc Francis
Councillor Craig Aston

Other Councillors Present:

Nil

Officers Present:

Pete Smith	– (Development Control Manager, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Nasser Farooq	– (Planning Officer Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Alan Ingram	– (Democratic Services)

COUNCILLOR HELAL ABBAS (CHAIR) IN THE CHAIR

1. ELECTION OF VICE-CHAIR

It was proposed by Councillor Marc Francis, seconded by Councillor Kosru Uddin and **RESOLVED**

That Councillor Shiria Khatun be elected Vice-Chair of the Development Committee for the remainder of the Municipal Year 2011/2012.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:

Councillor	Item(s)	Type of interest	Reason
Kosru Uddin	9.1	Personal	Had received representations from interested parties.
Helal Uddin	9.1	Personal	Had received representations from interested parties.
Marc Francis	9.1	Personal	Had received representations from interested parties.
Helal Abbas	9.1	Personal	Had received representations from interested parties.
	9.2	Prejudicial	Had made representations against the application before he had become a Member of the Committee.
Shiria Khatun	9.1	Personal	Had received representations from interested parties.

4. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 6th April 2011 be agreed as a correct record and signed by the Chair.

5. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is

delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and

- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

6. DEVELOPMENT COMMITTEE PROCEDURAL MATTERS

6.1 Development Committee Terms of Reference, Quorum, Membership and dates of Meetings

At the request of the Chair, Mr Alan Ingram, Democratic Services Officer, introduced the report. He indicated that, after the report had been prepared, membership of the Committee had been amended in that Councillor Craig Aston had replaced Councillor Gloria Thienel. In addition, Labour Party Deputies had been appointed, namely, Councillors Kabir Ahmed, Anwar Khan and Ann Jackson.

RESOLVED

That the Terms of Reference, Quorum, Membership and dates of meetings of the Development Committee for the Municipal Year 2011/2012 be noted as set out in the report.

7. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

8. DEFERRED ITEMS

Nil items.

9. PLANNING APPLICATIONS FOR DECISION

9.1 17 Calvert Avenue, E2 7JP

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update concerning the application for planning permission at 17 Calvert Avenue, London, E2 7JP (Ref. No. PA/11/00206).

The Chair then invited persons who had registered for speaking rights to address the meeting.

Mr Geoff Juden, a local resident, stated that the situation regarding the café premises had divided the community. The café had been trading illegally for eight years and the Council had failed to provide answers to residents' requests for information on the matter. The premises were trading in contravention of Environmental Health rules and café users tended to spill out on to the pavement, while no other premises in the area were allowed pavement trading. There was no extraction system to deal with cooking odours and waste from the café was put into the domestic waste system. A planning application for a café opposite the premises had been refused in 2007 on the grounds of noise and pollution. There were no public toilet facilities and concerns expressed by residents had been ignored. He felt, therefore, that the application should be refused.

Ms Sabeha Miah stated that she had been a local resident since 2003 and had been in a good position to see how the café had developed as a local facility. She and many residents supported the café as it had made a contribution to the local community, provided good nutrition and had created new life in the community. It caused no negative impact. Ms Miah added that she worked in the local community and her children used the café. Staff in the premises ran various community projects and the café enabled people, especially the young, to see the benefits of being involved in such a business, and community cohesion was encouraged. The owner (Leila) was well-known locally and was prepared to listen to people's problems. She felt that the café helped develop neighbourliness and strengthened the local community, so the application should be granted.

At the request of the Chair, Ms Ila Robertson, Applications Manager, made a detailed presentation of the report and update including powerpoint plans relating to the application. She pointed out that the previous use for the site was retail and made reference to the Inspector's favourable comments at a recent appeal regarding an application for a café in a conservation area. Officers were of the view that the café complemented the listed building in which it was situated and improved the street environment. The premises was modest in size and served a maximum of 28 covers. Food was mainly sandwich-based apart from breakfast items such as eggs or porridge. The limited size of the café and menu meant that the Environmental Health Service did not require the provision of a commercial ventilation/extraction system. Opening hours would be outside noise-sensitive hours. Parking in the surrounding streets was for residents only and café users had good public transport access.

The Chair then invited questions from Members.

Questions were put relating to: impact of cooking and kitchen facilities on residents; why an extraction system was not felt necessary; how could a more intensive menu be controlled if permission were granted; how would any pavement trading be controlled; the principle of regularising what had been an unauthorised trading.

In response, Ms Robertson indicated that:

- Most of the food served was in sandwich form and consumed on site and there was not intensive cooking that would require more ventilation, just being domestic in scale. Environmental Health were satisfied that there was not enough of an odour problem to justify a ventilation system, given the nature and scale of the use.
- There would be an informative to retain the same style of cooking and this could be controlled through the lease on the premises. Additional planning permission would also be required if the use intensified on site or if a ventilation system was deemed necessary. Separate controls were also available through Environmental Health powers, if odour issues arose.
- There had been no complaints regarding noise and the hours of use were outside noise-sensitive hours. Given the small size, usage tended to be around lunchtime and the footprint of the café could not be increased, nor the kitchen enlarged without planning permission and listed building consent being obtained.
- On the matter of regularisation of the situation, the applicant herself had contacted Officers to see whether change of use was needed.

The Chair commented that any change of use would have to be brought back to the Committee for consideration. He then indicated that the vote would be put and, on a vote of 5 for and 0 against, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at 17 Calvert Avenue, London, E2 7JP, for change of use from A1 retail to A3 Café, subject to the conditions and informatives as set out in the circulated report.
- (2) That the Corporate Director Development & Renewal be delegated authority to impose planning conditions and informatives on the planning permission to secure the matters listed in the circulated report.

9.2 22 Fournier Street

The Chair referred to the declaration of interest he had made previously and, at 7.46 pm, withdrew from the meeting room, taking no part in discussion or vote on the application.

At 7.48 pm, Councillor Helal Uddin also left the meeting.

COUNCILLOR SHIRIA KHATUN (VICE-CHAIR) IN THE CHAIR

At the request of the Chair, Mr Pete Smith, Development Control manager, introduced the report and **Tabled** update concerning the application for planning permission at 22 Fournier Street.

The Chair then invited persons who had registered for speaking rights to address the meeting.

Ms Charlie De Wet, a Fournier Street resident, stated that the proposed roof terrace would cause noise and disturbances and impact her amenity. Officers felt there would be a neutral impact but residents knew that the impact would be negative. The terrace was 5m. from her home, so noise would directly affect her as it was likely to continue to the early hours. She felt it would be more appropriate to build into the roof or demolish the outbuilding and restore the former garden. She felt the proposed development was inconsistent with other buildings in the conservation area. It was likely to set a planning precedent and give rise to more extensions that would represent overdevelopment of the area. The applicant appeared to contravene Council policies which had been in place for 30 years and should be refused.

Mr Rupert Wheeler, the applicant's agent, indicated that there had been a very thorough public consultation process and a thorough report had been made by Officers. Objections received had been in response to a document circulated by the owner of an adjoining neighbour, which were exaggerated in nature. However, the applicant had taken account of the matters raised and produced a revised proposal, to which only seven objections had been raised.

