

DEVELOPMENT COMMITTEE

Wednesday, 12 February 2014 at 7.00 p.m.

**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open for the public to attend.

Members:

Chair: Councillor Helal Abbas

Vice Chair : Councillor Anwar Khan

Councillor Judith Gardiner, Councillor Kosru Uddin, Councillor Tim Archer, Councillor
Gulam Robbani and Councillor Harun Miah

Deputies:

Councillor Rajib Ahmed, Councillor Denise Jones, Councillor Carli Harper-Penman,
Councillor Zara Davis, Councillor Peter Golds, Councillor Md. Maium Miah and
Councillor Fozol Miah

The quorum for this body is 3 Members

Public Information.

The deadline for registering to speak is **4pm Monday, 10 February 2014**

Please contact the Officer below to register. The speaking procedures are attached.

The deadline for submitting material for the update report is: **Noon Tuesday, 11
February 2014**

Contact for further enquiries:

Zoe Folley, Democratic Services,

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Web:<http://www.towerhamlets.gov.uk/committee>

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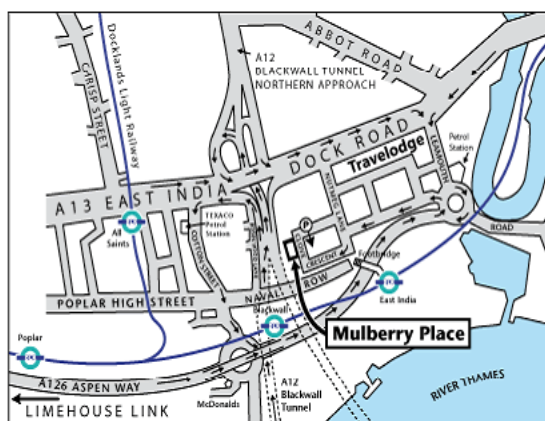
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

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 Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 18)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 11th December 2013.

3. 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.

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 19 - 20)

To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

PAGE NUMBER	WARD(S) AFFECTED
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5. DEFERRED ITEMS

Nil Items.

6.	PLANNING APPLICATIONS FOR DECISION	21 - 22	
6 .1	375 Cable Street, London, E1 0AH (PA/13/02251)	23 - 34	Shadwell

Proposal: Variation of condition 3 of planning permission granted by the Secretary of State for Communities and Local Government on 30th March 2011, reference APP/E5900/A/10/2141935/NWF, LBTH reference PA/07/03290, to allow opening hours from 9am - 10pm Sunday to Thursday and 9am - 11pm Fridays and Saturdays.

Approved Hours: 9am - 9pm Sunday to Thursday and 9am - 10pm Friday and Saturday

Recommendation: That the Committee resolve to **REFUSE** planning permission for the reason set out in the report.

6 .2	Coborn Arms, 6-10 Coborn Road, London, E3 2DA (PA/13/02287)	35 - 52	Bow West
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Proposal: Erection of single storey side extension to existing kitchen at rear with new extract system.

Partial demolition of existing side extension at rear and erection of new extension to form new orangery dining area and herb garden.

Erection of single storey side/rear extension to existing bar.

Installation of new air-conditioning units and condensers onto existing flat roof.

Recommendation: That the Committee resolve to **GRANT** planning permission subject to conditions and informatives.

7. OTHER PLANNING MATTERS

Nil items.

Date of the next Meeting:

The date of the next meeting is Wednesday, 12 March 2014 at 7.00 p.m. in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 11 DECEMBER 2013

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Helal Abbas (Chair)

Councillor Anwar Khan (Vice-Chair)

Councillor Tim Archer

Councillor Gulam Robbani

(Executive Advisor to the Cabinet and
Mayor on Adult Social Care)

Councillor Harun Miah

(Deputy Leader of the Respect Group)

Councillor Rajib Ahmed (Substitute for
Councillor Kosru Uddin)

Other Councillors Present:

Councillor Peter Golds

(Leader of the Conservative Group)

Councillor Gloria Thienel

Councillor Rachael Saunders

(Deputy Leader of the Labour Group)

Apologies:

Councillor Judith Gardiner and Councillor Kosru Uddin

Officers Present:

Jerry Bell

– (Applications Team Leader, Development and
Renewal)

Fleur Brunton

– (Senior Lawyer - Planning Chief Executive's)

Kamlesh Harris

– (Planning Officer, Development and Renewal)

Mary O'Shaughnessy

– (Planning Officer, Development and Renewal)

Nasser Farooq

– (Planning Officer, Development and Renewal)

Jane Jin

– (Planning Officer, Development and Renewal)

Zoe Folley

– (Committee Officer, Directorate of Law, Probity
and Governance)

ORDER OF BUSINESS

The order of business was varied at the meeting so that agenda item 6.3
Calders Wharf, Saunders Ness Road, London, E14 3EA (PA/12/02784 and
PA/12/02785) was considered as the first planning application for decision.
The remaining items of business followed the agenda order.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillors Helal Abbas declared an interest in agenda items 6.2, 6 Boulcott Street, London, E1 0HR (PA/13/00697) and 6.5 St Clement's Hospital Site , 2 Bow Road, London E3, (PA/13/1532, PA/13/1533 and PA/13/1534). This was on the basis that the Councillor had received correspondence from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 26th November 2013 be agreed as a correct record and signed by the Chair.

3. 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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

5. DEFERRED ITEMS

Nil Items.

6. PLANNING APPLICATIONS FOR DECISION**6.1 213-217 Bow Road, London, E3 2SJ (PA/13/00862 and PA/13/00863)**

Update Report tabled.

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item regarding planning permission and conservation area consent at 213-217 Bow Road, London for the demolition of existing warehouse building and erection of three blocks of three, four and six storeys to provide 36 dwellings together with ancillary parking and landscaping.

Kamlesh Harris (Planning Officer) presented the detailed report and the update. Ms Harris explained the location and surrounding area that was of mixed character within the Fairfield Road Conservation Area. Ms Harris also explained the outcome of the local consultation and the issues raised. She explained the justification for the loss of the existing warehouse building due to, amongst other issues, the lack of demand and changing nature of the area. The building was of low architectural quality so the proposed demolition would not cause any harm to the Conservation Area. The change of use to housing was also supported in policy. Therefore, on land use terms, the scheme was acceptable.

Members were also advised of the key features of the scheme including the design, the materials, the layout, the housing plans including 37% affordable housing (that exceeded the minimum target in policy) and a large number of family sized units. The Committee were also advised of the amenity space, the transport issues, the parking and cycle plans, the service and refuse facilities and the measures to enable fire access. It was considered that the impact on residential amenity was acceptable due to the mitigation measures. The s106 agreement had been subject to independent testing. This showed that the scheme delivered the maximum amount that could be supported in view of the affordable housing offer based on viability.

In summary, the application complied with policy and Officers were recommending that it be granted permission. In response to Members, Officers referred to the planning consent for the neighbouring site at 207-211 Bow Road. It was noted this application sought to replicate and complement the features of that scheme to prevent any undue impact on that site.

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

1. That planning permission and conservation area consent (PA/13/00862 and PA/13/00863) at 213-217 Bow Road, London, E3 2SJ be **GRANTED** for the demolition of existing warehouse building and erection of three blocks of three, four and six storeys to provide 36 dwellings together with ancillary parking and landscaping SUBJECT to:
2. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the planning obligations set out in the committee report.
3. That the Corporate Director, Development & Renewal and Head of Legal Services is delegated authority to negotiate and approve the legal agreement indicated above.

4. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and conservation area consent and impose conditions plus informative to secure the matters set out in the committee report.
5. That, if within 3 months of the date of this committee the legal agreement referred to in paragraph 3.2 of the committee report has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission

6.2 6 Boulcott Street, London, E1 0HR (PA/13/00697)

Update Report tabled.

Councillors Anwar Khan and Rajib Ahmed left the meeting at 8pm (after the consideration of items 6.1 and 6.3).

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item regarding planning permission at 6 Boulcott Street, London for the demolition of existing building and redevelopment to provide an 8 storey building with a social club on the ground and 1st floor with residential above, comprising 25 units.

The Chair invited registered speakers to address the Committee.

Christopher Hicks spoke in objection acting on behalf of 1-9 Ratcliffe Cross Street. Whilst he was supportive of the development of the site, he considered that the plans would unduly effect the redevelopment of the adjacent Ratcliffe Cross site given the scale of the proposal and the site constraints. The development would be built right next to the boundary. The windows would take light from their site. As a result, it would prevent a large part of the site from being developed.

He also expressed concern at the impact on 3 and 5 Boulcott Street in terms of loss of light. The proposal would also create a 'cannoning effect' on Boulcott Street leading to poor outlooks and a sense of enclosure for residents.

Alongside this, there were major issues within the development itself with regard to excessive density, lack of affordable housing, poor outlooks for the future occupants and major sunlight failures within some of the proposed units.

He advised that there had been pre-application discussions with the Council in respect of the redevelopment of 1-9 Radcliffe Cross Street but that the development proposals had been stalled because of the current application. He considered that a joint scheme with the adjacent applicant should be considered that would better address these issues.

Colin Fowler spoke in objection. He expressed concern at the loss of light at 3

and 5 Boulcott Street and loss of privacy to the surrounding residents from the roof garden. The density range was twice the recommended and the proposal would also have an unacceptable impact on highway safety given that it would increase congestion on a very narrow one way street. There were also issues with noise and vibration and, according to the experts, some of the units may be unliveable.

Tony Collins spoke in support acting on behalf of the applicant and the Dockers Club. The applicant had fully taken into account the plans for the adjoining Ratcliffe Cross site and this had informed the plans. There would be no undue impact on such plans. He listed the benefits of the scheme.

Brian Nicholson spoke in support. He highlighted the history of the Dockers Club that had been based in its current location for many years and had always been open to the whole community. The building was in need of replacement. The plans would therefore provide a new purpose built community facility with contributions for health services and the street scene. The plans should be supported as the Dockers Club was an important social asset.

Jerry Bell (Applications Team Leader, Development and Renewal) presented the detailed report and update describing the location, the outcome of the consultation and the challenges with developing Boulcott Street generally due to the confined nature of the area. Mr Bell also explained the layout and the key features of the proposal.

