

<b>Committee:</b> Development Committee	<b>Date:</b> 11 <sup>th</sup> April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.4
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Piotr Lanoszka		<b>Ref No:</b> PA/12/03357	
		<b>Ward(s):</b> Bethnal Green South	

## 1. APPLICATION DETAILS

<b>Location:</b>	69-89 Mile End Road, London E1 4UJ
<b>Existing Use:</b>	Vacant retail
<b>Proposal:</b>	Change of use at first floor from retail (Use Class A1) to a 24 hour gym (Use Class D2) and external alterations including new access door to Mile End Road and installation of rooftop servicing plant.
<b>Drawing No's:</b>	- E1.103-A Location Plan - E1.102-A Front Elevation as Existing - E1.001-A Floor Plans as Existing - P.102-A Front Elevation as Proposed - P.103-A Floor Plans as Proposed
<b>Documents:</b>	- Design and Access Statement rev A - Operation Note - Acoustic Appraisal ref AS7157.121107.R1 - Acoustic Appraisal ref AS7392.130314.L1 - Letter from CMA Planning dated 28/03/2013
<b>Applicant:</b>	Reydon Ltd
<b>Owner:</b>	As above
<b>Historic Building:</b>	Undesignated, adjoins a number of Grade II listed buildings
<b>Conservation Area:</b>	Stepney Green 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 Unitary Development Plan, Core Strategy 2010, the Managing Development Plan Document (Submission Version May 2012) with modifications, Interim Planning Guidance (October 2007), associated supplementary planning guidance, the London Plan and National Planning Policy Framework 2012 and has found that:

- With regards to land use matters, it is considered that the proposed location is appropriate, that the use will positively contribute to creation of healthy, liveable and sustainable neighbourhoods and that the vitality and viability of adjoining town centres would not be undermined. As such, the proposed change of use of retail floorspace (Use Class A1) to a gym (Use Class D2) is in accordance with the National Planning Policy Framework (2012), policies 2.9, 3.2, 3.16, 3.19, 4.7, 4.8 and

7.1 of the London Plan (2011), saved policy S5 of the Unitary Development Plan (1998), policies SP01 and SP03 and strategic objectives SO4, SO5 and SO10 of the Core Strategy (2010), policy RT3 of the Interim Planning Guidance (2007), and policies DM01, DM02 and DM08 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications).

- Subject to conditions 5, 6, 7, 8, 9, 10 and 12, the operation of the proposed 24 hour gym will not lead to an unacceptable impact on the amenity of adjoining occupiers or the general amenity of the public realm in accordance with the National Planning Framework, policies 3.2 and 7.3 of the London Plan (2011), policies SP03 and SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Unitary Development Plan (1998), policy DEV1 and DEV10 of the Interim Planning Guidance (2007) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications). These policies seek to ensure protection of the amenity of surrounding existing and future residents and building occupants as well as that of the public realm.
- Subject to conditions 3, 4, 7, 8 and 9, the proposal is satisfactory in terms of design, use of materials and detailed execution, and will relate sympathetically to the fabric of the host building and preserve the appearance and character of the Stepney Green Conservation Area. The setting of adjoining Grade II listed buildings will not be adversely affected. The proposal will also provide inclusive access and maintain a safe environment. This is in accordance with the National Planning Policy Framework (2012), policies 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP09 and SP10 of the Core Strategy (2010), saved policies DEV1, DEV9, DEV27, S10 and S11 of the Unitary Development Plan (1998), policies DEV2, DEV3, DEV4 CON1 and CON2 of the Interim Planning Guidance (2007), and policies DM23, DM24 and DM27 of the Managing Development DPD (Submission Version May 2012 with modifications). These policies aim to ensure that development is of high quality design, positively responds to its setting and preserves the architectural quality and setting of borough's heritage assets. Additionally, development is required to be appropriately designed with regards to inclusive access, safety and security.
- Subject to conditions 5, 11, 12 and 13, with reference to transport matters including access, deliveries, servicing and cycle parking, the proposed change of use is acceptable and accords with the National Planning Policy Framework, policies 6.3, 6.9 and 6.13 of the London Plan (2011), saved policy T16 of the Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007), and policies DM20 and DM22 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications). These policies seek to ensure safe and efficient operation of the borough's transport network and to promote sustainable transport.

### **3. RECOMMENDATION**

3.1 That the Committee resolve to **GRANT** planning permission subject to the following:

3.2 That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions:**

1. Time Limit 3 years.
2. Compliance with approved plans and documents.
3. Materials and finishes to match existing.
4. Samples of all external facing materials and full details of shopfronts, entrances and screening.

5. Use class restriction - no other uses within use class D2.
6. Opening 24 hours:
  - classes and events only between the hours of 08:00 - 22:00,
  - access to non-members only between the hours of 08:00 - 20:00.
7. Full details of means of screening of the rear and side fenestration at 1<sup>st</sup> floor level. Rear and side fenestration at 1<sup>st</sup> floor level to be obscured in perpetuity.
8. Full details of proposed servicing plant and sound attenuation measures followed by post-installation acoustic testing.
9. Full details of proposed external and internal security measures including CCTV and controlled entry system.
10. Submission of a Facility Management Plan including but not restricted to:
  - safety and security measures,
  - membership policies,
  - personnel and customer code of conduct,
  - minimum staffing,
  - emergency procedures,
  - any other measures to reduce amenity impact.
11. Full details of cycle parking in line with current standards.
12. Use of Mile End Road entrance only (except for emergencies and servicing).
13. In all marketing information, occupier to promote sustainable modes of transport only and not refer to availability of any motor vehicle parking spaces in the vicinity.
14. Full details of sustainability measures
15. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

- 1) Advertisement consent application required for signage
- 2) Section 278 required for works to highway.
- 3) Applicant advised to contact LBTH Building Control team.
- 4) No blocking of surrounding highway and carriageway.
- 5) No skips or construction materials shall be kept on the footway or carriageway.
- 6) Servicing for the site should be carried out in accordance with existing on-street parking stopping restrictions.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The applicant seeks to change the use of the first floor from retail (Use Class A1) to a 24 hour gym (Use Class D2). To facilitate these changes a new entrance is proposed in the Mile End Road frontage and a rooftop servicing plant area at 3<sup>rd</sup> floor level.
- 4.2 The application also proposes the creation of a new Mile End Road entrance for the existing 2<sup>nd</sup> floor conferencing and banqueting suite.

### **Site and Surroundings**

- 4.3 The application relates to 2043sqm of vacant retail floorspace within the first floor of the former Wickhams Department Store. The site is located on the corner of Mile End Road and Cleveland Way with the main entrance and retail frontage facing Mile End Road and the delivery and emergency access from Cleveland Way. Mile End Road (A11) forms part of the Transport for London Road Network, while Cleveland Way is a local adopted highway. The ground floor of the site remains in retail use (Use Class A1) - two of the three units are currently occupied by a supermarket (Tesco) and a fashion retailer (Sports Direct). The second floor operates as a conferencing and banqueting suite (The Waterlily, Use Class D2) while the 3<sup>rd</sup> floor is occupied by serviced offices (Use Class B1).

- 4.5 The site forms part of the Stepney Green Conservation Area and adjoins a significant number of Grade II Listed buildings as shown in Figure 1 below. The site itself is not a designated or a statutory heritage asset, nevertheless it is considered to be of significant heritage value to the borough and in particular to the townscape of the Stepney Green Conservation Area.

