

DEVELOPMENT COMMITTEE

Wednesday, 6 April 2016 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Marc Francis
Vice Chair : Councillor Shiria Khatun
Councillor Sabina Akhtar, Councillor Rajib Ahmed, Councillor Suluk Ahmed, Councillor
Gulam Kibria Choudhury and Councillor Chris Chapman

Deputies:

Councillor Sirajul Islam, Councillor Andrew Cregan, Councillor Amina Ali, Councillor Shah
Alam, Councillor Julia Dockerill, Councillor Peter Golds, Councillor Andrew Wood,
Councillor Mahbub Alam and Councillor Craig Aston

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 4 April 2016**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 5 April 2016**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: zoe.folley@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

Attendance at meetings.

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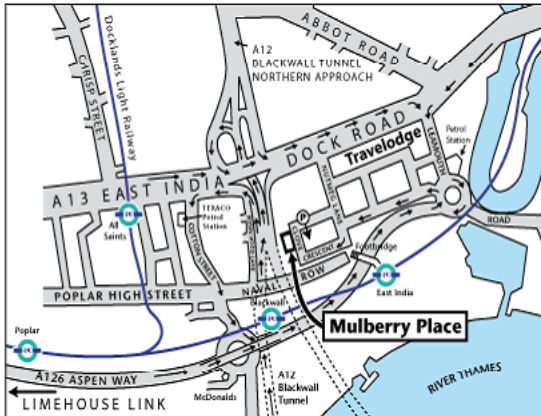
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APOLOGIES FOR ABSENCE

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 - 12)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 9th March 2016.

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 13 - 14)

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

None.

6.	PLANNING APPLICATIONS FOR DECISION	15 - 16	
6 .1	Duke of Wellington, 12-14 Toynbee Street, London, E1 7NE (PA/15/02489)	17 - 36	Spitalfields & Banglatown

Proposal:

Change of use from public house (A4) to a mixed public house / hotel use (sui generis). Erection of two storey extension at second floor and roof level and installation of dormer windows to allow the conversion of the first, second and third floor to accommodate 11 hotel rooms.

Recommendation:

That the Committee resolve to GRANT planning permission subject to conditions.

6 .2	42-44 Aberfeldy Street, E14 0NU (PA/15/03434 and PA/15/03435)	37 - 44	Lansbury
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Proposal

PA/15/03434

Retrospective planning application for the retention of an ATM (Cash Machine).

PA/15/03435

Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated 'Free Cash Withdrawals' sign set above the cash (ATM) machine.

Recommendation

That the Committee resolve to GRANT both planning permission and advertisement consent subject to the conditions in the Committee report.

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 27 April 2016 at 7.00 p.m. to be held 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:-

Melanie Clay Director of Law Probity and Governance and 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, 9 MARCH 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Shiria Khatun

(Deputy Mayor and Cabinet Member for
Community Safety)

Councillor Sabina Akhtar
Councillor Rajib Ahmed
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman

Other Councillors Present:

None

Apologies:

None

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Brett McAllister	– (Planning Officer, Development and Renewal)
Christopher Stacey – Kinchin	– (Planning Officer, Development and Renewal)
Tim Ross	– (Team Leader, Development and Renewal)
Jane Jin	– (Team Leader, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared a personal interest in agenda item 6.1 Bow Boys Secondary School, Paton Close, London, E3 2QD (PA/15/02917) as he had received representations from interested parties on the application and the application was within his ward.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 10 February 2016 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 and meeting guidance.

5. DEFERRED ITEMS

5.1 27-29 and 33 Caroline Street, London, E1 0JG (PA/15/02164)

Paul Buckenham, (Development Manager, Development and Renewal) introduced the application for the demolition of existing buildings on the site and the erection of two buildings up to 9 storeys in height to provide a residential led scheme. Members were reminded that at it's meeting on 13 January 2016, the Committee resolved not to accept the planning application for the following reasons:

- Insufficient provision of affordable housing.
- High residential density in excess of London Plan.
- Height and Scale of the development.
- Quality of child play space and communal amenity space.

As a result, the application stood deferred for consideration of a supplemental

report. The report now before Members included a slightly different housing mix, changes to the landscaping to increase the communal and child play space (taking into account the revised housing mix) clarifications as well as suggested reasons for refusal should Members be minded to refuse the scheme.

Brett McAllister, (Planning Officer, Development and Renewal) presented the report explaining the nature of the site. Members were reminded of the changes to the housing mix prior to the January Committee to provide 30% affordable housing and of the further amendments to provide 34.2% affordable housing that was closer to the Council's strategic policy target of 35%. It was also explained that the scheme provided the maximum amount of affordable housing that it could provide. Therefore a refusal based on lack of affordable housing would be difficult to defend at appeal.

In terms of the density of the scheme, the scheme had been rigorously assessed and while it exceeded the London Plan, it was found that the impacts of the scheme would be acceptable and that the density was broadly comparable to recently approved schemes in the area. Therefore it was considered that the density was appropriate. Furthermore, the scheme was of a high quality design that responded well to the area and the height compared favourable to surrounding developments.

Whilst the level of child play space marginally fell short of the policy targets, despite the changes, it was considered that this was acceptable given that the children would have access to communal space that exceeded policy and there would be a degree of overlap between the child and the communal play space. Images of the roof top play area were shown, a common feature of many new schemes.

Officers remained of the view that the scheme should be granted but if they were minded to refuse the application, the suggested reasons in the report were recommended.

In response to questions, Officers confirmed the changes to the housing mix to address the previous concerns, requiring the removal and replacement of units and the reconfiguration of the layout of the scheme to comply with the policy standards. The changes had not simply been achieved by converting the one bed units to into the new two bed properties. It was noted that the density of the scheme exceeded the targets in policy. However, due to the nature of the site, (including a railway line that would act as a buffer zone and provide breathing space), and the lack of undue impacts this was considered acceptable. Furthermore, the massing of the buildings had been sensitively designed to lessen the impacts.

Overall, the scheme would optimise use of a constrained site without any undue impacts, in compliance with policy.

Consideration had been given to the merits of reducing the height of the development but it was found that this would impact on the level of affordable housing that could be afforded by reducing the profitability of the application.

Officers were mindful of the shortfall in child play space within the scheme, but given the decision to prioritise the door step play space, its allocation for the different age ranges and the site constraints Officers felt that the approach to child play space was acceptable.

On a unanimous vote, it was **RESOLVED**:

1. That planning permission be **GRANTED** at 27-29 and 33 Caroline Street, London, E1 0JG (PA/15/02164) for the demolition of existing buildings at 27-29 and 33 Caroline Street and erection of two buildings up to 9 storeys in height to provide 56 residential units and landscaped amenity space, cycle parking and associated works subject to:
2. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the planning obligations set out in the 13 January 2016 Committee report and the revised housing mix in paragraph 3.11 of the 9 March 2016 Committee report.
3. Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
4. That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
5. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the 13 January 2016 Committee report.
6. Any other conditions/ informatives considered necessary by the Corporate Director Development & Renewal.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Bow Boys Secondary School, Paton Close, London, E3 2QD (PA/15/02917)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application submitted by the Council's Children's Department for the creation of a new 3FE primary school and 3 class Nursery on a former secondary school site, including demolition of existing temporary structures and outbuildings, alterations and internal refurbishment of a locally listed board school.

Chris Stacey-Kinchin (Planning Officer, Development and Renewal), explained the site and surrounds and the key details of the application

including the plans to demolish the temporary class room cabins, the science block and the design and technology building of little architectural value. He also explained the layout of the scheme, the design of the proposed glazed walkway, the indicative landscaping plans, the design of the play space and the measures to mitigate any impact from the scheme

Consultation had been carried out resulting in objections to the demolition of the caretaker's office and the existing brick wall boundary. It was noted that both of which were to be retained. Concerns had also been raised about overlooking and loss of light. These issues were addressed below.

Turning to the assessment, Officers considered that the application posed no undue issues in terms of overlooking from the scheme, due to the separation distances and that it was unlikely that users of the school would linger in the glass walkway. The scheme had been carefully designed to prevent any adverse impact on sunlight and daylight. There were measures in the Travel Plan to mitigate any highway issues.