At the request of the Chair, Ms Ila Robertson, Applications Manager, gave a detailed presentation based on the circulated report, **Tabled** update and a powerpoint map display. She pointed out that a number of alterations had been made to the original proposal to reduce the scale of the roof terracing, which was now considered acceptable. The terrace was inset 3.5m from the windows with a 1.9m screen inset 1.5m from the site boundary. There was no direct overlooking to neighbouring properties from the terrace, given the screening proposed. The terrace had been reduced in size from 23 sqm to 12 sqm, consequently the size of the terrace would be modest and could not cater for large groups and any noise would be typical of a family dwelling. The screen was to be secured in perpetuity, which would safeguard residents' privacy. Roof extensions had previously been approved and the same development plan policies applied. As such the principle of a roof extension was essentially agreed.

Members then put questions relating to: the reasons why the roof extension was considered acceptable in a conservation area; the removal of the outbuilding and reversion to a garden space; the introduction of a zinc roof in a conservation area; the difference between the proposed front railings of the dwelling compared with those in the rest of the area.

Ms Robertson responded that:

- Roof extension policies had not changed since 1998 but specific risks to conservation areas were addressed in some parts of the Borough through specific conservation area appraisals. The roof extension had been agreed by the Conservation Area Officer and would not be very visible in appearance as it was set back.
- The previous conservation position to encourage the demolition of outbuildings was in respect of listed buildings but was not reflected in current conservation area appraisal and there was no actual policy requirement to install a garden area. In any event, the quality of a

garden space in this instance would be very limited given it was surrounded by one-two storey high extensions.

- The zinc roof would be used on the extension and was subject to conditions to ensure high quality materials. It was considered acceptable for use on a former industrial 1950s building.
- The proposed railings also looked more in keeping for a 1950s building and it was not necessarily appropriate to replicate the railings from other buildings in the row on a building from a later period.

The Chair then indicated that the vote would be put and, on a vote of 3 for and 0 against, with 1 abstention, the Committee **RESOLVED**

- (1) That planning permission at 22 Fournier Street be **GRANTED** for the refurbishment, alteration and extension of the building to form a single residential unit, including the construction of an additional storey at 3rd floor level and a new roof terrace at 1st floor level to the rear, subject to the conditions and informatives as set out in the circulated report.
- (2) That the Corporate Director Development & Renewal be delegated power to impose planning conditions and informatives on the planning permission to secure the matters listed in the circulated report.

10. OTHER PLANNING MATTERS

10.1 Marion Richardson School, 71 Senrab Street, London, E1 ODF

At 8.36 pm the Chair rejoined the meeting.

COUNCILLOR HELAL ABBAS (CHAIR) IN THE CHAIR

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the report concerning the application for planning permission at Marion Richardson School, 71 Senrab Street, London, E1 0QF.

At the request of the Chair, Ms Ila Robertson, Applications Manager, gave a detailed presentation of the circulated report.

There being no questions from Members, on a unanimous vote, the Committee **RESOLVED**

That the application be referred to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent, subject to the conditions set out in the circulated report.

10.2 Planning Appeals

At the request of the Chair, Mr Pete Smith, Development Control Manager, presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

The Committee discussed the main findings as contained in the document and noted that costs against the Council in a successful appeal were to be challenged.

On a unanimous vote, the Committee **RESOLVED**

- (1) That the details and outcomes of the appeals be noted as detailed in the report.
- (2) That the Development Control Manager arrange for all Members of the Committee to be provided with details of costs incurred by the Council arising from planning appeals since 2006 and that details of such costs be reported annually to the Committee in future.

CHAIR'S REMARKS

Blackwall Reach/Section 106 Agreements

The Chair requested that the Development Control Manager arrange a briefing session on Blackwall Reach and Section 106 Agreements to be held at 6.00 p.m. before the next meeting of the Committee for the information of Members (invitations to attend to be extended to all Members of the Council).

The meeting ended at 8.50 p.m.

Chair, Councillor Helal Abbas
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Development	Date: 29 June 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

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Agenda Item 7

Committee: Development	Date: 29 June 2011	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley Service Head, Planning & Building Control		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 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 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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

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 Commerical 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), Commerical 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.

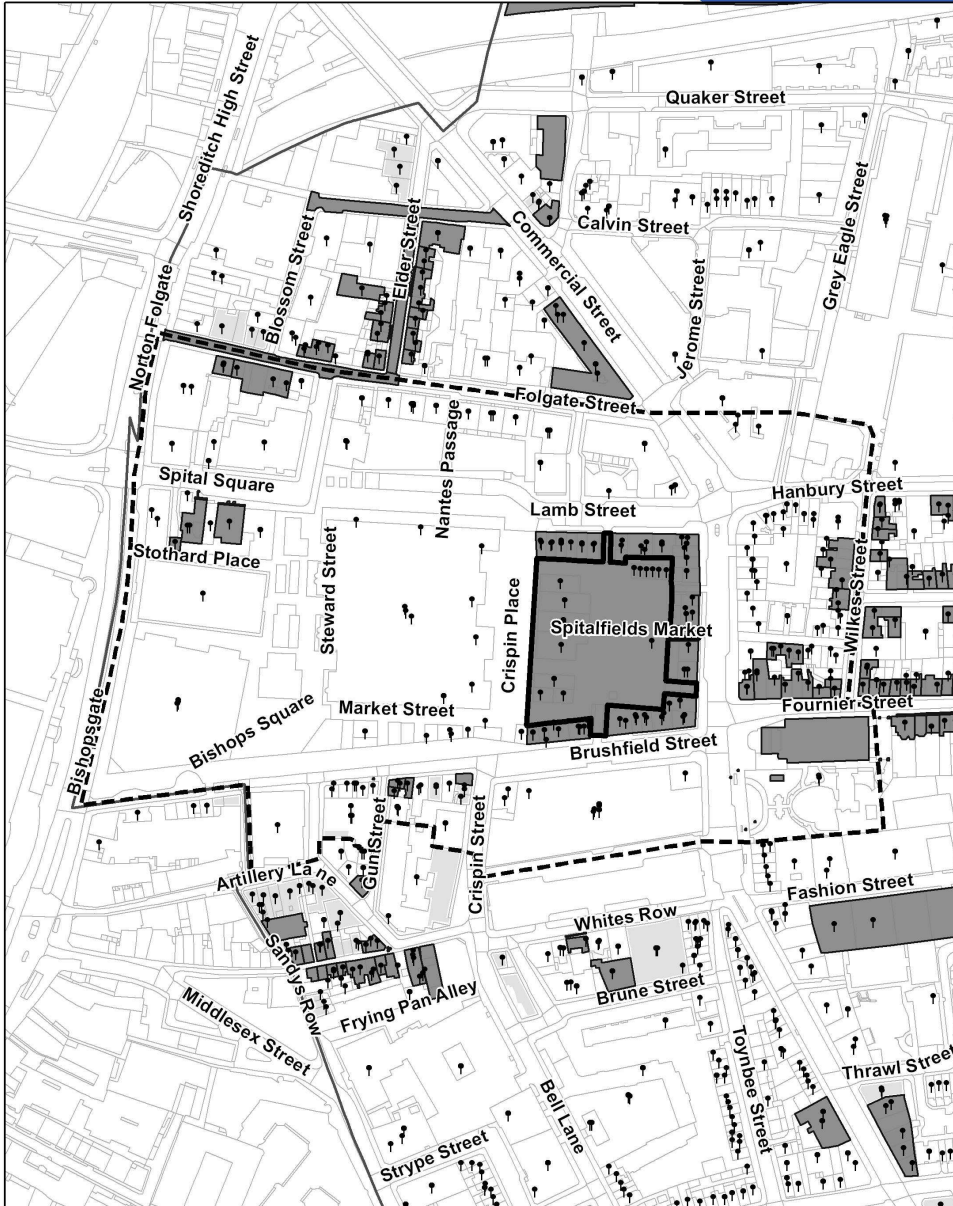
S106 and Conditions

- 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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Agenda Item 7.2

