

Committee: Development	Date: 10 th October 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Monju Ali		Ref No: PA/12/01868	
		Ward(s): Spitalfields & Banglatown	

1. APPLICATION DETAILS

Location:	First Floor, 100 Brick Lane, London, E1 6RL
Existing Use:	Use Class A1
Proposal:	Change of use from Travel Agency (Class A1 Use) to mini-cab office use (Sui-Generis).
Drawing No:	LN91078 – A4 OS location plan – scale 1:1250 1 – existing / proposed floor plans 2 - existing front elevation 3 – block plan – scale 1:200
Supporting Documents:	Design and Access Statement, dated 24 th May 2012 Impact Statement, dated 25 th May 2012 Land Use Survey, dated 1 st July 2012
Applicant:	Mr Ruzar Choudhury
Owners:	Mr Alaur Rahman and Mrs Rajeda Begum
Historic Building:	N/A
Conservation Area:	Fournier Street/Brick Lane Conservation Area

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 Adopted Core Strategy (2010), the Unitary Development Plan, the Council's Interim Planning Guidance (2007), the Managing Development DPD (submission version 2012), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2
1. The proposed change of use from travel agency unit (Use Class A1) to a radio controlled mini cab office (Use Class Sui Generis) is considered acceptable on balance, given the location of the premises at first floor level within the Brick Lane District Centre. As such the loss of the existing A1 use at this level would not result in the loss of essential goods and services and the proposal accords with saved policy S2 of the adopted Unitary Development Plan (1998) and policy DM1 of the Managing Development DPD (Submission Version May 2012) and policy SP01 of the adopted Core Strategy (2012), which seek to promote the vitality and viability of the Borough's town centres by protect A1 uses and supporting non retail uses which support the function of the town centre uses provided they don't harm the prime shopping frontages.
 2. It is considered that subject to condition, the introduction of a radio controlled mini-cab use in this location will not have a detrimental impact upon the amenity of

neighbouring residents in terms of noise and disturbance in accordance with saved policies DEV2 and S8 of the Unitary Development Plan (1998), policy SP10 of the Adopted Core Strategy (2012) and DM25 of the Managing Development DPD (Submission Version May 2012) which seek to protect the amenity of residents of the borough and ensure specifically that mini-cab uses do not raise any significant impacts in terms of noise, nuisance & safety.

3. It is considered that subject to condition, the introduction of a radio controlled mini-cab use in this location will not have a detrimental impact upon the capacity and safety of the surrounding highway network in accordance with saved policies T16 and S8 of the adopted Unitary Development Plan (1998) and SP09 of the Core Strategy (2010). These policies seek to manage the impact of new development on the highway network and ensure specifically that mini-cab uses do not raise any significant impacts in terms of the free flow of traffic or pose a danger to road users.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** 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) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 3.5 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.

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

- 07:00am to 04:00am, on any day

Reason: To safeguard the amenity of adjacent residents and the area generally and to accord with policy SP10(4) and policy S8 and DEV2 of the Tower Hamlets Unitary Development Plan 1998, and Policy DM25 of the Managing Development DPD (Submission Version 2012)

- 3.7 4) The mini-cab office hereby approved shall be conducted using radio controlled cars only and no facilities are to be provided on site for drivers waiting for fares or between shifts nor shall the premises be used as a pick up point for customers at any time.

Reason: To safeguard the amenity of the adjoining residential premises and in the interest of highway safety and capacity in the vicinity of the site by reducing the potential for the use of the premises as a "pick-up" point for fares or a waiting point for drivers between fares. This is in accordance with strategic policies SP09 and SP10 of the Core Strategy (2010), saved policies DEV2, S8 and T16 of the adopted Unitary Development Plan (1998) and policy DM25 of the Managing Development DPD (Submission Version May 2012).

- 3.8 5) No flashing lights shall be fixed to the external face of the building and no signage/advertising shall be displayed on the building or within windows of the building in association with the use hereby permitted.

Reason: To safeguard the amenity of the adjoining residential premises and in the interest of highway safety and capacity in the vicinity of the site by reducing the potential for the use of the premises as a "pick-up" point for fares or a waiting point for drivers between fares. This is in accordance with strategic policies SP09 and SP10 of the Core Strategy (2010), saved policies DEV2, S8 and T16 of the adopted Unitary Development Plan (1998) and policy DM25 of the Managing Development DPD (Submission Version May 2012).