Overall it was considered that the application would preserve and enhance the setting of the area given amongst other matters the quality of the design and provide much needed primary school places. In conclusion, Officers were recommending that the application be granted subject to the conditions.

In response, Members welcomed the retention of the two heritage assets and asked about the measures to safeguard their retention. Officers explained that the removal of these buildings would require a submission of a further application, requiring consideration at Committee. Reassurances were also sought about the impact on Paton Close from the comings and goings from the school given the narrowness of the highway and the risk that the disabled parking spaces may be used for pick ups and drops offs. Members stressed the need for steps to be taken to address this.

In responding, Officers referred to the measures in the Travel Plan encouraging travel to and from the school by sustainable means. The site also had a good PTAL rating. Whilst the implementation of these measures was a management issue, the applicant would be encouraged to work closely with the Council's Travel Advisor to implement and monitor the measures in the Travel Plan to prevent congestion on the highway.

Officers also answered questions about the number and location of the cycle spaces and the scooter spaces, for staff, visitors and for the students.

On a unanimous vote, it was **RESOLVED**:

1. That planning permission be **GRANTED** at Bow Boys Secondary School, Paton Close, London, E3 2QD (PA/15/02917) for the creation of a new 3FE primary school (630 places) and 3 class Nursery (75 places) (use class D1) on a former secondary school site, including demolition of existing temporary structures and outbuildings, alterations and internal refurbishment of a locally listed board school.

2. That the Corporate Director of Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report

6.2 Railway Arches, 157-170 Malcolm Place, London, E2 0EU (PA/15/01985 & PA/15/01984)

Paul Buckenham (Development Control Manager, Development and Renewal) the application for the change of use of railway arches to flexible use A1 – A4, B1 and / or B8 and associated external alterations.

Tim Ross, (Team Leader, Planning Development and Renewal) presented the application submitted to the Committee due to the number of objections received. It was noted that the site comprised 14 arches accommodating local businesses. A number of the businesses were still operating and some had relocated. A list of the existing businesses and how they had been provided for was set out in the Committee report.

The Committee noted the proposed ground floor layout and the location of the various proposed uses. Consultation had been carried out and one objection and a petition had been received. In terms of the material planning issues, it was considered that the proposed change of use complied with policy given the restrictions on the amount of A1-A4 uses to prevent an overconcentration of such uses in the area. It was also considered that the loss of employment space (based on the worst case scenario) was acceptable given that the new employment space would be of a much better quality and that the proposed retail space should also generate employment. There were measures to preserve neighbouring amenity.

Overall, it was considered that the proposal would enhance the setting of the area and should be granted planning and listed building consent.

In response to questions, Officers confirmed that the scheme should enhance the appearance of the existing building. It was required that a servicing and delivery plan was submitted to ensure safe and efficient operation of the borough's highway system. Once the nature of the new business were known, the plans would be required to take into account the needs of the new businesses. The site had a high PTAL rating and it was expected that most people would travel to the arches by sustainable means.

Careful consideration had been given to the results of the retail assessment that had been independently assessed. Given the results of the findings, (regarding the lack of vacant units in the Town Centre, the expected retail offer and the increase in residential dwellings in the area that should offset any impact on trade), Officers did not consider that the proposal would draw trade away from the Town Centre or local stores.

In response to further questions, it was confirmed that the forecourt and part of the pavement outside the arches formed part of the application site. The

applicant was required to fund highway improvements and alter the highway boundary. No general parking spaces would be provided.

Officers also confirmed what each occupant had been offered by National Rail. All of the existing businesses had been relocated in the vicinity and/ or had been offered compensation. It was understood that the applicant had come to an agreement with the petitioner. However, the petition had not been withdrawn.

Officers also said that 'affordable rents' were not secured but the nature and the location of the units meant rents would be likely to remain comparatively affordable compared to other business floorspace in the Borough.

In summary, Members welcomed the upgrade to the arches - especially the efforts to relocate the existing businesses.

On a unanimous vote, it was **RESOLVED**:

1. That planning permission be **GRANTED** at Railway Arches, 157-170 Malcolm Place, London, E2 0EU for the change of use of railway arches to flexible use A1 – A4, B1 and / or B8 and associated external alterations.
2. That the Corporate Director of Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report.

On a unanimous vote, it was **RESOLVED**:

3. That Listed Building Consent be **GRANTED** at Railway Arches, 157-170 Malcolm Place, London, E2 0EU subject to the conditions set out in the Committee report.
4. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

7. OTHER PLANNING MATTERS

None.

The meeting ended at 8.15 p.m.

Chair, Councillor Marc Francis
Development Committee

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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: 6 th April 2016	Classification: Unrestricted	Agenda Item No:
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 HEAD OF 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: See Individual reports	Tick if copy supplied for register: ✓	Name and telephone no. of holder: See Individual reports
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- 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 the relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development Committee	Date: 6 th April 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Beth Eite	Ref No: PA/15/02489
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Duke of Wellington, 12-14 Toynbee Street,
London, E1 7NE

Existing Use: Public House (use class A4) on ground and
basement floors with ancillary residential
accommodation above.

Proposal: Change of use from public house (A4) to a mixed
public house / hotel use (sui generis). Erection of
two storey extension at second floor and roof level
and installation of dormer windows to allow the
conversion of the first, second and third floor to
accommodate 11 hotel rooms.

Drawing and documents: Design and Access Statement rev B; Refuse
Strategy; Heritage Statement; 187_EE_00;
187_EE_01; 187_EE_02; 187_EE_03;
187_ES_00; 187_ES_01; 187_EX_01;
187_EX_00; 187_EX_01; 187_EX_02;
187_EX_03; 187_GA_01; 187_GA_00;
187_GA_01 rev A; 187_GA_02; 187_GA_03;
187_GA_04; 187_GE_00; 187_GE_01;
187_GE_02; 187_GE_03; 187_GS_00;
187_GS_01; 187_S_00

Applicant: Mendoza Ltd

Ownership: Mendoza Ltd

Historic Building: N/A

Conservation Area: Wentworth Street

2. EXECUTIVE SUMMARY

- 2.1. This report considers the application for the extension to the upper floors of the public house, installation of dormer windows and conversion of the ancillary accommodation to an 11 bedroom (hotel) use. As the hotel is connected to the public house this would be a mixed use, Classes C1 and A4 use (sui generis)
- 2.2. A total of 191 representations were received in objection to this proposal. The objections can be summarised as concerns over: the perceived loss of the A4 (drinking establishments) use; the lack of justification for the need for a hotel (use class C1); the lack of provision of wheelchair accessible hotel rooms; the potential for adverse highways and amenity implications from a hotel; and harm caused to the Conservation Area through the alterations to the building.
- 2.3. Officers believe that the proposal is acceptable for the following reasons:
 - The pub and pub garden would be retained and secured through condition.
 - The operation of a hotel above the pub is not considered to adversely impact the future viability of the pub.
 - The use, size and location of the hotel are appropriate within the Central Activities Zone.
 - The proposed external alterations are small in scale and the proposed materials and design details and elements are sensitive to the historic character of the existing building and Conservation Area.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.3. **Conditions**
 1. Three year time limit
 2. Development to be built in accordance with approved plans
 3. Requirement to maintain a public house use at ground floor and basement levels.
 4. Submission of details of proposed materials
 5. Details of external plant in accordance with a BS 4142:2014 noise report provided prior to commencement
 6. Details of internal noise insulation measures in accordance with a BS 8233:2014 noise report to be submitted prior to commencement and to include post completion testing.
 7. Servicing and Deliveries Strategy
 8. Details of 2 cycle spaces to be located within the public house garden

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The application site is a public house located on the southern corner of the junction between Toynbee Street and Brune Street. The site comprises a three storey 19th Century building and a paved yard located to the south (with access from Toynbee Street). The ground floor of the building, including the open yard operates as a public house (use class A4) and has done since the 1800s. The basement and upper floors of the building are used as ancillary accommodation.
- 4.2. The application site falls within the London Plan Central Activities Zone (CAZ) and the immediately surrounding area on Toynbee and Brune Streets comprises a mixture of residential dwellings and commercial buildings of a variety of uses (mostly retail on Toynbee Street and office on Brune Street). The buildings on these streets vary greatly in age, design and scale, and the building does not form part of any architectural cluster. No part of the site contains statutorily or locally listed buildings but the site is located in the Wentworth Street Conservation Area and the pub has been registered as an Asset of Community Value.

