Application for Planning Permission

Reference PA/18/03580
Site Unit 2, Discovery Dock Apartments East, 3 South Quay Square, London, E14, 9RU
Ward Canary Wharf
Proposal Infill extension to existing ground floor commercial unit (currently in use as estate agent) for flexible use including A1 (retail), A2 (financial and professional services), A3 (restaurant) and B1a (office)

Summary Recommendation Grant planning permission with conditions.
Applicant The Komoto Group Limited
Architect/agent Rolf Judd Planning
Case Officer Victoria Coelho
Key dates - Application registered as valid on 28/01/2019
  - Public consultation finished on 21/02/2019
  - Significant amendments received on 08/04/2019

EXECUTIVE SUMMARY

The proposals seek to extend the existing ground floor unit (Unit 2) that is currently in use as an estate agents (Class A2). The extension would infill part of the existing colonnade on the east elevation which would increase the floor space from 213sqm to 259sqm. It is proposed to provide a flexible use of the site for A1, A2, A3 and B1a.

During the course of the application, the applicant has removed the external seating proposed as part of the application in response to concerns raised by residents with regards to the impact on amenity.

The proposal has been assessed against national, regional and location planning policies and is considered to be acceptable and in compliance with the relevant policies. As such, it is recommended that the application is approved by committee members.
This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers/owners were consulted as part of the Planning Application Process.
1. SITE AND SURROUNDINGS

1.1 The application site is the ground floor of the Discovery Dock Apartments East which is a residential tower of 23 storeys with A1, A2 and A3 uses at ground floor level. The site is currently in use as an estate agents (Use Class A2).

1.2 The site is located within South Quay Square and forms part of the Millennium Quarter Site allocation. Whilst the site does not form part of the Town Centre Hierarchy, it is in close proximity to the Canary Wharf Activity Area. The site is not listed or located within a conservation area.

2. PROPOSAL

2.1 Permission is sought to infill and extend the existing unit at ground floor level that is currently used as an estate agents (Use Class A2) and change the use to a flexible use that include (A1/A2/A3/B1a).

2.2 During the course of the application and in response the consultation responses received the applicant has removed the external seating area and retractable awning proposed.

3. RELEVANT PLANNING HISTORY

Unit 2, South Quay Square

3.1 PA/05/01470 – Permission Granted 27.09.2005 change of use from retail (A1) to financial and professional services accommodation (A2).

Ground Floor, South Quay Square

3.2 PA/08/01210 – Permission Granted 12.08.2008 Change of Use from Restaurant/café (A3) to A1/A3/A3.

Unit 3, South Quay Square

3.2 PA/08/01236 – Permission Granted 14.08.2008 Change of use from restaurant/cafe to retail, financial or professional services or restaurant (Use Class A1, A2 or A3).

Ground Floor Discovery Dock

3.3 PA/18/03571 – Pending Decision Infill extension to existing ground floor commercial unit (currently in use as estate agent) for flexible use including A1 (retail), A2 (financial and professional services), A3 (restaurant) and B1a (office).

4. PUBLICITY AND ENGAGEMENT

4.1 Following receipt of the application, the Council notified nearby owners/occupiers by post.

4.2 In response to the consultation, 63 letters of objection were received. The majority of the letters received were pro-forma objections to both change of use applications received. In summary, the following issues were raised:

- Already an overconcentration of A3/A1 units in the area and an oversupply of commercial units which would damage the residential nature of the area.
- The introduction of a restaurant with greater opening hours than existing would increase noise disturbance/anti-social behaviour.
- Outdoor seating would harm the privacy of the residents above the unit.
- It would be over development of the site.
- The narrowing of the walkway would adversely impact upon pedestrian movement.
5. CONSULTEES

LBTH Environmental Health

For the A1 (retail), A2 (professional services), A3 (café) or B1a (office) use or continuation of existing management office use, noise emitted from any new fixed building services plant and equipment shall be designed to a level at least 10 dB below the lowest representative existing background noise level when assessed in accordance with BS 4142:2014 at a position 1 m from the window of the nearest noise sensitive premises (i.e. Plant \( \text{L}A_{90,T} = -10 \text{ dB} \)).

This criterion applies to the total contribution of noise from all new plant items associated with the Proposed Development that may run during any particular period.

Vibration
Full details of the kitchen extract system including details of the extractor fan, noise data and manufacturer’s data sheets, filtration system, attenuators, approved anti vibration mountings and flexible isolator units must be submitted to this Directorate for prior approval.