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

3.10 **Informative:** None.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks permission for the Change of use from Travel Agency (Class A1 Use) to mini-cab office use (Sui-Generis) at first floor level.

4.2 Site and Surroundings

- 4.3 The application site comprises the first floor of a four-storey terraced building, which is bounded by the adjoining terraced building at no.102 Brick Lane to the north, the rear of the residential building No.32 Princelet Street to the east, the adjoining terraced building at no.98Brick Lane to the south and the public highway at Brick lane to the west. The application site lies within the Fournier Street / Brick Lane Conservation Area and the site lies in close proximity to the Brick Lane Mosque which is a grade I* listed building.

- 4.4 The established use of the building is A1 retail at ground floor level with its own shop front and entrance. The first floor level (subject to the application) comprises an A1 use Travel Agency and the second and third floors are in residential use (C3). The upper floors of the building are accessed via a separate entrance door and staircase off Brick Lane. Both the A1 use and C3 residential use have their own separate entrance doors located on each level.

- 4.5 The application site at first floor level comprises of 49sqm of floor space with three separate rooms set up as an office, store room and a small kitchen to the rear. There are two large sash windows facing onto Brick Lane and a single window to the rear. The first floor is currently occupied by the existing A1 Travel Agency use. Immediately outside of the site there is provision for 5 loading bays with 20 minutes waiting restrictions. The remainder of Brick Lane and surrounding streets are controlled by double yellow lines with residential parking bays and some pay and display bays. The surrounding area has a mix use character with both commercial and residential uses in close proximity along the length of Brick lane and surrounding streets.

4.6 Planning History

4.7 PA/82/00052

On 7th September 1983 planning permission was refused for the erection of a single storey rear extension for retail use.

4.8 PA/84/00057

On 22nd February 1985 planning permission was refused for the change of use of ground and basement level to restaurant use and erection of a rear extension.

BG/95/00139

4.9 On 9th March 2011 planning permission was refused for the change of use to hot food shop and erection of a ground floor extension and extraction flue to the rear of the building.

4.10 PA/99/01006

On 8th February 2000 planning permission was granted for the retention of travel agency (Class A1) on the first floor.

4.11 PA/05/00132

On 4th January 2006 planning permission was granted for the conversion of loft on the fourth floor to a bedroom and two skylights.

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 Adopted Core Strategy (September 2010)

Policies:

SP01 – Refocusing Town Centres

SP08 – Making connected places

SP09 – Creating attractive and safe streets

SP10 – Creating distinct and durable places

5.3 Unitary Development Plan (as saved policies 1998)

Policies:

DEV2 - General Design and Environmental Requirements

DEV27 - Conservation Areas

DEV50 – Noise

T16 – Traffic Priorities for New Development

S2 – Changes of Use

S8 - Considerations for Mini Cab Offices

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

Policies:

DEV1 - Amenity

DEV10 - Disturbance from Noise Pollution

DEV17 - Transport Assessments

CON2 - Conservation Areas

RT5 - Evening and Night-time Uses

Planning Standard 3: Parking

5.5 Managing Development Plan Document (May 2012)

Policies:

DM1 - Development within Town Centre Hierarchy

DM15 - Local job creation and investment

DM23 – Streets and the public realm

DM24 - Place Sensitive Design

DM25 – Amenity

5.6 **Community Plan** The following Community Plan objectives relate to the application:
A better place for living well

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:

6.2 London Borough of Tower Hamlets - Development Design and Conservation

No objections raised based on the principle of change of use.

6.3 London Borough of Tower Hamlets – Transport & Highways

Officer pleased to see that the Impact statement outlines succinctly and accurately the kind of impact-limiting restrictions the applicant proposes to operate under. Highways would not object to this proposal as long as these are added in some form of Condition. Would further require the inclusion of a condition prohibiting the advertising of the business on-site, i.e. no revolving light or phone number display.

6.4 London Borough of Tower Hamlets – Planning Policy

Principle of use: Core Strategy policy SP01 supports the hierarchy, scale and role of town centres and describes Tower Hamlets Activity Area as providing transitional areas that include a vibrant mix of uses that are economically competitive. The Managing Development DPD (submission version May 2012) policy DM1 supports mixed use schemes with active uses at ground floor level with residential or office space on upper floors within the Tower Hamlets Activity Area. DM1.7 supports development within a town centre where it does not have an adverse impact upon the function of the centre. The policy also sets out criteria to assess town centre development including floor space requirements and servicing arrangements. Saved UDP (1998) policy S8 provides criteria to assess mini cab offices.