Proposal

- 4.3. The proposal involves the following:
 - 3.4m deep side extension at second and third floors.
 - The installation of dormer windows and internal alterations to allow the conversion of the existing loft space into accommodation (no change in roof ridge height).
 - The conversion of the ancillary residential accommodation together with the new accommodation to create 11 hotel rooms.
 - No changes are proposed to the use, structure or volume of the ground and basement floors or the pub garden.
 - Access to the hotel accommodation would be via Toynbee Street , with key collection and reception facilities via the public house.

5. RELEVANT PLANNING HISTORY

5.1. PA/14/03376

The previous proposal for the redevelopment of the pub was determined at Development Committee on 8th July 2015. The committee unanimously resolved to refuse planning permission for:

Demolition of existing structures on land adjacent to Duke of Wellington public house and creation of a total of 5 x residential units (C3 use). Replacement outdoor area to be reconfigured to the rear of the site. External alterations to the public house to include dormer and mansard roof extension to first and second floors of building, retaining existing ridge line and mansard roof. Retention of A4 use (Drinking Establishments) on ground floor.

Reasons for refusal:

1. The proposed development would cause harm to the Wentworth Street Conservation Area. The design and appearance of the proposed modern extension would be out of character with the local area and would cause harm to the character and appearance of the Wentworth Street Conservation area

and combined with the loss of the pub garden would harm the setting of other local heritage assets, including the Duke of Wellington Public House itself. This harm is not outweighed by the public benefits of the scheme and therefore the proposed development fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (201), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2011) (2015), the National Planning Policy Guidance.

2. The proposed development would result in the loss of existing outdoor space that would undermine the future viability and vitality of the existing Duke of Wellington Pub (12-14 Toynbee Street) and thereby fail to protect its function as community infrastructure. As such, the proposal would be contrary to policy SP01 of the Core Strategy (2010), and policies DM2 and DM8 of the Managing Development Document (2013), Policy 3.1(b) of the London Plan 2015, National Planning Policy Framework (2010) and the National Planning Policy Guidance.
3. The proposed development would be detrimental to the amenity of new residents of the proposed development due to the potential for fumes and noise resulting from the close proximity of the proposed residential accommodation and the proposed smoking area and public house use and would result in increased noise and disturbance to the occupiers of existing residential properties. Therefore the proposal would be contrary to policy DM25 of the Managing Development Document (2013), the London Plan (2015), National Planning Policy Framework (2012) and the National Planning Policy Guidance.

6. POLICY FRAMEWORK

6.1. 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:

6.2. Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014)

6.3. The London Plan – Consolidated with Alterations since 2011 (March 2015)

2.10: Central Activities Zone – Strategic Priorities
2.11: Central Activities Zone – Strategic Functions
3.16: Protection and Enhancement of Social Infrastructure
4.5: London’s Visitor Infrastructure
6.9: Cycling
6.13: Parking
7.4: Local Character
7.8: Heritage Assets and Archaeology

6.4. Site Designations

Central Activities Zone
Wentworth Street Conservation Area

6.5. Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP01: Refocusing on our Town Centres

SP06: Delivering Successful Employment Hubs
SP09: Creating Attractive and Safe Streets and Spaces
SP10: Creating Distinct and Durable Places

6.6. **Managing Development Document (adopted April 2013) (MDD)**

DM1: Development with the Town Centre Hierarchy
DM3: Delivering Homes
DM7: Short Stay Accommodation
DM8: Community Infrastructure
DM14: Waste
DM22: Parking
DM24: Local Character
DM25: Amenity
DM27: Heritage and the Historic Environment

6.7. **Other Relevant Documents**

Wentworth Street Conservation Area Character Appraisal and Management Guidelines

7. CONSULTATION RESPONSES

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

7.2. The following were consulted regarding the application:

Internal Consultees

Highways and Transportation

7.3. Over-sail License

The applicant should confirm if they hold an over-sail licence for the two areas of the existing structure that over-sail the highway.

7.4. Servicing.

The applicant has not provided any specific details regarding a parking location for servicing vehicles and taxi drop offs, as well as the frequency of these activities. It is expected that the implementation of a hotel, albeit with 11 rooms, could still have a significant increase in net person trips. However, there is no mention as to the frequency of daily taxi pick-up/drop-offs and whether this will be done in such a way that it circumvents potential risks to safety and causing inconvenience to the local public. There are no loading bays near the site and there are a limited number of business and permit bays within the province of the subject site. Additionally, the width of the service gates of the yard, as mentioned in the Deliveries/Servicing and Access statement, is not wide enough to accommodate vehicles. Therefore, the applicant has failed to demonstrate how the hotel use will be able to operate efficiently in this regard.

7.5. Cycle parking.

Although the nature and class use type of the proposal does not meet the threshold for the minimum cycle parking, as per the London Plan, Highways still expects the provision of at least two cycle parking spaces, within the site. This requirement is in accordance with the Tower Hamlets Development management.

Officers Comment: These issues are discussed in the Transport and Highways section of this report

7.6. **Environmental Health (Noise and vibration, Smell and Pollution,)**

This application requires further details to be provided before it can be supported. No noise report supplied; no plans have been supplied showing the route of the ductwork & the filtration system (for odour control); and no vibration information provided.

In line with BS 4142* a rating level of 10 dB below the background noise level at sensitive facades at times required to operate will always be the primary consideration. It is also a requirement that no noise nuisance shall be caused from the installation of plant or equipment including air handling and/or air conditioning at the nearest noise sensitive facades.

The applicant must always take into account the possibility of vibration or low frequency noise transfer through a building structure so it is essential that the plant is isolated away from walls and ceilings and the duct (were relevant) is insulated with high density Rockwool lagging or “mufti-lagging” where appropriate.

Full details of anti-vibration mountings for all plant and flexible duct connectors where necessary to prevent vibration transmission through the building (or ductwork) must also be provided.

All bedroom facades must be designed to meet to the daytime and night time standards in BS8233: 2014;

Development shall not begin until a sound insulation scheme for protecting the proposed development from road traffic noise, has been submitted, to, and approved by the Local Planning Authority. The sound insulation scheme shall meet the of 30dB LAeqT internally in all bedrooms and of 35dB LAeqT internally in all living rooms;

(Officer response: Officer’s consider it acceptable to deal with these matters via conditions.)

External Consultees

7.7. **Spitalfields Community Association**

No comments received.

7.8. **Spitalfields Joint Planning Group**

No comments received.

7.9. Spitalfields Society

The proposed use as described by the applicant and illustrated on the plans does not comply with LBTH Council policy D8 that seeks to protect community facilities, particularly those such as the public house at the Duke of Wellington that are formally listed as an asset of Community Value (ACV).

The standard of hotel accommodation that is proposed is very poor with too many rooms being crowded into too small a floor area. Access is extremely tight and completely impossible for the disabled, the infirm and the elderly. The applicant provides misleading information on the proposed room sizes, claiming for example that room 2 on the 1st floor has a floor area of 15 square metres when in fact it has a floor area of only about 9 square metres.

The proposal clearly does not seek to retain the present A4 use or to provide the equivalent use elsewhere, as required by Council policy DM8, and the applicant does not even try to demonstrate that there is no need for the facility, again as required by policy DM8.

A recent proposal for residential use above the pub was refused consent by the Council on the grounds that it would “undermine the future viability and vitality of the existing Duke of Wellington pub”. These current proposals would do exactly the same and should therefore be refused for the same reason.

The applicant has demonstrated no need for additional hotel rooms in the area, particularly of the very small and substandard budget type proposed here. Indeed, the Society is aware of literally thousands of new hotel rooms and short stay apartments currently being constructed or recently approved in the immediate area and is concerned that this influx of budget accommodation and the resultant transient population will compromise the amenity of what has become a well-established and settled residential area.

The Duke of Wellington is a typical corner site public house and as such is a very key component of the Wentworth Street Conservation Area. It is therefore a key heritage asset. Its proposed conversion from a genuine independent A4 pub use into C1 hotel use would greatly harm the Conservation Area. Much is changing very fast in this area and the sense of continuity and community that such a pub provides is becoming ever more important.