Committee: Development	Date: 14/06/2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Monju Ali		Ref No: PA/11/00546	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location:	Ground floor, 248 Westferry Road, London, E14 3AG
Existing Use:	Community Centre and Place of worship – Mosque (Use Class D1)
Proposal:	Application for the variation of condition 1 (hours of operation) – 08:00am to 22:45pm Mondays to Saturdays (inclusive) and not on Sundays or Bank Holidays, of planning permission T/96/00369, with proposed new hours of operation: 08:00am – 22:45pm Monday to Sunday; together with 04:00am – 08:00am (for a maximum of 10 worshippers) Monday to Sunday.
Drawing Nos:	OS site plan, Zavvia/248wr/101
Applicant:	Madina Jamme Masjid
Owners:	Mr S. U Choudhury
Historic Building:	N/A
Conservation Area:	N/A

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, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- The proposed change of hours of operation is considered acceptable, in that it would not result in significant adverse impacts to the amenities of neighbouring properties. The proposal is therefore considered acceptable in terms of policy DEV2 of the Unitary Development Plan 1998, together with policy DEV1 of the Interim Planning Guidance 2007, which seek to ensure development would not have an unduly detrimental impact on neighbouring properties.
 - The proposed change of hours would not have an adverse impact on the safe and free-flow of traffic within the vicinity of the application site. The proposal is therefore in accordance with policy SP09 (3) of the adopted Core Strategy (2010), policies SCF11 and T16 of the UDP (1998), and policy SCF1 of the Interim Planning Guidance (2007), which seek to ensure community facilities would not result in an unacceptable impact on the highway network.

3. RECOMMENDATION

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

- 3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.3 **Conditions**
- 1) Hours of operation being (08:00am – 22:45pm Monday to Sunday; together with 04:00am – 08:00am (for a maximum of 10 worshippers) Monday to Sunday;
 - 2) No audible sound, including amplified sound or live music
 - 3) Maximum number of people on site at one time comprising of:
(04:00am – 08:00am 10 people) and
(08:00am – 22:45pm 60 people)
- 3.4 Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the variation of condition 1: (hours of operation)
- Existing - 08:00am to 22:45pm Monday to Saturday (inclusive) and not on Sundays or Bank Holidays, of planning permission T/96/00369 dated 5th September 1996.
 - Proposed - 08:00am to 22:45pm Monday to Sunday (including Bank Holidays); together with 04:00am to 08:00am (for a maximum of 10 worshippers) Monday to Sunday.
- 4.2 The change of hours of operation is sought to amend the existing planning permission to allow the mosque to open on Sundays and for early morning prayers commencing from 04:00am (sunrise).
- 4.3 The onsite capacity is not expected to exceed that of the existing facility, being an average of 35 people from 10:00am – 22:45pm; up to 10 people between 04:00am and 08:00am; and 30 children for educational sessions on Monday - Friday evenings between 17:00pm and 19:00pm. However, Fridays attract an increase in worshippers, as it is the Islamic holy day (Jum-ma), attracting up to approximately 60 worshippers between 12:45pm and 13:45pm.

Site and Surroundings

- 4.4 The site is situated on the southern side of Westferry Road, and lies within a predominantly residential area. The Islamic Cultural Centre has been in operation on site since 1996.
- 4.5 The site does not lie within a Conservation Area, however to the north and south of the site lies two listed buildings comprising of Forge Square and Burrells Wharf development both currently in residential use.
- 4.6 The application site directly outside of Westferry Road and has good public transport accessibility level (PTAL) of 3. There is a bus stop adjacent to the site, the bus routes servicing the site are 135, D7 and D3.
- 4.7 The existing Islamic Cultural Centre is located within a three storey building which has residential uses above. The second floor of the building is accessed internally from the ground floor, which is occupied by the mosque caretaker who uses this floor for permanent

residential use only.

- 4.8 The third floor of the building is accessed from a separate entrance from street level; the third floor level is also used as a separate residential unit.

Planning History

- 4.9 T/96/00369 – granted planning permission on the 5th September 1996 by the London Docklands and Development Corporation for the continuation of use of ground floor as an Islamic Centre. (**Officer comment:** *This is the consent which has been implemented on site*).
- 4.10 T/95/00165 – granted planning permission on the 6th September 1995 Granted by the London Docklands and Development Corporation for the use of ground floor as an Islamic Centre. (**Officer comment:** *A condition was included on this first permission which restricted the use of the centre for religious services. However, this consent was superseded by T/96/00369 which does not restrict the use*).

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 Adopted Core Strategy (2010)

Policies: SP09(3) Highways Safety and Capacity
SP10(4) Amenity

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies: DEV2 Development requirements
DEV 50 Noise
T16 Highways
SCF11 Community facility

5.4 Interim Planning Guidance for the purposes of Development Control

Policies: DEV1 Amenity
DEV4 Safety and security
DEV10 Disturbance from noise pollution
SCF1 Community facility

- 5.5 **Community Plan** The following Community Plan objectives relate to the application:

A better place for living well
A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

London Borough of Tower Hamlets - Environmental Health Noise and vibration

- 6.2 Having regard to the proximity of the community centre to residential accommodation, Environmental Health would not support an extension of the opening hours to start from sunrise because this would cause sleep disturbance to nearby residents.
- 6.3 **Officer comment:** *(The above is noted; however the application site already has permission*

for the current D1 use from as early as 08:00am. The site is opposite a busy road with a bus stop also situated directly outside and a takeaway next door. The early morning prayer would only attract up to 10 worshippers, additionally the prayer would take approximately 20-30mins therefore worshippers would not be on site for the entire period 04:00am – 08:00am. The applicant has agreed to comply with a condition restricting the maximum number of worshippers to 10 people during the proposed early morning extension of hours (04:00am – 08:00am). It should also be noted, Environmental Health have confirmed there has been no recent record of noise nuisance associated with the premises).

- 6.4 In addition, we would advise that any amplified noise is not audible at 1 meter beyond the building at any time. No external amplification should be used to broadcast from the premise. Environmental Health would recommend that the condition 1, hours of operation remain unchanged.
- 6.5 **Officer comment:** (The above is noted; if planning permission is granted the existing condition No. 2 attached to planning ref. T/96/00369 would be retained, to ensure no audible noise shall be transmitted including amplified sound or live music).

London Borough of Tower Hamlets - Highways

- 6.6 Following a discussion with the Planning Case Officer, Highways have been informed that any future permission would be subject to a condition stipulating that no more than 10 worshippers could be in attendance during the additional times of worship for the early morning hours. This would alleviate the concerns originally expressed by highways.

7. LOCAL REPRESENTATION

- 7.1 A total of 194 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised on site via one site notice.