Recommendation: The change of use is acceptable in policy terms. The application should be considered in light of policies DM1.7 and S8.

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

It would be hard to argue that there would be a loss of amenity considering the scale of street noise and ASB in the area. Having said that the reality is that agreeing to a 24 hour a day 7 days a week business operation would mean that noise will be inevitable, and will make an already noisy area noisier. Also note that with all the parking restrictions on Brick Lane, the cab drivers will be parking off street and in all occasions will walk their customers to their vehicle. The customers are normally in high or very high spirits after a alcohol induced night out. This inevitably leads to noise and thus a loss of amenity for the residents. If this application is to be approved then the hours need to be restricted. Suggest hours of operation 7am to 11pm.

7. LOCAL REPRESENTATION

- 7.1 A total of 39 neighbouring properties within the area shown on the map appended to this report were notified about the application. A site notice was also displayed and the application was advertised in East End Life.

7.2 The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 15 Objecting: 5 Supporting: 10 Duplicated: 0
No of petitions received: 1 with 37 signatories

7.3 The following issues were raised in objection that are addressed in the next section of this report:

7.4 • The proposal will result in increased noise and public disturbance to neighbours
Officer comment: *The proposal is for a mini cab radio control office only with 2-3 operators on site. This is considered to be suitable to the location, without causing significant noise nuisance to residential properties.*

7.5 • There is already an existing mini cab office directly opposite the site, creating further competition to existing mini cab uses along Brick Lane.
Officer comment: *Competition is not a material planning consideration; however it is noted there is an existing mini cab office opposite the site. However this proposal is for an office space only for pre-booking, there will be no customers visiting the site nor will walk in customer be allowed. This will be controlled via a condition.*

7.6 • The proposal will adversely impact upon on-street parking provision.
Officer comment: *The Councils Highways department have been consulted on the application who have raised no objections. This is a radio controlled cab office and there would be no on-site parking of cars within the vicinity of the site. This will be managed via condition.*

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use Implications

Principle land use of the site in conjunction with the surrounding area.

2. Highway Implications

Consideration to the impacts on the highways network and parking

3. Amenity Implications

Impact on the amenity of occupying residents and the visual impact to the surrounding area.

8.2 Land Use

8.1 This application proposes the change of use of the existing first floor A1 travel agency unit (49 square metres) to a radio controlled mini cab office (Use class Sui Generis) operating from 07:00am – 04:00am, seven days a week.

8.2 The objectives of saved policy S2 of the adopted Unitary Development Plan (1998) and policy DM1 of the Managing Development DPD (Submission Version May 2012) and policy SP01 of the Adopted Core Strategy (2012) are to promote the vitality and viability of the Borough's town centres by protect A1 uses in District Centres and support non retail uses where they support the function of the town centre uses provided they don't harm the prime shopping frontages.

8.3 The unit is located within the Brick Lane District Centre and lies on the fringe City Activity

Area. The unit (No.100) also forms part of the Brick Lane Local Shopping Parade. It is considered the retail unit does not provide prime retail frontage due to its location off the street and at an upper level. The unit is however occupied by a retail use - a Travel Agency.

- 8.4 A land use survey identifying uses at first floor level was provided by the applicant ranging from No.35 – No.122 Brick lane. The survey identifies nine x A1 uses, two x A2 uses, five x A3 uses, forty-four x C3 uses along this section. Brick Lane at ground floor level has a dominant A3 and A5 uses; however the District Centre and local shopping parade also has a relatively varied retail offer including essential goods such as grocery stores which serve the local community. As such, whilst the existing unit is not vacant, given the type of retail it currently provides (Travel Agents) officers do not consider the loss of this retail unit, particularly at first floor level would affect the provision of essential retail services for local residents. Given, the varied retail provision of Brick Lane and the surrounding area, residents will have sufficient access to essential local shops and would not be affected by the change of use to this unit at upper level.
- 8.5 In conclusion the loss of a retail unit at first floor level in this instance is considered acceptable given the type of retail offer and limited impact it will have on the prime shopping frontage which is at ground floor level.
- 8.6 In terms of the principle of a radio controlled mini-cab office in land use terms, Policy S8 of the adopted UDP, sets out specific criteria for when such uses are considered acceptable. These relate primarily to the impact on residential amenity and traffic and as such are considered in subsequent sections of this report.