We note that the Council states in their report that the applicant has failed to demonstrate that the hotel use will be able to operate efficiently in terms of servicing, deliveries, collections and drop-off, especially given the proposed intensification of use of the site. We reiterate this issue as a further valid reason for objection to these poorly designed and ill-conceived proposals.

(Officer response: These issues are addressed in the material planning considerations section of the report)

7.10. Spitalfields Historic Buildings Trust

No comments received.

7.11. Historic England

“We do not consider that it is necessary for this application to be notified to Historic England”

7.12. Greater London Archaeological Advisory Service

Recommended no archaeological requirement

Public Representations

- 7.13. A total of 347 planning notification letters were sent to nearby properties and persons who had made representations on the previous proposal. The application proposal was also publicised by way of a site notice and press notice. Following an amended description to the scheme and additional information being received a second round of neighbour notification letters were sent. A total of 191 letters of representation were received in objection to this proposal.

Summary of the objections received

- 7.14. Loss of the pub (use class A4):

Objectors have speculated that the pub will be subsequently changed from A4 (drinking establishment) to A3 (café/restaurant) based on examples of the 'Z Hotel Group'. Objectors also believed that the concurrent operation of the hotel and pub (with guests picking up keys behind the bar) would undermine the nature of the drinking establishment and that the pub would be subservient to the hotel due to the hotel possessing a greater floorspace. Objectors also believed that there was no separate access for the hotel and therefore the pub would be used as a reception. Objectors noted that the pub is a registered Asset of Community Value and its loss should be resisted in accordance with local, regional and national policy. A further comment has been provided in the second round of consultation relating to a lease agreement between the owner and the occupier, regarding rent levels and restricted use of the garden area and how this would undermine the viability of the pub. This however, is not a material consideration.

- 7.15. Inclusion of a hotel element:

Objectors noted that there will be an intensification of the number of people at the building, which would result in *“greatly increased pedestrian and road traffic”* and raised concerns over the impact on nearby on-street parking and the use of taxis creating noise nuisance to neighbouring residents. Objectors believed that the hotel would compromise the supply of housing through the loss of the 2 bedroom ancillary flat. Objectors noted that the applicant had not justified the need for the hotel, and believe that the area is sufficiently well-served in hotel accommodation, quoting the Annual Monitoring Report of the Council, in saying that the borough already has a 30-year supply of hotel rooms under construction and consented and that if approved, this additional hotel would result in an over-concentration of that use.

Officer comment: There is no upper limit provided within the Local Plan for hotel rooms and no identification of a 30-year supply of hotel rooms. Appendix 3 of the Core Strategy identifies a target of 100 hotel rooms per year. This is a minimum target, rather than a maximum. The 2012/13 AMR records that no hotel rooms were completed within this year and 943 were approved.

7.16. Accessibility:

Objectors noted the lack of wheelchair accessible hotel rooms.

7.17. Harm to Conservation Area:

Objectors believed the perceived loss of the public house use (A4) would be harmful to the building's character and the Conservation Area. Objectors noted that no structural assessment of the building has been supplied or construction method statement and raised concerns that the lowering of floors would cause harm to the building. Objectors also believed that the dormer windows would be out of character for the area and would be visually intrusive due to their size and colour.

8. MATERIAL PLANNING CONSIDERATIONS

Land Use

- 8.1. The application proposal seeks to change the use of the ancillary residential accommodation on the first and second floors to a hotel. It is proposed to retain the pub on the ground and basement floors in its entirety with no change in usable floorspace. As this is a mixed use (the hotel being reliant on the pub for checking guests in and out) the land use is sui generis.

Retention of the public house (use class A4)

- 8.2. Policy DM8 of the Managing Development Document (2013) seeks to protect social and community facilities where they meet an identified local need and the buildings are considered suitable for their use, in accordance with the aims of policy 3.16 of the London Plan (2015).
- 8.3. To expand on the summary of objections in relation to the potential operators of the business: objectors believed that the business would be operated by 'Z Hotel Group' in the future, which were noted by objectors as having a number of boutique hotels with café space on the ground floor and hotel rooms above. The Z Hotel Brand was referenced on page 29 of the Design and Access Statement, but it was noted that the upper floors "... will be used as a small Boutique Hotel, *similar to Z Hotel Brand which 21st directors designed*" [emphasis added]. Officers consider this reference to be given in example of the potential interior design of the hotel and an example of the quality of the design standards of the applicant's Architects. It is not considered that this is a reference to the owners or leaseholders of the building, nor that any reference to the owners should prejudice a planning decision. If permission were to be granted it would run with the land and would not be personal to any particular operator or owner. Therefore Officers do not consider that objections in relation to the operation of Z Hotels or any speculation about potential future changes base on their other buildings can be materially considered.
- 8.4. In addition objectors believed the concurrent operation of the hotel and pub would undermine the viability of the pub. Firstly it should be noted that a number of objections are on the basis that the hotel and pub have only shared access. The proposed ground floor plan (Dwg. No. 187_GA_00) shows a separate access for hotel guests from Toynbee Street (labelled 'hotel access') and therefore guests would not be required to enter the pub other than in checking in and checking out. Objectors raised concerns over the proposed use of the bar as a 'reception' for the hotel. Whilst the Deliveries/Servicing and Access Statement proposes that the bar staff would check in guests. Due to the small volume of rooms (11) it is not considered that this

would undermine the principle use of the space as a drinking establishment. This arrangement is common across the UK in public houses which rent rooms on a short-term basis and indeed historically public houses were run as inns with rooms to let on the upper floors. In addition Officers do not consider that the relative quantities of floorspace for the two uses would result in the pub becoming subservient as this application only proposes an additional 56sqm of hotel floorspace. For these reasons, the operation of a public house and a hotel from the same site are not mutual exclusive and there are no reasons in planning terms to conclude that this proposal would undermine the viability of the pub as a drinking establishment. It should be noted that the applicant has stated both in the Design and Access Statement and on the plans that there will be no change the operation of the existing pub. The Campaign for Real Ale (CAMRA) publishes a viability test for public houses which advocates consideration of multiple use including bed and breakfast / hotel accommodation.

- 8.5. In the previous application it was considered by members (and subsequently stated on the Decision Notice) that *“the loss of the existing outdoor space would undermine the viability of the existing Duke of Wellington pub... and thereby fail to protect its function as a community asset”*. In response to this decision by the Development Committee this application now proposes no change to the size, location or layout of the outdoor space, which would continue to be used in connection with the public house and therefore it is considered by Officers that the proposal would not undermine the viability of the pub as a community asset.
- 8.6. The Duke of Wellington has been listed as an Asset of Community Value (ACV) since 17th July 2015. The ability to designate an ACV came into force under the Localism Act 2011 and gives the opportunity for local groups to put a bid together to purchase the land or asset if it is put up for sale. There is no established case law on how much weight LPA’s should give to an ACV when determining planning applications that could affect them. Planning applications should be determined in accordance with development plan policies and other material considerations. The fact that the building has been listed as an ACV is a material consideration and as the proposal seeks to retain the public house it would accord with the status as an ACV.
- 8.7. In addition, to preserving the pub use, officers are recommending an additional step to further protect this community asset. Buildings with A4 use (drinking establishments) benefit from permitted development rights for the change of use to A1 (coffee shop) and A3 (restaurant/café) under Classes A and B (respectively) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The building is listed as an ACV and as such the permitted development rights to change the use of the building have been removed, however if the ACV listing is removed / lifted then the permitted development rights would be available to the owner again.
- 8.8. Officers recommend the inclusion of a condition which restricts use of the ground floor and basement to a public house only. As this would be a sui generis use it is possible to secure this as a distinct element of the proposal. As a result of this condition, any future change of use of the ground and basement floors would require full planning permission, and it should be noted that current planning policy resists the loss of this use. This solution was also recommended under the previous application (PA/14/03376) and the applicant stated that they were happy to accept this condition. This condition allows a similar level of protection for the pub as currently exists with the ACV status and would also offer a greater protection for its preservation were the AVC status to be removed or the legislation amended.