Mr Bell addressed the concerns about the impact on 3 and 5 Boulcott Street and the adjoining site (especially addressing the daylight and sunlight impacts). Such impacts were due to the site constraints and were almost inevitable with any development that increased the height of the existing building. The Committee also noted the s106 offer including an offer towards off site affordable housing that could not be provided on site because it was difficult for the provider to manage additional units on a mixed tenure floor.

On balance, given the benefits of the scheme (including the new community facilities and affordable housing), Officers considered that the scheme was acceptable and were recommending the proposal for approval.

In response to Members, Officers further explained the amenity impact to 3 and 5 Boulcott Street. It was explained that any redevelopment of the site was likely to have a similar impact unless at a very low level. It was also acknowledged that some of the proposed units within the development itself would experience similar amenity impacts from the adjacent wall and buildings.

It was noted that the plans would maximise the development potential of the site. Given this and the merits of the scheme, Officers considered that the density range was acceptable.

On a vote of 3 in favour and 1 against, the Committee **RESOLVED:**

1. That planning permission (PA/13/00697) at 6 Boulcott Street, London, E1 0HR be **GRANTED** for the demolition of existing building and redevelopment to provide an 8 storey building with a social club (Use Class D2) on the ground and 1st floor with residential (Use Class C3) above, comprising 25 units (9 x 1 bed, 13 x 2 bed and 3 x 3 bed) SUBJECT to:
2. The prior completion of a legal agreement, to the satisfaction of the Head of Legal Services (Environment) to secure the planning obligations set out in the committee report.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report
4. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

6.3 Calders Wharf, Saunders Ness Road, London, E14 3EA (PA/12/02784 and PA/12/02785)

Update Report tabled

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item regarding planning permission and conservation area consent at Calders Wharf, Saunders Ness Road, London for the redevelopment of Calders Wharf Community Centre to provide a new Community Centre and children's play group facility and 25 new residential units with associated disabled parking and cycle parking, landscaped public open space, private amenity space and other associated works.

The Chair invited registered speakers to address the Committee.

Geeta Kasanga spoke in objection. She objected to the impact on the nearby Island Gardens Conservation Area given the height of the proposal. The development would be very high and would harm and encroach on the Island Garden community space. She also questioned the legality of the development, in particularly the right of the developer to build on the land given the landownership disputes. She outlined the various issues relating to this dispute.

Councillor Peter Golds spoke in objection. Councillor Golds commented that he was speaking as the ward Councillor and on behalf of many residents. He objected to the impact of the development, particularly the height, on the neighbouring World Heritage Site buffer zone. The height of the development would be much higher than that of the surrounding buildings. The proposal was contrary to the regional policy that sought to prevent such damage. He also expressed concern about the plans to build over the Docklands Light Railway (DLR) structures and the ability of the proposal to safely support such

works. This would be very dangerous given the risk that the proposed structure could collapse. He questioned whether the plans justified such risks and damage to the setting of the heritage assets especially as there were so few social housing units.

Councillor Gloria Thienel spoke in opposition as a ward Councillor. She commented on the strength of the public opposition to the scheme with 136 letters in objection, a petition against with 490 signatures and an on line petition with 670 objections. Whilst the site was owned partly by the Council and the DLR, it appeared that the proposals would mainly assist the developer in making a profit.

The plans would damage the setting of the heritage assets due the height, the poor design and by removing the boundary wall. A wide range of external bodies including the Friends of Island Gardens had objected to the scheme due to such issues. No noise study had been undertaken.

Councillor Thienel referred to the issues in the surrounding area following the removal of the public toilets in Manchester Road. These problems would spill over to the site when developed. Councillor Thienel also referred to the landownership disputes that were currently being investigated. The proposal should be rejected to preserve this 'jewel in the crown'.

Heather Peters spoke in support as a local resident with children at the existing nursery. She considered that there was a shortage of nursery and education places on the Isle of Dogs so this proposal was welcomed. Whilst the services currently offered by the nursery were invaluable for local parents, the current facility was not fit for purpose. The Council's Children Services department supported the scheme. She also welcomed the new Community Centre as a customer of the existing facility. The plans would provide much needed facilities (such as classes) given the pressures on such facilities in the area.

Steve Inkpen spoke in support of the application. The proposal followed an extensive consultation period with the public. In response to the feedback, the scheme had been amended with a reduction in density, height and scale of the building. The proposal would provide new housing with 19% affordable units and increase the size of the park for public enjoyment. The plans would generate funding to cross subsidise the enhanced community facilities and the play space. In reply to Members, Mr InkPen clarified that the applicant, East End Homes, owned the site. (The DLR owned the subsoil). Any works affecting the DLR would be dealt with through a strict process of approval. The DLR were satisfied with the proposal subject to the conditions.

Mary O'Shaughnessy (Planning Officer) presented the report and update explaining the location and surrounds including the heritage assets. She explained the outcome of the public consultation including an on line petition that at noon of the day of the Committee, had generated 665 signatures in opposition.

The Committee were advised of the amendments to the previous scheme

(including the revised materials, the increased separation distances and the angling of the proposal away from the listed foot tunnel entrance) to ensure the scheme complemented and preserved the surrounding heritage assets. The Committee also noted the affordable housing and the s106 offer, subject to independent viability testing. This showed that the maximum amount of each had been secured in view of viability. The s106 offer included contributions for offsite affordable housing. The proposal would preserve residential amenity.

Officers considered that the case was finely balanced. However, in view of the merits of the scheme, were recommending the scheme for approval.

In response to Members, Officers provided further information on the landownership issues by reference to a plan that showed the interests in the site (clarifying that a small part of the site was registered as being owned by the Council). Officers and the DLR were satisfied with the safety of the scheme given the proximity of the scheme to DLR infrastructure.

Officers also confirmed the main changes since the previous scheme to protect the surrounding area including views from the south of the river. Officers were satisfied with the new plans and considered that the amendments successfully overcame the concerns. It was considered that the level of amenity space on site was acceptable given the proximity of the site to public open space and the contributions towards improving existing open space. The additional park space would be open to the public.

Planning Permission.

On a vote of 5 in favour and 1 against, the Committee **RESOLVED**:

1. That planning permission (PA/12/02784) at Calders Wharf, Saunders Ness Road, London, E14 3EA be **GRANTED** for the redevelopment of Calders Wharf community centre comprising the demolition of the existing building (387sq.m GIA) (Use Class D1) and adjacent boundary wall, railings and planters, the construction of a four storey building to provide a new Community Centre and children's play group facility (494 sqm GIA) (Use Class D1) and 25 new residential units (9x1 bedroom; 11x2 bedroom; 5x3 bedroom) with associated disabled parking and cycle parking, landscaped public open space, private amenity space and other associated works SUBJECT to:
2. The prior completion of a legal agreement to the satisfaction of the Head of Legal Services (Environment) to secure the planning obligations set out in the committee report and the update report.
3. That the Head of Legal Services (Environment) is delegated power to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the committee report and the update report.

Conservation area consent.

On a vote of 5 in favour and 1 against, the Committee **RESOLVED**:

5. That conservation area consent (PA/12/02785) at Calders Wharf, Saunders Ness Road, London, E14 3EA be **GRANTED** for the demolition of an existing modern constructed, single storey community building (387 sq.m. GIA, Use Class D1) (the Calders Wharf Community Centre), a 2.4 metre high brick boundary wall, railings and planters and tree removal.
6. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the committee report.
7. That if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development and Renewal is delegated power to refuse planning permission.

6.4 Cutty Sark House, Undine Road, London, E14 9UW (PA/13/01306)

Update Report tabled

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item regarding planning permission at Cutty Sark House, Undine Road, London for the demolition and redevelopment of Cutty Sark House to provide 36 dwellings in two buildings of four and five storeys, together with landscaping, four disabled parking bays and associated works.

The Chair invited registered speakers to address the Committee.

Detlev Munster spoke in objection as a resident of the adjacent development, the Clippers Quay Residential Estate (CQMC). He expressed concern at a number of oversights, leaving Council open to challenge. Firstly, he objected to the lack of a recent bat survey of the site as required by law. It was required that such a survey be carried out before consent could be given. He also objected to the lack of consideration given to the nearby gas unit. The health and safety implications of this should be made clear before the application was considered. He also expressed concern about the impact on CQMC land from the servicing on Undine Road.

He also objected to the loss of privacy to the surrounding properties due to overlooking, the loss of open space and the shortfall in affordable housing.

Jack Benson spoke in objection as a resident of the CQMC. He considered that the plans would impinge on the openness and spoil the unique character of the area. He also expressed concern about the noise impact on future occupants from the DLR and the proximity of the development to the street.

He also objected to the lack of family units, the impact on parking from the car free agreement and the servicing and delivery plans. This would lead to trespass on CQMC land. He also objected to the limited separation distances; the lack of play space; the disregard to the loss of habitat and the poor relationship with the setting of the surrounding area. As a result, the proposal would lead to overdevelopment and turn the area into an 'urban jungle'. He referred to a Parliamentary Undertaking, made in the early 1990s that, in his view, designated the site as an open space zone in compensation for the building of the Mudchute DLR station. The plans conflicted with this.

Councillor Peter Golds spoke in objection. He also emphasised the arguments around the impact of bats, the Parliamentary Undertaking and the impact on parking given the ability of future occupants to transfer existing permits. He also objected to the height of the proposal. The plans would tower over the Chapel House Conservation Area. Therefore, would harm the setting of the Conservation Area.

Roger Arkell spoke in support. The proposal would deliver new homes with a policy compliant level of affordable housing. There was an existing planning consent for the site and this proposal was very similar to this. He noted the concerns around servicing from Undine Road. However, it was considered that the servicing routes were acceptable. The applicant had the right to use the road for such purposes.

Mark Connell spoke in support. He considered that there was no evidence of bats on the site as shown by the ecological survey of the site undertaken in 2011. The issues around the Parliamentary Undertaking had been fully taken into account when the previous application was decided. The advice from all parties (the solicitors to the Counsel and the DLR) was that all obligations regarding this matter had been fulfilled. Therefore, it was not a material planning consideration. He also commented on the amenity space and the density range that complied with policy.

Nasser Farooq (Planning Officer) presented the detailed report and update explaining the location and the proximity to the nearby Chapel House Conservation Area and the DLR station. He explained the 2011 planning consent for the site. Due to a reduction in the grant support, the scheme could no longer be delivered.