Highway Implications

- 8.7 Saved policy S8 of the unitary Development Plan (1998) amongst other things states mini cab offices should not have a detrimental effect on the free flow of traffic or public transportation or result in any increase in potential danger to other road users.
- 8.8 The proposal is for the use of the first floor A1 unit as a radio controlled mini cab office with no counter service allowing “pick ups” with no drivers coming to the premises at any time. This is required in order to manage the impact on the surrounding highway network which does not have any capacity for drivers waiting for “pick ups” in front of the premises or drivers parking adjacent to the site between jobs.
- 8.9 However, the issue for officers is how to ensure that this first floor unit is only used as an office base. By merit of the fact that the unit is at first floor level with no visible shop front helps the proposal gives offices this level of comfort. However it is more difficult to ensure that ad hoc “pick ups” do not occur and that drivers do not wait within the vicinity of the site. As such a condition is recommended requiring radio controlled cars only and no facilities are to be provided on site for drivers waiting for fares or between shifts nor shall the premises be used as a pick up point for customers at any time.
- 8.10 The applicant has provided a layout of the unit showing the location of the office which does not include a counter service which also gives officer a further level of comfort. Furthermore, the Councils highway officer has raised no objections subject to the use subject to appropriate conditions. It is also noted that the existing 5 x loading bays with 20 minute restrictions should not be used by mini cab drivers as a waiting bay. This commitment has been confirmed by the applicant however these bays are outside the control of this application, and it would be for traffic wardens and enforcement to manage the use of these public bays and prevent mis-use.
- 8.11 Highways are satisfied with a condition limited the use to a ‘radio controlled office’ only with

no "pick ups" occurring at the site and no drivers allowed to come to the site between shifts or between jobs. It is considered that this would limit the potential for an unauthorised use of the premises. Furthermore, another condition will be attached preventing the use of signage, adverts or flashing lights which would denote the use of the unit as a mini cab office or indicate members of the public can enter the unit and order a taxi from the site.

- 8.12 As such, it is considered that subject to condition, the proposal will not have a detrimental impact upon the capacity and safety of the surrounding highway network in accordance with saved policies T16 and S8 of the adopted Unitary Development Plan (1998) and SP09 of the Core Strategy (2010). These policies seek to manage the impact of new development on the highway network and ensure specifically that mini-cab uses do not raise any significant impacts in terms of the free flow of traffic or pose a danger to road users.

8.13 **Amenity**

- 8.14 Saved Policy DEV2 of the Unitary Development Plan (1998), Policy DEV1 of the IPG (2007), policy DM25 of the Development Management DPD (Submission Version 2012) and Policy SP10(4) of the adopted Core Strategy (2010) require development proposals to protect the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Saved Policy S8 of the UDP in particular also states that mini cab offices should not have a material detrimental impact on the amenity of nearby residents.

- 8.15 Saved Policy DEV50 of the Unitary Development Plan (1998) states that the Council will consider the level of noise generated from developments as a material planning consideration and that the developer will be expected to include information relating to noise generated by the proposal in their application. Policy DEV10 of the IPG (2007) requires attenuation measures to be incorporated into development likely to generate unacceptable levels of noise.

- 8.16 It is considered that, with appropriate conditions limiting the operation to that of a radio controlled mini-cab office with no cars visiting the site, no pick up from the site, no drivers waiting in the office and no advertising or flashing lights at the site, the introduction of a radio controlled mini cab office in this location, will not result in an adverse impact on the amenity of surrounding residential occupants.

- 8.17 With regard to the hours of operation it is considered that a 24 hour office would not be acceptable given there are residential uses directly above. As such, the hours of operation would be restricted to 7am to 4am on any day which will protect the amenity of existing residents.

- 8.18 In conclusion, it is considered subject to conditions the change of use accords with strategic policy SP02 of the Core Strategy (2012), saved policies DEV2 and S8 of the adopted Unitary Development Plan (1998) and DM25 of the Development Management DPD (2012), which seek to protect the amenity of the residents of the borough.

