

Committee: Development	Date: 22/08/2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Mumtaz Shaikh		Ref No: PA/11/02704	
		Ward(s): Shadwell (February 2002 onwards)	

1. APPLICATION DETAILS

- Location:** Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London E14 7JE
- Existing Use:** Retail shops (Use Class A1) within the railway arches with a forecourt/ servicing yard in front of the shops. The servicing yard has 2 vehicular accesses providing entry and exit point to the site.
- Proposal:** Change of use of part of the existing forecourt/servicing yard to a hand car wash (Sui Generis) for only the retail customers of the site. Installation of a lightweight canopy over the car wash bay and new refuse, waste and recycling compound.
- Drawing Nos:**
- Site Location Plan JJA/1013 November 2010.
 - 1013/04 Revision B - Proposed Elevation and Layout Plan dated 18/06/2012
 - 1013/05 Revision A - Block Plan, Cross Section and Street Scene Elevation dated 31/01/2012
- Supporting Documents:**
- Design and Access Statement Revision A dated 21/06/2012
 - Impact Statement Revision A dated 21/06/2012
 - Design Statement Revision A dated 21/06/2012
 - Photograph and details for "Challenger" Painted Steel Static Hot Pressure Cleaner and Vacuum Cleaner Photograph and details.
 - Sound Tests for H13/90 Hot Pressure Cleaner
 - John James (the applicant's agent) e-mail dated 11/07/2012 and 13/07/2012
- Applicant:** Mr Mohammed and Raj Ali
Owners: Mr Mohammed and Raj Ali
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Managing Development: Development Plan Document (Submission Version May 2012), Interim Planning Guidance (2007) and associated supplementary planning guidance, the London Plan and Government Planning Policy

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

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

Guidance and has found that:

- 2.2 The proposed hand car wash comprising 1 car wash bay for the existing retail shop customers is in accordance with policies DEV2 and DEV50 of the Unitary Development Plan, in terms of general activity and noise disturbance to nearby residents.
- 2.3 The installation of a lightweight canopy over the car wash bay and new refuse, waste and recycling compound would have no adverse visual impacts upon the character and appearance of the area. As such, there would not be a conflict with Core Strategy Policy SP10, policies DM24 of the Managing Development: Development Plan Document (Submission Version May 2012), saved policy DEV 1 of Tower Hamlets Unitary Development Plan (1998) and DEV 2 of the Interim Planning Guidance (2007) , which seek to ensure good design within the Borough.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** temporary planning permission subject to conditions.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.3 Conditions

- 3.4 1) This permission shall be for a limited period of 1 year only, expiring 1 year from the date of the decision notice. On or before that date the use hereby permitted shall be discontinued and any building or works carried out under this permission shall be removed and the land re-instated (subject to any further planning permission being granted before the expiry).

Reason: To enable the Local Planning Authority to review the suitability of the development in the light of circumstances prevailing at the end of the above period and in the interests of the amenities of the area, in accordance with saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DEV10 of the Interim Planning Guidance (2007) and Policy SP03 adopted Core Strategy (2010) and Policy DM25 of the Managing Development: Development Plan Document (submission version May 2012).

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

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

09:00 to 19:00 Mondays to Saturdays

10:00 to 16:00 Sundays or Bank Holidays

Reason: To safeguard the amenity of adjacent residents and the area generally in accordance with the requirements of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, which seek to preserve residential amenity.

4) Notwithstanding the plans hereby approved, on-site surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the jet wash. Such details shall show that drainage of water shall be contained within the site and not drain on to the public highway.

Such approved details shall be implemented and maintained for the use of the jet wash.

Reason: To protect the quality of controlled waters and to control any surface water run-off

into public highway.

5) There shall be no advertisement /signage advertising the approved hand car wash to the general public outside the development site and any advertisements / signage on the development site itself must be aimed at attracting the customers of the retail shops on the site only.

Reason: To ensure that the proposed hand car wash is used only for the customers of the existing retail shops within the site, to minimise the impact on the amenities of the local residents in the area and to ensure the proposed use is not prejudicial to the free flow of traffic on the adjoining highways.

6) Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

Informative:

1) Thames Water has recommended that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The proposal involves the following: 44sq.m. of the existing 400sq.m. of service yard.

- Change of use of part (i.e. ~ 44sq.m.) of the existing (400sq.m.) forecourt/servicing yard to a new hand car wash facility (sui generis) to provide hand car wash service for only the customers of the retail shops within the site and utilising existing vehicular access/egress point of the site.
- Installation of a cantilevered car wash canopy over the car wash bay comprising colour coated steel frame with fabric roof.
- Erection of a new refuse, waste and recycling compound.
- The car wash is to be managed by the applicant who is also the leaseholder and occupier of the existing retail shops on the site.

4.2 Site and Surroundings

4.3 The application site (comprising retail shops and forecourt/servicing yard served with 2 vehicular accesses) is located in the railway arches under Limehouse DLR Station, accessed from Ratcliffe Lane to the south of the station. The site is prominent and is situated on the north side of Ratcliffe Lane at the junction with Branch Road (which is a TfL road carrying high volume of traffic).

4.4 The site is bounded by Limehouse DLR station on the north, Ratcliffe Lane and John Scurr House (a residential Block of flats) on the south, Bekesbourne Street on the west and Branch Road on the east.

4.5 Ratcliffe Lane is a small lane between Branch Road and Butchers Row comprising mix of residential and commercial units.

4.6 The application site/arches are not listed. However, the viaduct to the east of the application arches is Grade II Statutory Listed structure. The site is also located within the York Square Conservation area.

4.7 Planning History

4.8 The site has long planning history. However, the following is most relevant to the proposal:

4.9 **WP/91/00174** – On 25th March 1993, full planning permission was granted for a *change of use to a garden centre*.

4.10 **PA/11/01411** - On 2nd September 2011, full planning permission was granted for the *installation of new shop front with an awning and roller shutter to existing railway arches and associated landscaping works to the forecourt*.

4.11 **PA/11/01412** - On 2nd September 2011, advertisement consent was granted for the *Display of one internally illuminated fascia sign measuring 16m x 0.6m located above new shop front at the railway arches*.

4.12 The application site which was originally a garden centre, following the planning permission granted for the above ref: **PA/11/01411 & PA/11/01412** was refurbished and changed to retail shops for which planning permission was not required as the previous and new use both falls within the same use classes order.

4.13 **ENF/12/00022** - During the course of the current application ref: PA/11/02704 being assessed, drainage work for the proposed hand car wash within the application site commenced. The unauthorised works was brought to the attention of the Council's Enforcement Officer in February 2012, which resulted in an investigation where the applicant was advised that any further work would be at their own risk and may be subject to further enforcement action if permission was not granted. The applicant agreed to stop the work until the necessary consent is secured.

4.14 Recent site visit (i.e. on 18/06/2012) confirms that no further works has taken place on site since February 2012.

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.2 Government Policy:

- National Planning Policy Framework

5.3 London Plan 2011:

- 6.12 - Road Network Capacity
- 7.4 - Local Character
- 7.15 - Reducing Noise and Enhancing Soundscapes

5.4 Adopted Core Strategy (September 2010)

- SP03 - creating healthy and liveable neighbourhoods
- SP04 - Creating Green and Blue Grid
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durables places

5.5 Unitary Development Plan (as saved policies 1998)

- DEV1 - Design Requirements
- DEV2 - Environmental Requirements
- DEV9 - Control of Minor Works Within the Borough

- DEV27 - Conservation Areas
- DEV50 - Noise
- T16 - Traffic Priorities for New Development

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

- DEV1 - Amenity
- DEV2 - Character and Design
- DEV10 - Disturbance from Noise Pollution
- DEV17 - Transport Assessments
- CON2 - Conservation Areas

5.7 **Managing Development: Development Plan Document (Submission Version May 2012):**

- DM20 - Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

6. **CONSULTATION RESPONSE**

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

The following were consulted regarding the application:

London Borough of Tower Hamlets (LBTH) - Transportation and Highways

6.3 Comments on the Original Plans submitted

Initially, LBTH Transportation was concerned that there will be too much intensity of use in a small service yard area by the intended servicing vehicles for the permitted retail units, the car parking and the car-wash + vehicles. There is also concern about the spill-over onto the highway of waiting vehicles due to proximity of the site adjoining Branch Road (which is part of Transport for London Road Network).