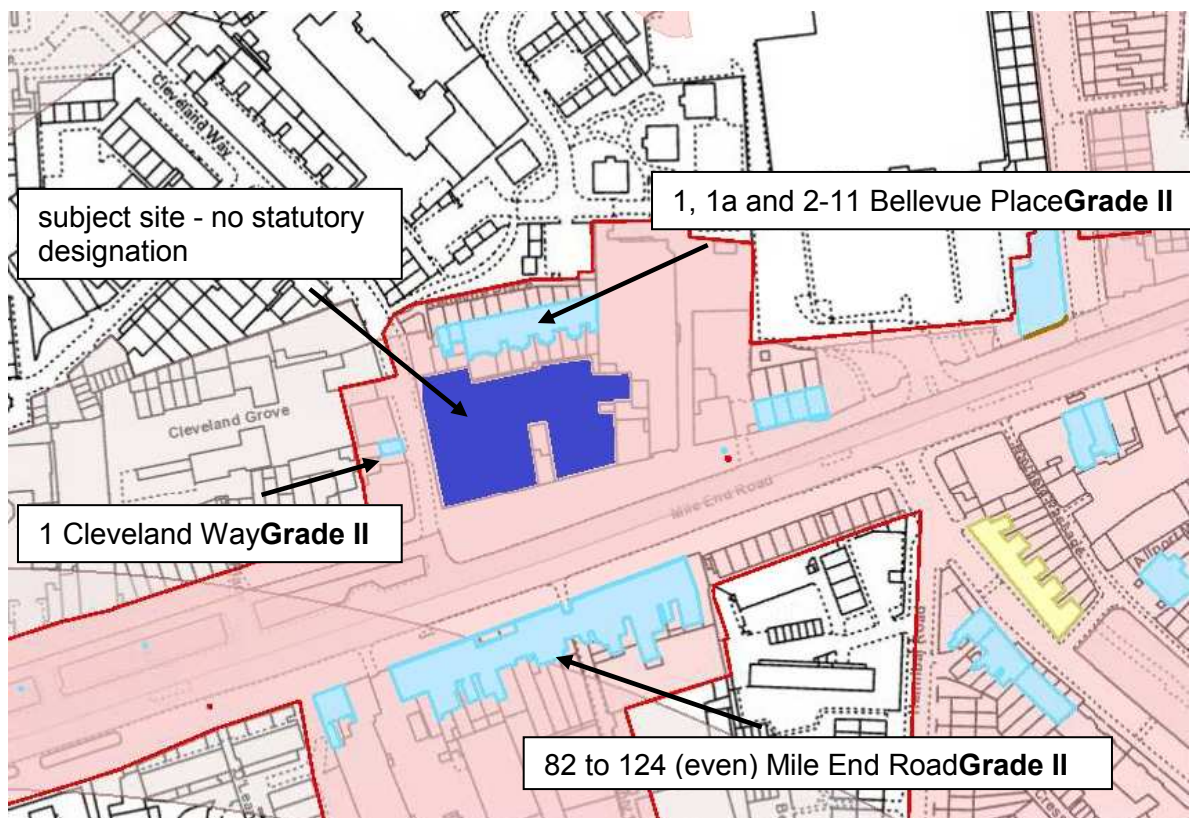


Figure 1 - Extent of the Stepney Green Conservation Area with Listed Buildings

- 4.6 The site is designated as part of an Arts, Culture and Entertainment (ACE) Area in the UDP 1998. The site does not carry any other spatial policy designations but is considered to be located within an edge of town centre location for both the Whitechapel District Town Centre - located 250m to the west, and the Stepney Green Neighbourhood Town Centre - located 280m to the east of the application site.
- 4.7 Abutting to the east of the site is the Al Huda Cultural Centre and Mosque and the Genesis Cinema. 120m to the east is the Anchor Retail Park while to the west of the site and on the opposite side of Mile End Road are located parades of shops. Immediately to the north, the site is abutted by rear gardens of the residential terrace of Bellevue Place and the flats at 14 and 16 Cleveland Way.
- 4.8 The surrounding townscape is mixed-use, inner-city in character with retail and town centre uses located along a commercial spine formed by Mile End Road and with residential development located along the side streets. Retail and town centre uses stretch without significant interruption the whole distance from Aldgate to Mile End and traverse the boundaries of the designated town centres. The patterns and intensity of activity and

pedestrian footfall decrease as distance from town centres increases.

### **Relevant Planning and Enforcement History**

- 4.9 The following section lists the relevant planning and enforcement history for the application site.

#### Planning History

- 4.10 PA/08/02274

On 17 February 2009 planning permission was granted for refurbishment, alterations works and change of use of former department store to provide retail at basement, ground and first floors, conference suites/banqueting hall at second floor and offices at third floor together with the creation of a new escalator lobby in yard at rear of number 81 Mile End Road.

- 4.11 PA/09/02515

On 22 January 2010 planning permission was granted for installation of three roof mounted air conditioning units and one roof mounted condenser units.

- 4.12 PA/09/01386

On 14 April 2010 variation of condition 2 of planning permission PA/08/02274 was permitted to extend opening hours of retail units on site to 07:00 hours -23:00 hours Mondays to Sundays with no restriction on staff occupying the property after closing.

- 4.13 PA/10/0053

On 28 July 2010 planning permission was refused for change of use of part of third floor from office (Use Class B1) to educational use for training purposes (Use Class D1).

#### Enforcement History

- 4.16 ENF/09/00515

Enforcement proceedings with regards to non-compliance with condition 3 (D2 opening hours), condition 4 (cycle storage), condition 5 (acoustics), condition 6 (service management plan), condition 7 (sound limiter), condition 10 (use of Cleveland Wayentrance), condition 11 (servicing hours) and condition 12 (rear servicing area) of planning permission ref PA/09/001386 dated 14 April 2010.

For further details please refer to LBTH Enforcement comments within the Consultation Response section of this report.

## **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:

### **Unitary Development Plan 1998 (as saved September 2007)**

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV9	Control of Minor Works
	DEV27	Small Scale Proposals in Conservation Areas
	DEV50	Noise

DEV55	Development and Waste Disposal
T16	Traffic Priorities for New Development
S5	Changes of Use in Other Parades and Isolated Shops
S10	New Shopfront Proposals
S11	Use of Open Grills
ART6	Arts, Culture and Entertainment (ACE) Areas

### **Core Strategy adopted 2010**

Strategic Objectives:	SO3	Achieving wider sustainability
	SO4	Refocusing on our town centres
	SO5	Refocusing on our town centres
	SO10	Creating healthy and liveable neighbourhoods
	SO16	Delivering successful employment hubs
	SO20	Creating Attractive and Safe Streets and Spaces
	SO21	Creating Attractive and Safe Streets and Spaces
	SO22	Creating Distinct and Durable Places
	SO23	Creating Distinct and Durable Places
	SO25	Delivering Placemaking
Spatial Policies:	SP01	Refocusing on our town centres
	SP03	Creating healthy and liveable neighbourhoods
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP12	Delivering Placemaking

### **Managing Development DPD(Submission Version2012) with alterations.**

Policies	DM1	Development within the town centre hierarchy
	DM2	Local shops
	DM8	Community infrastructure
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and the public realm
	DM24	Place sensitive design
	DM25	Amenity
DM27	Heritage and the historic environment	

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	RT3	Shopping Provision outside of Town Centres
	CON1	Listed Buildings
	CON2	Conservation Areas

### **Supplementary Planning Guidance/Documents**

Draft Town Centres SPG (January 2013)  
 PPS5: Planning for the Historic Environment Practice Guide (June 2012)  
 LBTH Shopfronts SPG (1998)  
 LBTH Stepney Green Conservation Area Character Appraisal

