

Committee: Development	Date: 13 February 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy	Ref No: PA/11/03216
	Ward: Limehouse

1. APPLICATION DETAILS

Location:	55 Poplar High Street, London, E14 0DJ
Existing Use:	
Proposal:	Change of use from minicab office (sui generis) to internet cafe and ancillary office space (Use Class A1/A2)
Drawing Nos/Documents:	<ul style="list-style-type: none"> • INLPLAN-2012-001. • Site Location Plan. • Planning Statement – 55 Poplar High Street, prepared by Ink Planning. • Design, Access & Impact Statement – 55 Poplar High Street, prepared by Ink Planning.
Applicant:	Mr Shazzadul Hoque
Ownership:	London Borough of Tower Hamlets
Historic Building:	No
Conservation Area:	No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The proposed change of use from a mini cab office (Sui Generis) to an internet café (Use Class A1) with an ancillary office (Use Class A2) is considered acceptable, by reason of the small scale nature of the unit, which is in keeping with the scale of units within the parade, by reason of the fact that the proposal would not affect the vitality and viability of nearby town centres and would bring back into use a vacant unit. As such, the proposal accords with the NPPF, policy 4.8 of the London Plan (2011), policy SP01 of the Core Strategy (2010) and policy DM2 of the Managing Development DPD (submission version May 2012 and modifications), which seek to protect local shops and assess applications for new retail in out of centre locations.
- 2.2 Transport matters including servicing and impact on the safety and capacity of the highway network are considered acceptable and in line with policies SP08 and SP09 of the Core Strategy (2010), saved policy T16 of the Unitary Development Plan (1998), and policies DM20 and DM22 of the Managing Development DPD (submission version May 2012 and modifications), which seek to ensure developments promote sustainable transport options.
- 2.3 The proposed change of use would not have an adverse impact on the amenity of surrounding residents subject to a condition managing the hours of operation. As such, the proposals accords with policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV55 of the Unitary Development Plan (1998) and policy DM25 of the Managing

Development DPD (submission version May 2012 and modifications) which seek to protect the residential amenity of the residents of the borough

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission.

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

Conditions

- Three year time limit
- Compliance with approved drawings
- Hours of operation – (07.00 am – 10.00 pm Monday to Friday, 07.00 am – 11.00 pm on Saturdays, and; 08.00 am – 06.00 pm on Sundays and bank holidays)
- Waste store to be retained in perpetuity and waste only to be put on the highway on day of collection.
- Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The proposal is for the change of use of a mini-cab office (sui generis) to an internet cafe (Use Class A1) with an ancillary office place to be used as a sub-contractors office providing a range of services to members of the public (Use Class A2).

Site and Surroundings

4.2 The application site is known as 55 Poplar High Street and forms part of a local parade of retail units located on the northern side of Poplar High Street between the junctions of Wade Street to the west and Hale Street to the east. The unit is located at ground floor level of a five storey residential block known as Wigram House. The parade forms part of the Will Crooks Estate which extends to the north. The area is mostly residential in nature.

4.3 Within, the wider area, to the south east of the site, on the opposite side of Poplar High Street is Tower Hamlets College which provides further education opportunities. Canary Wharf Major Centre is located to the south, Poplar High Street Neighbourhood Centre to the east and Chrisp Street District Centre and Market to the north-east.

4.4 Planning permission for a mini-cab office (Sui Generis) was granted in 1997 (see Planning History Section for full details). Since then there have not been any applications for planning permission. Whilst it would appear that the unit was used in the intervening time for retail (Use Class A1), there is no evidence to suggest that a retail use has been established as lawful.

Planning History

4.5 The following planning decisions are relevant to the application:

ID/96/00142 The Local Planning Authority (LPA) granted planning permission on the 30 January 1997 for the use of the unit as a mini-cab office.

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:

Core Strategy Development Plan Document 2025 (Adopted September 2010) (CS)

Policies:	SPO1	Refocusing on our town centres
	SP08	Making connected places
	SP09	Creating attractive and safe streets
	SP10	Creating distinct and durable places

Unitary Development Plan 1998 (as saved September 2007) (UDP)

	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV50	Noise
	DEV55	Development and Waste Control
	DEV56	Waste Recycling
	T16	Traffic Priorities for New Development
	S5	Changes of use
	S6	Requirements for New Retail Development
	S8	Consideration for Mini Cab Offices

Managing Development –Development Management Document (Submission Version May 2012 and modifications) (MD DPD)

	DM2	Protecting local shops
	DM14	Managing waste
	DM15	Local job creation and investment
	DM16	Office locations
	DM20	Supporting a sustainable transport network
	DM23	Streets and the public realm
	DM24	Place-sensitive design
	DM25	Amenity

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste and Recyclables Storage
	DEV17	Transport Assessments
	RT3	Shopping Provision outside of Town Centres
	RT4	Retail Development and the Sequential Approach

Spatial Development Strategy for Greater London (London Plan) (LP)

	3.1	Ensuring equal life chances for all
	3.2	Improving health and addressing health inequalities
	4.7	Retail and town centre development
	4.8	Supporting a successful and diverse retail sector
	4.9	Small shops

Government Planning Policy Guidance/Statements

National Planning Policy Framework (NPPF)

Community Plan The following Community Plan objectives relate to the application:

- A great place to live
- A healthy and supportive community
- A safe and cohesive community
- A prosperous community

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Highways

6.3 The Borough Highway Officer, has no objections to the proposals in principle. The relatively small A1 floor area of 36 sq. m and an A2 floor area of 10 sq. m are unlikely to have an impact on the existing transport and highway network.