He explained the similarities with the consented scheme. The main change was the increase in dwellings, achieved by changing the layout of the scheme. He also explained the affordable housing and s106 offer. The scheme had been subject to independent testing that showed that the optimum amount of each had been secured taking into account viability.

Officers had considered the comments of Environmental Health regarding the noise impact to the balconies nearest the DLR. However, Officers considered that the noise impact was no different from many other similar developments and the consented 2011 scheme. Overall given the merits of the scheme, Officers were recommending that the application be granted.

In response to questions, Officers confirmed the views of the LBTH Biodiversity Officer regarding the bat survey. According to the Officer, there was no evidence of bat roosting on site. However should demolition occur after April 2014, it was recommended that precautionary testing be carried out. The issue around the Parliamentary Undertaking had been fully considered at the time of the previous application and it was considered that all obligations had been fulfilled as explained above by the speaker in support.

On a vote of 3 in favour and 1 against, the Committee **RESOLVED**:

1. That planning permission (PA/13/01306) at Cutty Sark House, Undine Road, London, E14 9UW be **GRANTED** for the demolition and redevelopment of Cutty Sark House to provide 36 dwellings in two buildings of four and five storeys, together with landscaping, four disabled parking bays and associated works SUBJECT to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
3. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the committee report.

6.5 St Clement's Hospital Site , 2 Bow Road, London E3, (PA/13/1532, PA/13/1533 and PA/13/1534)

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item regarding planning permission, conservation area consent and listed building consent at St Clement's Hospital Site 2 Bow Road, London to facilitate the redevelopment of the Grade II listed former St Clement's hospital site comprising the part demolition, part refurbishment and change of use of the existing hospital buildings to accommodate 252 residential units, commercial floorspace, parking spaces, cycle parking, refuse storage, plant equipment, private and communal amenity space and associated works.

The Chair invited registered speakers to address the Committee.

Dennis Twomey spoke in objection to the application as a resident of a nearby property. Whilst supportive of the redevelopment of the site, his main concern was the impact on light to his property. He considered that the failings in the report (up to 20% to Brokesley Street properties) were significant and would affect the occupants quality of life. He acknowledged that there was an acute need for housing in the area. However, he considered that a different layout and design could solve the issues and should be explored. Therefore, he requested that the Committee reject this application and a better scheme be brought forward.

Katherine Tyrell spoke in objection to the scheme on behalf of the Mile End Residents Association and residents of Brokesley Street. Whilst supportive of the redevelopment of the site, she objected to the impact on Brokesley Street

in terms of loss of light. She also expressed concern at the impact on 644 Mile End Road. It appeared that no real consideration had been given to this. A further concern was the impact from night time deliveries, especially on the children sleeping in the nearby houses. This could go on for many years. She requested that all deliveries and construction work take place in normal hours. She also requested clarification around the s106 contribution for education (in terms of how and where it would be spent) in view of the additional pressure on education services.

Adrian Bohr spoke in favour of the proposal. He highlighted the merits of the proposal and the extent of the community consultation where most of the respondents had been broadly supportive of the scheme. In response to the feedback, the developers had amended the scheme to include the community floor space. The impact on 644 Mile End Road had been considered and there would be no undue impact. There would be minimal out of hours deliveries and servicing. Brokesley Street would not be used for this purpose. However, the applicant was willing to review the Construction Management Plan to ensure that such activities mostly took place on site. The community floor space would be in place in perpetuity.

Councillor Rachael Saunders spoke in support of the scheme as the local ward Councillor. She reported that, whilst she did initially lodge objections, having now heard about the scheme during the consultation, she now welcomed the proposals especially the plans for the community centre at the John Denham Building. At which the community were to be given two years to achieve a community use. On this basis, they were hopeful that they would be able to come back for planning permission in the near future to request a change of use.

She noted the benefits brought to the area by recent high quality festivals and cultural events and noted that the community use could also host such activities. The plans could help transform the area into an important cultural and community space.

Jane Jin (Planning Officer) presented the detailed report explaining the site location, surrounds and outcome of the local consultation.

The Committee were advised of the plans for the building including the housing mix, the community floor space and the café/restaurant. Members were also advised of the works under the listed building consent to retain and refurbish the listing buildings with minimal external interventions. English Heritage and the Council's Design and Conservation Officer had considered the proposals and had not raised any concerns subject to the conditions. It was considered that plans were in keeping with the surrounding area. It was also noted that the affordable housing offer was policy compliant and that the level of amenity space was acceptable including on site provision for children of all age ranges.

The sunlight and daylight impact had been assessed and it was noted that any development on the site would introduce some issues for the neighbours given that parts of the site were currently without buildings. However, on

balance, the impact on sunlight/daylight was considered acceptable in view of the merits of the scheme and as the impact was generally minor in nature. There was also a full s106 including education contributions and five apprenticeship places.

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

1. That planning permission (PA/13/01532), Conservation Area Consent (PA/13/001534) and Listed Building Consent (PA/13/01533) at St Clement's Hospital Site , 2 Bow Road, London E3, be **GRANTED** for:

PA/13/01532: Full planning permission for the redevelopment of the Grade II listed former St Clement's hospital site comprising the part demolition (and infill of associated basements), part refurbishment and change of use of the existing hospital buildings and the construction of eight new buildings between two and nine storeys high to accommodate 252 residential units, 306 sqm (GIA) community floorspace (D1 Use Class), 174 sq m (GIA) commercial floorspace (B1/A2 Use Class), 69sqm (GIA) café/restaurant (A3/A4 Use Class,) 32 parking spaces, cycle parking, refuse storage, plant equipment, private and communal amenity space and associated works.

PA/13/001534: Conservation area consent for the demolition of unlisted buildings (post-dating 1948) and removal of and works to trees in association with the redevelopment of Grade II listed St Clement's site.

PA/13/01533: Listed building consent for the demolition of the Timber Building, Catering Department, Nurses Home and Old Boiler House; the limited partial demolition of the Laundry building, the Bungalow, Administration Block, North Block, South Block, Generator and boundary walls; and the repair and conversion of the retained listed buildings in association with the planning application for the redevelopment of the St Clement's hospital site.

SUBJECT to

2. Any direction by The London Mayor
3. The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.

6. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission

7. OTHER PLANNING MATTERS

7.1 PLANNING APPEALS REPORT

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

That the details and outcomes as set out in the report be noted.

The meeting ended at 9.40 p.m.

Chair, Councillor Helal Abbas
Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Agenda Item 6

Committee: Development	Date: 12 th February 2014	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		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 London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 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 Development Plan unless material planning considerations support a different decision being taken.

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

- 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 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, 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 6.1

Committee: Development	Date: 12 February 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/13/02251
	Ward: Shadwell

1.0 APPLICATION DETAILS

Location: 375 Cable Street, London, E1 0AH

Existing Use: Hot Food Take-away (Use Class A5)

Proposal: Variation of condition 3 of planning permission granted by the Secretary of State for Communities and Local Government on 30th March 2011, reference APP/E5900/A/10/2141935/NWF, LBTH reference PA/07/03290, to allow opening hours from 9am - 10pm Sunday to Thursday and 9am - 11pm Fridays and Saturdays.

Approved Hours: 9am - 9pm Sunday to Thursday and 9am - 10pm Friday and Saturday

Drawings and documents: N/A

Applicant: Mr Tera Miah, Fried & Fabulous

Ownership: Freehold - London Borough of Tower Hamlets

Historic Building: None

Conservation Area: None

2.0 EXECUTIVE SUMMARY

- 2.1 The applicant seeks permission to extend the opening times of the 'Fried & Fabulous' hot food take-away from 21:00 to 22:00 Sunday to Thursday and from 22:00 to 23:00 on Fridays and Saturdays.
- 2.2 The main issue for Members to consider is whether the proposed extension of opening hours would result in an increase in late evening noise, disturbance and general activity in the locality and whether this would have an unacceptable impact on the amenity of local residents.
- 2.3 Members' attention is drawn to the two previous decisions of the Planning Inspectorate regarding operation of a hot food take-away at the site. The first appeal

has been dismissed in part due to the late opening hours proposed (until 22:30 all week) which in Inspector's opinion would result in introduction of late evening activity to a residential area to the detriment of residents' amenity. In the second appeal decision - which allowed the opening of the hot food take-away, the Planning Inspector considered that the use would be acceptable with regards to its amenity impact only if it was subject to a closing time of 21:00 Sunday to Thursday and 22:00 on Fridays and Saturdays. The Inspector noted that up to this time a certain level of noise and outside disturbance is to be expected in an urban location and that these restricted hours would mean that the premises would not attract trade from public houses and clubs after they close later in the evening, this having a particularly high potential for noise, anti-social activity and general disturbance. The Inspector also noted that such opening times would allow an appropriate balance to be struck between business viability and resident's living conditions.

- 2.4 Officers accept that in the later hours of the evening most residential occupiers have legitimate expectations to enjoy quieter periods and a peaceful living environment. Although the residents live in an urban environment, the site is not located in a town centre or in an edge of town centre location where there might be a reasonable expectation of noise and activity later into the evening.
- 2.5 In conclusion, officers consider that the hours of operation requested in this application are not compatible with the residential character of this part of Cable Street and that extending the opening hours would lead to an unacceptable increase in late evening noise, disturbance and general activity to the detriment of neighbours' amenity, which would be contrary to national, regional and local planning policy.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **REFUSE** planning permission for the reason below:
- 3.2 The proposed variation of the opening hours would result in an increase in late evening noise, disturbance and general activity in the vicinity of the premises and lead to an unacceptably harmful effect on the living conditions and amenity of the residents living directly above and adjoining the premises, and along Cable Street. This would be contrary to the general principles of the National Planning Policy Framework (2012), policy 7.15 of the London Plan (2011), policy SP03(2B) of the Core Strategy (2010), and policy DM25 of the Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future building occupants, as well as the amenity of the surrounding public realm.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 In March 2011 planning permission was granted on appeal for the change of use from retail (Use Class A1) to hot food take-away (A5) at 375 Cable Street (planning reference PA/07/03290, appeal reference APP/E5900/A/10/2141935).
- 4.2 Permission was granted subject to a condition restricting the time at which the hot food take-away can operate. The condition states:

The premises shall be closed to customers outside the following times: 09:00 to 21:00 Sunday to Thursday; and 09:00 to 22:00 on Fridays and Saturdays.