## **Spatial Development Strategy for Greater London (London Plan) 2011**

Policies:	2.9	Inner London
	2.15	Town Centres
	3.1	Ensuring equal life chances for all
	3.2	Improving health and addressing health inequalities
	3.16	Protection and enhancement of social infrastructure
	3.19	Sports facilities
	4.7	Retail and town centre development
	4.8	Supporting a successful and diverse retail sector
	6.3	Assessing effects of development on transport capacity
	6.9	Cycling
	6.13	Parking
	7.1	Building London's neighbourhoods and communities
	7.2	An inclusive environment
	7.3	Designing out crime
	7.4	Local character
	7.5	Public realm
	7.6	Architecture
	7.8	Heritage assets and archaeology

### **Government Planning Policy Guidance/Statements**

NPPF          National Planning Policy Framework

In particular: - The presumption in favour of sustainable development  
- Core planning principles  
- Building a strong, competitive economy  
- Ensuring the vitality of town centres  
- Promoting sustainable transport  
- Requiring good design  
- Promoting healthy communities  
- Conserving and enhancing the natural environment  
- Conserving and enhancing the historic environment  
- Determining applications  
- Planning conditions and obligations

### **Community Plan**

The following Community Plan objectives relate to the application:

A better place for living safely  
A better place for living well  
A better place for creating and sharing prosperity  
A better place for learning, achievement and leisure

## **6. CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **LBTH Development Design and Conservation**

6.2 No objection subject to details of shop fronts and entrances and details of plant enclosure being reserved by condition.

(Officer Comment: A suitable condition will be imposed should permission be granted)

### **LBTH Environmental Health - Noise and vibration**

- 6.3 We have had a number of noise and vibration transference issues with the use of gyms adjoining premises for other use including residential/commercial development, which is primarily caused by the impact of gym equipment coming into contact with the building fabric. In order for EH to be satisfied that the use of gym at 69-89 Mile End Rd will not cause noise and vibration transference likely to cause a statutory nuisance under the EPA 1990, the developer would be required to carry out a noise assessment survey and submit this to EH demonstrating that the Dntw and the Lntw values are in compliance with British Standards and Building Regulations. The Noise report will also need to carry out a BS4142 Noise Survey to demonstrate that any Plant and Equipment used including fans, condenser units, compressors, grilles and ventilation units do not cause a nuisance and the noise levels do not exceed 10dB below the background noise levels. EH will then undertake a post completion testing to verify the results.

(Officer Comment: A suitable condition will be imposed should permission be granted)

### **LBTH Transportation & Highways**

- 6.4 While Highways have no objections to the principle of this change of use, an objection has to be raised with regards to proposed cycle parking provision.
- 6.5 The applicant has proposed to use the existing cycle parking stands outside the entrance. These are already in use and the introduction of the gym is likely to result in increased demand. The minimum requirement as per the London Plan and LBTH policy is 1 space per 10 staff and 1 space per 20 peak period visitors. 15 equivalent full time staff is proposed but the applicant has not stated the expected level of peak time visitors or the quantity of existing on-street cycle stands (Google Streetview appears to show 8 spaces). The applicant is expected to submit details of cycle parking provision in accordance with the aforementioned policy. It should be noted that LBTH's preferred cycle parking stand is the Sheffield type stand, one of which can fully secure two bicycles.

(Officer Comment: Conditions will be imposed to require details of on-site and/or off-site cycling parking to be submitted in line with LBTH and London Plan standards and to require promotion of only sustainable modes of travel should permission be granted)

### **Transport for London**

- 6.6 The applicant has proposed to utilise the existing cycle parking facility outside the site; TfL considers that an additional facility may be required to ensure capacity is maintained. Therefore TfL requests the applicant to confirm details of the peak capacity of the proposal. Upon receiving such information, TfL shall decide whether the applicant would be required to enter into a S278 Agreement under Highways Act 1980 with TfL to provide additional cycle parking facilities outside the premises. Otherwise, cycle parking facilities shall be provided on site in accordance with the current London Plan standards, which is 1 per 110 staff & 1 per 20 peak period visitors.
- 6.7 The footway and carriageway A11 Mile End Road must not be blocked during the construction and maintenance of the proposal. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
- 6.8 No skip/ construction materials shall be kept on the footway or carriageway of A11 Mile End Road at any time.



- 6.9 Servicing for the site should be carried out in accordance with existing on-street parking stopping restrictions.

(Officer Comment: Conditions will be imposed to require details of on-site and/or off-site cycling parking to be submitted in line with LBTH and London Plan standards. Requested informatives will also be included should permission be granted)

#### **LBTH Building Control**

- 6.10 No comments received.

#### **London Fire and Emergency Planning Authority (London Fire Brigade)**

- 6.11 From planning criteria, the Brigade has no concerns as the issues of our access and water supplies are already in place for this building. Other issues may arise when a statutory building control consultation is received.

#### **LBTH Metropolitan Police Crime Prevention Officer**

- 6.12 No objection in principle. Please ensure that the doors/glass/access control systems being installed are of a good standard, and that CCTV is properly monitored and recorded in line with the Data Protection Act. I would point out that some gyms can become a place for drug sales, and therefore the toilet facilities should be designed to reduce the chance of this happening (sealed cisterns/blue lighting etc), with CCTV covering the entrances to/from the toilets, and checked regularly by staff.

(Officer Comment: Conditions will be imposed to require details of CCTV and security measures as well as submission of a bespoke management plan for the facility should permission be granted)

#### **LBTH Planning Policy**

- 6.13 No objection in principle subject to submission of marketing evidence.
- 6.14 Given the A1 unit's location outside of a designated town centre boundary, Policy DM2 (Local Shops) in the emerging Managing Development DPD (2012) will be relevant in this case. DM2 states that any development resulting in the loss of local A1 shops, outside of town centres, will only be supported where:
- a) the shop is within a 300m walking distance of the nearest alternative local shops
  - b) the shop has been vacant for more than a period of 12 months and robust evidence is provided of efforts made to market the shop unit over that period at an appropriate rent
  - c) there is no viable prospect of a retail use on the site
- 6.15 Given that this proposal is for the change of use to a gym (D2 use), Spatial Policy 03 in the adopted Core Strategy (2010) is also relevant. This encourages supporting opportunities for healthy and active lifestyles, including providing excellent access to high quality leisure and recreation facilities in the borough. Policy DM8 in the Managing Development DPD states that new health and leisure facilities should be located in or at the edge of town centres. Given that the site is located on the edge of both Whitechapel and Stepney Green town centres; this requirement of policy DM8 has been satisfied.
- 6.16 (Officer Comment: The applicant has submitted evidence of marketing of the floorspace. Issues raised are addressed further in the Land Use section of this report)

#### **LBTH Communities, Localities & Culture - Strategy**

- 6.17 Planning obligations contributions will not be applicable to the application in line with the Planning obligations supplementary planning document.

#### **LBTH Sustainability Officer**

- 6.18 The applicant should provide details of the sustainability initiatives integrated into the scheme and details of the energy systems proposed to deliver the space heating and hot water requirements of the development. For all schemes we will be looking for the applicant to demonstrate CO2 emission reductions in accordance with managing development policy DM29.