However, following confirmation from the applicant's agent that the two small retail units on site would only be used as retail shops and not wholesale. The retail units will be serviced by a single Ford 4 wheel transit van for deliveries and collection purposes and that there would be no bulk deliveries by suppliers in large vehicles. The other traffic to and from the site will be only from the retail units customers collecting /picking up produce purchased at the stores in private cars. There will be no permanent vehicle parking facilities on site and the proposed provision of a single hand carwash bay will only be for the use of the customers of the retail shops on the site which can be conditioned if required.

LBTH Transportation is now satisfied with this arrangement and suggests that temporary 1 year planning permission for hand car wash can be granted, this will allow adequate time to monitor and review the proposal.

Officer's Comments - If the recommendation for the application is to grant consent. It would be subject to temporary planning permission for 1 year to monitor and review the proposal.

London Borough of Tower Hamlets - Environmental Health (EH) - Noise and Vibration

- 6.4 Initially LBTH Environmental Health raised concern over the noise impact of the proposal. However, following further response received from the applicant's agent on the above noise issues raised by EH. EH is now satisfied that the proposal can be considered acceptable subject to temporary planning permission granted for 1 year with no signage for hand car wash in and around the application site.

Transport for London (TfL)

- 6.5 "TfL does not believe the proposal would have an unacceptable impact on the Transport for London Road Network (TLRN)." As such, they have confirmed following the review of the documentation for the planning application, and that Transport for London does not object to the planning application.

Thames Water

- 6.6 A letter has been received from Thames Water saying that Thames Water has its own proposals for use of the land adjoining the application site as part of the Thames Tunnel project. The letter requests the Borough to be mindful of the potential consequences of its implication on Thames Tunnel proposals at this location. It further says that the land at the junction of Bekesbourne Street and Radcliffe Lane would be required to site an electrical and control kiosk for the works proposed to the Holloway Strom Relief CSO in Bekesbourne Street.

Officer's Comments – Thames Water intended future plan for the land adjoining the application site is noted. The temporary planning approval for 1 year will not be prejudicial to the future plan of Thames Water which would be subject to Dockland Light Railway approval.

Dockland Light Railway (DLRL)

- 6.7 Dockland Light Railway did not raise any objections to the proposed change of use to hand car wash facility.

Strategic Planning

- 6.8 LBTH Plan delivery section has a regeneration programme for the area in which the proposed forms a part. However, it is considered that if temporary 1 year planning permission is granted for the proposed hand car wash use on the application site, it will not prejudice the future regeneration programme for the area.

7. LOCAL REPRESENTATION

- 7.1 This application has been subject of two consultation exercises.

On 10/11/2011, a total of 74 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was displayed and the application was also advertised in the local News Paper "East End Life".

On 28/06/2012, further re-consultation in respect of revised plans/information was carried out.

In total 105 representations have been received of which 94 are in favour and 10 objection letters and 1 petition (containing 64 signatures) are objecting to the proposal.

- 7.2 The objections to the proposal are raised on the grounds of current issues faced by the residents in Ratcliff Lane and these mainly relate to the following:

- Car repair problems on the road side and pavement causing difficulty for other cars to pass through the Ratcliffe Lane.
- Ratcliffe Lane being a one-way street is often used by cars the wrong way to cut through traffic going into the Rotherhithe tunnel.

- Ratcliff Lane is also experiencing large number of car traffic, car speeding, car parking, limited residents parking, pedestrian safety and noise problems.

The residents are worried that if the proposal is allowed it would exacerbate the existing problems in Ratcliffe Lane and would also give rise to additional problems such as increase in pollution, passers-by sprayed by chemicals and water from car wash, dirty water coming out from car wash forecourt, chemical used by car wash entering drains and late opening hours.

7.3 Officer's Comments – *The issue raised above would be considered in more detail under various sections of the Material Planning Considerations of this report.*

7.4 In total 94 letters of support have been received from residents in John Scurr House in Ratcliffe Lane and other Street/Road/Avenue/Garden/Place/Square located in the borough.

