

<b>Committee:</b> Development Committee	<b>Date:</b> 3 <sup>rd</sup> August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Christina Gawne	<b>Ref No:</b> PA/16/00993
	<b>Ward:</b> Mile End

1. **APPLICATION DETAILS**

<b>Location:</b>	43 Thomas Road, London, E14 7EB
<b>Existing Use:</b>	A5 takeaways at ground floor with residential on the upper floors. A small tyre yard (sui generis) also operates on site, to the north of the existing building.
<b>Proposal:</b>	Retention of existing facades and redevelopment of existing building to provide no. 8 residential dwellings including new third floor. Change of use at Ground Floor from A5 (takeaways) to C3 (residential).
<b>Drawing and documents:</b>	Design and Access Statement rev 05 – 18/04/2016 Construction Logistic Plan rev 00 – 11/04/2016 Regulations Compliance Report Predicted Energy Assessments Servicing Plan rev 00 08/04/2016 PP_03_15_05_001 rev 05 PP_03_15_05_002 rev 05 PP_03_15_05_003 rev 05 PP_03_15_05_004 rev 05 PP_03_15_05_005 rev 05 PP_03_15_05_006 rev 05 PP_03_15_05_007 rev 06 PP_03_15_05_008 rev 05 PP_03_15_05_009 rev 05 PP_03_15_05_010 rev 05 PP_03_15_05_011 rev 05 PP_03_15_05_012 rev 05 PP_03_15_05_013 rev 05 PP_03_15_05_014 rev 05 PP_03_15_05_015 rev 05 PP_03_15_05_016 rev 05 PP_03_15_05_28 rev 05 PP_03_15__29 PP_03_15__30 PP_03_15__31
<b>Applicant:</b>	Mr Antony Grech

<b>Ownership:</b>	Mr Antony Grech
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	NA

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers the application for the redevelopment of the existing building at 43 Thomas Road to provide 8 new residential units. The proposal includes the retention and extension of the existing facades along with a new third floor.
- 2.2. A total of 29 representations were received in objection to this proposal, 1 as a single objection and 28 signatures on a petition. The objections can be summarised as concerns over: overcrowding, parking, and detrimental impact on neighbouring properties.
- 2.3. Officers believe that the proposal is acceptable for the following reasons:
- High quality design
  - Appropriate proposed land use, removal of the current inappropriate tyre yard
  - High quality residential standards
  - Appropriate scale, setting and massing, no unreasonable effects on neighbouring properties

## 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. Details of waste storage
  4. Details/samples of materials, including boundary treatments and screening between amenity areas
  5. Final Construction Management/Logistics Plan
  6. Renewable energy technology statement
  7. Ground floor internal stairwell window obscurely glazed
  8. Car free s106 agreement
  9. Details of Disabled Parking Bay
  10. Servicing and delivery plan, including waste strategy

### 13. Landscaping strategy

## 4. PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1. The application site is located on the corner of Burgess Street and Thomas Road. And has a PTAL rating of 3.
- 4.2. The site is occupied by a two storey former public house (The Galloway Arms) and is of Victorian construction. The building has undergone conversions and the ground floor is now occupied by an A3/A5 (café/takeaway) use with residential on the first floor.
- 4.3. The building effectively has two frontages, one on Burgess Street and the other on Thomas Road. The existing building has a prominent corner location and designed with a double height ground floor and heavy cornicing detail to the roof.
- 4.4. A narrow passage and yard runs between the building and a four/five storey residential building on Burgess Street to the north. The yard is currently used for vehicle servicing and tyre repairs. The site immediately to the west is an end of terrace two storey dwelling. There are modern industrial and warehousing units on the opposite side of Thomas Road to the south.

### Proposal

- 4.5. The proposal involves the retention of existing facades and redevelopment of existing building to provide no. 8 residential dwellings, including a new third floor.
- 4.6. The Change of use at Ground Floor from A5 (takeaways) to C3 (residential).