(Officer Comment: A condition will be imposed to required details of sustainability measures)

#### **LBTH Planning Enforcement**

- 6.19 No objection raised, however planning enforcement have an open case for various breaches of planning control at this site.
- 6.20 A breach of condition notice was served in response to an on-going failure to comply with conditions of planning permission, ref: PA/09/01386 which related among other things to the permitted hours of the 2<sup>nd</sup> floor of the property, sound limiters which need to be submitted to and approved by the Council and then installed and to ensure the proper access and servicing arrangements of the site are adhered to.
- 6.21 The premises was prosecuted in the Magistrates Court in August 2011 and fined £8315 in relation to 16 reported offences related to this breach of condition notice.
- 6.22 Planning enforcement are also aware that roller shutters and a shopfront have been installed at the site without planning permission and that the Carmel Unit has been partially demolished.
- 6.23 The planning enforcement team recently went through a transitional period but a new team is now in place so the intention is to continue to investigate and monitor the aforementioned breaches and look to take further action if it is considered expedient to do so.

#### **LBTH Town Centre Coordinator**

- 6.24 No objection raised. A gym can be considered to contribute to the creation of sustainable communities by providing support to the social facilities and is in conformity with SP03(5b) of the core Strategy

### **7. LOCAL REPRESENTATION**

- 7.1 A total of 65 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised by way of a site notice outside the application site and a press advert in the East End Life newspaper.

The 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: 12 against

No. of petitions received: 1 against containing 25 signatures

#### **Objections Received**

- 7.2 Two objections were received from local amenity groups representing adjoining residential occupiers. Objections were raised with regards to noise and disturbance likely to result from the proposed servicing plant, the use itself, excessive opening hours and from users arriving and leaving.
- 7.3 The 25 petitioners object to a 24 hours gym on grounds of detriment to local residents resulting from increased levels of noise and nuisance in the area.

The following issues were raised in the 8 objection letters from adjoining residents:

7.4 Amenity

- noise and nuisance resulting from use itself
- noise and nuisance resulting from hours of operation
- noise and nuisance resulting from comings and goings
- noise and nuisance resulting from servicing plant
- principle of a 24 hours use in a residential area
- light pollution
- cumulative impact

(Officer Comment: The above issues are discussed in depth within Material Planning Considerations in the 'Amenity' section)

7.5 Biodiversity

- impact of noise on wildlife within adjoining gardens

(Officer Comment: It is considered that no adverse impact will result subject to imposition of adequate noise and light pollution attenuation measures secured by condition)

7.6 Highways

- increase in car traffic
- increase in parking stress
- impact resulting from deliveries and servicing
- insufficient provision of cycle parking

(Officer Comment: The above issues are discussed in depth within Material Planning Considerations in the 'Highways' section)

Other

- 7.7 A number of individual objection letters refers to non-compliance with planning conditions by the operator of the banqueting and conferencing venue located on the 2<sup>nd</sup> floor of the application premises as well as unauthorised alteration and demolition works to the shopfronts and the general fabric of the heritage asset. There is an on-going enforcement investigation in relation to the issues raised. Please refer to LBTH Enforcement response above.
- 7.8 A number of objectors also suggest imposition of various conditions to limit the externalities arising from the development. These are noted and will be addressed within relevant sub-sections of the Material Planning Considerations part of this report.
- 7.9 Objections were also raised with regards to impact on property values. This is not considered to be a material planning consideration.
- 7.10 One objection on land use grounds has been received from another gym operator in the borough. The letter opposes the development on the basis of non-compliance with Paragraph 24 of the National Planning Policy Framework which requires Local Planning Authorities to

sequentially test applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 24 expresses preference to town centre location of town centre uses.

(Officer Comment: It is considered that as the development is in accordance with an up-to-date Local Plan no sequential testing is necessary. Additionally the edge of town centre site already contains active retail and banqueting 'town centre' uses and the floorspace in question already benefits from planning permission for retail use. The specific use as a gym is also intrinsically local by nature and as such does not pose a threat to vitality and viability of adjoining designated town centres. Land use matters are considered in depth within the 'Land Use' section of the Material Planning Considerations part of this report.)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The application has been fully considered against all relevant policies under the following report headings:

1. Land-use
2. Amenity
3. Design and Heritage
4. Highways

### **Land-use**

8.2 The main land use considerations with regards to the application are loss of retail floorspace and the principle of introduction of a sports facility.

8.3 The site has been designated as part of an Arts, Culture and Entertainment (ACE) Area in the Unitary Development Plan 1998. The site carries no other spatial designations but is considered to be located within an edge of town centre location for both the Whitechapel District Town Centre - located 250m to the west, and the Stepney Green Neighbourhood Town Centre - located 280m to the east of the application site.

8.4 Following grant of planning permission PA/08/02274 dated 17 February 2009, the lawful use of the first floor floorspace to which this application relates is retail (Use Class A1). The first floor has however remained unoccupied despite extensive marketing of the premises since July 2008 as described in the letter from the applicant's property consultant.

8.5 The ground floor of the site remains in retail use (Use Class A1) - two of the three units are currently occupied by a supermarket (Tesco) and a fashion retailer (Sports Direct). The second floor operates as a conferencing and banqueting suite (The Waterlily, Use Class D2) while the 3<sup>rd</sup> floor is occupied by serviced offices (Use Class B1)

### Loss of retail floorspace

8.6 Policy 4.8 of the London Plan, S5 of the UDP, RT3 of the IPG and DM02 of the MD DPD seek to resist loss of retail floorspace in locations outside designated town centres where this would lead to a reduction in local shopping provision and detrimental impact on the ability of local people to access basic goods and services. A number of specific tests is introduced by policy DM02 which supports development resulting in loss of A1 shops only where the shop is within a 300m walking distance of the nearest alternative, has been vacant for more than 12 months and evidence of marketing is provided, and where there is no viable prospect of a retail use on site taking into consideration the future need for provision of local shops as part of a sustainable neighbourhood.

8.7 As such, no objection is raised with regards to change of use of the retail floorspace as a

significant amount of active retail floorspace remains on the ground floor of the premises and within adjoining local shop parades, the floorspace has been actively marketed since July 2008 with no significant interest from retail occupiers, and because there is no likely prospect of the floorspace being used for retail purposes in the near future. The Waterlily Centre's intention to bring the former Wickhams Department Store to its original use has not been realised due to the lack of interest from providers of comparison retail. The fact that the floorspace is located at first floor level, no car parking is available and the footfall on this part of the Mile End Road is limited contribute to the unsuitability of the upper floors for comparison retail which, in general, has much larger catchment areas than convenience retail and is more appropriate within the core areas of District and Major Town Centres.