In summary the ground for support are as follows:

- The site has been derelict for sometime and is in desperate need of regeneration/modernisation.
- The residents have experienced different unauthorised businesses opening up on the site.
- The site has been used by local drug addicts and alcoholics which is a danger to the children and the local community.
- As such the proposed car wash will benefit everyone in the area.

7.5 The majority of the support for this application has come from the residents living outside the consultation area for this application.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main issues in consideration of this application involves:

- Land Use
- Noise
- Highways
- Design
- Amenity

8.2 The Proposed Land Use Of the Site

The site at present comprises retail units, raised platform and a forecourt to be used as a service yard for the shops. The permitted use of the site is therefore retail (Use Class A1) with the forecourt to be used as an ancillary service yard for the retail shops. The proposed hand car wash to occupy part of the west side of the servicing yard (i.e. near the raised platform) would change its use to "sui generis".

The revised plan (drawing no. 1013/04 revision B received on 17/07/2012) indicates that the proposed car wash facility (comprising car wash bay with all car wash facilities within it and refuse, waste and recycling compound) would occupy approximately 44sq.m. of the existing 400sq.m. of service yard. This indicates that only a small amount of the servicing yard would change to the proposed hand car wash service use, whilst the remaining service yard is considered to be sufficient to meet the servicing needs of the retail shops, which would be served by small transit size vehicles.

The application site according to the Council's Managing Development: Development Plan Document (Submission Version May 2012) policy DM23 (2) indicates that the site falls within emerging Limehouse Station Transport interchange Area (TIA) Renewal Plan. Therefore, the aim and objectives of the plan in the short term (i.e. within 3 years) is to develop a plan in co-

operation with Design for London (DfL), Transport for London and Network Rail to promote sustainable transport option for all journeys, including local shopping trips, reducing traffic pollution and carbon emissions from unnecessary motorised vehicles trips and related activities in the area.

As such, the proposed hand car wash due to its small size (44m²) and its ancillary function is considered appropriate in this instance for a temporary period of one year. This will allow the Local Planning Authority to assess the full impact of the proposal on the application site, the public realm and the area in line with emerging Limehouse station TIA Renewal Plan, amenity of the neighbouring occupiers and adjoining highways. Furthermore, a condition will be attached to control the hours of operation of the proposed hand car wash.

8.3 **Noise**

Saved policies DEV2 and DEV50 of the Unitary Development Plan 1998 and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012) seeks to protect the borough and local areas from noise.

The site is located within and in close proximity to noise generating land uses with the exception of a John Scurr House (a residential block of flats) on the south side of the application site.

The vehicles to be cleaned will be private cars and small commercial vehicles. It is anticipated that the single bay operation that will only handle 1 vehicle at a time.

With regards to the noise objections raised by the local residents, it should be noted that the site is surrounded by the noise generating land uses such as Lime House DLR station above, Branch Road (a very heavily traffic Road), Ratcliffe Lane and Bekesbourne Street (residential road) with various commercial uses.

With regards to noise generation, the proposed car wash operation would be operated manually comprising 1 car wash bay. It will utilise some mechanical equipment; a static cold pressure cleaner unit and a commercial vacuum cleaner, and the maximum sound output has been considered satisfactory by the Council's Environmental Noise and Vibration Officer. Therefore the hours of car wash operation will ensure that the proposed use does not amount to exacerbating the existing noise level. This sound level should be considered in the context of the existing urban environment comprising nearby intensive noise highway network and railway station on the busy DLR line. It is considered that the noise level of the proposed car wash operation will not therefore adversely affect the local residents.

8.4 **Transportation/Highways**

The application site at present has 2 vehicular accesses on Ratcliffe Road frontage of which the one that is closer to the Branch Road junction (i.e. on the east side) will provide vehicular entry into the site and the one further away from Branch Road (i.e. on the west side) will provide exit out of the site. The proposed hand car wash would utilise the existing 2 vehicular access for the entry and exit in the manner it is currently used by the existing retail shops on the site.