## 5. RELEVANT PLANNING HISTORY

- 5.1. PA/04/01721 - Withdrawn  
Construction of a three storey side extension (along Burgess Street) to the existing building, to provide 3no. two bedroom flats with rear garden.
- 5.2. PA/05/00658 - Permit  
Erection of a three storey rear extension to the existing building and creation of an additional floor to the existing building, retention of existing A3 (cafe) at ground floor level and residential development comprising 1 x three bedroom flat, 2 x two bedroom flats and 1 x one bedroom flat at ground, first and second floor level.
- 5.3. PA/11/02653 - Appeal dismissed  
Retrospective application for the subdivision of the premises and change of use from restaurant and café (Use Class A3) to restaurant and café (Use Class A3) and hot food takeaway (Use Class A5) and installation of extraction system.

*Reason for refusal: The hot food takeaway use would have a detrimental impact on the quiet residential character of the surrounding area and would adversely impact on the amenity of local residents.*

- 5.4. PA/15/03117 - Refused  
Redevelopment of site by the erection of a four storey building to provide nine residential units and a A2 space for financial and professional services.

Reasons for refusal:

1. Proposed A2 (financial and professional services) at ground floor and basement level considered inappropriate given the site's location which is outside a town centre.
2. Proposed design is considered inappropriate by reasons of its design, scale, bulk and appearance. The proposed four storeys would appear incongruous within the surrounds given the existing building reads as two levels and the neighbouring terraces on Thomas road are two storeys.
3. The proposed design would result in poor residential amenity for existing and future residential occupiers. The proposed extended height and footprint would result in sense of enclosure and loss of light for neighbouring occupiers at No. 41 Thomas Road, and the proposed lightwells would not adequately provide sunlight and daylight to basement level habitable rooms and the ground amenity space fronting Burgess Street is inappropriate as it would likely be used as defensible space rather than a private amenity space.
4. Insufficient transport details i.e. cycle spaces for the residential component, commercial servicing and easily accessible car parking for the wheelchair unit.
5. Insufficient information to show the proposal would meet sustainability requirements.

## **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 – Further Alterations 2016**

3.3 Increasing housing supply  
3.5 Quality and design of housing developments  
5.1 Climate change mitigation  
5.17 Waste capacity  
6.9 Cycling  
6.13 Parking  
7.4 Local Character

### **6.4. Site Designations**

No relevant designations.

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

SP01: Refocusing on our Town Centres  
SP02: Urban Living for Everyone  
SP03: Creating healthy and liveable neighbourhoods  
SP05: Dealing with Waste  
SP09: Creating Attractive and Safe Streets and Spaces

SP10: Creating Distinct and Durable Places  
SP11: Working towards a zero-carbon borough

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

DM1: Development with the Town Centre Hierarchy  
DM3: Delivering Homes  
DM4: Housing standards and amenity space  
DM14: Waste  
DM22: Parking  
DM24: Place-sensitive design  
DM25: Amenity  
DM29: Achieving a zero-carbon borough and addressing climate change

#### 6.7. **Other Relevant Documents**

None.

### 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. Car parking

Require a section 106 'permit' free agreement for this development as it is located in Moderate PTAL area (PTAL 3). However, according to our on-street car parking data, Thomas Road has parking occupancy of 71% and 111% during weekdays and night time respectively. This exceeds the 80% level, which we consider to be 'stressed'.

The applicant has stated that a Disabled Parking bay can be supplied on Thomas Road within 13 meters of distance from the entrance of the lifetime home unit; however this has to be agreed in principle with the parking development team before the applicant is granted. The applicant is required to contact Parking Development Team to get this agreed in principle and attached the agreement with the planning application.

7.4. Servicing

The turning circle appears to be very tight. Therefore, Transport and Highways would expect waste management team to comment on the Servicing Plan, to ensure refuse vehicle can manoeuvre safely.

7.5. Cycle parking

The proposed cycle storage appears to be very small. The applicant is required to provide dimensions of the cycle store and the design specification of the proposed cycle stands, to ensure proposed cycle store is safe and accessible. Transport and

Highways cannot support this application until this information is provided and agreed by Transport and Highways.

7.6. Construction Logistic Plan

A draft construction logistic plan has been submitted, which is welcomed. A final CLP will be required as condition once the main contractor has been appointed and will need to be submitted and approved prior to any works taking place. Special attention must be given to the St. Pauls School located along the proposed route. Therefore, the contractor will be required to avoid any delivery during school opening and closing hours.

**Energy Efficiency Unit**

7.7. The proposals are seeking to reduce energy use and CO2 emissions through fabric improvements to the building and efficient individual boilers. As this is a minor development scheme which is constrained in its ability to reduce emissions through the re-use of existing structure, the current proposals are considered to be acceptable in energy efficiency requirements.