#### Introduction of a gym use

- 8.8 The National Planning Policy Framework, policies 2.9, 3.2, 3.16, 3.19 and 7.1 of the London Plan, and policy SP03 of the Core Strategy support development of sports facilities in order to aid creation of healthy, liveable and sustainable neighbourhoods by way of improving access to a range of sport facilities. Accessible sport facilities form an important part of the social infrastructure and play a significant role in ensuring local people have the opportunity to lead active lifestyles and participate in community activities, which can have positive outcomes for physical and mental health, and social cohesion.
- 8.9 The National Planning Policy Framework, policies 3.16 and 4.7 of the London Plan, SP01 of the Core Strategy and DM8 of the MD DPD seek to locate gyms within town centre and edge of town centre locations within easy reach by walking, cycling and public transport. This is because town centre and edge of town centre locations are most accessible but also because gyms are considered a use which through generation of activity and footfall can contribute to the vitality and viability of the borough's town centres and commercial areas.
- 8.10 In considering the suitability of this location for a gym, of particular relevance are the strategic objectives SO4 and SO5, and the policy SP01 of the Council's Core Strategy. The policies aim to create a hierarchy of interconnected, vibrant and inclusive town centres that function as hubs for retail, commercial, leisure, civic and residential uses. Scale and type of uses should be proportionate to the town centre hierarchy, accessibility and footfall. Mixed uses are generally to be promoted for edge of town centre locations and along main streets.
- 8.11 As described within the Site and Surroundings section of this report the site is located within an edge of town centre location which benefits from relatively high footfall and high accessibility. It is part of a continuous spine of commercial and town centre uses along the A11 corridor, adjoins a cinema, mosque and community centre, a banqueting and conference venue, and a significant number of retail premises. The proposed use will thus sit comfortably within the context of the site and due to its predominantly local catchment area characteristic of most gyms, will support rather than undermine the viability and vitality of adjoining designated town centres of Whitechapel and Stepney Green.
- 8.12 In addition, the introduction of a viable active use to a vacant unit will contribute to the provision of employment - the applicant indicates an equivalent of 15 full-time employees on site, as well as an increase in activity and footfall which will benefit adjoining retail uses.
- 8.13 Overall, with regards to land use matters, officers are satisfied that the proposed location is appropriate, the use will positively contribute to the creation of healthy, liveable and sustainable neighbourhoods and that the vitality and viability of adjoining town centres would not be undermined. As such, the proposed change of use of retail floorspace (Use Class A1) to a gym (Use Class D2) is in accordance with the National Planning Policy Framework (2012), policies 2.9, 3.2, 3.16, 3.19, 4.7, 4.8 and 7.1 of the London Plan (2011), saved policy S5 of the Unitary Development Plan (1998), policies SP01 and SP03 and strategic objectives SO4, SO5 and SO10 of the Core Strategy (2010), policy RT3 of the Interim Planning Guidance (2007), and policies DM01, DM02 and DM08 of the Managing Development:

## **Amenity**

- 8.14 The National Planning Policy Framework identifies sustainable development as the main purpose of the planning system and specifies three main dimensions: the economic, social and environmental. These roles are mutually dependant and should not be undertaken in insolation. Of particular relevance to the protection of amenity as part of sustainable development are Paragraphs 123 and 125 of the NPPF which require planning to:
- avoid adverse impacts on health and quality of life which could arise from noise
  - mitigate and reduce other amenity impacts, including through the use of conditions
  - limit the impact of light pollution on local amenity
- 8.15 The Council's relevant policies are DEV2 of the UDP, DEV1 of the IPG, DM25 of the MD DPD and SP10 of the Core Strategy. These policies aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 8.16 Further to the general amenity policies listed above, policies DEV50 of the UDP, DEV10 of the IPG and SP03(2) of the Core Strategy specifically aim to minimise and mitigate the impact of noise through design and planning controls including through imposition of conditions. This is especially relevant for evening and night time uses. Additionally, policy SP01(2c) aims to avoid overconcentration of evening and night time economy uses in areas where they would have a detrimental impact on local people and land uses.
- 8.17 Policy 3.2 of the London Plan acknowledges the impact of the environment on health of the population and requires new developments to be designed, constructed and managed in ways that improve health and promote healthy lifestyles. Policy 7.3 aims to ensure creation of safe and secure environments where crime and disorder and the fear of crime do not undermine quality of life. This policy also acknowledges that daytime and managed night time uses can positively contribute to safety of an area through creation of a level of natural surveillance resulting from the activity generated in and around the site.
- 8.18 As shown in Figure 2 below, the residential properties which are most likely to be affected by the proposal are:
- the terrace at Bellevue Place with rear gardens abutting the rear wall of the site,
  - flats at 14 and 16 Cleveland Way also abutting to the rear but exposed to noise and disturbance from both the rear and the Cleveland Way elevation
  - flats on the opposite side of Cleveland Way

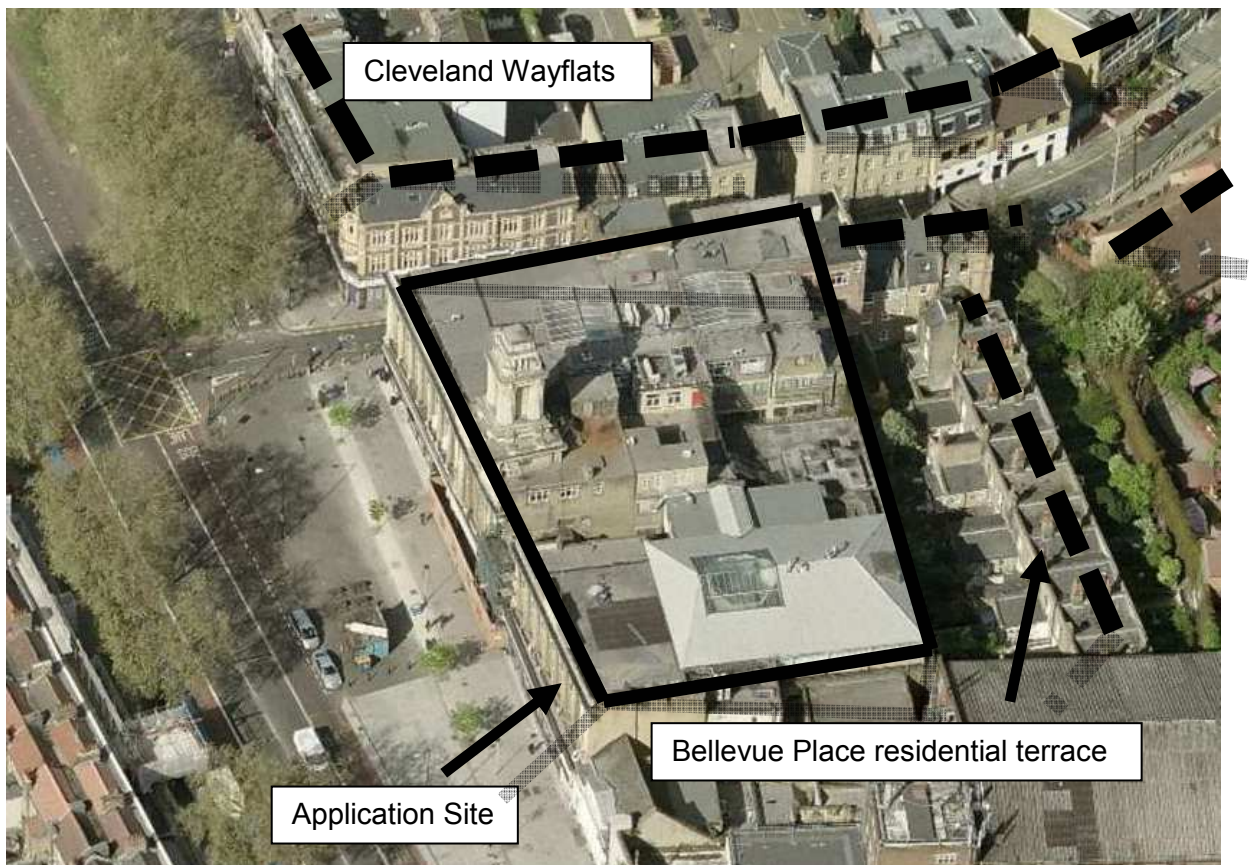


Fig. 2 application site with adjoining residential properties (dashed line)