Loss of residential accommodation (use class C3)

- 8.9. Policy DM3(5) seeks to resist the development that would result in a net loss in residential floorspace, residential units or any family housing.
- 8.10. The upper floors of the existing pub do not have the benefit of planning permission to be used as a single residential dwelling (use class C3) and therefore this accommodation is classed as 'ancillary' to the drinking establishment (use class A4). Whilst ancillary accommodation can be used (wholly or in part) as living accommodation for the manager or staff, the uses are of the primary and ancillary spaces are linked and this accommodation could also be used as office or storage space etc. Therefore it is not considered that this proposal would result in the loss of general needs residential (C3) accommodation.
- 8.11. Many objectors noted that some of the rooms above the pub on the first floor are currently operating as short-term letting rooms. Were this lawful, or established by reason of time which would preclude enforcement action, this proposal would not constitute a change in use. However, the letting of short stay accommodation in this building does not have the benefit of planning permission or a Certificate of Lawful Use and is therefore considered to be unlawful. Thus, for clarity, Officers have assessed the scheme based on its lawful use (ancillary residential) and the change of use to a sui generis hotel / public house use.

Provision of Hotel

- 8.12. Policy SP06 of the Adopted Core Strategy (2010) directs hotels towards the Central Activities Zone (CAZ), Activity Areas and major and District Centres, in accordance with policy 4.5 of the London Plan (2015).
- 8.13. Policy DM7 of the Managing Development Document (2013) seeks to promote the provision of visitor accommodation in such locations where: the size is appropriate to its location within the town centre hierarchy; there is a need for such accommodation; it would not compromise the supply of land for new homes; it would not create an over-concentration of such accommodation or cause harm to residential amenity; and there is adequate road access for vehicles undertaking setting down and picking up movements.
- 8.14. The application site is located within the CAZ and therefore is an appropriate location, in principle, for a hotel (use class C1) in accordance with policy DM7 and policy SP06, which seeks to concentrate hotels in the CAZ in order to promote tourism in the Borough.
- 8.15. The applicant has not demonstrated that there is a need for a hotel in this location, however policy 4.5 of the London plan seeks the delivery of 40,000 net additional hotel rooms by 2036. The addition of 11 rooms on this site would make a small but significant contribution to this target. This policy also supports small scale provision in locations on the fringe of the CAZ and this proposal is considered appropriate in this context. Policy DM7 does not specify what an overconcentration of hotels would be, however the closest two hotels (Brick Lane Hotel and Ibis London City on Commercial Street) are over 200m away (as the crow flies), it is not considered that 11 additional hotel rooms in this location would result in an overconcentration of this use in the area.
- 8.16. The previously refused scheme (under PA/14/03376) included a residential element which would have provided five apartments. However the reasons for refusal noted

the operation of the pub and pub garden as creating adverse amenity impacts on both existing neighbouring residents and future residents of the building. In respect of this it is considered that residential accommodation would be unacceptable in principle on this site whilst the pub operates. Therefore the provision of a hotel in this location would not compromise the supply of land for new homes.

- 8.17. Toynbee Street is not particularly narrow (accommodating on-street parking on both sides of the street and one way traffic) and although Brune Street is narrower (on-street parking on one side only), it is considered that both of these streets could accommodate taxi pickups and drop offs for this small number of hotel rooms.

Design

- 8.18. Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Section 72(1) relates to applications affecting a conservation area. It states that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 8.19. The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given *“special regard / attention” and therefore considerable weight and importance*.
- 8.20. The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to ‘Heritage, Design and Appearance’ are Chapter 7 ‘*Requiring good design*’ and Chapter 12 ‘*Conserving and Enhancing the Historic Environment.*’
- 8.21. Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 8.22. Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme.
- 8.23. Paragraph 126 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;

- the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.
- 8.24. Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 8.25. In this case the relevant designated heritage asset is the Wentworth Street Conservation Area. The subject building is not listed or referred to specifically within the conservation area character appraisal. It is however considered to positively contribute to the conservation area both in terms of its architectural style and its use.
- 8.26. Policy DM24 of the Managing Development Document (2013) seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by policy SP10 of the Adopted Core Strategy (2010) and policy 7.4 of the London Plan (2015).
- 8.27. Policy DM27 of the Managing Development Document (2013) seeks the preservation and enhancement of the Borough's heritage assets, including Listed Buildings and Conservation Areas, in accordance with policy SP10 of the Adopted Core Strategy (2010) and policy 7.8 of the London Plan (2015). It specifies that development within a heritage asset will only be approved where it does not have an adverse impact on the character, fabric or identity of the heritage asset, and requires development to be appropriate in terms of design, details and materials in the local context.
- 8.28. The previous application was refused due to the design of the modern appearance of the extension being harmful to the character and appearance of the Wentworth Street Conservation Area. This element has been removed in the current scheme and the only current proposed changes to the appearance of the building are the small side extension (on the Brune Street elevation) and the installation of dormer windows.
- 8.29. It should be noted that these alterations were proposed in the previous applications and Members raised no objections to their appearance or effect on the Conservation Area. Officer's therefore believe that the design proposed under this application would be appropriate within the Conservation Area since the extension would be modest in scale and the proposed materials and design details strongly reflect the existing style of this non-designated heritage asset. Objections received raised concern that the proposed dormers would be out of character with the Conservation Area and visually intrusive due to their size and colour. It should be noted that there is an existing former window with the roof currently, so it is not considered that these would cause any harm to the character of the building and would preserve the appearance of the Conservation Area. In addition the proposed use of white painted timber frames is considered to be sensitive to the character of both the Conservation Area (in its use of traditional materials) and the host building (reflecting the existing white painted timber windows).
- 8.30. Objectors noted that no structural assessment of the building has been supplied and raised concerns that the lowering of floors would cause harm to the building. Where buildings are not statutorily listed, the preservation of the internal layouts and materials cannot be given weight when considering matters of conservation. In accordance with this the Local Planning Authority does not require structural assessments on proposals which would not affect a statutorily listed building (either

the site itself or a nearby building or structure). The only effects on a designated heritage asset (the Wentworth Street Conservation Area) under this application arise from the external alterations from the building. In this instance neither Historic England, the borough conservation officer raised any objections to the proposed scheme.

Amenity

- 8.31. Policy DM25 of the Managing Development Document (2013) seeks to protect the amenity of neighbouring residents and building occupiers from the impacts of new development in accordance with policy SP10 of the Adopted Core Strategy (2010). These policies require development to not result in an unacceptable loss of daylight, sunlight, outlook or privacy in addition to not resulting in unacceptable levels of noise during the construction and life of the development.
- 8.32. Since there is no proposed change in the ridge height of the roof it is not considered that the proposal would result in a material loss of daylight or sunlight at neighbouring properties. In addition since the existing building is offset from the east façade of the neighbouring building on Brune Street (Carter House), it is not considered that the proposed extension would result in a loss of outlook or privacy at those dwellings either. In addition there are no residential windows facing the north façade of the building, and therefore the installation of dormer windows is also not considered to result in a loss of privacy for neighbours.
- 8.33. Objectors raised concerns that the hotel use would create noise disturbance for neighbouring residents through the slamming of taxi doors. It is not considered that the use of taxis would cause any significant material increase in noise or disturbance than the use of the pub garden until 10pm on weekdays and until midnight on Saturdays. Residents of Carter House had previously sent a letter of representation in support of the previously proposed reduction in size of the pub garden as they believed that this would reduce noise levels and improve their amenity. In light of this Officers are of the opinion that there are currently high levels of noise in this area at night and that the small increase in persons arriving and leaving the building would not materially worsen the existing situation, since the hotel users would likely remain inside once arrived.
- 8.34 The environmental health team have highlighted that hotel rooms require a similar level of insulation as residential units. In order to ensure this is the case and reduce the likelihood of complaints from occupants of the hotel rooms about the operation of the public house element. A condition requesting further details of this insulation and results of post-completion testing of the noise insulation prior to the occupation of the hotel use has been added to the recommendation.
- 8.35 There is no new kitchen proposed for the public house and the existing kitchen already has a ventilation system. This information was provided to the environmental health officer who verbally confirmed that if this was the case there would be no need for details of the ductwork or filtration system to be provided.
- 8.36 In terms of the noise reports, the British Standards require similar levels of noise insulation for hotel rooms as residential properties. The development will need to meet BS 4142:2014 which applies if any additional plant or equipment is installed to be at least 10dB below background noise levels and BS8233:2014 provides guidance on the levels of sound insulation required internally to protect the visitors from noise from the ground floor.