- 4.3 The condition was imposed in the interest of residential amenity.
- 4.4 The applicant seeks to vary this condition to change the opening times to 10:00 to 22:00 Sunday to Thursday and 10:00 to 23:00 on Fridays and Saturdays. In consequence, the hot food take-away would be allowed to open and close one hour later, all week.

Site and Surroundings

- 4.5 The application relates to 'Fried & Fabulous' a hot food take-away located within the ground floor of Fisher House, a four storey post-war public housing building located on the northern side of Cable Street, some 400m east of the Watney Market District Town Centre.
- 4.6 The vicinity of the site is of a residential character with only one other commercial unit, a convenience shop (Use Class A1) located at 377 Cable Street, directly adjoining the application site. The closest residential properties are located above and directly adjoining the application premises, as well as along both sides of Cable Street.
- 4.7 The application site is located in an out of town centre location, carries no policy designations and there are no statutory listed buildings or conservation areas in its immediate vicinity.
- 4.8 Cable Street is a one-way adopted highway which also houses a fully segregated stretch of the Cycle Super Highway between the City and Barking. The site benefits from good public transport accessibility and is within short walking distance, approximately 400m, of Shadwell Overground and DLR train stations.

Planning History

- 4.9 The application site has an extensive planning history. The first application for change of use from retail to a hot food take-away (ref PA/07/01104) was refused on 03/09/2007 with the subsequent appeal (ref APP/E5900/A/08/2063532) dismissed. The Planning Inspector on that occasion concluded that the proposal would be harmful to residents' living conditions due to excessive noise disturbance during evening hours (up to 22:30 all week).
- 4.10 A further application was made (ref PA/07/03290) and considered by the Committee in March 2008 when it received an officer recommendation for refusal. However, the Committee resolved to approve it subject to the opening times being reduced to 09:00 to 21:00 Sunday to Thursday, and 09:00 to 22:00 on Fridays and Saturdays. Subsequently a decision granting planning permission was issued in May 2008. A claim for judicial review followed in July 2008 (Case No CO/6311/2008). The Court ordered that the Council's decision be quashed because the reasons given for granting permission were inconsistent with the reasons given by the Committee at their meeting.
- 4.11 The application was returned to Committee in April 2009 with an officer recommendation for approval and was approved by Members at that meeting. However, a further claim for judicial review was lodged in July 2009 (Case No CO/7061/2009). The Court ruled that the planning permission should once again be quashed because Members should not have been advised that a school's healthy eating policy was not capable of being a material consideration.

- 4.12 Following this judgement, the application was reported to Committee for a third time in September 2009. On this occasion, an officer recommendation to approve the application was overturned by Members. The application was refused for health-related and highway reasons. The applicant has challenged the Council's refusal and successfully appealed (ref APP/E5900/A/10/2141935).
- 4.13 A Planning Enforcement Investigation (ref ENF/10/00115) was opened to investigate alleged non-compliance with conditions stipulating the details of the kitchen extract system and specifying opening hours.

5.0 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

National Planning Policy Framework 2012

5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013

- 4.7 - Retail and town centre development
- 7.15 - Reducing noise and enhancing soundscapes

5.4 Core Strategy 2010

- SP01 - Refocusing on our town centres
 - SP03 - Creating Healthy and Liveable Neighbourhoods
 - SP06 - Delivering successful employment hubs
 - SP10 - Creating Distinct and Durable Places
-
- SO6 - Refocusing on our town centres
 - SO16 - Delivering successful employment hubs

5.5 Managing Development Document 2013

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM25 - Amenity

5.6 Supplementary Planning Documents

N/A

6.0 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 No objection.

7.0 LOCAL REPRESENTATION

7.1 A total of 1133 letters were sent to neighbours and interested parties. Two site notices were displayed on 6th November 2013.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 69 Supporting: 31

No of petitions received: 1 in support with 199 signatories

7.3 The following issues were raised in objection to the proposal:

- Disturbance resulting from youths loitering outside the premises
- Proposed hours of opening inappropriate in a residential area
- General noise and nuisance would increase, further deteriorating neighbours' quality of life and amenity
- Customers engage in anti-social behaviour, littering and drug dealing. This would be exacerbated by longer opening hours
- A number of residents note that the current amount of trade at the takeaway and the premises' location does not warrant further hours of business and that the longer opening hours should not be justified due to the need of customers working late shifts as there are other nearby hot food takeaways which already open late
- Current opening hours are reasonable as they ensure that when the hot food takeaway closes the noise and disturbance dissipate and residents can enjoy some relief and get some sleep. Quiet periods during late evenings are very important to residents' quality of life.

[Officer comment: these issues will be addressed in the material planning considerations section of the report]

- The business is already trading outside the permitted hours

[Officer comment: this application was submitted as a result of a Planning Enforcement Investigation (ref ENF/10/00115), however the breaches that occurred in the past and have now ceased or been resolved are not considered to be a matter that should be given significant weight in the consideration of this application]

7.4 The following issues were raised in representations supporting the proposal:

- Convenience for people living and working in the area, in particular for patrons who work until evening hours
- There is community support for the take-away use which meets the needs of local people and provides a range of food

[Officer comment: these issues will be addressed in the material planning considerations section of the report]

8.0 PROCEDURAL MATTERS

- 8.1 Section 73 of the Town and Country Planning Act 1990 allows for 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 previously imposed. 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 and that the effect of granting an application under S73 is a new planning permission.
- 8.2 In accordance with tests set out in Circular 11/95 and paragraph 206 of the NPPF, planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 8.3 The applicant wishes to vary the opening hours to enable operation between 10:00 to 22:00 Sunday to Thursday and 10:00 to 23:00. In effect the premises would open an hour later and close an hour later, all week.
- 8.4 As premises were previously allowed on appeal to operate from 09:00 and this was considered satisfactory with regards to residential amenity impacts, it would be unreasonable and unnecessary for the local planning authority to further restrict the morning opening time as per applicant's request. For that reason, Members are requested to consider only the implications of extending the opening hours by one hour in the evening with the morning opening time remaining as previously approved.
- 8.5 As such, members should consider the following proposed wording of the condition:

The premises shall be closed to customers outside the following times: 09:00 to 22:00 Sunday to Thursday; and 09:00 to 23:00 on Fridays and Saturdays.

Reason: To safeguard the amenity of adjoining occupiers.

9.0 MATERIAL PLANNING CONSIDERATIONS

- 9.1 The main planning issue raised by this application that the Committee must consider is whether the proposed extension of opening hours would result in an increase in late evening noise, disturbance and general activity in the locality and whether this would have an unacceptable impact on the amenity of local residents. In reaching a decision Members should balance any possible adverse amenity impact arising from extended opening hours against benefits which longer opening hours could bring to the local economy and viability of the business. Officers consider that the proposal would not raise any highways issues, impact on the vitality and viability of the nearby town centres or detract from local residents' ability to adopt healthy lifestyles.
- 9.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.

- 9.3 According to paragraph 109 of the NPPF the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to noise pollution which could adversely affect surrounding existing development. Of particular relevance to the control of noise pollution through planning is paragraph 123 of the NPPF which specifies that planning policies and decisions should aim to
- avoid noise from giving rise to significant adverse impacts on health and quality of life;
 - mitigate and reduce to minimum other adverse impacts on health and quality of life arising from noise, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established; and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 9.4 Policy 7.15 of the London Plan acknowledges that reducing noise pollution and protecting good soundscape quality contributes to improving quality of life, and consequently requires development proposals to seek to reduce noise by minimising the existing and potential adverse impact of noise.
- 9.5 The Council's Core Strategy policy SP03(2B) seeks to address the impact of noise pollution in the Borough by managing the impact of noise created by the night-time economy through planning controls while policy DM25 specifies that in seeking to protect the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm, development should not create unacceptable levels of noise.
- 9.6 There are two potential sources of noise disturbance which could affect the amenity of neighbouring residential occupiers as a result of this application. The first is the noise arising from operation of the extract system located at the back of the premises. As the extract system was constructed in accordance with requirements of the Council's Environmental Health Officers and they raise no objection to the extended hours, it is considered that any nuisance arising from extended operation of the extract system would not warrant refusal on amenity grounds.
- 9.7 The second potential source of disturbance is that which could arise from comings and goings as well as from patrons congregating outside the premises. It is this second source of disturbance which could have a particularly pronounced effect on the amenity of adjoining occupiers during the quieter evening periods.
- 9.8 The Fried & Fabulous hot food take-away is located within a ground floor of a residential block, with flats located both above as well as directly adjacent to the application premises. Furthermore, there are residential properties on either side of Cable Street, in both directions from the application site.
- 9.9 The character of the area is residential with only one other commercial unit - a convenience store in the adjoining unit at 377 Cable Street. The dominant source of noise in the area is from traffic along the one-way Cable Street, from passers by including cyclists and from the nearby DLR railway line located to the north of the application site.

- 9.10 It is important to note that while Cable Street can be a busy thoroughfare during the morning and afternoon peak hours, the street is more peaceful later into the evening with minimal motor vehicle or bicycle traffic. It appears that during the later hours what limited activity there is in the area consists of local residents walking home from nearby train stations and bus stops. There is little footfall after the afternoon rush hour and the soundscape is of a relatively peaceful, quiet character - notwithstanding an occasional muted sound of a DLR train passing to the north of the application site.
- 9.11 The nearest town centre is the Watney Market District Centre located approximately 400m to the west. This centre is within a short walking distance away and contains a range of shops and services including a range of cafes and hot food take-aways which are open until late into the evening. There is also a number of hot food take-away premises located along the northern side of Commercial Road, also some 400m walking distance.
- 9.12 While a petition in support as well as a number of support letters were received, the Council has also received a substantial number of objections from residents living adjoining to and in the vicinity of the application premises. The objectors are concerned that the hot food take-away use - which already leads to disturbance during evening hours, would be extended further into the evening to the detriment of their amenity and living standards. In particular, residents are concerned about groups of youths loitering outside the premises leading to noise disturbance, littering and anti-social behaviour; while the supporters note the convenience of having a local hot-food take-away open into later in the evening.
- 9.13 The two previous decisions of the Planning Inspectorate regarding operation of a hot food take-away at the site are of note. The first appeal has been dismissed in part due to the late opening hours proposed (until 22:30 all week) which in Inspector's opinion would result in introduction of late evening activity to a residential area to the detriment of residents' amenity.
- 9.14 In the second appeal decision - which allowed the opening of the hot food take-away, the Planning Inspector considered that the use would be acceptable with regards to its amenity impact only if it was subject to a closing time of 21:00 Sunday to Thursday and 22:00 on Fridays and Saturdays. The Inspector noted that up to this time a certain level of noise and outside disturbance is to be expected in an urban location and that these restricted hours would mean that the premises would not attract trade from public houses and clubs after they close later in the evening, this having a particularly high potential for noise, anti-social activity and general disturbance. The Inspector also noted that such opening times would allow an appropriate balance to be struck between business viability and resident's living conditions.
- 9.15 Officers acknowledge that in the later hours of the evening most residential occupiers have legitimate expectations to enjoy quieter periods and a peaceful living environment. Although the residents live in an urban environment, the site is not located in a town centre or in an edge of town centre location where there might be a reasonable expectation of noise and activity later into the evening.
- 9.16 As discussed above, the background noise climate or the soundscape within the vicinity of the site, after the afternoon peak hour, is of a quiet character for an urban area, with little vehicular traffic and few pedestrians. There is no commercial activity nearby during late evening hours. As such, the extension of opening times by one hour, up to 22:00 Sunday to Thursday and 23:00 on Fridays and Saturdays, would introduce additional activity into the area and would result in further disturbance to neighbours' amenity and living conditions.