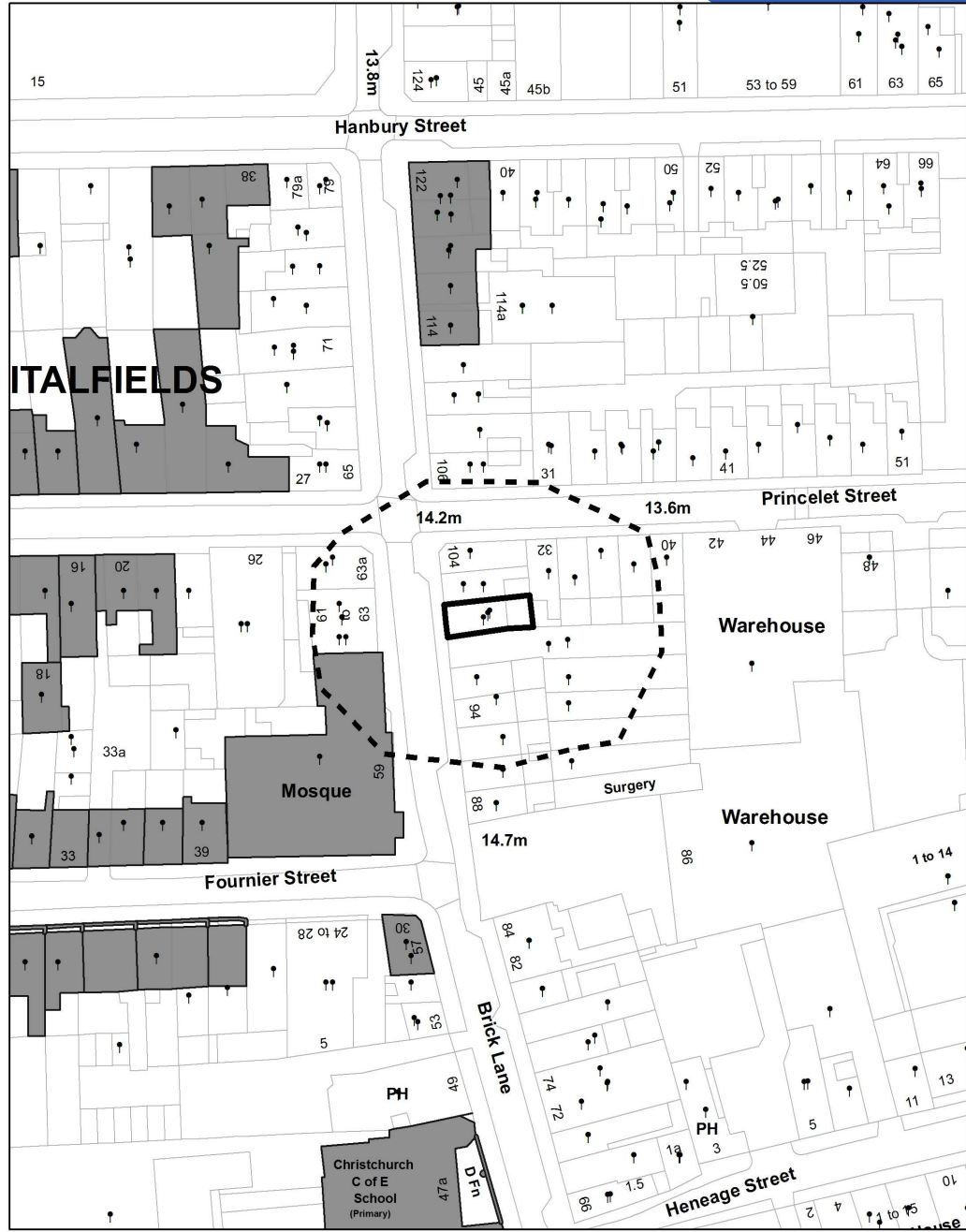
8.19 **Design**

- 8.20 The proposal does not include any alterations to the building. A condition is also recommended to ensure there is no signage or advertisements associated with the proposed mini cab office, which will protect the character and appearance of this building and the conservation area.

9.0 **CONCLUSIONS**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission 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
Consultation Area	Statutory Listed Buildings	

0 15 m 1:800

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
 © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288