7.8. Policy SP11 of the core strategy seeks for all developments to integrate renewable energy technologies where feasible. I haven't seen anything in the proposals relating to energy renewable energy technologies and the applicant should investigate integrating such technologies, in particular the applicant should investigate the use of photovoltaic panels or solar thermal panels.

7.9. I have been unable to locate a roof plan so am assuming that the roof is suitable for incorporating renewable energy technologies. Should the application be granted consent, it is recommended that a condition requiring the integration of renewable energy technologies where feasible should be incorporated. If you require the wording for the Condition please let me know.

**Waste**

No response.

**External Consultees**

7.10. None.

**Public Representations**

7.11. A total of 124 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.

7.12. 2 objections were received from one objector and 1 petition in objection with 29 signatories was also received.

**Summary of the objections received**

7.13. Do not want application to go ahead

- 7.14. Detrimental impact on neighbouring properties due to personal circumstances
- 7.15. Application would impact on use of neighbouring alleyway
- 7.16. Petition comments stated either 'overcrowding', 'negative impact on parking', 'wish A3/A5 to remain' or 'noise'.

## **8. MATERIAL PLANNING CONSIDERATIONS**

### **Land Use**

- 8.1. Policy SP01 of the Core Strategy sets out the town centre hierarchy of which the application site does not sit within any.
- 8.2. The application seeks to increase the residential use on site at all floors. This would result in the loss of the existing A3/A5 use on the ground floor.
- 8.3. The principle of the intensification of the residential use of the site is generally acceptable given the existing use, surrounding uses and the general thrust of the Council's policies which promote the delivery of new homes i.e. policy DM 3.
- 8.4. In summary, residential uses on site are supported. The loss of the A/3A5 unit is not considered detrimental or contrary to policy given that the site is not in a Town Centre or edge of Town Centre location.

### **Design**

- 8.5. 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.*'
- 8.6. 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.
- 8.7. Section 4 of Core Strategy Policy SP10 seeks to 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.
- 8.8. 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).
- 8.9. The existing building on site is a two storey former Victorian styled pub with generous floor to ceiling heights. The building has heavy cornicing detail to the roof and sits in a prominent corner position with large windows at ground and first floor. The building is brick with render treatment at ground floor and it is considered that the existing building contributes positively to the street scene which is characterised by a mixture of residential developments and heavy industrial uses and warehouses.

- 8.10. The proposal seeks to retain the existing building described above with extensions further along Burgess Road and on the roof to create a third floor to create a larger building for the 8 proposed residential units. The mansard roof extension will only add approximately 1.2m in height to the existing building due to the generous existing floor to ceiling heights which will be altered internally. The extensions along Burgess Road would add another 100m<sup>2</sup> on the ground floor, with the building stepping in at the rear (i.e. only 85m at 2nd floor).
- 8.11. The proposed materials are to match the existing including brick and white render, timber windows and a slate mansard roof. This is considered acceptable and will be secured via condition. Details of the external railings and boundary treatments will also be secured within the materials condition.
- 8.12. Details including lintel heights and corncicing on the existing building have been extended onto the proposed extensions to ensure the new elements of the building are in keeping. The proposed windows and doors match the location and size of the existing and appropriately only 1 terrace amenity space fronts Burgess Street. This is an inset balcony with a small railing and lintel detailing.
- 8.13. There are no flank windows fronting the neighbouring development at Burgess Street and there are 5 windows fronting the elevation of the neighbouring terrace beginning at 41 Thomas Road, three at 2nd floor and two at 1st floor. This elevation is largely bare, with mostly brickwork to mitigate overlooking issues.
- 8.14. The mansard roof has been appropriately set back from the main elevations of the building and with a limited height increase of 1.2m; the proposed development is considered an appropriate scale. The neighbouring development at Burgess Street is much higher at 15.31m, approximately 1.5 floors higher than the proposed.
- 8.15. In summary, it is therefore considered that the proposed scheme relates well to the character of the area and the retention of the existing facades is welcomed.