- 9.17 While the applicant and some supporters argue that there is demand from customers to extend the trading hours to reflect their working schedules, there are many other hot food take-aways and restaurants which are open until late within a short walking distance away, within the town centre of Watney Market and on Commercial Road.
- 9.18 In conclusion, officers consider that the hours of operation requested in this application are not compatible with the residential character of this part of Cable Street and that extending the opening hours would lead to an unacceptable increase in late evening noise, disturbance and general activity to the detriment of neighbours' amenity, which would be contrary to national, regional and local planning policy.

10.0 HUMAN RIGHTS CONSIDERATIONS

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 10.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.4 Were Members minded not to follow officers' recommendation, Members need to satisfy themselves that the potential adverse impacts from noise and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 10.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

10.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

11.0 EQUALITIES ACT CONSIDERATIONS

11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

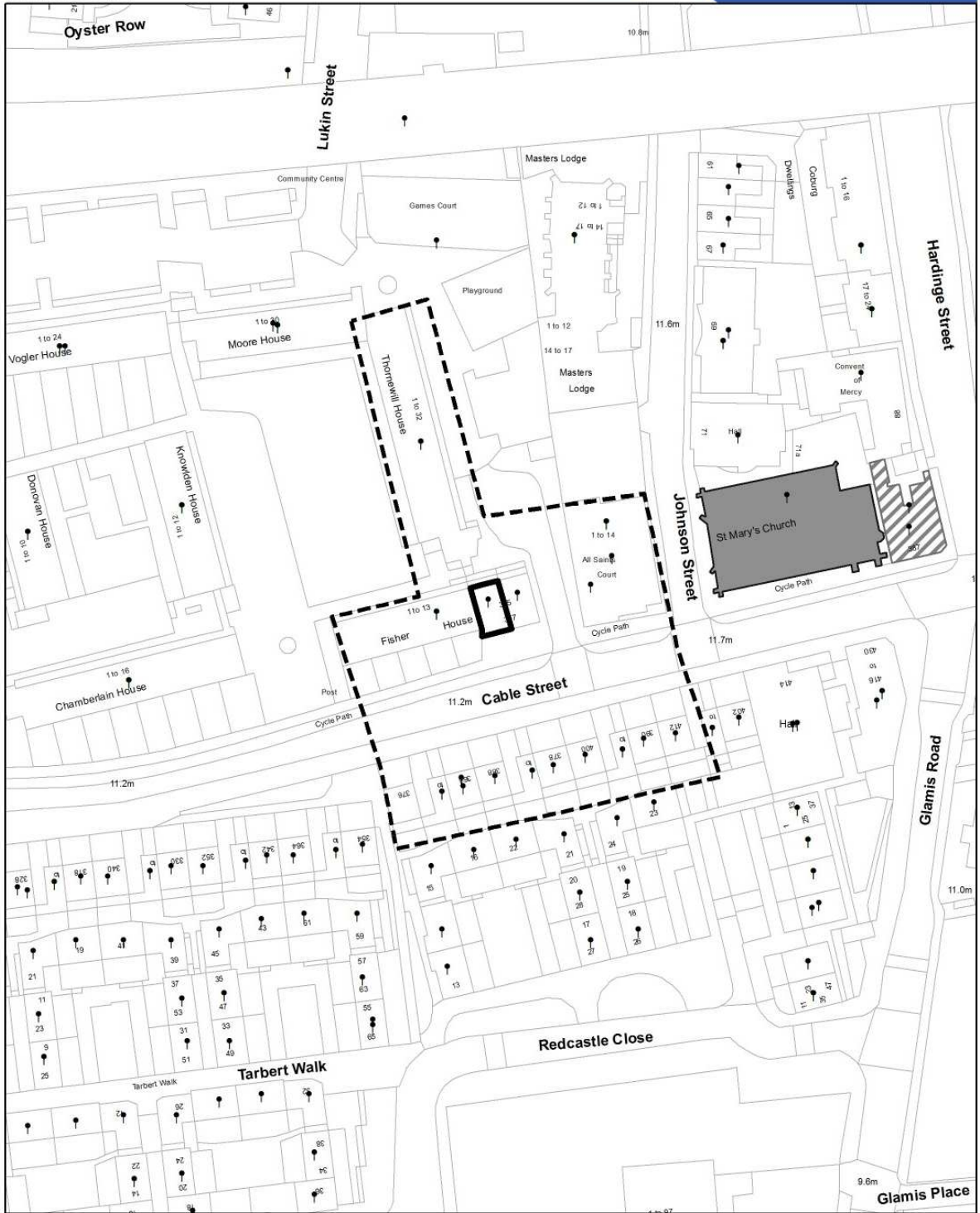
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.0 CONCLUSION

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

13.0 SITE MAP

Planning Application Site Map
PA/13/02251



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address
- OSLine



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 6.2

Committee: Development	Date: 12 February 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/13/02287
	Ward: Bow West

1.0 APPLICATION DETAILS

Location:	Coborn Arms, 6-10 Coborn Road, London, E3 2DA
Existing Use:	Public House (Use Class A4)
Proposal:	<ul style="list-style-type: none">- Erection of single storey side extension to existing kitchen at rear with new extract system.- Partial demolition of existing side extension at rear and erection of new extension to form new orangery dining area and herb garden.- Erection of single storey side/rear extension to existing bar.- Installation of new air-conditioning units and condensers onto existing flat roof.
Drawings and documents:	<ul style="list-style-type: none">- Design & Access Statement, by Mervyn Brown Associates Limited, ref 1309, dated September 2013;- Noise Survey and Plant Noise Assessment rev 1, by WSP, dated 26/09/2013;- Site Location Plan;- Drawings 1309/01, 1309/02, 1309/03B, 1309/04B and BWF/NFM/01.
Applicant:	Young & Cos Brewery Plc
Ownership:	Young & Cos Brewery Plc
Historic Building:	None
Conservation Area:	Tredegar Square

2.0 EXECUTIVE SUMMARY

- 2.1 The applicant seeks to partially demolish the existing single storey extensions at rear and to erect new, enlarged, single storey extensions to facilitate the expansion of the public house to provide improved dining facilities. A new kitchen extract system and air-conditioning plant would be provided and refuse storage would be moved indoors.

As a result of the proposed extensions, the floor area of the public house would increase from 308sqm to 421sqm. This represents an increase of 112sqm or 36.7%. According to the applicant, the capacity of the premises would increase from 200 to approximately 250 patrons.

- 2.2 The main issue for Members to consider is whether the proposed extension to the floorspace of the public house would result in an increase in late evening noise, disturbance and general activity in the locality and whether this would have an unacceptable impact on the amenity of the local residents bearing in mind the residential character of the neighbourhood and the historic nature of the public house use on site.
- 2.3 Coborn Arms is an established, historic public house and as such there are no planning conditions restricting the opening hours, time of deliveries or general operation of the premises. Nevertheless, other parallel control regimes exist to control the amenity impact of public houses under the Licensing Act 2003 and the Environmental Protection Act 1990. In the assessment of the proposal's amenity impact Members should consider whether the licensing and environmental protection regimes can be relied upon to control any adverse environmental or amenity impacts which could potentially arise as a result of the proposed expansion.
- 2.4 Officers consider that the physical extension works at rear, including new air-conditioning plant and a high level extract system, by virtue of higher standards of plant and lack of any openable fenestration, would not be detrimental to the amenity of neighbours. The extensions would also be of an appropriate scale, height, design and materials, and preserve the character and appearance of the Tredegar Square Conservation Area.
- 2.5 Nonetheless, the proposed new floorspace and capacity within the drinking establishment is likely to result in a higher number of patrons attending the premises during the day and evening. Although officers have no reason to doubt that most patrons would act responsibly when leaving the premises late in the evening, a minority would not. Rowdy behaviour or even loud talking by the additional patrons could have an impact on the amenity and general living conditions of the adjoining residents, especially those living within the line of sight of the forecourt of the premises.
- 2.6 Officers consider that it would be unreasonable to simply extrapolate that an increase in floorspace of 36.7% or an increase in capacity of 25% (as estimated by the applicant) would lead to a commensurate increase in disturbance experienced by neighbours. It is considered that the proposed increase in the floor area and the likely moderate increase in the number of patrons would not necessarily exacerbate the present amenity impact of the public house, and that in any event it would not worsen the present situation to such an extent as to materially affect the living conditions or amenity of the surrounding residential occupiers.
- 2.7 In conclusion, having had regard to the enforcement and control measures available to the Council under the licensing and environmental health regimes and the historic nature of the public house use, officers consider that the proposal would not affect the amenity of the surrounding residential occupiers to such an extent as to warrant refusal of the proposal.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission.