- 7.2 The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	27	Objecting:	27	Supporting:	0
No of petitions received:	0	objecting containing	0	signatories	
		0 supporting containing	0	signatories	

- 7.3 The following issues were raised in representations that are addressed in the next section of this report:
- Noise and disturbance (**officer comment:** refer to the amenity section 8.2)
 - Lawful use of the premises (**officer comment:** The site has planning permission under T/96/0369 which granted lawful use of the application site as an Islamic Centre and allowed religious services).
 - Intensity of use by extended hours (**officer comment:** The existing use is not being assessed as this is already established. The intensity of the extended hours is unlikely to have a detrimental impact upon the amenity of local residents as a condition would be applied to restrict the maximum number of people on site).
 - Parking and Highways congestion (**officer comment:** The Councils highways officer has confirmed the proposal would not have a detrimental impact upon the local transport and highways network given the number of worshippers attending the centre).
 - Undesirable precedent (**officer comment:** The existing use is not being assessed, in

addition there are no other immediate local Islamic Centre within the locality, the site serves the local needs within the community).

- Hours of operation too long (**officer comment:** *The proposed extended hours would enable worshippers to make prayer in accordance with their faith. The extended hours would not have a detrimental impact as the maximum number of people on site would be restricted and furthermore the prayer would not take more than 30mins to complete).*
- Security and anti-social behaviour (**officer comment:** *As a place of worship it is not expected there would be any security and anti-social behaviour concerns).*

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Residential Amenity

Impact on the amenity of the surrounding area.

2. Highways Impacts

Impact on the public highway and local road network.

Amenity

- 8.2 Policy SP10(4) of the adopted Core Strategy (2010) along with Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.3 Furthermore, policy SCF11 of the UDP (1998) refer to impacts of community facilities on residential amenity.
- 8.4 The application being considered solely proposes the variation of condition 1, controlling the hours of operation from 08:00am to 22:45pm Mondays to Saturdays, with the use unable to operate on Sundays or Bank Holidays. This restricts the use of the existing mosque.
- 8.5 The new hours of operation proposed are 04:00am – 22:45pm Monday to Sunday (including Bank Holiday); with a maximum of 10 worshippers during 04:00am – 08:00am on the ground floor level only.
- 8.6 The permitted use for the site is as an Islamic Centre, which would remain unchanged. This arrangement is proposed to extended the use and ensure that in the early hours a maximum of 10 worshippers can visit the site for quiet prayer.
- 8.7 A number of objections have been received regarding noise and disturbance matters. The council has no record of recent noise complaints associated with the site. However, further conditions are recommended to ensure no audible noise, sound or music is transmitted beyond the site given the extended opening hours proposed.
- 8.8 It is considered the attendees to the Islamic Centre facility would use the same method of transport which is primarily walking given the catchment area of the mosque. Therefore it is unlikely noise associated with car parking in the early hours would result in an unduly detrimental loss of amenity for nearby residential occupiers.
- 8.9 Furthermore, Westferry Road is already a busy and vibrant road in nature, also with two night buses D7 and 135 serving the area.

- 8.10 Given the low number of attendees on the site during the extended hours and the existing nature of the site as a place of worship, it is not considered that there would be significant detrimental impacts on the amenity to the existing residents.
- 8.11 Given the measures being proposed to ensure the use would not result in an undue detrimental loss of amenity for existing residential neighbours, it is therefore compliant with Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007), which seek to ensure that development proposals protect neighbouring residential amenity.

Transport & Highways

- 8.12 Council policies contain a number of safety and operation policies which seeks to protect the highway from development.
- 8.13 However, concerns regarding the limited availability of on-street parking and increased pressure associated with worshippers driving their vehicles to the site in the early hours have been raised by objectors.
- 8.14 The principle of the use on site is already agreed. The application solely relates to the uses operating earlier in the morning and on Sundays and Bank Holidays.
- 8.15 The Islamic centre is largely used by local residents within the immediate catchment area who reside within walking distance to the site. It is not expected there would be any significant increase in activity with the proposed extended hours given the number of attendees proposed. Therefore there would be no significant impact upon the local highway.
- 8.16 The application has been reviewed by Council Highways Officers who have confirmed that they do not consider that there would be any adverse impacts on the local highway.
- 8.17 Subject to appropriate conditions, the proposed variation of hours would not have an adverse impact on the safe and free-flow of traffic within the vicinity of the application site. The proposal is therefore in accordance with policy SP09 (3) of the adopted Core Strategy (2010), policies SCF11 and T16 of the UDP (1998), and policy SCF1 of the Interim Planning Guidance (2007), which seek to ensure community facilities would not result in an unacceptable impact on the highway network.

9.0 CONCLUSIONS

- 9.1 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



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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Agenda Item 8.1

Committee: Development	Date: 29 th June 2011	Classification: Unrestricted	Agenda Item Number:
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Shahara Ali-Hempstead		Ref No: PA/11/00341	
		Ward: Bromley By Bow	

1. APPLICATION DETAILS

- Location:** Bromley Public Hall, Bow Road, London, E3 3AA
- Existing Use:** Registry Office
- Proposal:** Internal works to be carried out at basement, first floor and second floor level. Provision of works to include installation of new internal timber staircase to extend from first floor to second floor, removal of partitions at basement and second floor. Installation of internal shutters, reconfiguration of kitchen and associated general works.
- Drawing Nos:** 01, 02, EX0B, EX0G, EX01, EX02, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 101,102, 103,
- Applicant:** London Borough Tower Hamlets
- Owner:** London Borough Tower Hamlets
- Historic Building:** Grade II Listed.
- Conservation Area:** Adjoining Fairfield Road Conservation Area.

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 adopted Core Strategy (2010) Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposed installation of new staircase at first and second floor level, installation of timber partitions at first floor level and installation of four panel timber door at second floor level to match existing would preserve the historic character of the building and in part enhance. The replacement and renewal of the doors are considered to enhance the appearance of the listed building would have no significant impact upon the fabric and integrity of the listed building in accordance with policies DEV37 of the Unitary Development Plan 1998 (as saved September 2007), CON1 of the Interim Planning Guidance for the purposes of Development Control (2007) and SP10 of the adopted Core Strategy (2010).

RECOMMENDATION

3. That the Committee resolve to refer the application to the Government Office for London with the recommendation that the council would be minded to grant Listed Building Consent subject to conditions as set out below.
 1. The development allowed by this permission must begin within three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule to this planning permission.
 3. All new internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The Council seeks Listed Building Consent for the internal works to be carried out at basement, first floor and second floor level. Provision of works to include installation of new internal timber staircase to extend from first floor to second floor, removal of partitions at basement and second floor. Installation of internal shutters, reconfiguration of kitchen and associated general works.
- 4.2 The council is prohibited from granting itself listed building consent. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.

Site and Surroundings

- 4.3 The Bromley Public Hall is a grade II listed building which dates from the 19th century. It houses Registrars services and is a public building.
- 4.4 The building dates from mid 19th century and was listed on 27th September 1973. The building comprises of two storey detached building and basement forming a stand alone building. The original building was constructed in brown London stock bricks and the façade facing Bow Road is stone faced with balustrade parapet to roof and to the first floor. The main roof is not visible from the street level and is constructed with hip roof in slate finish. The roof is concealed behind the stone balustrade parapet.
- 4.5 The main stone faced symmetrical facade facing Bow Road consist of ten windows that are paired. The central bay is composed with a central arch and the porch is accessed through a series of steps. Architectural features such as Corinthian pilasters are present between the first floor windows and composite pilasters between those of ground floor windows on either side of the main entrance.
- 4.6 The northern curtilage of the site forms the boundary of the Fairfield Road conservation area. The site itself is not located within the conservation area.