- 8.37. The details of external plant and the BS 4142:2014 noise report would be requested prior to commencement of the development and the BS 8233:2014 report will also be requested prior to commencement of the development, with a subsequent requirement for 'post-completion testing' after the hotel rooms have been installed to ensure a suitable level of noise insulation has been achieved
- 8.38. If there is additional mechanical plant required for this proposal a condition will also ensure that this is at least 10dB below background noise levels to ensure there is no detrimental impact upon neighbouring residents, as recommended by the Environmental Health Team.

Accessibility

- 8.39. Policy 4.5 of the London Plan (2015) seeks the provision of 10% of hotel rooms as wheelchair accessible. For this proposal to comply with this, it should provide at least one of the proposed hotel rooms as wheelchair accessible. Objections received raised concerns over the lack of provision of wheelchair accessible hotel rooms in the scheme. It is considered that in order to achieve this, the layout of the ground floor would have to be revised to accommodate a lift. This would reduce the usable floorspace for the public house and could undermine the future viability of the drinking establishment which has been of fundamental importance in the refusal of the previous application and has been of concern to objectors on this new application. On balance, the lack of provision of one wheelchair accessible hotel room is considered to be acceptable in this instance.

Transport and Highways

Servicing and Delivery

- 8.40. Policy SP09(3) of the Core Strategy seeks to ensure new development has no adverse impact on the safety and capacity of the road network. Concerns have been raised that this proposal would result in an increase in road traffic due to taxi pickups and set downs. However the site has excellent accessibility to public transport (PTAL 6b) and it is considered that many of the users of the hotel would travel to and from the site via public transport; particularly with the potential opening of the night tube and the future Crossrail services from Liverpool Street. In addition due to the small size of the hotel it is not considered that the volume of those who might use taxis would result in a significant impact on the capacity of Toynbee Street or Brune Street.
- 8.41. The Borough's Highways Officer raised concern that the applicant had not provided sufficient detail of the servicing and delivery arrangements for the proposed hotel. They noted that the surrounding street network has no loading bays and limited business and permit bays. In addition they noted that the width of the gates of the yard (mentioned in the Deliveries/servicing and Access Statement) is too narrow to accommodate vehicles. It is noted that the pub garden has been located in what would historically have been the service yard, there is therefore no intention to use the yard for delivery vehicles.
- 8.42. A condition requiring details of servicing and deliveries would be requested prior to the commencement of the use, this would include details of the frequency of the collections and information on whether linen and towels etc. are stored on site and collected in order to reduce the number of trips per week. There are double yellow lines outside the premises on both Brune Street and Toynbee Street, which allow loading and unloading. These spaces are currently used for the deliveries to the pub.

It is unlikely that the small number of hotel rooms would generate a significant degree of servicing as it would be mainly the delivery and collection of linen.

Car & Cycle Parking

- 8.43. The NPPF and Policies 6.1 and 6.9 of the London Plan (2011), Policy SP09 (4) of the Core Strategy (2011) and Policies DM20 and DM22 of the Managing Development document (2013) seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.
- 8.44. The Parking Addendum to chapter 6 of the London Plan (2015) states that there is no vehicle parking requirement for hotels, but that in areas with good access to public transport (PTAL 4-6) on-site provision of vehicle parking should be limited to operational needs. The proposal does not include any on site vehicle parking, however since the site has an excellent Public Transport Accessibility Rating (PTAL 6a), this is considered appropriate.
- 8.45. The Parking Addendum to chapter 6 of the London Plan (2015) also sets minimum cycle parking provision standards. For C1 (hotel) use 1 cycle space per 20 bedrooms should be provided. The Borough's Highways Officer noted the lack of cycle parking provision and stated that they would expect a minimum of two spaces to be provided. The installation of one Sheffield stand within the yard would meet this required and this would be required by condition. The installation of one cycle space in the yard would not significantly undermine the usability of the yard for the public house.

Refuse and Recyclables Storage

- 8.46. Policy SP05 in the adopted Core Strategy (2010) states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.
- 8.47. The applicant proposes to store waste in the bins currently located in the yard and states in their Delivery/Servicing and Access Statement that they do not believe that the operation of a hotel would result in a significant increase in waste. Officers note however that the bins are often located on the street rather than in the yard and any increase in number of containers would reduce facility of movement on the pavement and be unattractive to the street. However it is acknowledged that many properties on Toynbee Street are serviced using on-street sack collection, and that this small increase in waste and the potential for an additional container is not sufficiently undesirable as to warrant the refusal of this application.

9. HUMAN RIGHTS CONSIDERATIONS

- 9.37. 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:-
- 9.38. 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 Conventions rights are likely to relevant including:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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's interest (Convention Article 8); and
- Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole"

9.39. 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.

9.40. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

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

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

9.43. 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.

9.44. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

10. EQUALITIES

10.37. 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-

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

10.38. 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.

10.39. The London Plan (2015) requires 10% of hotel rooms to be wheelchair accessible. This application does not proposed any wheelchair accessible rooms (the provision of 1 room would be policy compliant), however it is considered that in order to do so floorspace from the pub would have to be sacrificed, which may undermine the future viability of the pub (which was previously considered reason for refusal).

11. FINANCIAL CONSIDERATIONS

11.37. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.

11.38. Section 70(4) defines "local finance consideration" as:

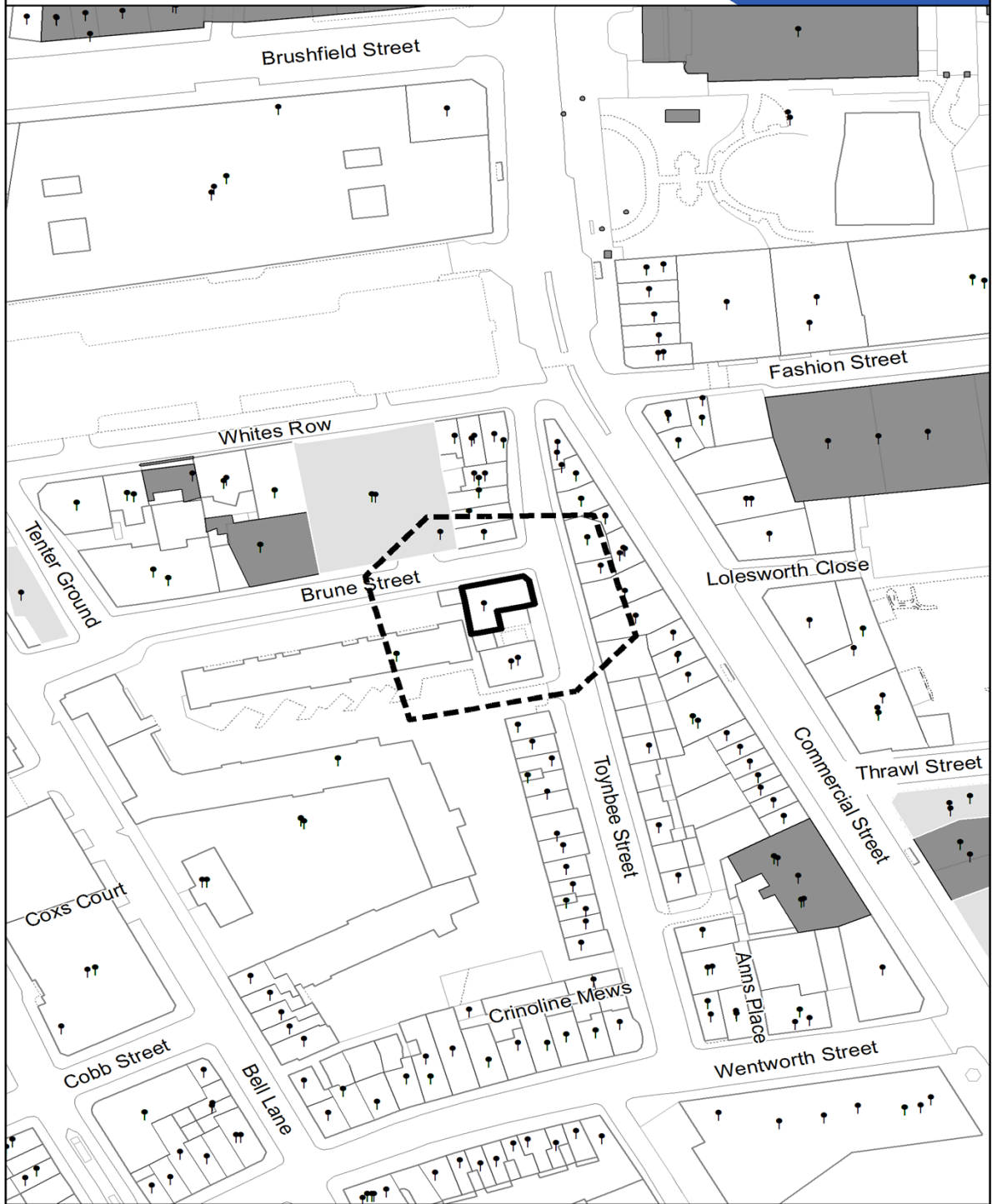
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.