3.2 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.3 Conditions:

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of construction and demolition
4. Approval and implementation of sound insulation measures in accordance with standards
5. Extract system and A/C plant to be implemented and maintained in accordance with standards. No perceptible vibration or audible tonal noise. Extract system not to be operated after 22:15
6. Samples of brick and other external facing materials, full details of proposed roof lights and glazed wall
7. Cycle parking for staff
8. No public access to the roof of the extensions
9. No public access to the rear yard area and herb garden
10. Refuse handling to take place only within the proposed bin & recycle area

3.4 Informatives:

1. Development liable for Mayor of London Community Infrastructure Levy
2. Compliance with Building Regulations

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The applicant seeks to partially demolish the existing single storey extensions at rear and to erect new, enlarged, single storey extensions to facilitate expansion of the public house. A new kitchen extract system and air conditioning plant would be provided. The applicant intends to carry these works out in order to provide improved dining facilities and an extended gastronomical offer.

4.2 The proposal would provide for an enlarged kitchen with a walk-in fridge, a new orangery dining room with a herb garden, a new dining area and new toilet facilities. A dedicated indoor waste handling area would be created within the former garage. The extensions would be built over an existing rear yard as well as the garden at the rear of No. 6 Coborn Road which is currently not accessible to members of the public. Kitchen extract system with filters and sound attenuation would be located on top of the single storey extension and run up the rear elevation to discharge at high level. 5 new roof mounted air-conditioning units would be located adjoining the extract duct on the roof the rear extension. The extract system and the A/C units would be obscured by a low close boarded enclosure. Two roof lights would be provided to allow daylight and the part of the rear extension at 6 Coborn Road would be covered with a sedum green roof.

4.3 As a result of the proposed extensions, the floor area of the public house would increase from 308sqm to 421sqm. This represents an increase of 112sqm or 36.7%.

4.4 According to the applicant the current capacity of the premises is at 200 patrons inclusive of a dining area holding between 70 and 80 customers. With the increased

area, the capacity would, according to the applicant, increase to about 250 patrons with approximately 120 of these dining.

- 4.5 The previous iterations of the proposal involved creation of an alfresco dining area at rear and relocation of waste collection and deliveries from in front of the premises to the back, through Coborn Street. These elements of the proposal have been omitted by the applicant following public consultation feedback.

Site and Surroundings

- 4.6 The application relates to the Coborn Arms public house located on the eastern side of Coborn Road, off Bow Road. Coborn Arms is an established, historic, mid-terrace public house which has previously been expanded to include adjoining properties to the north and south.
- 4.7 The vicinity of the site is of a residential character, notwithstanding a Chinese take away restaurant located on the opposite side of Coborn Road, at No. 13 and two other public houses in the neighbourhood. These are the Morgan Arms, located at the corner of Coborn Road and Morgan Street, some 100m away and Lord Tredegar, located at the junction of Litchfield Road and College Terrace, some 370m walking distance. The nearest town centre is the Mile End Neighbourhood Centre, located approximately 300m to the south-west. There is also a number of commercial premises including a supermarket, along Bow Road, 200m to the south of the application site.
- 4.8 The nearest residential properties are located at either side of the public house, on the opposite side of Coborn Road and at the back, at Coborn Street, Coborn Mews and Regal Place.
- 4.9 The application site is located in an out of town centre location and carries no policy designations. It is located within the Tredegar Square Conservation Area but is not listed. There is, however, a large number of statutorily listed buildings in the vicinity, the closest being the Grade II listed terraces on either side of Coborn Road as well as the Grade II listed semi-detached villas on Coborn Street.

Planning History

- 4.10 The original Coborn Arms public house, at 8 Coborn Road, has previously expanded into properties to its immediate north, at No. 8, and south, at No. 6, as approved on 2nd November 1960 (ref PA/60/00520) and 4th July 1986 (ref PA/86/00451), respectively.
- 4.11 A condition is attached to the latter approval stipulating that the garden area at the rear of No. 6 Coborn Road is not to be used by the customers of the public house. This condition was imposed in the interest of residential amenity. Subsequent application to remove the restriction has been refused on 23rd September 1993 (ref BW/93/000590).
- 4.12 A planning application for erection of a substantial single storey rear extension to the residential property at 4 Coborn Road, immediately to the south of the application site, has been approved on 19th December 2013 (ref PA/13/02740). It is understood that the construction works have already commenced.

5.0 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**

National Planning Policy Framework 2012

5.3 **London Plan 2011 with Revised Early Minor Alterations published 11/10/2013**

- 4.7 - Retail and town centre development
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 7.1 - Building London’s neighbourhoods and communities
- 7.4 - Local character
- 7.6 - Architecture
- 7.8 - Heritage
- 7.15 - Reducing noise and enhancing soundscapes

5.4 **Core Strategy 2010**

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP12 - Delivering placemaking

- SO6 - Refocusing on our town centres
- SO16 - Delivering successful employment hubs

5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM8 - Community infrastructure
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

5.6 **Supplementary Planning Documents**

Tredegar Square Conservation Area Character Appraisal

6.0 **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 No objection subject to a condition restricting the hours of operation of the kitchen extract system.

[Officer comment: a condition will be placed to restrict the operation of the kitchen extract system until 22:15 every day]

LBTH Transportation and Highways

- 6.4 Two cycle parking spaces should be provided for staff. Given the nature of the public house use and good public transport connections no concerns are raised with regards to additional trips.

[Officer comment: details of cycle parking will be conditioned]

LBTH Design and Conservation

- 6.5 No objection in light of the site being framed by the presence of existing extensions and back garden development as well as the approved works to extend the adjoining residential property. The proposal would not result in harm to the character and appearance of the Tredegar Square Conservation Area. The setting of adjoining Grade II listed buildings would not be affected.

LBTH Planning Policy

- 6.6 No objection raised. The proposal would not be contrary to policy DM8 of the Managing Development Document as the proposal is for expansion of an existing, established facility. The premises would continue to serve a predominantly local customer base and have a predominantly local catchment area. There is no evidence to suggest that there is no need for the expansion of the premises or that they would cease to be local in nature or scale.

7.0 LOCAL REPRESENTATION

- 7.1 A total of 34 letters were sent to neighbours and interested parties on 1st October 2013. A site notice was displayed on 2nd October 2013 and a press advert published in East End Life on 28th November 2013.

- 7.2 As the applicant has amended the proposal following the original consultation, further consultation letters were sent to objectors on 28th November 2013.

- 7.3 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 44 Supporting: 0

No of petitions received: 0

An objection has also been received from the Mile End Old Town Residents Association.

- 7.4 The following issues were raised in objection to the proposal and will be addressed in the material considerations section of this report:

- Adverse amenity impact, through:
 - a) an increase in the general activity associated with the use

- b) an increase in the number of late night incidents and antisocial behaviour
 - c) more intensive use of the drinking/smoking area within the forecourt of the premises and through customers loitering on the footway on both sides of the road
 - d) increase in noise transmitted through party walls
 - e) increase in disturbance from deliveries, including barrels/kegs which are delivered during early morning hours
 - f) noise and light pollution from roof lights at rear
 - g) smell and noise nuisance from kitchen extract system at rear and from door to the kitchen area
 - h) disruption from construction and demolition works
 - i) loss of privacy
- The extension through its large floor area would constitute overdevelopment and would not be appropriate in a residential area and/or a conservation area. The proposal would be contrary to policy DM8 of the Managing Development Document as the neighbourhood pub would cease to be local in nature and no need for expansion has been demonstrated. The proposal would be contrary to the Core Strategy vision for the area which aims to create a place suitable for families and which reflects the quiet, more community-based side of urban living
 - The expansion would lead to an increase in traffic and parking stress on what is a narrow road
 - The proposed kitchen extract ductwork and air-conditioning units with timber enclosure would be inappropriate in a conservation area
 - The respondents to the re-consultation following amendments to the application generally welcome the amendments but maintain their objection to the proposal on grounds of the scale of the proposed extension.

7.5 The following matters require to be addressed directly:

- The proposal contravenes previous restrictions on the use of the rear garden at 6 Coborn Road

[Officer comment: the presence of a condition restricting public use of the rear garden at No. 6 Coborn Road does not prevent the applicant from applying to build over this area. The proposal should be considered on its own merits]

- Use of the alleyway for deliveries and refuse collection from Coborn Street would lead to disruption to neighbours amenity from noise and smell as well as create traffic issues on Coborn Street and create a hazard for school children

[Officer comment: this part of the proposal has been removed following public consultation. Deliveries and refuse collection would remain to be handled from the Coborn Road frontage]

- No alfresco dining area or beer garden should be created at the back as this would result in noise and disturbance. Customers should be prevented from accessing the external areas at rear so as not to cause nuisance.

[Officer comment: this part of the proposal has been removed following public consultation. All of the areas accessible to the public would be fully enclosed. There would be no public access to the remaining external areas]

- Hours of opening of the public house should be restricted by condition

[Officer comment: it would not be reasonable for the local planning authority to impose opening hours restrictions as the public house use is historic and is not currently subject to opening hours restrictions under the planning control regime. Officers note that the hours of operation are currently controlled under the licensing legislation]

- The public house should not be turned into a gastro pub or a restaurant

[Officer comment: Change of use from a drinking establishment (Use Class A4) to a restaurant (Use Class A3) would constitute permitted development and does not require the benefit of planning permission. An increase in the proportion of food sales versus alcohol sales and the focus of the business is one for the business operator to take]

- No dedicated delivery/loading bay would be provided and deliveries already disrupt traffic and increase parking stress along Coborn Road

[Officer comment: the Council's Highways section raises no objection to the application. It is considered that lack of a dedicated bay for deliveries or refuse collection would be a matter for the Highways section should they consider that it needs to be addressed]

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. The land use implications of provision of additional floorspace in an out of town centre location
2. The amenity impact of the proposal and in particular the impact of late evening comings and goings and disturbance
3. The suitability of the extension works and their impact on the character and appearance of the Tredegar Square Conservation Area
4. The highways and transportation impact arising from the increase in capacity

Land Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.
- 8.3 Paragraph 18 of the NPPF states that the planning system should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system. Strategic objective SO16 and policy SP06 of the Council's Core Strategy seek to support the growth of existing and future businesses in accessible and appropriate locations and to promote the creation of a sustainable, diversified and balanced economy with job opportunities provided in each place, in, and at the edge of, town centres. Provision of additional floorspace would likely lead to an increase in

job opportunities and make a positive contribution to the local economy. Members should take these potential benefits into account when considering other likely impacts of the development.