Relevant Planning History

- 4.7 The site has an extensive planning history, with the earliest application in 1950. Of these applications the following is the most relevant.
- 4.8 Under planning references PA/89/00014 Planning permission was granted on 04/07/1989 for building to provide accommodation for the registrar of births, Deaths & marriages on the Basement and ground floors, together with a continuing use of the Main hall for reception meetings new staircase for disabled access to all floors by lift and toilet facilities new extension to west elevation
- 4.9 Under planning references PA/99/01160 Listed Building Consent was granted on 14/01/2000 for alterations in connection with the conversion of first floor hall to create a marriage and waiting room.

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 Government Planning Policy Guidance/Statements

PPS5- Planning and the historic Environment.

5.3 London Plan

4B.11: London's Built Heritage
4B.12: Heritage Conservation

5.4 Adopted Core Strategy (2010)

SP10 – (2) & Creating distinct and durable
(3) places

5.5 Unitary Development Plan (UDP)(as saved September 2007)

Policies: DEV1 Design Requirements
 DEV2 Environmental Requirements
 DEV27 Impact of minor alterations in conservation area on the
 DEV37 building in question and the conservation area
 Alterations to listed buildings to preserve special
 architectural or historic interest of the building, repair
 original features and replace missing items, traditional
 materials

5.6 Interim Planning Guidance for the purposes of Development Control (IPG)(Oct 2007)

Policies DEV1 Design
 CON 1 Listed buildings

6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

English Heritage

- 6.2 The proposed works comprise alterations to the basement, first and second floors of this important public building which dates from the nineteenth century. We welcome the proposed reuse of the second floor which is currently unused.
- 6.3 It is important that a careful assessment is made with regard to the proposals to replace features such as doors. Whilst we note that it is generally proposed that replacements are 'to match existing', we would nevertheless urge that, wherever possible any original features are repaired rather than renewed. This will help to ensure the retention of the maximum amount of historic fabric.
- 6.4 We would urge you to address the above issues, and recommend that this application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Officer's comments: The Council will consider where possible to repair rather than renew any original feature as advised by English Heritage.

7. LOCAL REPRESENTATION

- 7.1 A total of 52 neighbouring addresses were consulted by letter, a site notice was posted on 24th March 2011 and a press notice published 21st March 2011. No responses have been received in objection/support.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.
- 8.2 The main planning issues raised by the application that the committee must consider are:

- Built Heritage and Design

Design and Impact on the setting of the Listed building.

- 8.3 The following works are proposed:
- 8.4 **Basement:**
- Removal of partition in the front office. (Note: It is not an original partition)
 - Re-designed of the kitchen.
- 8.5 **First Floor:**
- Removal of fire door to original stair enclosure. (This is not an original door).
 - Removal of existing Second floor timber floor up to the cupboards in the original stair enclosure.
 - Installation of new internal timber staircase to extend from first floor to second floor

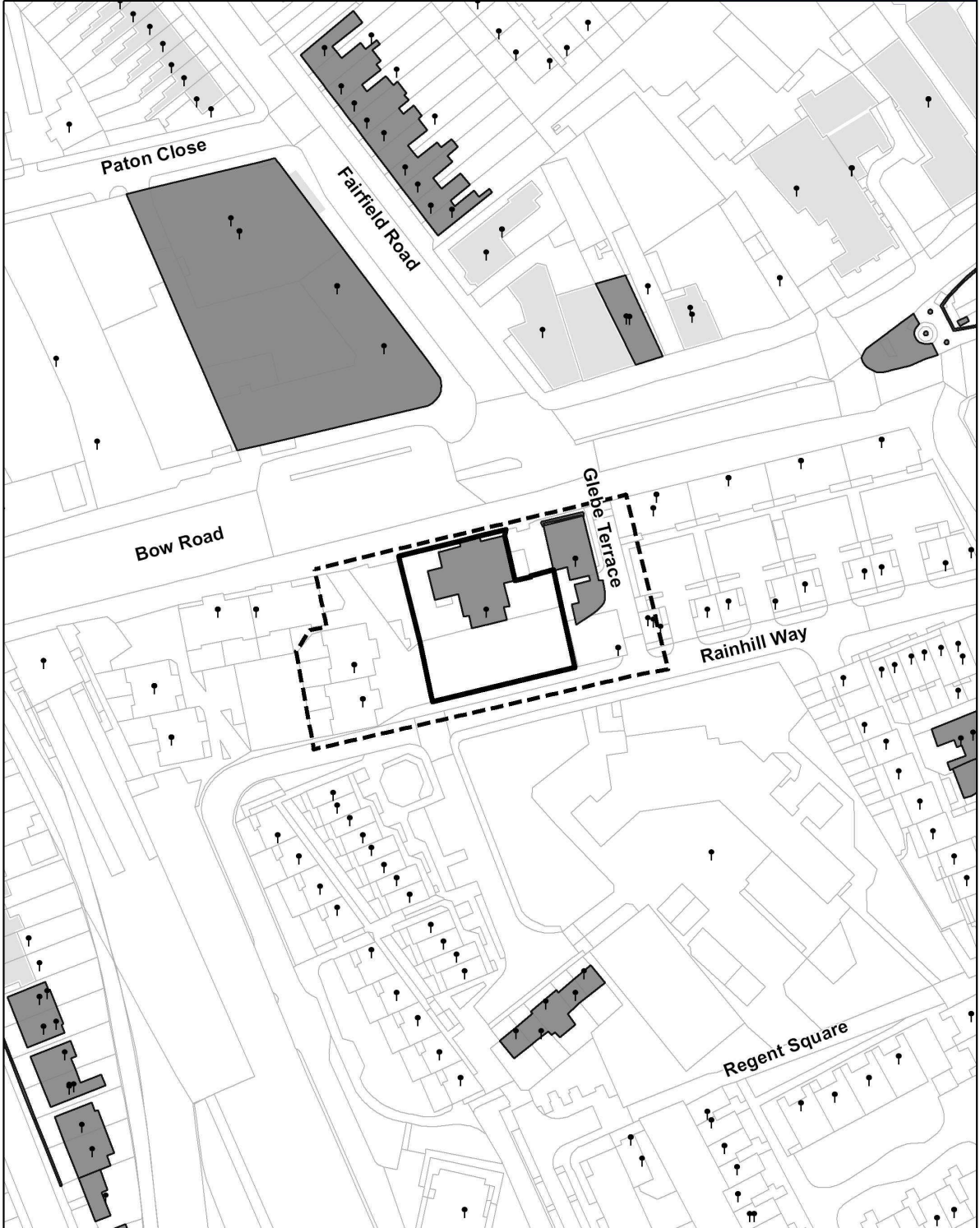
- Reduce the length of radiator casing.
 - Installation of partition under new staircase to form a cupboard
 - Form stud partition and a fire door to create Bridal Room in the lobby
 - Change the swing of the door from new Bridal Room to the main hall.
 - Provide scissor security shutters internally to two windows at first floor
- 8.6 **Second Floor:**
- Remove brick wall to form two offices into a staff room.
 - Convert bathroom to a WC.
 - Convert small room to staff kitchen
 - Remove floor ladder and block up opening.
 - Provide a fire door in the kitchen.
 - Remove floor as necessary to facilitate new staircase.
 - Replace existing paneled access door and frame to match existing
 - Replace glazed double door in the rear elevation with new timber doors to match existing.
 - Renew doors to cupboards
- 8.7 **General:**
- Provide new electrical layout, including lights, sockets, switches, fire alarms to suit the revised layout where ever necessary.
 - Provide floor finishes matching existing in the building.
- 8.8 Adopted Core Strategy policy SP10 encourages development that preserves and enhances development that the heritage value of the immediate and surrounding environment. This is supported by saved Policy DEV 1 of the Unitary Development Plan (UDP) which states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials.
- 8.9 Policies DEV 27 and DEV37 seek to ensure that development is appropriate to the setting of conservation areas and listed buildings. The policies state that new proposals should not have an adverse impact on the character, fabric or identity on the historic buildings.
- 8.10 Policy CON1 and CON2 of the Interim Planning Guidance (IPG) seeks to ensure development will not have an adverse impact on the character, fabric or identity of the listed building, and that it preserves or enhances the setting of the boroughs conservation Areas.
- 8.11 The removal of partial timber floor to install a new timber staircase, to extend from first floor to second floor level is considered appropriate and in keeping with the existing building and would allow access to the second floor which at present is only accessible via a step ladder. The new stairs will allow the use of the redundant second floor, which has not been in use due to restricted access.
- 8.12 The proposed removal of the brick wall on the second floor would create a larger functioning room. All internal works as listed in the schedule of works at basement, first and second floor level are not considered harmful to the Listed building.
- 8.13 Assessment of the proposal by LBTH Development Design and Conservation considered that the proposal would preserve the special historic interest of the building and are acceptable in terms of policy DEV37 of the Unitary Development Plan (1998), policy SP10 (1), (2) and (3) of the adopted Core Strategy (2010), policy CON1 of the Interim Planning Guidance (2007) and policy 4B.11 and 4B.12 of the