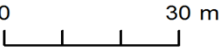
11.39. Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and that Borough's Community Infrastructure Levy came into on 1st April 2015. Both of which are payable (subject to certain exceptions) on floorspace created by development. This proposal does not meet the threshold for LBTH CIL as it is only proposed to create 56sqm of additional floorspace.

12. CONCLUSION

12.37. All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/15/02489



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 6.2

Committee: Development Committee	Date: 06 April 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Chris Stacey-Kinchin	Ref No's: PA/15/03434 and PA/15/03435
	Ward: Lansbury

1. APPLICATION DETAILS

Location: 42-44 Aberfeldy Street, E14 0NU

Existing Use: Retail (A1 Use)

Proposal: **PA/15/03434**
Retrospective planning application for the retention of an ATM (Cash Machine).

PA/15/03435
Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated 'Free Cash Withdrawals' sign set above the cash (ATM) machine.

Drawing & Documents: Site Location Plan
NM-05-2015-29-1, Rev A (Existing Elevations)
NM-05-2015-29-2, Rev A (Proposed Elevations)
Design & Access Statement including security note addendum

Applicant: Notemachine UK Ltd

Site Ownership: Poplar HARCA

Historic Building: N/A

Conservation Area: N/A

2 EXECUTIVE SUMMARY

- 2.1 This report considers two separate applications, one for retrospective planning permission for the installation of a cash machine or as it is also known, an Automated Teller Machine (ATM) within a shop front and the second application is for retrospective advertisement consent for the associated internally illuminated fascia serving the ATM and lettering sign set above the ATM keyboard.

2.2 The planning application has attracted a petition. The main concerns relate to the increase in noise nuisance caused by people using the machine during the evening/night and aggravating existing noise situation. Associated anti-social behaviour and light pollution amenity nuisance to residents stemming from the illuminated signage was also raised as a concern by nearby residents.

2.3 Officers consider the proposal to be acceptable for the following reasons:

- a) The location of an ATM on an established shop frontage in the context of a locally designated shopping parade is considered acceptable in principle and would help support the general activity and vitality of the local shopping parade to the benefit of local community, in accordance with adopted Local Plan policies.
- b) Any noise and other disturbance affecting the amenity of surrounding residential properties from public usage of the ATM is considered limited. Notably set within this site context and with the cash machine being located on a street within a shopping parade that has the presence of food takeaways in close proximity (all opened in the evening), it is considered that these uses are liable to result collectively in greater noise and potential congregation of people outside their premises rather than an ATM cash machine.
- c) The site is well lit and therefore, benefits from good levels of natural surveillance.
- d) The applicant has provided evidence which shows that appropriate security measures to safeguard against criminal gangs seeking to target the wholesale theft of the cash machine from the street have been put in place.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT both planning permission and advertisement consent subject to the following conditions:

3.2 Conditions on planning permission

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans

3.3. Conditions on advertisement consent

- (a) Consent expire after 5 years
- (b) Development to be built in accordance with the approved plans
- (c) Standard set of five conditions imposed on all advertisement consent Permit-free condition

3.4 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL

- 4.1 The proposal is for the retention of the ATM within the shop front and the associated internally illuminated fascia screen to the ATM and signage namely an internally illuminated cash sign set above the ATM keyboard stating the words ' Free Cash withdrawals' and a blue LED halo illumination to the ATM surround.
- 4.2 The works include the replacement of some glazing within the shop front and its replacement with a laminate security panel and modifications to the existing shutters.
- 4.3 The ATM as built is 0.865m (width) x 1.256m (height). The ATM machine is set 0.9m above pavement level.

5.0 SITE AND SURROUNDS

- 5.1 The application site of the cash machine opening is a small grocery/convenience store selling fresh vegetables located in the centre of the designated Aberfeldy Street Local Shopping Parade. The shop was originally in two parts and hence has two shop fronts.
- 5.2 The Aberfeldy Street local shopping parade serves the residents of Aberfeldy Estate and surrounding residential properties located in Poplar Riverside which is bounded by the A13 to the east and A12 to the south of the site.
- 5.3 The Aberfeldy Street local shopping parade is situated on Aberfeldy Street between the junction of this road with Blair Street to the south and Dee Street to the north. The application site shares with its neighbours (on both sides of the street) small retail premises at ground floor with 2 storeys of residential set above. The ground floor retail premises at No 42-44 is set slightly forward of residential floor space located above, as is the case with all the shops on this side of the road, with a balcony located on the roof of the projecting ground floor element. The balcony serves the individual residential flat located above the shop.

6.0 RELEVANT PLANNING HISTORY

- 6.1 PA/15/01444 - Retrospective planning application for installation of ATM (Cash Machine) installed through a white laminate composite security panel replacing part of the existing glazing, incorporating the ATM fascia with black surround and white illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to ATM surround.
- 6.2 PA/15/01445 - Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated CASH sign set immediately above the cash (ATM) machine.

Both of the above applications appeared on the agenda of Development Committee 28.10.2015, however were both withdrawn prior to the commencement of committee.

7.0 POLICY FRAMEWORK

7.1 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:

7.2 Government Planning Policy/ Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014)

7.3 London Plan (March 2015)

7.5 Public Realm

7.4 Tower Hamlets Core Strategy (adopted September 2010)

SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating distinct and durable places

7.5 Managing Development Document (2013) (MDD)

DM1 Development in the town centre hierarchy
DM23 Streets and the public realm
DM24 Place Sensitive Design
DM25 Amenity

8.0 CONSULTATIONS

Local Representations

8.1 A total of 21 planning notification letters were sent to nearby properties for each of the applications. Site notices were also displayed on the public highway outside the premises in respect of each application.

8.2 No written representation has been received in respect of the advertisement application for display of advertisements associated with the ATM.

8.3 A petition has been received with 39 signatories from local residents in Aberfeldy Street in respect of the planning consent for the installation of an ATM.

8.4 The petition states:

“Aberfeldy Street is predominantly a residential area, by installing a 24 hour cash machine with an illuminated sign will have an effect on the residential area; due to the reflection of the bright light during the evening time will cause nuisance to residents.

A 24 hour cash machine proposes there will be an increase in the amount of noise caused by people passing through to use the machine throughout the late hours of the night, which will be heard through our single glazed window. A problem which already exists is the noise caused by three food outlets in street which close quite late in the evening (Indian take away, Chinese takeaway and a Chicken and Chip Shop). Having a 24 hour cash machine will add

to the noise, not to mention the anti-social behaviour that will rise due to having many people driving by to use the cash machine very late at night, Unfortunately, this will produce much more distress for the local residents.

Also there is already an available cash machine [with] in Costcutter Supermarket which provides the service to the local community.

We are all to totally opposed to the above proposal”

Internal/External Consultation Responses

8.5 LBTH Highways and Transportation Team:

Highways have no objection to the application.

8.6 Metropolitan Police Crime Prevention Design Advisor

The following comments were provided under the previous applications (PA/15/01444 & PA/15/01445), and still stand as the current proposal is indistinguishable to the existing proposal:

The Crime Prevention Advisor identified considerations when considering the security/appropriateness of siting an ATM within the borough. The CPA raised reservations about the provision of an ATM within a retail store without any increased security fitted. No other concerns were raised. From an anti-social behaviour point of view, the Police would not normally have any issues with an ATM unit as they, alone do not often draw a group together around the unit as they are usually used in a 'visit and go' fashion.