- 8.19 Three distinct soundscapes can be identified along with three corresponding areas of activity. These are as follows:
- 8.20 Mile End Road is dominated by noise from intensive car traffic and that generated by moderate to high pedestrian footfall and activity. The intensity of noise pollution from traffic reduces outside peak hours and at night-time but remains relatively high at all times. Pedestrian activity varies throughout the day and to an extent lasts well into the evening but substantially reduces at night time. Overall, pedestrian activity reflects the inner city mixed use character of the main road. There is a relatively high amount of light pollution arising from highway, public realm and commercial lighting.
- 8.21 Cleveland Way has a similar noise climate close to its junction with Mile End Road but noise pollution significantly reduces further away from the junction. Being a local road, vehicular traffic is also significantly smaller. Pedestrian activity is substantially smaller and restricted to mostly daytime due to the residential nature of the area to the north of the Mile End Road
- 8.22 Bellevue Place, due to the surrounding built form, is considerably shielded from the noise pollution resulting from traffic and pedestrian activity originating from Mile End Road. Light pollution is also significantly lower and mostly restricted to that emanating from the application site. The character and pattern of activity within Bellevue Place is entirely residential.
- 8.23 These three areas exhibit different levels of sensitivity to noise and light pollution. Due to high background pollution properties facing Mile End Road are not likely to be significantly affected, with moderate impact on properties on the western side of Cleveland Way and likely high sensitivity to noise and light pollution in Bellevue Place and at 14-16 Cleveland Way.
- 8.24 The relatively low background noise levels make the properties along Bellevue Place and flats at 14-16 Cleveland Way, that have windows at rear, significantly more sensitive to noise and light disturbance which might arise from within the application site.

### Disturbance from comings and goings

- 8.25 With regards to disturbance form comings and goings associated with the use, especially at night time, residents of Bellevue Place will not be affected due to physical separation while residents of properties on Mile End Road will be affected to a lesser degree due to the higher background noise levels arising from existing vehicular traffic and pedestrian activity. The highest impact is likely to be experienced by residents of Cleveland Way who live further away from the site where the background noise levels are lower - nonetheless Cleveland way is likely to be used much less intensively for pedestrian access than the main transport and activity corridor of Mile End Road.
- 8.26 The supermarket located within the ground floor of the application site currently operates between 07:00 - 23:00 all week with no restriction on staff occupying the premises after the closing time. The conferencing and banqueting suite on the 2<sup>nd</sup> floor is restricted by an existing planning condition to operate within 08:00 - 22:30 Monday - Saturday and 10:00 - 20:00 Sundays and Bank Holidays with all staff and patrons required to vacate the premises within 30min of the closing time.
- 8.27 While no formal planning restrictions affect prayer times at the adjoining Mosque it is understood that prayers would not normally last past 23:00. The opening times of the adjoining cinema are also not restricted but last screenings normally take place at about 9pm with customers leaving between 23:00-24:00.
- 8.28 The highest concentration of evening use and activity in the vicinity is on Fridays and Saturdays when the banqueting suite hosts events and the cinema attracts a bigger audience.
- 8.29 The existing evening and night time soundscapes, especially these of Cleveland Way and Bellevue Place, are currently significantly affected by the operation of the conferencing and banqueting suite located on the 2<sup>nd</sup> floor of the application premises. A large number of these negative externalities relates to non-compliance with planning conditions imposed on the original consent and the non-implementation of the Mile End Road entrance. It is considered that in the assessment of the night time impact of the use a likelihood of reduction in background disturbance levels during events at the Waterlily should be taken into account.
- 8.30 Figure 4, below, outlines expected visitor numbers throughout a 24 hour period. This estimate is based on comparable existing operations within the operator's group of gyms. The estimated number of visitors is approximately 1000 spread throughout a 24 hour period. The Operation Note submitted with the application outlines that on average 9.29% of visits are made between 10pm and 6am which in this instance is likely to be approximately 90 individuals. Peak usage is expected to be at lunchtime 12:00-14:00 and later afternoon or early evening 16:00-20:00. Between 20:00 and 8:00 the gym will be accessible to members only. It is noted that it is not likely for visitors to arrive in groups with the likely pattern of arrivals and departures being fairly evenly spread out.

Time	Usage	Expected number of users
00:01 to 06:00	5.39%	53
06:01 to 12:00	24.36%	240
12:01 to 18:00	35.94%	354
18:01 to 00:00	34.31%	338

Figure 4 - Operator's estimate of visitor numbers

- 8.31 The projected visitors numbers are not considered significant when compared to the capacity of the adjoining cinema which is advertised at 575 people at a time, banqueting suite 1000+ and the capacity of the Mosque which is estimated to be around 300-400. It is noted that plans for the expansion of the Mosque include a capacity likely to reach 700.
- 8.32 Even though the applicant does not envisage organising classes at the facility, it is not



considered that an outright restriction on classes and events would meet the tests outlined in the paragraph 206 of the National Planning Policy Framework. A condition will be imposed to restrict classes to 08:00 - 22:00 only in order to reduce the potential for evening and night time disturbance resulting from groups of people arriving or leaving the premises.

- 8.33 It is noted that safety and security measures are likely to significantly reduce the likelihood and/or intensity of nuisance caused by people arriving or leaving the premises. The proposal incorporates a number of security features including a secure entry system utilising secure entry pods and requiring personal identification numbers, staffing and extensive CCTV coverage. As noted, between the hours of 20:00 and 8:00 the gym will be accessible only to members.
- 8.34 In order to reduce any possibility of antisocial behaviour and other adverse amenity impacts resulting from uncontrolled or unsupervised access a bespoke Facility Management Plan will be secured by condition and retained in perpetuity. The Facility Management Plan shall detail all safety and security measures, membership policies, personnel and customer code of conduct, minimum night-time staffing, management and emergency procedures. This is considered necessary to prevent adverse amenity and safety impacts resulting from 24 hour operation. The LBTH / Metropolitan Police Crime Prevention Officer will be consulted on the Plan.
- 8.35 As noted above, the new entrance is to be located in the centre of the Mile End Road frontage. The entrance will also serve the conferencing and banqueting venue on the 2<sup>nd</sup> floor of the application site which will result in significant reduction in disruption to residents of Cleveland Way and Bellevue Place. Exclusive use of Mile End Road entrance except in emergency and for servicing will be secured by condition.
- 8.36 The D2 'Assembly and Leisure' Use Class, among others, allows the following uses: Cinemas, Dance and Concert Halls, Sport Halls, Bingo Halls, Casinos and other Leisure Uses such as conferencing and banqueting suites. The amenity and highways impact of most of the other uses within the D2 Use Class is considered to be disproportionately higher than that of a gym. It is therefore considered necessary to impose a condition restricting the use of the 1<sup>st</sup> floor to a gym and no other use within the D2 Use Class.
- 8.37 As such, with regards to disruption from comings and goings, it is considered that, subject to the above conditions, the use will not result in disruption to the amenity of adjoining residential occupiers or that of the public realm.

#### Disturbance resulting from operation of the gym and associated servicing plant

- 8.38 A background noise survey has been conducted by the applicant with regards to the servicing plant to be installed as well as the general impact of the use. The lowest measured night-time background noise level was 38dB L(A90,15min) thus in accordance with advice received from the Council's Environmental Health Officer, the noise level generated by plant and activity at the gym should not exceed 28dB(A) at the nearest residential windows. This is 10dB lower than the lowest measured level and will be secured by condition with post-implementation levels tested for compliance by the Council's Environmental Health Officers.

The most likely measures which will be employed by the applicant to achieve the above target include:

- 8.39 Plant: acoustic screening, use of internal ventilation units and installation of duct-mounted attenuators.
- 8.40 General activity: blocking up of the windows at rear, sealing shut of windows in the Mile End and Cleveland Way elevations, installation of secondary glazing, laying out of protective matting throughout the gym, restrictions on volume of amplified music and careful location of

gym equipment which is likely to generate highest noise and/or vibration.