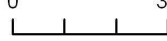

London Plan.

9 **Conclusions**

- 9.0 All other relevant policies and considerations have been taken into account The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent 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	 0 30 m  1:1,250
 Consultation Area	 Statutory Listed Buildings		

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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Agenda Item 8.2

Committee: Development	Date: 29 th June 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	PA/10/02190
Site:	131a Tredegar Road, E3 2EU
Development:	Demolition of existing bungalow and the erection of a three storey mews house.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED. Cost Application (against the appellant) DISMISSED

- 3.2 The main issues in this case were whether the proposed development would have been a satisfactory form of development for the site and secondly,

whether the proposed development would have impacted detrimentally on the living conditions of nearby occupiers and the occupiers of the proposed development. This proposal sought to address the deficiencies of a previous proposal (albeit similar) which was dismissed on appeal in August 2010.

- 3.3 The Planning Inspector noted the restricted nature of the site and the constraints placed upon any development by surrounding buildings and spaces. He was satisfied that a building of the height proposed, which would have sat comfortably between and alongside neighbouring dwellings. He felt that in many respects, the proposed development would have been more in keeping with its surroundings than the somewhat bland bungalow and also concluded that it would have preserved the character and appearance of the Roman Road Conservation.
- 3.4 However, he was not convinced that the proposal would resolve the previous overlooking issues (especially views from a proposed second floor window over towards 129 Tredegar Road). Whilst the Council had raised concern about the use of roof lights (only) to light the second floor bedroom, he was satisfied with this form of natural lighting which was commonplace in roof extensions. However, he was less content with the quality of internal spaces to first floor bedrooms. The proposed “brise soleil”, which was proposed in order to limit overlooking, would have resulted in a feeling of being artificially hemmed in. He concluded that these bedrooms would have been enclosed and uninviting.
- 3.5 The appeal was DISMISSED.
- 3.6 As regards the cost application (made by the Council against the appellant) which considered that the appellant had been unreasonable in proceeding with the appeal, when a similar proposal had been previously dismissed on appeal, the Inspector was satisfied that there were significant differences between the two schemes and that the scheme had been drawn up in response to the previous appeal decision and not in spite of it
- 3.7 The cost application was DISMISSED.

Application No:	PA/10/00549
Site:	469-475 The Highway, London E1W 3HN
Development:	Erection of an advertisement structure with internally illuminated poster signs facing east and west.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector’s Decision	ALLOWED

- 3.8 This advertisement was proposed in respect of the Holiday Inn Express hotel, situated on The Highway. The Council was concerned about the height and scale of the proposed advert and the impact of the structure and its form of illumination on the visual amenities of the area.
- 3.9 The Planning Inspector felt that the existing sign (which was quite a bit smaller than the proposed sign) was too small for the site (when one considers the scale of development nearby). He concluded that the proposed sign would not be out of keeping with the adjacent commercial buildings or the large residential development opposite.

3.10 He noted the presence of the locally listed wall around the premises to the east. However, with the vertical emphasis of the proposed sign and the distance between the sign and the wall, he was satisfied that the structures would be seen as quite separate elements and would not impact materially upon each other.

3.11 The appeal was DISMISSED.

Application No:	PA/10/02450
Site:	Outside 32-38 Leman Street E1 8EW
Development:	Installation of a public payphone.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.12 This appeal was in respect of the Council not being satisfied as to the siting and appearance of a proposed payphone, submitted as an application for prior approval – under the Town and Country Planning (General Permitted Development) Order 1995.

3.13 The main issues in this case were the effect of the proposal on the visual amenities of the area and whether the proposed kiosk would have resulted in street clutter and the effect of the proposed kiosk on pedestrian and road user safety along this part of Leman Street.

3.14 Whilst the Inspector was satisfied that the proposed installation would have not resulted in street clutter – with no bus shelters or other telephone kiosks in the immediate vicinity, he shared the views of Transport for London, that the proposed kiosk would have obscured the view of the traffic light at the corner of Allie Street. Her also shared TfL's view that moving the kiosk away from the kerb edge, would have obstructed pedestrian flows in a very busy part of the Borough.

3.15 The appeal was DISMISSED.

Application No:	ENF/10/00097
Site:	25 New Road London E1 1HE
Development:	Unauthorised works to listed building (internal and external works).
Council Decision:	INSTIGATE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED - but with variations to enforcement notice on time limits and required works as part of the enforcement notice

3.16 The Council's enforcement notice referred to various external and internal alterations requiring amongst other things, the removal of the fascia box sign and projecting box sign, roller shutter, satellite dishes, uPVC windows at ground and basement levels and false ceilings, the reinstatement of the round headed rusticated doorway and the former timber door and the repair of the railings.

3.17 25 New Road is a 19th Century terraced property (comprising three storeys and basement). The Inspector stated that the quality of the design can be gauged

with reference to the other properties in the terrace and similar terraces further away from New Road, few of which have been altered. The property lies within the Myrtle Street Conservation Area. The Inspector felt that the building is a fine example of the period and its details merit retention and maintenance.

- 3.18 Most of the debate centred on the suitability of external alterations. The appellant argued that the security shutters was vitally important and that other buildings in New Road had shutters. The Inspector disagreed with this view and found the shutter to be conspicuous and poorly designed, with no attempt to acknowledge the importance of its effect on the listed facade. Again, the Inspector found the installed doorway to be highly inappropriate along with the removal of the elegant doorway with its rusticated surround and traditional windows. He required the railings to be repaired and lessened the requirement associated to re-instate the original ceiling, bearing in mind that the false ceiling had already been partially removed.
- 3.19 The appeal was largely DISMISSED.
- 3.20 This is a very worthwhile decision. The Council will now be in a strong position to properly enforce and rectify the various breaches that have taken place.