- 8.4 Core Strategy objective SO6 is to promote areas outside of town centres for primarily residential and supporting uses that do not need the higher levels of accessibility that town centres require. Specifically, with regards to public houses, policy DM1(4) directs such uses to designated town centres. This is in order to support their vitality and viability.
- 8.5 Public houses are also given special status of social and community facilities by policy DM8 of the Managing Development Document, further to policy SP03 of the Core Strategy which aims to deliver healthy and liveable neighbourhoods across the borough through protection of existing and management of the location of new social and community facilities. Policy DM8(4) states that extensions to existing facilities located outside of town centres will only be supported where they are local in nature and scale and where local need can be demonstrated.
- 8.6 The supporting text to policy DM8(4) explains that the Council considers that social and community facilities should generally be located within, or at the edge of, town centres as these locations are most accessible and because such uses make a contribution to the vitality and viability of town centres. Location of social and community facilities outside of town centres would only be considered in exceptional circumstances where there is a local need which is not being met elsewhere in the neighbourhood. Facilities provided in these locations need to ensure that their scale respects the surrounding area in terms of design, that there should be no impact on the functioning of the surrounding highway network or the amenity of surrounding residents.
- 8.7 While the above aims of policy DM8(4) are acknowledged, officers consider that lesser weight should be afforded to the land use element of the policy in this particular instance. Officers consider that it is crucial to take into account the fact that the proposal is for expansion of an existing, established, out of town public house and not for creation of a new facility which would rightly require exceptional circumstances in an out of town location. The amenity, design/conservation and highways impacts of the proposal are considered to be acceptable as discussed in the latter sections of this report.
- 8.8 It is considered that it would be highly unlikely for the expanded facility to draw a significant amount of trade away from existing town centre establishments and to have a marked effect on the vitality and viability of the nearby neighbourhood town centre in Mile End and district centre in Roman Road. Public houses are also a typical element of a traditional residential neighbourhood. The planning authority is not in possession of any evidence that the premises would cease to be local in nature or scale and cease to serve a predominantly local customer base. The planning authority is also not in possession of any evidence to suggest that there is no need for the expansion of the premises and it is considered reasonable that it should be up to the business operator, and therefore the applicant, to make a decision as to whether there is a need for the additional floorspace.
- 8.9 As such, it is considered that the proposal would be acceptable in land use planning terms and would not prejudice the Council's policies aiming to safeguard the vitality and viability of designated town centres.

Amenity

- 8.10 The main planning issue raised by this application that the Committee must consider is whether the proposed extension to the floorspace of the public house would result in an increase in late evening noise, disturbance and general activity in the locality and whether this would have an unacceptable impact on the amenity of local residents. In reaching a decision Members should balance any possible adverse amenity impact arising from extensions to the floorspace against benefits which the expansion of the facility could bring to the local economy.
- 8.11 According to paragraph 109 of the NPPF the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to noise pollution which could adversely affect surrounding existing development. Of particular relevance to the control of noise pollution through planning is paragraph 123 of the NPPF which specifies that planning policies and decisions should aim to
- avoid noise from giving rise to significant adverse impacts on health and quality of life;
 - mitigate and reduce to minimum other adverse impacts on health and quality of life arising from noise, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land use since they were established; and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 8.12 Policy 7.15 of the London Plan acknowledges that reducing noise pollution and protecting good soundscape quality contributes to improving quality of life, and consequently requires development proposals to seek to reduce noise by minimising the existing and potential adverse impact of noise.
- 8.13 The Council's Core Strategy policy SP03(2B) seeks to address the impact of noise pollution in the Borough by managing the impact of noise created by the night-time economy through planning controls while policy DM25 specifies that in seeking to protect the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm, development should not create unacceptable levels of noise.
- 8.14 There are three main potential sources of noise disturbance which could affect the amenity of the neighbouring residential occupiers as a result of this application. The first would be the noise which would arise from operation of the new extract system and five air-conditioning units to be located at the back of the premises, the second would be noise transmission to adjoining residential properties through party walls and/or any openings, while the third would be noise from comings and goings as well as from patrons congregating outside the premises.
- 8.15 The first two potential sources of noise pollution would predominantly affect the neighbours directly adjoining the application premises as well as those sharing the rear garden soundscape, while the third would predominantly affect the properties facing onto Coborn Road.
- 8.16 With regards to the first potential source of noise, the application proposes replacement of the existing low level kitchen extract system, which does not meet

contemporary standards, with a new DEFRA compliant high level extract system at rear, as well as replacement of existing air-conditioning plant attached to the rear wall of No. 6 Coborn Road, with new air-conditioning plant to be located on the roof of the existing rear single storey extension, adjoining the new kitchen extract system. The air-conditioning plant and the parts of the extract system running along the flat roof, at 1st floor level are to be obscured by a low timber enclosure. The high level part of the extract system would run within a brick enclosure, along the rear elevation, and discharge above roof level.

- 8.17 The applicant has submitted details of the extract system as well as a background noise survey and a plant noise assessment demonstrating that the cumulative noise output of the proposed plant would meet the Council's standard of 10dB below the lowest measured level. These details were reviewed by the Council's Environmental Health Officers who confirmed that they are acceptable subject to imposition of a condition restricting the hours of operation of the extract system. The proposed extract system would also incorporate odour filters to ensure that no unpleasant cooking smells would occur to adjoining residential occupiers.
- 8.18 The second possible source of noise which could cause disturbance to neighbours would be from noise leakage through party walls or window/ventilation openings. The existing single storey extension at rear contains windows in its southern elevation, those windows face towards the residential property at 4 Coborn Road. The proposed extensions would have no windows facing towards adjoining properties, while the proposed double glazed wall to the proposed internal herb garden or the proposed double glazed roof lights would not be openable. Due to these changes the rear garden soundscape should generally improve following implementation of the proposal. Nonetheless, as the new dining areas would be directly abutting the properties at 4 Coborn Road to the south and 7 Regal Place to the east, a condition would be imposed to require a scheme of sound insulation to prevent noise disturbance to the residential occupiers of these properties. A condition would also protect the rear garden soundscape through preventing public access to any remaining external areas, such as the narrow alleyway to Coborn Street or the proposed herb garden.
- 8.19 The third and in this case most important potential source of noise disturbance is that which could arise from comings and goings as well as from patrons congregating outside the premises. It is this third source of disturbance which could have a particularly pronounced effect on the amenity of adjoining occupiers during the quieter evening periods.
- 8.20 The Coborn Arms public house is located mid-terrace, on the eastern side of Coborn road, off Bow Road. The vicinity of the site is of a residential character, notwithstanding a Chinese take away restaurant located on the opposite side of Coborn Road, at No. 13 and two other public houses in the neighbourhood. These are the Morgan Arms, located at the corner of Coborn Road and Morgan Street, some 100m away and Lord Tredegar, located at the junction of Litchfield Road and College Terrace, some 370m walking distance. The nearest town centre is the Mile End Neighbourhood Centre, located approximately 300m to the south-west. There are also some commercial premises along Bow Road, 200m to the south of the application site.
- 8.21 Even though Coborn Road is a side road of the busy Bow Road, part of the strategic A11, a significant proportion of the traffic noise is screened by the surrounding built environment. The general character of Coborn Road is quieter and more typical for a residential area, with only single lane traffic in front of Coborn Arms. There is

however significant footfall and reasonable traffic during morning and afternoon peaks as Coborn Road provides a connection between the areas to the north of the railway line, in Bow, and the nearest underground station, in Mile End. It is also one of the few roads in the area which provide a vehicular connection across the railway line and into Bow or even the A12. As such, there is a reasonable level of activity along the street throughout the day and into the evening. Nevertheless, this activity dissipates following the afternoon peak and the soundscape of the area around the public house becomes dominated by the pub use itself with occasional noisier traffic from Bow Road.

- 8.22 As a result of the proposed extensions, the floor area of the public house would increase from 308sqm to 421sqm. This represents an increase of 112sqm or 36.7%. According to the applicant the current capacity of the premises is at 200 patrons inclusive of a dining area holding between 70 and 80 customers. With the increased area, the capacity would, according to the applicant, increase to about 250 patrons with approximately 120 of these dining.
- 8.23 In response to the public consultation, the Council has received a substantial number of objections from residents living adjoining to and in the vicinity of the application premises. The objectors are primarily concerned that the increase in the floorspace of the public house and therefore the capacity of the premises would lead to more late evening disturbance and thus have an adverse impact on their amenity and living conditions. The majority of the disturbance would occur through late comings and goings and the general activity associated with the public house use, as well as from patrons using the external smoking/drinking area and loitering on public footways near to the site.
- 8.24 Officers do acknowledge that in the later hours of the evening most residential occupiers have legitimate expectations to enjoy quieter periods and a peaceful living environment. However, while the vicinity of the site is of a predominantly residential character and the site is not located in a town centre or in an edge of town centre location, the residents live in an urban environment in a neighbourhood with a number of historic public houses. Residents would have been aware when moving to the area that living in the vicinity of a public house would involve being exposed to a higher degree of late evening disturbance.
- 8.25 Coborn Arms is a historic public house and as such there are no planning conditions restricting the opening hours, time of deliveries or general operation of the premises. Nevertheless, other parallel control regimes exist to control the amenity impact of public houses under the Licensing Act 2003 and the Environmental Protection Act 1990. It is noted that the four primary licensing objectives are the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm. In the assessment of the proposal's amenity impact Members should consider whether the licensing and environmental protection regimes can reasonably be relied upon to control any adverse environmental or amenity impacts which could potentially arise as a result of the proposed expansion.
- 8.26 The current licence for the premises restricts the opening times up to 23:30 on Mondays, Tuesdays and Wednesdays, 24:00 on Thursdays, Fridays and Saturdays and 23:00 on Sundays, except for 15 non-standard times per year where the premises can stay open until 2:30am. The use of the front drinking/smoking area is restricted to before 23:00, all week. Licensing Officers have confirmed that the same hours of operation would likely be applied to the new licence for the expanded premises due to be presented to the Licensing Committee on the 13th March 2014.