The revised plan (drawing no. 1013/04 revision B received on 17/07/2012) indicates that the proposal would provide one car wash bay and it is now to be located on the west side (i.e. against the raised platform) of the servicing yard/forecourt of the existing retail units on the site. The new car wash bay would be 4m wide x 8m long and would retain 4.2m space between the car wash bay and the side boundary of the site fronting Ratcliffe Lane to allow passage for the vehicles to exit the site through the existing vehicular access on the west side of the site.

The revised plans car wash on Transportation/Highways grounds are considered to be acceptable and satisfactory and its use would not give rise to any significant servicing and

congestion problems within the site.

8.5 **Design**

Canopy

The proposed car wash facility will comprise a fabric covered lightweight galvanised steel framed enclosure open on 3 sides with a vertical fabric screen on the boundary fence side to prevent water spray from spreading through the fence onto the highway. The proposed canopy would have maximum ridge height of 3m and free-standing support structure with open eaves would have a height of 2.4m. The scale of this element is entirely consistent with the significant scale of the viaduct and the station structures and buildings against which the new canopy structure will be set. The proposed canopy would be located behind the existing security fence to the boundary of the site with the viaduct and station setting behind which characterises the built-up urban scale of the site and its setting. The proposed canopy is not considered to have any significant impact on the general appearance of the site and the locality.

8.6 **Amenity**

In respect of residential amenity number of objections has been received from residents of John Scurr House and residents living in the immediate area of the application site. The objections raised to are on the grounds that the proposed hand car wash would add to the following existing situation on Ratcliffe Lane:

- Car repair problems on the road side and pavement causing difficulty for other cars to pass through the Ratcliffe Lane.
- Ratcliffe Lane being a one-way street is often used by cars the wrong way to cut through traffic going into the Rotherhithe tunnel.
- Ratcliffe Lane is also experiencing large number of car traffic, car speeding, car parking, limited residents parking, pedestrian safety and noise problems.

With regards to increase in pollution objections raised by the resident of Ratcliffe Lane (including John Scurr House). It is the Council's aims and objectives under the Transport Interchange Area Renewal Plan, in conjunction with Design for London (DfL), Transport for London and Network Rail to promote sustainable transport option for all journeys, including local shopping trips, reducing traffic pollution and carbon emissions from unnecessary motorised vehicles trips and related activities in the area.

At present Ratcliffe Lane has parking restrictions imposed by single and double yellow lines and parking bay restrictions. Therefore any breach of these parking restrictions would be subject to highway penalties and would discourage unauthorised parking on the road.

The proposal has been consulted with the Transport for London and Council's Transportation/Highways officer and they have no objection to the proposed Hand Car Wash. It is suggested that the proposal shall be granted a temporary planning permission for 1 year so that its impact on amenities of the local residents and area can be assessed.

Given the mitigation that will be provided by the planning conditions listed in paragraph 3.4 of this report, the proposed development would not result in an unduly detrimental loss of amenity for the neighbouring residential occupiers. The proposal is in accordance with policies DEV2 and DEV50 of the Unitary Development Plan, in terms of general activity and noise disturbance to nearby residents. The erection of the canopy and metal railings along the site boundary would have no adverse impacts upon the character and appearance of the area and as such, the development is in accordance with Core Strategy Policy SP10, policies DM24 of the Managing Development DPD (submission version May 2012), and saved policy DEV 1 of Tower Hamlets Unitary Development Plan (1998), which seek to ensure good design within the Borough.

Other Issues

Officers consider that from an enforcement and monitoring perspective there is some difficulty in trying to restrict the use of the hand car wash for the customers of the retail shops on the application site only (as intended by the applicant). Notwithstanding this, it can be controlled to some degree by preventing the applicant advertising the hand car wash outside the application site, and a condition to this effect can be attached to the permission if granted. The proposed car wash without the advertising outside the application site and because of its location on the west side of the site against the raised platform and enclosed by boundary fencing and gates, would not be so readily visible/inviting for the passers-by on the adjoining highway to enter the site for a hand car wash.

9.0 CONCLUSIONS

- 9.1 All other relevant policies and considerations have been taken into account. Temporary Planning permission for 1 year should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	1:1,250 0 15 m
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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