LBTH Transportation & Highways

No response received.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:
  - The London Plan 2016 (LP)
  - Tower Hamlets Core Strategy 2010 (SP)
  - Tower Hamlets Managing Development Document 2013 (DM)

6.3 The key development plan policies relevant to the proposal are:

- **Land Use** LP2.9, SP01, SP02, DM1, DM2
- **Design** SP10, DM24
- **Amenity** SP10, DM25
- **Transport** SP09, DM22

6.4 Other policy and guidance documents relevant to the proposal are:
  - National Planning Practice Guidance (updated 2019)
  - LBTH Draft Local Plan (2019)

7. PLANNING ASSESSMENT
7.1 The key issues raised by the proposed development are:
   i. Land Use
   ii. Design
   iii. Neighbour Amenity
   iv. Transport & Waste
   v. Equalities and Human Rights

Land Use

7.2 The proposed use is intended to be flexible, whereby a range of different land uses A1, A2, A3 and B1(a) are proposed. Flexible uses mean that once a use class is established by the unit being occupied and used in accordance with a permitted use class this becomes its lawful use, and planning permission is required to change the use again unless it can be done under permitted development rules.

7.3 The proposal would not involve the loss of the existing use class as this is to be retained with the proposed flexible use classes and as such the proposal is acceptable in this regard. The unit as built was previously a retail unit and the South Quay development as a whole constructed as a mixed use development with commercial floor space at ground floor level and residential at upper levels.

7.4 It is considered that a flexible use of the unit can be supported, subject to compliance with all other policy considerations.

7.5 Policy DM1 states that a mix of uses will be supported within the Tower Hamlets Activity Area to maintain a balance of uses. Whilst the site is not within the Town Centre hierarchy, given it's proximity to the Canary Wharf Activity Area, it can be considered as an edge of town centre location.

7.6 The proposal would continue to provide a commercial unit with an area of 259sqm. Given the location of the site at the edge of the activity area, a flexible use of the site for commercial purposes can be supported as this would maintain a balance of uses in the area and contribute to the character of the nearby Activity Area. This is compliant with SP06 of the Core Strategy and DM1 of the Managing Development Document.

Design

7.8 The physical changes proposed in association with the change of use are the infilling of the existing colonnade to the east of the unit. This will be achieved by the installation of glazing.

7.9 The materials proposed comprise glazing and an aluminium frame which are considered to be in keeping with the existing building and surrounding area in terms of character and appearance. The extension to the existing unit does not project beyond the existing building line.

7.10 The proposal is considered to be satisfactory in terms of design and use of materials and would be a subordinate addition to the building. This is in accordance with policies DM24 of the Managing Development Document and SP10 of the Core Strategy which aim to ensure that development is of high quality design.

Neighbour Amenity

7.11 The Council’s relevant policies are SP10 of the Core Strategy and DM25 of the Managing Development Document (2013). 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.

7.12 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.

7.13 The application proposes a flexible use to allow for A1/A2/A3/B1a. Within the immediate area, there is already a variety of commercial units offering a range of services, and therefore there is already a certain amount of footfall through the central square in addition to the residential occupiers of the building. The proposed alternative uses of the site as A1 or A3 are likely to attract a higher footfall than the existing A2 use. However, the increase should these uses be taken it would not be to a level that would unduly harm the amenity of the residential occupiers. Furthermore, it is recommended that the hours of operation of the uses are controlled via a condition.

7.14 The proposals include the installation of extraction and condenser units and in line with the recommendations of the Council’s Environmental Health Officer a condition is recommended to secure full details of the ventilation systems to demonstrate that there would be no adverse impact on the amenity of the residential occupiers in terms of noise and vibration.

7.15 Subject to conditions, the proposals would be in accordance with the National Planning Policy Framework, the London Place (2011), policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document which seek to ensure protection of the amenity of surrounding existing and future residents and building occupants.

Waste

7.17 The submitted plans do not include a dedicated area for storage of waste and recyclables prior to collection or waste management arrangements. There is sufficient area within the unit to provide waste storage and it is recommended that these details are secured by condition.

7.18 As such, subject to condition, the proposals are in accordance with SP05 of the Core strategy and DM14 of the Managing Development Document.

Transportation and Highways

7.19 In line with policy 6.3 of the London Plan (2011) and policy DM22 of the Managing Development Document (2013) development is required to meet and preferably exceed the minimum standards for cycle parking. The proposed plans do not indicate cycle storage, however there is sufficient space for this to be provided within the unit and it is recommended that details of this are required by condition. No car parking is proposed to serve the development in line with policy DM22.

7.20 As such, subject to condition, the proposal would comply with the requirements of policies SP09 of the Core Strategy and DM22 of the Managing Development Document.

Human Rights & Equalities

7.21 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
7.22 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. **RECOMMENDATION**

8.1 **Planning permission to be GRANTED** subject to the following conditions.

**Compliance**

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Waste storage
4. Cycle storage
5. Hours of operation
6. Ventilation and extraction details
7. Noise levels

**APPENDIX 1**

**Drawings**

**Existing**

E00-B; E01-B; E02-B; E03-B; E04-B.

**Proposed**

P001-C; P002-B; P003-C.

**Submission documents**

Planning and Design and Access Statement.
APPENDIX 2

Site Plan
Existing Ground Floor Plan

Proposed Ground Floor Plan
Existing East Elevation

Proposed East Elevation