

Final Draft – Licensing hours Guidance Note for Development Management Officers

August 2014

TOWER HAMLETS



**Planning &
Building
Control**

This guidance note sets out indicative appropriate licensing hours within the borough.

Implementation of planning conditions in relation to operating hours is at the discretion of the Development Management case officer, paying due regard to existing planning policy, this guidance note and precise local context which might include, but not be limited to:

- proliferation of similar uses within a compact area which together are likely to have a negative impact on the amenity of nearby residents, businesses and other stakeholders;
- proximity of the applicant's business to residential units (except where night-time uses pre-dates residential use);
- likely degree of disturbance from both the direct operations of the business and from arriving and departing patrons on surrounding properties; and
- likely arrival and dispersal patterns of patrons and any potential impact on properties further afield from the location of the venue.

The methodology for calculating the suggested latest hours of closure is based upon the character of each area, its transport links and existing uses. For example, Cambridge Heath neighbourhood centre has been deemed suitable for later closing hours than the Christ Church Street Market district centre as Cambridge Heath is located around main thoroughfares, has numerous bus routes passing through, a railway station, and has relatively few residential units directly bounding the centre whereas Christ Church Street Market has a limited existing night-time economy offer with a number of residential units throughout and surrounding the area.

Appendix 1 contains the suggested latest Friday and Saturday closing hours for premises in the borough within each spatial policy area, though micro-local circumstances can necessitate variations to those limits within some areas (such as edge-of-centre locations within town centre boundaries). It should be noted that this guidance is not exhaustive or definitive; while guidance on the appropriateness of uses within policy is clear it may be the case that any given night-time use may be more appropriate in a particular location outside of a spatial policy area than one within the town centre hierarchy. Nevertheless, the guide times are indicative based on local context. Earlier closing hours than those stated may be appropriate between Sunday and Thursday.

Appendix 2 contains current Local Plan policy that are of most relevance to applications for night-time uses.

Paragraph 13.56 of the Licensing Guidance issued under section 182 of the 2003 Act provides: "There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time." The Council understands that on occasions venues (up to a capacity of 499 persons) may seek to go beyond their regular conditioned hours in

order to facilitate events, therefore it is suggested an application is submitted to vary existing planning conditions to enable them to operate with a Temporary Event Notice issued by the Council's Licensing Department. Venues with a capacity of over 499 persons must apply for a Time-Limited Premises Licence. Application forms for a variation of planning conditions and for a Temporary Event Notice are attached as Appendix 4 and Appendix 5 respectively.

Appendix 1: Suggested closing times by location - Friday & Saturday

Note: The hours in brackets denote latest times of exit

Area	Restaurants	Takeaways	Public Houses (Without entertainment)	Public Houses & Bars (With entertainment) and Nightclubs
Neighbourhood Town Centres				
Aberfeldy Street	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Barkantine Estate	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Ben Johnson Road	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Cambridge Heath	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Columbia Road	00:00 (00:30)	00:00	01:00 (01:30)	Unsuitable
Devons Road	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Limehouse	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Manchester Road	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Mile End	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Poplar High St	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Salmon Lane	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Stepney Green	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Stroudley Walk	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
Thomas More	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Wapping High St	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Westferry Rd	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
District Town Centres				
Bethnal Green	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Brick Lane	00:00 (00:30)	02:00	01:00 (01:30)	01:00 (01:30)
Chrip Street Market	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Crossharbour	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Roman Road East	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Roman Road West	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Watney Market	00:00 (00:30)	00:00	00:00 (00:30)	Unsuitable
Whitechapel	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Major Town Centres				
Canary Wharf	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Central Activities Zone				
Central Activities Zone	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Activity Area				
City Fringe	00:00 (00:30)	02:00	01:00 (01:30)	02:00 (02:30)
Isle of Dogs	00:00 (00:30)	01:00	01:00 (01:30)	Unsuitable

Non-Spatial Policy Areas				
Within 150m of residential property	23:00 (23:30)	23:00	00:00 (00:30)	Unsuitable
More than 150m from residential property	00:00 (00:30)	01:00	01:00 (01:30)	01:00 (01:30)

Appendix 2: Current Local Plan policy on night-time uses

Core Strategy

Spatial Policy 01 (Re-focusing on our town centres)

2. Ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre. This will be achieved by:
- b. Ensuring town centres are active, well-used and safe during day and night through appropriate uses and good design.
 - c. Encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of our town centre hierarchy. Ensuring such uses are:
 - i. Not over-concentrated in areas where they will have a detrimental impact on local people;
 - ii. Of a balanced provision to cater for varied needs; and
 - iii. Complementary to existing uses and activities.

Spatial Policy 10 (Creating safe and durable places)

4. Ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This will be achieved through ensuring development:
- a. Protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight);

Managing Development Document

DM1 (Development within the town centre hierarchy)

4. To further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:
- a. they do not result in an overconcentration of such uses; and
 - b. in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
5. Furthermore where A5 uses are supported in town centres:
- a. in district centres, the total percentage of A5 uses must not exceed 5% of the total number of units; and
 - b. the proximity of an existing (or proposed) school and/or local authority leisure centre will be taken into consideration.
6. In recognising the distinct roles and functions of Canary Wharf and Brick Lane town centres:
- a. A3, A4 and A5 uses in Canary Wharf major centre will be considered on the merits of individual applications; and
 - b. A3, A4 and A5 uses in Brick Lane district centre will be supported where they do not exceed 25% of the total number of units.

DM25 (Amenity)

1. Development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by:
 - e. not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.

Appendix 3: Example wording for a planning condition relating to operating hours

The use allowed by this permission shall not take place other than between the hours of: -

09.00- 23.00 Monday to Thursday

09.00 -01:00 Friday and Saturday

09.00 -22.30 Sundays

With all patrons to have left the premises within 30 minutes of the premises closes.

Unless the premises is operating in accordance with hours permitted by a valid Temporary Events Notice issued by the Council's licensing department. If the premises is operating under a Temporary Events Notice it should displayed behind the bar area.

Reason: To safeguard the amenity of adjacent residents and the area generally and to accord with policy DM25 of the Managing Development Plan (adopted April 2013)

Appendix 4: Application form for removal or variation of a condition following planning approval

Appendix 5: Application form for Temporary Event Notice