### **Residential Amenity**

- 8.16. Policy DM4 states that all housing developments should have adequate provision of internal space in order to provide an appropriate living environment. The following presents the required internal GIA and amenity areas required by Policy DM4:

	Type	Required GIA (sq m)	Proposed GIA (sq m)	Required amenity space (sq m)	Proposed amenity space (sq m)
Flat 1	3b/4p	74	74	8	8.71 + 8.12 of defensible
Flat 2	1b/2p	50	50.65	5	14.35
Flat 3	1b/2p	50	53.99	5	20.32 + 8.5m of defensible space
Flat 4	1b/2p	50	50.09	5	5.12
Flat 5	1b/2p	50	54.71	5	5.47
Flat 6	2b/4p	70	68.59	8	18.39
Flat 7	2b/3p	61	62.2	7	23.35
Flat 8	3b/4p	74	75.31	8	15.41



- 8.17. The above shows that all proposed units meet the requirements except for Flat 6, however given this unit is provided with 18.39m<sup>2</sup> of amenity space the small shortfall in GIA is considered acceptable.
- 8.18. It is noted that a window at ground floor within the communal staircase would look into the private amenity space of Flat 1. A condition will be secured to ensure that this window is obscurely glazed. Other screens between and around amenity spaces will also be secured via condition.
- 8.19. Each unit also shows the required amounts of storage space as required by the recent FALP amendments.
- 8.20. In relation to the dwelling mix, Policy DM3 (7) of the Managing Development Document (2013) states that development should provide a balance of housing types, including family homes, in accordance with the following table:

Tenure	1-bed %	2-bed %	3-bed %	4+ bed %
Market Sector	50	30	20	

- 8.21. The proposal includes 50% 1 beds (4 units) and 25% of both 2 beds (2 units) 3 beds (2 units). This is broadly in line with the above target and is acceptable for a minor scheme of 8 units.
- 8.22. In summary, the application is considered acceptable with regards to Policy DM 4 and DM3 along with the FALP.

### **Neighbouring Amenity**

- 8.23. 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.
- 8.24. The new build is approximately 1.5m higher than the existing building and has a larger site coverage than the existing. The site totals around 335m<sup>2</sup> with the existing building utilising approximately less than half of that space (146m<sup>2</sup>). The existing building is stepped at the rear with the deepest part of the building on the Burgess Street side. An alley way on the land belonging to 41 Thomas Road runs between the development site and the existing application site building extends for approximately 10.2m along this boundary. 41 Thomas Road extends 1m past the existing rear footprint of the existing application site building.
- 8.25. Given the siting of the proposal, the height and mass, the orientation and positioning of windows; it is not considered that the current proposal would give rise to any undue detrimental impacts on the amenity of neighbouring residents in terms of a loss of privacy/ overlooking. There are no flank windows to affect the existing neighbouring development at Burgess Street and there are few windows overlooking the neighbouring terrace at Thomas Road.
- 8.26. It is also not considered that the proposal will unreasonably impact neighbouring units due to overshadowing or increased sense of enclosure. The neighbouring development at Burgess Street is a much larger development than the proposed (by

approximately 5m) and due to the stepped in nature of the proposal, it is not considered that the additional bulk of the proposal will be overbearing on neighbouring 41 Thomas Road.

8.27. In summary, it is considered that the proposal meets policy DM 25.

### **Accessibility**

8.28. Core Strategy policy SP2 seeks to ensure that all housing is appropriate, high-quality, well-designed and sustainable. This includes by requiring new developments to comply with accessibility standards, including 'Lifetime Homes' requirements.

8.29. The proposal includes one Lifetime Homes unit on the ground floor. This unit has level access, wide entrance ways and the proposed floor plans show that circulation and spaces within the flat meet the requirements. A parking bay is not provided on site but the applicant has detailed that a disabled bay could be provided close to the site (10m from entrance to the unit) however this has not been confirmed with the Transportation and Highways Unit.

8.30. Given the size of the scheme, it is not considered reasonable to require details of the disabled parking bay before determining the application. It is also noted that there is an existing disabled parking bay approximately 20m from the entrance of the flat, however its use is not known. As such, information of whether the disabled parking is feasible will be secured via condition.

8.31. In summary, the proposal is considered acceptable.

### **Transport and Highways**

8.32. Policy SP09 of the Core Strategy seeks to implement a street hierarchy that puts pedestrians first and promotes streets, both as links for movement and places in their own right, to ensure a strategic, accessible and safe street network across the borough. Car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport, will be promoted.