- 8.41 A meeting between the applicant's agent, the planning case officer and a number of local residents took place on the 26<sup>th</sup> of March where residents stressed their concern with regards to the intended positioning of the servicing plant at 2<sup>nd</sup> floor level at rear. On the 28<sup>th</sup> of March a letter from the applicant's agent has been received which confirms that following consultation with residents it is now the applicant's intention to position the plant further away from adjoining residential properties - within the roof area, above the 3<sup>rd</sup> floor level.
- 8.42 Details of plant as well as all noise and vibration attenuation measures will be reserved by condition together with post-implementation testing and retention in perpetuity in order to satisfy the background noise criteria listed above.
- 8.43 Due to the 1<sup>st</sup> floor windows at rear being blocked up the properties at Bellevue Place will not be affected by light pollution. To protect the amenity of adjoining residents, a condition will be imposed to limit the amount of light pollution from the side elevation (facing Cleveland Way) by requiring the windows to be permanently obstructed.
- 8.44 Overall, the officers are confident that any adverse amenity impact resulting from proposed change of use from retail to a gym can be successfully controlled through imposition of conditions. No unacceptable impact will therefore occur. Additionally, the new entrance within the Mile End Road frontage will reduce the disturbance caused by the existing 2<sup>nd</sup> floor banqueting and conferencing venue.
- 8.45 As such, subject to conditions 5, 6, 7, 8, 9, 10 and 12, operation of the proposed 24 hour gym will not lead to an unacceptable impact on the amenity of adjoining occupiers or the general amenity of the public realm in accordance with the National Planning Framework, policies 3.2 and 7.3 of the London Plan (2011), policies SP03 and SP10 of the Core Strategy (1010), saved policies DEV2 and DEV50 of the Unitary Development Plan (1998), policy DEV1 and DEV10 of the Interim Planning Guidance (2007) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications). These policies seek to ensure protection of the amenity of surrounding existing and future residents and building occupants as well as that of the public realm.

### **Design and Heritage**

- 8.46 When determining applications affecting Listed Buildings or their setting, Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, require that special regard should be paid to the desirability of preserving the heritage assets or their setting. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 8.47 The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 8.48 The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.49 The Council's Core Strategy strategic objective SO22 aims to "Protect, celebrate and improve

access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's Conservation Areas and Statutory Listed Buildings and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

- 8.50 Preservation of listed buildings and their setting is specifically supported by policy CON1 of the Interim Planning Guidance and policy DM27 of the Managing Development DPD. Any adverse impact on the character, fabric or identity of the listed building is to be resisted.
- 8.51 The Council's general design criteria are set out in saved policy DEV1 of the Unitary Development Plan, policy DEV2 of the Interim Planning Guidance, and policy DM24 of the Managing Development DPD. These policies aim to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.
- 8.52 Specific to this proposal are saved policies DEV9, DEV27, S10 and S11 of the Unitary Development Plan (1998). These policies seek to resist development which would adversely affect the elevation of any building or the visual integrity of the streetscene, require for cumulative effects of minor alterations to be taken into account in assessing impact of any proposal and introduce the following specific criteria for shopfronts: the design and scale of shopfronts should be consistent with the character of the host building, constructed from materials which are appropriate to the location including traditional materials in conservation areas. Additionally, security shutters should be located internally and not obscure visibility of the retail unit or entrance. These policy considerations are broadly supported by more recent and less prescriptive Local Development Framework policy SP09 in the Council's adopted Core Strategy and policies DM23, DM24 and DM27 of the Managing Development DPD which currently undergoes the adoption process.
- 8.53 The most significant impact of the proposal on the character and appearance of the Stepney Green Conservation Area, the integrity of the host undesignated heritage asset and the setting of the adjoining Grade II buildings will be by way of provision of new shopfront and entrances to the central part of the ground floor frontage facing Mile End Road.
- 8.54 The proposed entrances are located centrally, below the tower. This arrangement will ensure legibility and improve wayfinding.
- 8.55 The proposed design is broadly in line with that of the adjoining units and of an appropriate scale. The detailed design and materials will be conditioned to reflect the high quality traditional shopfront in the Cleveland Way elevation.
- 8.56 The application proposes no changes to the external appearance of the building at 1<sup>st</sup> floor level while additional plant and an acoustic screen will be added at rooftop level. Details of the screen will be reserved by condition, while the screen will be visible only from a number of properties within Bellevue Place and from no publicly accessible area.
- 8.57 Policy 7.2 of the London Plan, DEV1 of the UDP, DEV3 of the IPG and DM23 of the Managing Development DPD require development to provide inclusive access to members of the public.

- 8.58 The proposed entrances to both 1<sup>st</sup> and 2<sup>nd</sup> floors will be fully DDA compliant with level thresholds and stairs designed for the use of ambulant disabled. Both of the entrances will also incorporate lifts suitable for wheelchair users.
- 8.59 Policy 7.3 of the London Plan, DEV1 of the UDP, DEV4 of the IPG, SP09 of the Core Strategy and DM23 of the Managing Development DPD require development to be designed with safety and security in mind. Of relevance to this application are the following requirements: location of entrances in visible, safe and accessible locations, creation of opportunities for natural surveillance and avoidance of the creation of concealment points or areas suffering from lack of clear distinctions between public, semi-public and private spaces. Security measures should not compromise good design or prevent creation of inclusive environments.
- 8.60 The proposed entrances are located in a prominent location with clear sightlines and no nearby concealment points. The wide, well lit footway and clear separation between semi-public, private and public spaces will reduce opportunities for loitering and antisocial behaviour.
- 8.61 The proposal will also incorporate a number of security features including a secure entry system utilising secure entry pods, requiring personal identification numbers, staffing and extensive CCTV coverage. Full details, implementation and retention of safety and security measures will be secured by condition.
- 8.62 The LBTH / Metropolitan Police Crime Prevention Officer raise no objection to operation of a 24h gym but suggest a number of measures to reduce opportunity for substance abuse. The Officer will be consulted on details of safety and security measures and the facility management plan as requested by the abovementioned condition.
- 8.63 As such, subject to conditions 3, 4, 7, 8 and 9, the proposal is satisfactory in terms of design, use of materials and detailed execution, and will relate sympathetically to the fabric of the host building and preserve the appearance and character of the Stepney Green Conservation Area. The setting of adjoining Grade II listed buildings will not be adversely affected. The proposal will also provide inclusive access and maintain a safe environment. This is in accordance with the National Planning Policy Framework (2012), policies 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP09 and SP10 of the Core Strategy (2010), saved policies DEV1, DEV9, DEV27, S10 and S11 of the Unitary Development Plan (1998), policies DEV2, DEV3, DEV4 CON1 and CON2 of the Interim Planning Guidance (2007), and policies DM23, DM24 and DM27 of the Managing Development DPD (submission version May 2012 with modifications). These policies aim to ensure that development is of high quality design, positively responds to its setting and preserves the architectural quality and setting of borough's heritage assets. Additionally, development is required to be appropriately designed with regards to inclusive access, safety and security.