Application No:	PA/09/00214 and PA/10/00510
Site:	307 Burdett Road, London E14 7DR
Development:	Applications for planning permission and conservation area consent for the demolition of the existing part2, part 3 storey vacant unemployment benefit office and the erection of a part 6, part 11 storey building to provide 56 residential units and ground floor /lower ground floor commercial floorspace (A1-A3 and A4).
Decision:	REFUSE (Strategic Development Committee and Delegated Decision)
Appeal Method:	PUBLIC INQUIRY
Inspector's Decision	ALLOWED (Costs application DISMISSED)

- 3.21 The application for planning permission was refused planning permission back in early 2010 and following the Council's decision to include the unemployment exchange within the Limehouse Cut Conservation Area (following the refusal of planning permission) the application for conservation area consent for demolition was refused by officers under delegated powers on 5th May 2010.
- 3.22 During the Inquiry, the unemployment exchange was treated as being included within the Limehouse Cut Conservation Area, but on 9th February 2011, a formal Court Order was made quashing the Council's decision to extend the conservation area (to include the appeal premises). The Inspector therefore noted that conservation area consent was not required for the demolition and therefore made no comment on the merits of demolition.
- 3.23 Prior to the inquiry, the Council (on Counsel's advice) withdrew its objection to four of the six reasons for refusal. The main issues debated at the Inquiry centred on the effect of the proposed development on the character and appearance of the area and whether the proposed development would be

detrimental to the living conditions of the future occupiers in terms of the provision of communal and child play space.

- 3.24 The Inspector noted that the proposed development (at 11 storey fronting Burdett Road, 12 storey adjacent to Limehouse Cut and 6 storeys adjacent to Dod Street) would be significantly larger than the former unemployment exchange and the associated warehouse buildings. However, he was satisfied that they would be in keeping with the more recent, large scale canal side development and those found in Burdett Road (which helps define locations such as around bridges and at road junctions).
- 3.25 He also felt that the proposed development would not overwhelm the warehouses along Dod Street and will be seen as part of the complex mix of larger modern and lower scale older buildings that characterise much of the area. He felt that the 6 storey element would be in keeping with the flats on the opposite side of the road.
- 3.26 As regards design, the Inspector felt that the external treatment had been carefully considered and was imaginatively composed to fit within the appeal site. He made particular reference to the canal elevation, animated with windows/balconies and a food and drink unit opening out onto the tow path.
- 3.27 Referring to the apparent lack of communal open space and child play space, the Inspector was persuaded by the appellant's amenity space calculations and considered that the quantity of on site amenity space would be sufficient to provide adequate communal and child play space. The issue between the Council and the appellant was the suitability of roof top open space. The Inspector was satisfied that rooftop gardens would be acceptable and he was satisfied that appropriate boundary treatment to the roof top areas could be provided (controlled by condition).
- 3.28 The appellant submitted a unilateral, undertaking in relation to the appeal proposal, which covered a financial contribution to British Waterways Board to mitigate the additional use of the towpath and the canal related activities. Further contributions went to Transport for London, the provision of 30% affordable housing and a further obligation to restrict car parking permits for residents.
- 3.29 The appeals were ALLOWED
- 3.30 Turning to the application for costs (against the Council) the Inspector ruled that as the quashing of the conservation area designation took place after the Public Inquiry took place, the issue remained a valid consideration for the duration of the Inquiry. The Inspector therefore considered that the Council had not been unreasonable and put forward a professional conservation witness to support its case. He was also satisfied that the Council's evidence was realistic and specific about the consequences, having particular regard to its duty at the time to consider whether the proposals would have preserved or enhanced the character and appearance of the conservation area.
- 3.31 The Inspector concluded that The Council had been reasonable in its approach to the appeals and the cost application was DISMISSED.

Application No:
Site:

PA/10/02735
13 Artillery Passage, London E1 7TJ

Development:	Appeal against imposition of a condition restricting the availability of car parking permits to future occupiers of the development
Council Decision:	REFUSE (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.32 The main issues in this case Was whether the planning condition was reasonable and necessary in order to promote sustainable transport options.

3.33 The Inspector noted that the site was in one of the most accessible areas of the Borough – with a PTAL level of 6B. He referred to both the London Plan and the Core Strategy which both promote car free development. The appeal considered various car parking stress surveys (some produced by the appellant and some by the Council) and he was satisfied that existing car parking bays are heavily used. With the property being proposed as a 4 bed self contained flat (with no restrictions on occupation) the residential unit could well generate demand for several car parking spaces. He acknowledged that the removal of the condition would create pressure to allow other similar schemes in the area to come forward without control on the ability of occupants to apply for permits.

3.34 The appeal was DISMISSED.

Application No:	PA/10/02525
Site:	2-8 East India Dock Road, London E14 8JA
Development:	Appeal against imposition of conditions relating to hours of use of an existing hot food takeaway.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED (Costs award – against the Council – DISMISSED)

3.35 The main issue in this case was whether the imposition of the condition (which restricted the use until 12 midnight on any day) was reasonable and necessary to protect the living conditions of nearby residents. The Council had previously allowed the opening of the premises to 0200 hours during the weekend (for a temporary period).

3.36 The Licence Committee had previously granted a licence up until 0500 hours. However, the Inspector noted that licensing was a different regime to planning and he accepted that planning can take a broader view as to amenity impacts and the wider environment. Whilst the Inspector noted that the premises are located on a busy road where a degree of noise can reasonably be expected, he recognised that noise levels within Beccles Street (to the rear) were significantly lower. He also noted that the noise environment reduced significantly after midnight – especially at the rear of the premises. Similarly, he was concerned about likely additional vehicular activity in Beccles Street detrimental to residential amenities. The appeal was DISMISSED.

3.37 In terms of the application for costs (against the Council), the Inspector was satisfied that the planning and licensing regimes were separate and decisions in one sphere do not bind decisions of the other. He was satisfied that the

Council had made an appropriate judgement. In the light that a trial period, he did not consider it unreasonable to wait for the results of that trial period before any further conditions on future applications might be considered. The costs application was DISMISSED.

Application No:	PA/10/02757
Site:	Unit 2, Eastway Business Centre, 111 Fairfield Road E3 2QR
Development:	Change of use from Business use to a hot food take-away use (Class A5).
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.38 The appeal related to an application for retrospective planning permission for use of the property for an A5 purposes. There had been a previous appeal decision in relation to a previous enforcement notice (with the Council's position having been supported). The main issues in this case were the impact of the use of living conditions of neighbouring occupiers, the impact of the development on highway safety and the location of bin storage and how the proposed arrangements affected the character and appearance of the area.

3.39 The Inspector noted that the property was within a area characterised by residential uses and he was not satisfied that the hot food take-away use could take place form the premises without causing undue nuisance to residents (linked to the slamming of car doors and the manoeuvring of vehicles and disturbance outside the premises). He was less concerned about the impact of the development on highway safety but concluded that the location of the Eurobin in a prominent position outside the premises would restrict the over-riding residential character of the street.

3.40 The appeal was therefore DISMISSED

Application No:	PA/10/01370
Site:	157 Commercial Street E1 6BJ
Development:	Appeal against imposition of condition relating to hours of use of a restaurant
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.41 The planning permission imposed a condition on hours of use, limiting opening times to 10am – 11pm Monday to Thursday, 10am – 12 midnight Friday and Saturday and 10am – 10pm Sundays and Bank Holidays. The applicant requested longer opening hours, up until 1am Monday to Thursday and 2am Friday and Saturday. The main issue in this case was therefore the impact of extend hours on the living conditions of neighbours.