- 8.27 It can be reasonably expected that the proposed increase in floorspace and capacity within the drinking establishment would result in a higher number of patrons attending the premises during the day and evening. Although officers have no reason to doubt that most patrons would act responsibly when leaving the premises late in the evening, a minority would not. Rowdy behaviour or even loud talking by the additional patrons could have an impact on the amenity and general living conditions of the adjoining residents, especially those living within the line of sight of the forecourt of the premises.
- 8.28 Nevertheless, officers consider that it would be unreasonable to simply extrapolate that an increase in floorspace of 36.7% or increase in capacity of 25% (as estimated by the applicant) would lead to a commensurate increase in disturbance experienced by neighbours. It is considered that the proposed increase in the floor area and the likely moderate increase in the number of patrons would not necessarily exacerbate the present amenity impact of the public house, and that in any event it would not worsen the present situation to such an extent as to materially affect the living conditions or amenity of the surrounding residential occupiers.
- 8.29 In conclusion, having had regard to the enforcement and control measures available to the Council under the licensing and environmental health regimes and the historic nature of the public house use, officers consider that the proposal would not result in such an increase in late evening disturbance so as to warrant refusal of the proposal on amenity grounds.
- 8.30 In addition to noise disturbance as discussed above, policy DM25 of the Managing Development Document also requires development not to result in an unacceptable increase in privacy intrusion, overlooking, light pollution or sense of enclosure and to safeguard the outlook, daylighting and sunlighting conditions to surrounding residential properties.
- 8.31 The only residential occupiers whose outlook, sense of enclosure or daylighting conditions could potentially be affected are those at 4 Coborn Road, directly to the south of the application site. The impact could potentially arise from the proposed erection of a 3m high single storey rear extension covering the rear garden of No. 6 Coborn Road. It is noted that a planning application for erection of a substantial single storey rear extension to the residential property at No. 4 has been approved on 19th December 2013 (ref PA/13/02740) and the scheme's architect has confirmed to officers that construction works have already commenced. It is thus considered that the proposal would not result in an unacceptable sense of enclosure or a reduction to outlook or daylight at No 4 Coborn Road.
- 8.32 Furthermore, it is considered unlikely for the glazed roof lights to result in any significant light pollution. The privacy of neighbours would also not be affected as no direct lines of sight would be created. The amenity impact of increased deliveries would also not be significant.

Design and Heritage

- 8.33 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires Local Planning Authorities to pay special regard to the desirability of preserving the setting of statutory listed buildings and safeguarding their special historic and architectural significance. A similar duty has been introduced by Section 72 of the aforementioned Act with regards to development affecting the character and appearance of Conservation Areas.

- 8.34 The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.
- 8.35 The Council's Core Strategy strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's conservation areas and statutory listed buildings and to preserve or enhance the wider built heritage and historic environment of the borough. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. The aims of policy SP10 with regards to design and heritage are realised through detailed policies DM24 and DM27 of the Managing Development Document, respectively.
- 8.36 Specific criteria for rear extensions to buildings located in Conservation Areas are given in paragraph 27.7 of policy DM27. Rear extensions may be allowed provided they do not harm the significance, extend beyond the general rear building line of the terrace or group, not rise above the general height of extensions and do not destroy the uniformity or rhythm of the terrace or group.
- 8.37 The host property dates back to the mid-19th Century and is located within the Tredegar Square Conservation Area but does not carry a statutory heritage listing. There is, however, a large number of listed buildings in the vicinity, the closest being the Grade II listed terraces on either side of Coborn Road as well as the Grade II listed semi-detached villas on Coborn Street.
- 8.38 The host property has been extended on a number of occasions and rear extensions cover most of the area at rear of Nos. 8 and 10 Coborn Road. The area at rear of No. 6, which also forms part of the public house, has remained open with the exemption of an outbuilding at the end of the garden. Immediately to the south, at No.4 is a residential property with a part single, part double storey rear extension and construction works are ongoing to create a further single storey rear extension which would abut the proposed extension to the public house. Abutting to the east is the flank elevation of No. 7 Regal Place part of a 1990s two storey mews development.
- 8.39 The proposal involves erection of single storey extension covering the whole area at rear of No. 6 Coborn Road as well as infilling and extending further at the back of Nos. 8 and 10 Coborn Road. The single storey extension at No. 6 would have no window openings except for a double glazed timber rooflight located centrally, would be faced in matching London stock brick and covered in a green sedum roof to match the extension approved for the residential property at No. 4. The other infill extensions would cover areas generally already defined by existing extensions, high boundary walls and the flank wall of No. 7 Regal Place. These would also be faced in matching brick but would be located within the site, away from boundary with the residential property No. 12 Coborn Road. These extensions would have a felt roof and one timber roof light which would be located close to No.7 Regal Place. A walk-in kitchen would also be located within the rear yard. The proposed air-conditioning units would be located within the roof of the existing single storey extension, close to the rear elevation, while the extract system would run at first horizontally along the roof of the extension and then within a brick enclosure up the rear elevation to roof

level. The horizontal parts of the extract system and the air-conditioning plant would be obstructed from view by a low close boarded timber enclosure. It is noted that all of the proposed alterations relate to the area at rear which would not be visible from any of the local highways or publicly accessible areas within the Tredegar Square Conservation Area.

- 8.40 The Council's Conservation Officer has raised no objection to the proposal in light of the site being framed by the presence of existing extensions and back garden development as well as the approved works to extend the adjoining residential property. The proposal would not result in harm to the character and appearance of the Tredegar Square Conservation Area. The setting of adjoining Grade II listed buildings would not be affected.
- 8.41 Overall, it is considered that the proposed extension would be of an appropriate appearance, scale and use of materials and relate satisfactorily to the host building and the site's context. The proposal would preserve the appearance and character of the Tredegar Square Conservation Area and would not affect the setting of the nearby Grade II listed buildings.

Highways

- 8.42 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by part 2 of policy DM20 of the Managing Development Document. Furthermore, policy 6.3 of the London Plan and policy DM22 of the Managing Development Document set minimum standards for bicycle parking for staff.
- 8.43 The site is located on the eastern side of Coborn Road, an adopted highway, some 70m off Bow Road (A11) which forms part of the Transport for London Road Network. The site enjoys excellent public transport accessibility with a PTAL rating of 6a. A Cycle Superhighway and a number of bus services run along the A11 corridor. The site is also only just over 300m walking distance to the Mile End Underground Station.
- 8.44 The Council's Highways section raises no objection to the application subject to two cycle parking spaces being provided for staff - this would be secured by condition. Highways Officers raise no concerns with regards to the additional trips which would be generated by the development, given the nature of the public house use and good public transport connections.
- 8.45 Officers consider that with reference to transport matters including access, deliveries, servicing and parking, the proposed extension works would be acceptable and accord with policy.

9.0 HUMAN RIGHTS CONSIDERATIONS

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English

law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.4 Members need to satisfy themselves that the potential adverse impacts from noise and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

9.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

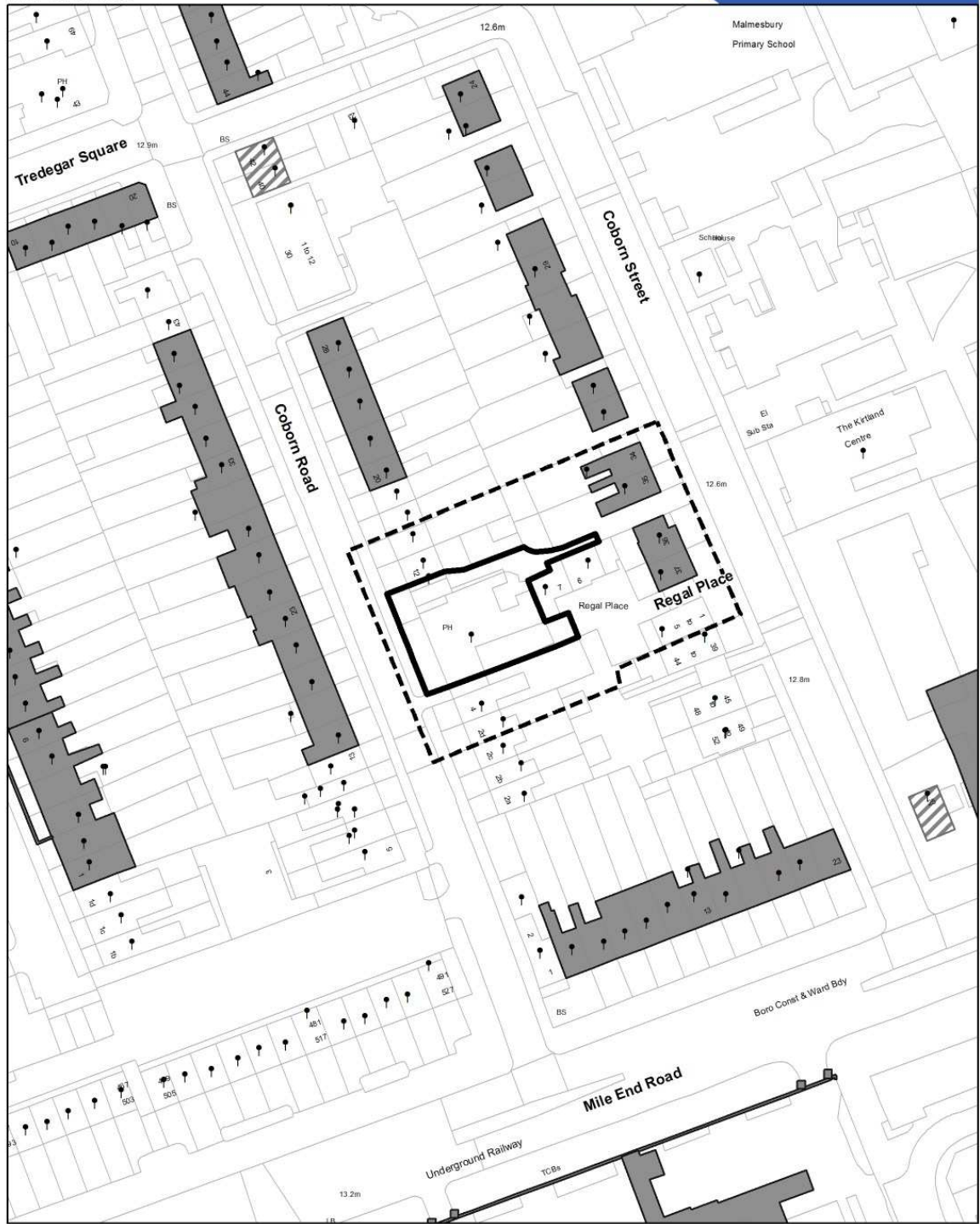
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.0 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be APPROVED.

12.0 SITE MAP

Planning Application Site Map
PA/13/02287



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
-
- Consultation Area
- Statutory Listed Buildings
- OSLine

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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