8.33. Policy DM22 states that development will be required to comply with the parking standards in appendix 2. Where development is located in areas of good public transport accessibility and/or areas of existing on-street parking stress, the Council will require it to be permit free. The Further Alterations to the London Plan have also been adopted which state that each 1 bedroom unit requires 1 cycle parking space and 2 spaces for all others.

8.34. Previous comments from the Transportation and Highways department indicate that the scheme will partially improve the current highways situation given cars are currently illegally parking on the footway outside the site on Burgess Street in relation the A3/A5 uses and the sui generis tyre yard.

8.35. No parking is provided and as such, a section 106 agreement 'permit free' agreement would be required via condition if the scheme was granted.

8.36. 12 cycle spaces are required and sufficient space is available on the ground floor for these. Further drawings were provided to show that the cycle spaces can adequately fit in the cycle store using a two-tier rack system. Highways colleagues prefer individual Sheffield stands however given the small scale of the development, the

proposed storage method is considered adequate. The size of the room appears adequate to manoeuvre bikes into position and a sliding door is proposed for ease of access.

- 8.37. A draft construction logistic plan has been submitted, which is welcomed. A final CLP will be required as condition once the main contractor has been appointed and will need to be submitted and approved prior to any works taking place. Special attention must be given to the St. Pauls School located along the proposed route. Therefore, the contractor will be required to avoid any delivery during school opening and closing hours.
- 8.38. With regards to servicing, the turning circle appears to be very tight. A full servicing and delivery plan will therefore be required by condition, however given the existing tyre sales and fitting use, the proposal as a whole is considered to have a lesser impact on the highway.
- 8.39. In summary, the application is considered to meet the above Transport policies however further information is required via condition.

### **Waste**

- 8.40. 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.
- 8.41. An area of approximately 8m<sup>2</sup> has been provided on the ground floor for communal waste storage. Access is provided from the foyer and from Burgess Street.
- 8.42. The present uses on site, an A3/A5 unit with a tyre yard to the north, have resulted in refuse bins being located on footway outside the side on Burgess Street. The internal refuse storage will therefore improve a currently non-compliant situation.
- 8.43. However, further details of the storage type and waste mix is required and will be conditioned. A waste strategy will also be required within the already mentioned Servicing and Delivery Plan. In summary, it is considered that the proposal meets the above policies.

### **Sustainability**

- 8.44. Core Strategy policy SP11 seeks to reduce the carbon emissions within the borough by ensuring that all new homes are built in-line with government guidance to reach zero carbon by 2016. All new developments are required to provide a 20% reduction of carbon emissions through on-site renewable energy generation where feasible.
- 8.45. Policy DM29 states that development will be required to be accompanied by an Energy Assessment to demonstrate its compliance with the following:

Year	Improvement on 2010 Building Regulations
2013-2016	50% CO <sub>2</sub> emissions reduction

- 8.46. The proposals are seeking to reduce energy use and CO2 emissions through fabric improvements to the building and efficient individual boilers. As this is a minor development scheme which is constrained in its ability to reduce emissions through the re-use of existing structure, the current proposals are considered to be acceptable in energy efficiency requirements.
- 8.47. Policy SP11 of the core strategy seeks for all developments to integrate renewable energy technologies where feasible. No information has been submitted regarding energy renewable technologies and as such the applicant should investigate integrating such technologies, in particular the use of photovoltaic panels or solar thermal panels should be investigated.
- 8.48. The roof plan submitted shows the roof is suitable for incorporating renewable energy technologies. It is recommended that a condition requiring a feasibility study into the integration of renewable energy technologies should be incorporated.
- 8.49. In summary, the proposal meets policies SP11 and DM29, subject to the above condition.

### **Landscaping**

- 8.50. Core Strategy policy SP04 seeks to deliver a network of open spaces, promote and support measures to green the built environment; and protect and enhance biodiversity value.
- 8.51. Core Strategy policy SP10 also seeks to ensure that developments use high quality landscape designs and policy DM11 states that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.52. The application has no trees or landscaping at present but the application does propose some new areas of landscaping for the ground floor flats. Details of the landscaping will be conditioned. As such, the proposal meets the above policies.