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The planning considerations to consider with the advertisement consent are limited to:

- Amenity
- Public/Highway Safety

9.2 With respect to the planning application these two considerations also apply alongside the consideration of:

- Principle of land use
- General security and the development not unnecessarily attracting criminal activities by its design

9.3 When making a decision about whether to grant advertisement consent, the Council is restricted to considering the effects on amenity and public safety. The 2007 Control of Advertisement regulations 3(i) states an LPA should take development plan policies in so far as they are material.

9.4 Part 4b of policy DM23 of the adopted Managing Developing Document (2013) states that it will be necessary for advertisements and hoardings in the public realm to demonstrate that:

1. they do not harm the character, appearance and visual amenity of the site and the surrounding area;
2. they do not intrude into the outlook of nearby residents;
3. they do not have an adverse impact on public or highway safety; and
4. they enhance the visual amenity of vacant sites and building sites and the surrounding area.

Land Use

- 9.5 The principle of the installation of an ATM into a shop front is accepted in land use terms as it does not impact on the underlying use of the site; and in the absence of an alternative free cash withdrawal machine in the vicinity of the local designated shopping parade, it is considered in principle acceptable and indeed would help support the general activity and vitality of the local shopping parade to the benefit of local community, in accordance with adopted Local Plan policies. A town centre location is considered to be an appropriate location for cash machines as town centres by their very nature are defined as being accessible locations.

Amenity

- 9.6 The existing shop front on the premises is unprepossessing and is located in a shop parade of diverging shop fronts often of indifferent quality. The installation of the ATM is not considered to detract from the visual appearance of this shop front or the general appearance of the premises in the street scene more generally.
- 9.7 The ATM machine and associated signage is of a crisp design, avoids lettering of undue size and built of robust materials that should be suitably durable and should weather well.
- 9.8 Any noise and other disturbance resulting from the use of the ATM are considered to be limited. The cash machine is located on a street that has three fast food takeaways in close proximity (all opened late into the evening). As such, it is not considered that the presence of the ATM will result in any increase in noise to residents living above the shopping parade or lead to an unwelcome congregation of people outside the site premises.
- 9.9 The activity generated by the ATM is unlikely to significantly impact on the amenity of residents within the residential block above. As such, the proposal accords with Policy SP10 of the Core Strategy (2010), policy DM25 in the Managing Development Document (2013) which seek to ensure that new development does not compromise the residential amenity of neighbouring properties through unacceptable noise impacts. The ATM and signage as built is visually appropriate within the shop front context and as such this accords with Policy SP10 of the Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013). The above policies seek to ensure that new developments respect the visual appearance of the host building including the site context.

Public Safety/Highways considerations

- 9.10 The general design and luminance levels of the signage are not likely to impair the vision or cause a distraction to drivers. Aberfeldy Street is a side road without ready access from the arterial roads of the A12 and A13. As such, there are no prospects of the usage of the ATM giving rise to marked rise in dangerous unauthorised parking from future users of the ATM arriving by motor vehicle.

Crime Prevention

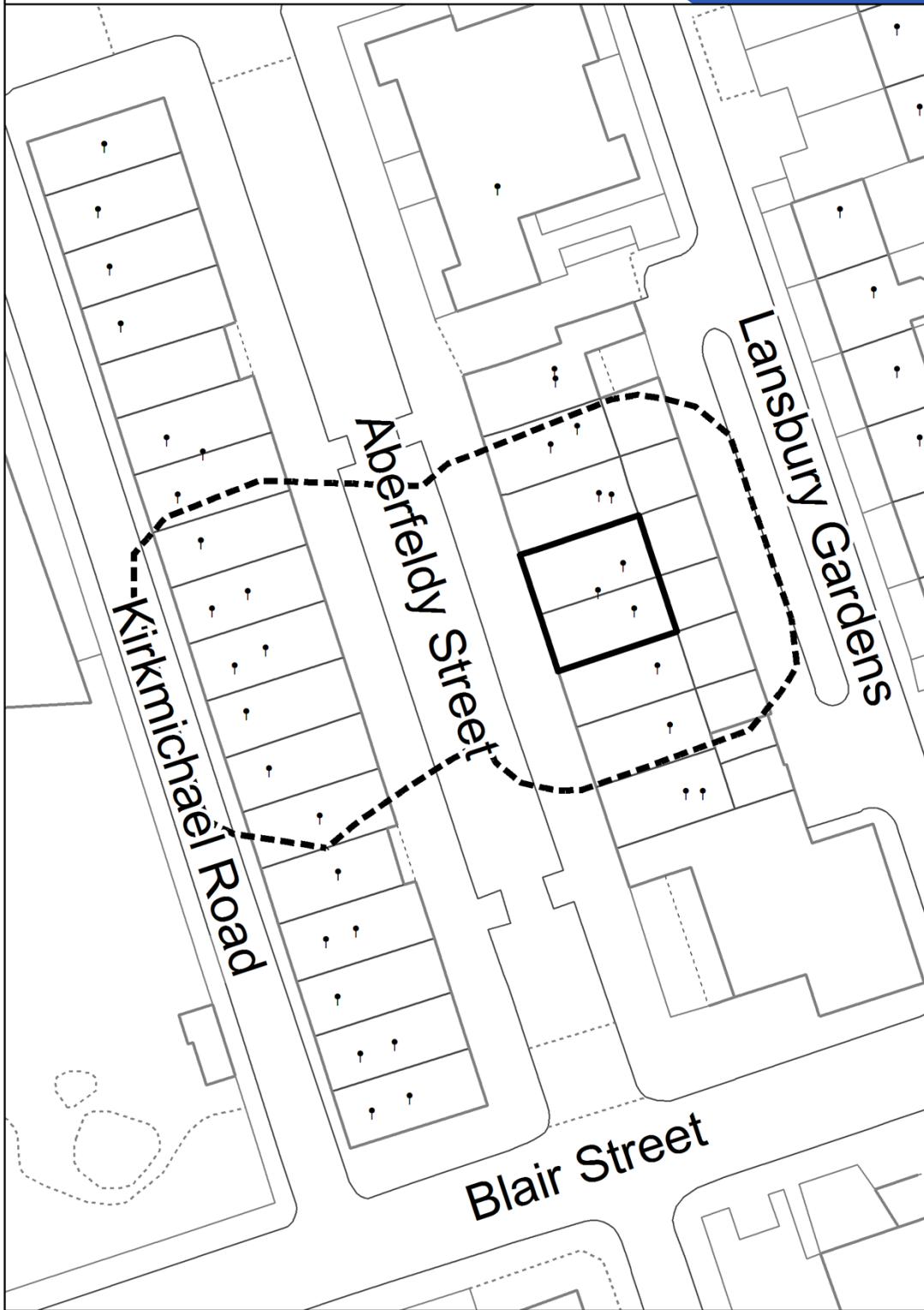
- 9.11 The application is accompanied by a statement on crime prevention measures with regards to the installation of this ATM. The ATM would be located in a shopping parade, on a well walked street that is well lit and with good levels of natural surveillance from both sides of the streets, from residents living above the retail units. The pavement is set above the carriageway which makes ramming of the machine not possible. Additional engineering has been added to the shop front to further secure the machine and CCTV cameras are installed within the shop.
- 9.12 In addition, from an anti-social behaviour point of view, the Met Police has confirmed that they would not normally have any issues with an ATM unit as this alone does not normally draw a group together around the unit as they are usually used in a 'visit and go' fashion. As such, the proposal is considered to have made the necessary measures to safeguard against criminal behaviour and complies with policy SP09 of the Core Strategy (2010).







10.0 CONCLUSION

- 10.1 For the reasons set out earlier in this report and with regards to relevant planning policies, the two applications are not considered to give rise to undue amenity issues to neighbours from noise or other forms of disturbances nor impact adversely on the visual appearance of the premises and the shopping parade more generally; in the absence of other negative material planning considerations, the retrospective applications are recommended for approval.

11.0 RECOMMENDATION

- 11.1 All other relevant policies and considerations have been taken into account. Planning permission and advertisement consent should be granted for the reasons set out in the Committee report



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 20 m	

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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