## Highways

- 8.64 Policy 6.3 of the London Plan (2011) and SP09 of the Core Strategy (2010) aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by part 2 of policy DM20 of the Managing Development DPD (submission version May 2012 with modifications).
- 8.65 Saved policy T16 of the Unitary Development Plan (1998) requires that:  
*In considering development proposals account will be taken of the operational requirements of the proposed use, and the impact of the traffic that is likely to be generated. Considerations to be taken into account are:*
- 1) *danger or significant inconvenience to other road users including pedestrians and cyclists;*
  - 2) *obstruction of access for emergency service vehicles;*
  - 3) *detrimental impact on public transport operations; and*

- 4) *obstruction of the movement of traffic on major roads; and*
- 5) *a deterioration in the environment of residential and other sensitive areas*

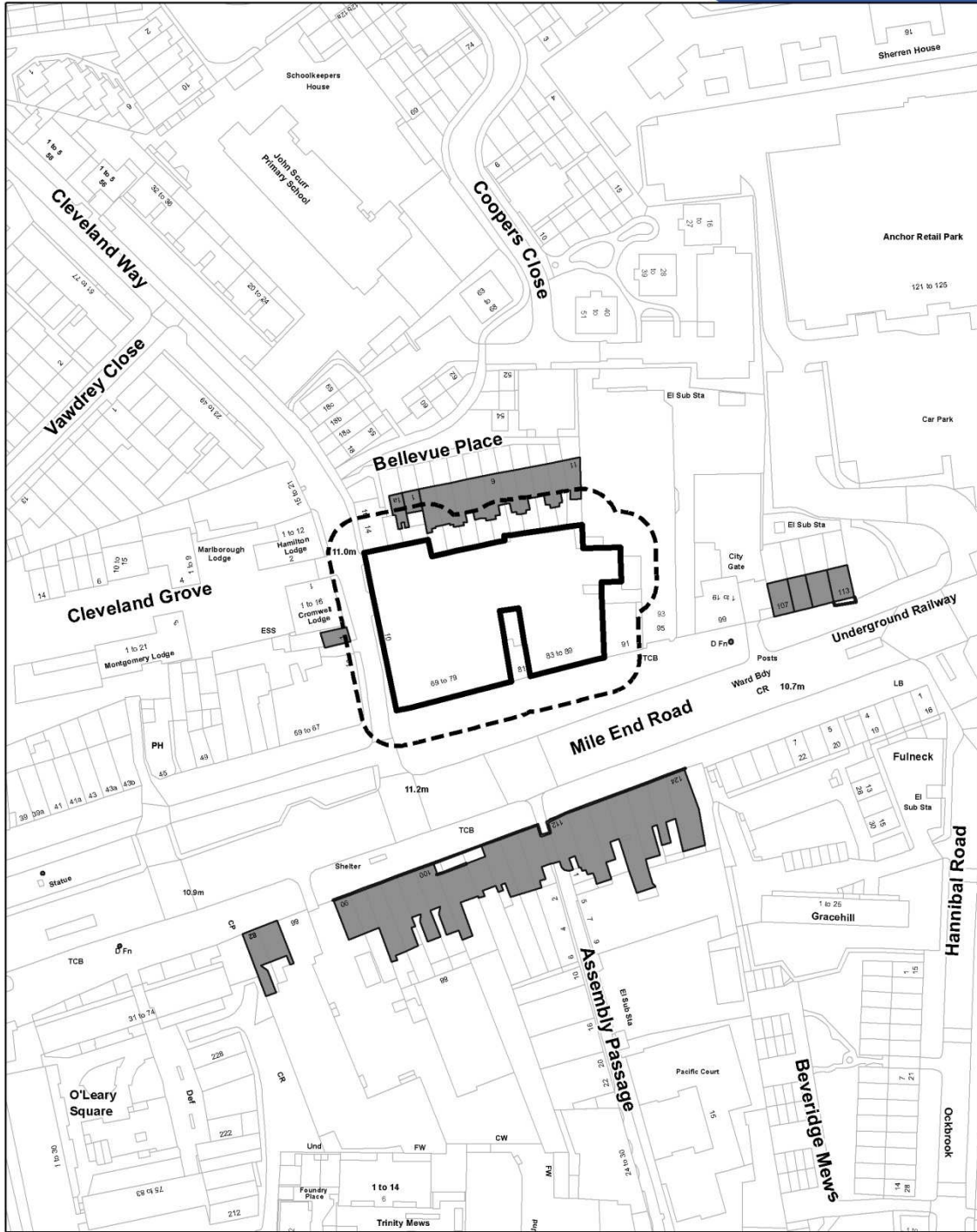
- 8.66 Policy DEV17 of the Interim Planning Guidance (2007) requires all development to include adequate space for servicing and appropriate circulation routes and specifies that development with inadequate servicing and circulation or development resulting in adverse impacts on highways safety will not be supported.
- 8.67 The site is located along Mile End Road (A11) forms part of the Transport for London Road Network, while Cleveland Way is a local adopted highway. The site enjoys excellent public transport accessibility with a PTAL rating of 5/6a and is located 360m away from the Stepney Green Station and 540m from the Whitechapel Station. Bus routes 25 and 205 stop outside the site. A Cycle Superhighway runs within the A11 corridor.
- 8.68 Change of use of the site from retail (Use Class A1) to a gym (Use Class A2) is not likely to generate car trips with majority of users most likely to walk and cycle or use local public transport services. Majority of trips are also likely to be undertaken as linked trips where users would use the gym on the way to/from home, work or other local services. This is due to the intrinsic local nature and catchment area of gyms and fitness facilities. The estimated peak times of activity also broadly correspond with peak public transport provision.
- 8.69 The access to the premises will be through a new main entrance to the building located in the centre of the Mile End Frontage. This area benefits from a considerable width of footway and high degree of separation from the A11 vehicular traffic. This entrance would also be used by the existing conferencing and banqueting suite access to which, by existing condition, is restricted to Mile End frontage only. A similar condition will be imposed on the gym use should permission be granted.
- 8.70 The applicant also proposes not to organise classes which would further reduce the highways impact by avoiding groups of people arriving at the same time. As the site is very accessible and well served by public transport it is not considered appropriate to secure this by condition.
- 8.71 In line with the Council's Highways Officer's comments, it is considered appropriate to further reduce the transport impact of the development by requiring the future occupier to only advertise sustainable modes of travel to the site and not to refer to availability of on street and off street car parking facilities in the vicinity. This will be secured by condition.
- 8.72 Along with general transport impacts, the proposed gym use has much lower delivery, servicing and waste collection requirements than retail uses.
- 8.73 The Council's Highways Officer and Transport of London raise no objection to the development subject to satisfactory provision of cycle parking in line with current policy standards.
- 8.74 In line with policy 6.3 of the London Plan and policy DM22 of the Managing Development DPD development is required to meet and preferably exceed the minimum standards for bicycle parking. For the proposed use 1 cycle space is required per 10 staff and 1 per 20 peak visitors. No car parking is proposed in line with policy DM22.
- 8.75 According to the estimated number of peak time visitors the use requires provision of minimum 10 cycle parking spaces for visitors and two for staff. It is not considered that use of the existing bike racks located within the footway outside the site is acceptable. Full details of the cycle parking to serve the development as well as implementation and retention of approved facilities prior to beginning of the gym use will be secured by condition should permission be granted.
- 8.76 As such, subject to conditions 8, 10 and 11, with reference transport matters including access,

deliveries, servicing and cycle parking, the proposed change of use is acceptable and accords with the National Planning Policy Framework, policies 6.3, 6.9 and 6.13 of the London Plan (2011), saved policy T16 of the Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007), and policies DM20 and DM22 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications). These policies seek to ensure safe and efficient operation of the borough's transport network and to promote sustainable transport.

## 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 PA/12/03357



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings

0 30 m



1:1,500

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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