3.42 The Inspector reviewed opening hours of similar premises within Commercial Road – with a variation of between 2300 hours (Sunday to Thursday) and 1am (Friday and Saturday) and concluded that the extended hours applied for in this case would step significantly beyond the general pattern for the area. He referred to comments raised by local residents, especially noise generated when patrons leave local restaurants and other venues and it was his

judgement that even in situations such as Commercial Road, residents are entitled to some relief from external noise and disturbance later at night.

3.43 The appeal was DISMISSED.

Application No:	PA/10/01957
Site:	Unit 6, 525 Cambridge Heath Road London E2 9BU
Development:	Appeal against the refusal of a certificate of lawful use or development (relating the use of the property as a self contained flat)
Council Decision:	REFUSE – (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.44 The issue in this case was whether there was sufficient evidence to prove that the property had been used as a self contained flat for at least 4 years. As part of the appeal, the appellant provided additional tenancy agreements to cover further periods – compared with those periods submitted as part of the initial application. The Inspector was satisfied on the balance of probability that the flat had been occupied continuously for a period in excess of 4 years and was therefore satisfied that the use was lawful.

3.45 The appeal was ALLOWED and the Certificate of lawful Development issued.

Application No:	PA/10/01317
Site:	Unit FG, 014, Block F, Old Truman Brewery, 91 Brick Lane. London E1 6QL
Development:	Change of use to a restaurant.
Council Decision:	REFUSE – (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.46 This application sought to extend the time period attached to a previous planning permission granted by the Council back in June 2005. In refusing planning permission for the extension of time, the Council considered that circumstances had changed (especially with the influx of residential uses in and around Brick Lane) which suggested that a more restrictive approach to restaurant activity should be adopted.

3.47 The main issue in this case was therefore whether the used of the premises as a restaurant would impact detrimentally on the living conditions of nearby residents. Whilst the Inspector recognised that there were some residential properties nearby the proposed restaurant, he also noted that the proposal was relatively modest and he considered that it would be unlikely that patrons would necessarily use Wilkes Street when leaving the premises to access nearby public transport. He was not convinced that a further restaurant would add materially to the likelihood of noise and disturbance. Whilst he accepted that the Council was right to consider an appropriate balance between night-time activities and the peace and quiet of residents, he felt that in this case the balance would be preserved.

3.48 The appeal was ALLOWED.

Application No:	ENF/08/00254
Site:	11 Gibraltar Walk, London E2 7LH
Development:	Unauthorised use of B1 unit as a single dwelling house.
Council Decision:	INSTIGATE ENFORCEMENT ACTION (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.49 The main issue in this case was whether the introduction of living accommodation into the building would compromise the Council's aim to encourage employment growth. An appeal against the refusal of planning permission for use of the property as a live work unit was reported to the 1 June Development Committee (which was ALLOWED). The Inspector's views in relation to this planning enforcement appeal were similar to those related to the appeal against refusal of planning permission. He therefore quashed the enforcement notice and granted planning permission for the continued use of the property for residential and business purposes.

3.48 The appeal was ALLOWED and the Enforcement Notice quashed

4. NEW APPEALS

4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

Application No:	PA/10/02779
Sites:	25 St Pauls Way E3
Development	Re-development of The Albion (former Public House) vacant site by the erection of a 10 storey building plus basement to provide 18 self contained flats comprising 9 x one bedroom flats, 4 x two bedroom flats and 5 X 3 bedroom flats with rooftop garden.
Start Date	9 June 2011
Appeal Method	WRITTEN REPRESENTATION

4.2 Planning permission was refused on grounds of inappropriate scale, massing and overall density of development detracting from the open character of Metropolitan Open Land, the character of the area and general failure to deliver affordable housing.

Application No:	PA/11/00149
Sites:	145 Three Colts Street
Development:	Erection of a detached glazed smoking shelter within rear garden.
Council Decision:	Refuse (delegated decision)
Start Date	8 June 2011
Appeal Method	WRITTEN REPRESENTATIONS

4.3 This application was refused on grounds of additional noise and disturbance to

neighbouring residential occupiers through more intensive use of the rear garden.

Application No: PA/11/00246
Site: 152-156 Brick lane E1 6RH
Development: Erection of a 1st and 2nd floor extension to provide additional storage accommodation
Council Decision: Refuse (delegated decision)
Start Date: 7 June 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.4 The Council refused planning permission for this development on grounds of excessive scale and bulk of development failing to preserve the character of the Narrow Street Conservation Area and the impact of the development on neighbouring residential occupiers in terms of increased enclosure and potential loss of sunlight and daylight.

Application No: PA/10/02840
Site: 482-484 Brick Lane
Development: Display of an internally illuminated fascia sign.
Council Decision: Refuse (delegated decision)
Start Date: 9 June 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.5 The issue in this case was the impact of the advertisement on the visual amenities of the area, in view of its obtrusive impact, failing to preserve the character and appearance of the Brick Lane/Fournier Street Conservation Area.

Application No: PA/11/00432
Site: Unit 6, Bow Exchange, 5 Yeo Street
Development: Appeal against a refusal of Certificate of Lawful Use in respect of the use of the property for educational training purposes
Council Decision: Refuse (delegated decision)
Start Date: 24th May 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.6 The Council was not satisfied that sufficient evidence had been submitted to prove, on the balance of probability, that the use of the property for educational related purposes had been in place continuously for in excess of 10 years.

Application No: PA/10/02167
Site: 202-208 Commercial Road
Development: Demolition and erection of a 5 storey building (2 retail units and basement and ground floor with 3x1 bed, 3x2 bed and 1x3 bed flats)
Council Decision: Refuse (delegated decision)
Start Date: 23 May 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.7 This application was refused on the grounds of inappropriate massing and scale of development, substandard accommodation (particularly in relation to external amenity space for the residential accommodation and inadequate arrangements for the storage and collection of refuse.

Application No: PA/11/00148
Site: 127-129 Roman Road
Development: Retention of a single storey out building
Council Decision: Refuse (delegated decision)
Start Date 20 May 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.8 This application was refused on grounds of inappropriate design, failing to preserve the character and appearance of the Globe Town Conservation Area.

Application No: PA/11/00478
Site: 51 Grove Road
Development: Alterations and extensions of a Georgian Villa to provide additional hotel accommodation
Council Decision: Refuse (delegated decision)
Start Date 17 May 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.9 The reason for refusal in this case focussed on inappropriate design (scale and massing) failing to preserve character of the Clinton Road Conservation Area.

Application No: ENF/07/366
Site: 497-499 Roman Road
Development: External Alterations (new shop front and shutter box housing)
Council Decision Enforcement Action (delegated decision)
Start Date 23 May 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.10 This enforcement notice relates to authorised alterations including the installation of a replacement shop front, fascia/shutter box and details above installed windows. It was considered that the elevations are of an unacceptable design and fail to preserve or enhance the character and appearance of the Driffield Road Conservation Area.

Application No: ENF/10/30
Site: 79 Commercial Road
Development: Unauthorised advert at first floor level –
Appeal Against Discontinuance Notice
Council Decision Enforcement Action (delegated decision)
Start Date 24 May 2011
Appeal Method WRITTEN REPRESENTATIONS

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