## **9. HUMAN RIGHTS CONSIDERATIONS**

- 9.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 9.2. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various 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”
- 9.3. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
  - 9.4. Members need to satisfy themselves that the 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.
  - 9.5. 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.
  - 9.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
  - 9.7. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
  - 9.8. 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**

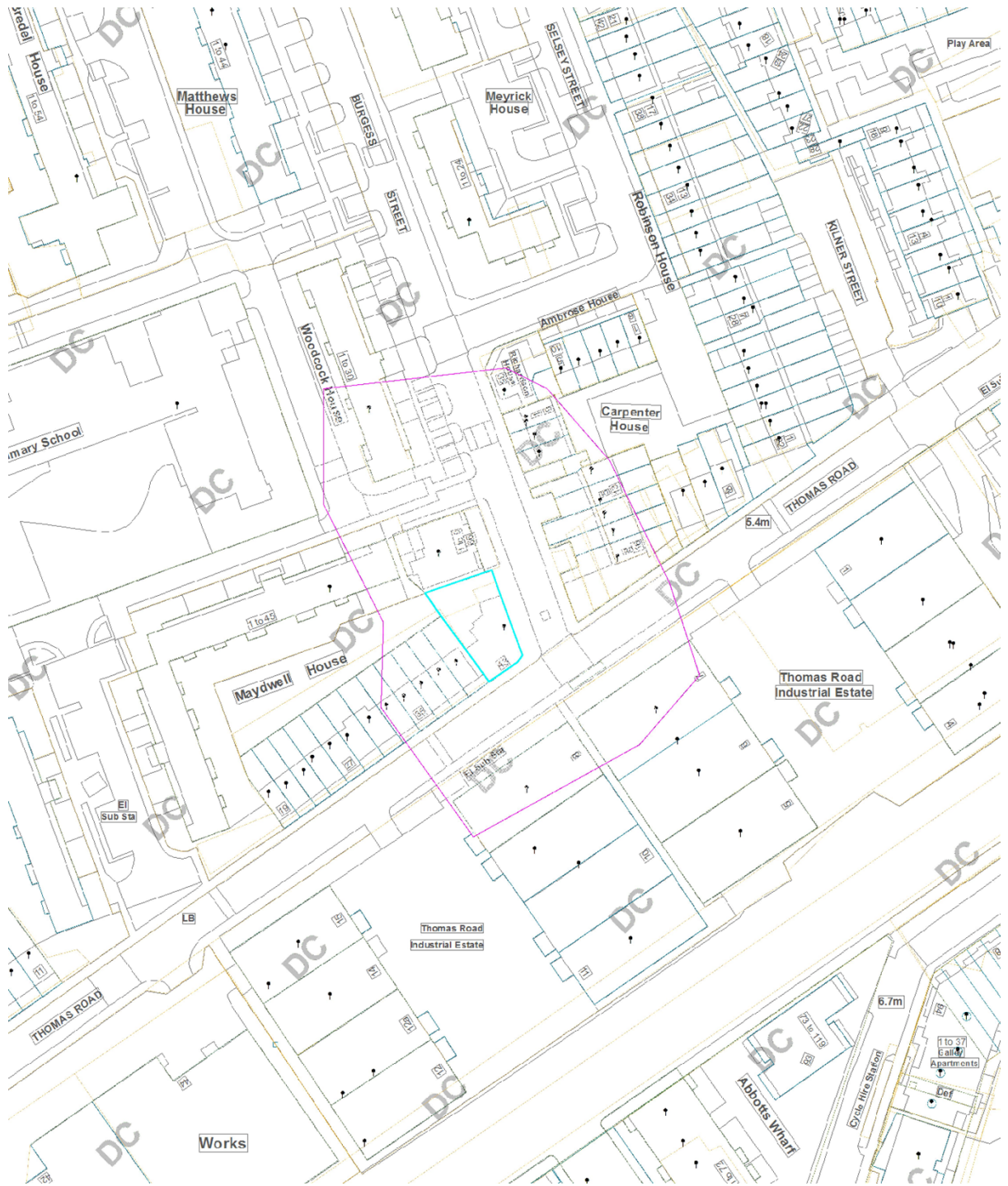
- 10.1. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
  - eliminate discrimination, harassment, victimisation 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.
- 10.2. 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.
- 10.3. 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**

- 11.1. 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.

## **12. CONCLUSION**

- 12.1. 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.



**SITE MAP CONSULTATION BOUNDARY**