6.4 The applicant has proposed to contain refuse within the premises and dispose of accordingly via a contractor. Waste section to comment on acceptability of provision.

[Officer Comment: With regard to refuse this matter has been referred to waste management colleagues whose comments are discussed at paragraph 6.9.]

6.5 The applicant has not given details on servicing arrangements, however, the Borough Highway Officer notes that there is a loading bay immediately outside the shop on Poplar High Street.

6.6 The applicant has not stated where a disabled visitor can park their vehicle accessibly and conveniently.

6.7 Following further discussion with the Borough Highway Officer regarding this request for information, they advised that *“Disabled parking is something we normally expect the applicant to address. We don’t use these criteria as a basis for objection; rather it is for information and proper planning from a Highways perspective.”* Furthermore, the Borough Highway Officer has reviewed the site and notice that there are several ‘multi bay’ on-street parking spaces in front of the unit which can be legally used by blue badge holders.

[Officer Comment: This request for information has now been resolved given there are ‘multi bay’ on-street parking spaces in front of the unit which can be legally used by blue badge holders.]

LBTH Waste

6.8 They have no objection to waste storage arrangements. However note that waste should be stored internally and only put on the highway on the day of collection.

[Officer Comment: This will be controlled via condition.]

LBTH Crime Prevention Officer

6.9 The Crime Prevention Officer provided the following comments.

- Raised concern about the times of opening given there is residential above and that

they may result in complains about noise and anti-social behaviour.

- Raised concern about the need for additional security and suggested the installation of roller shutters, laminated glass and a monitored alarm system to secure the premises.
- Requested information about what type of drinks they are going to serve.
- Requested information about securing access to the toilets.
- Requested information regarding how the internet café would be managed and what type of usage.
- Advised that they would provide crime figures for the vicinity.

[Officer Comment: Officers responded to the Crime Prevention Officer with the following clarifications and information:

- With regard to the hours of operation, officers clarified that the hours of operation were till 10pm Monday – Friday and 11pm on Saturdays. Officers advised why the proposed hours are considered acceptable which is fully discussed within the amenity section of this report (paragraphs 8.29 – 8.34).
- With regard to the need for additional security, officers confirmed that this application doesn't include any alterations to the shop front. Moreover, the applicant confirmed that there was an existing roller shutter at the premises and that in the future they would consider the Crime Prevention Officer's comments if they alter the shop front.
- The applicant confirmed that would be serving hot and cold beverages and would not be serving alcohol at the premises. It is noted that should they wish to sell alcohol on the premises they would need to apply for a license from the Environmental Health Department. Furthermore, if the property was selling alcohol for consumption on the premises it would no longer fall under use class A1 retail and a change of use would be required.
- The applicant has confirmed that the toilets are for the use of customers of the premises only and they consider the layout acceptable.
- It is noted that there would be a person on the premises however, there would not be a security person managing entry as this is not considered necessary for the use.]

Final Comments:

Following this the Crime Prevention Officer advised that they "*understood and accept*" the responses.

7. LOCAL REPRESENTATION

7.1 A total of 54 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. 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:	1	Objecting:	1	Supporting:	0
No of petitions received:	1 objecting containing 84 signatories 0 supporting				

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.3 Competition - The proposal would cause a negative impact to the other business in the same parade.

[Officer Comment: The issue of competition between small shops sometimes arises with

proposals for a new shop attracting opposition from established traders. There are instances when competition has been considered to be a material planning consideration, notwithstanding this, limited weight would be attributed to local businesses concerns given for the most part this proposal accords with policy for the reasons set out in detail in the main body of this report.]

- 7.4 Anti-social behaviour – the proposal will increase anti-social behaviour in front of the parade. The Will Crooks Estate has high levels of anti-social behaviour.

[Officer Comment: It is noted that the application is for a change of use to an internet café (Use Class A1) with an ancillary office (Use Class A2). There is no evidence to suggest a direct link between such uses and anti-social behaviour. If there are instances of anti-social behaviour within the estate and this parade this should be brought to the attention of local police. Officers have advised the Council's Crime Prevention Office of residents' concerns, who provided advice regarding crime prevention for the proposed premises which is discussed at paragraph 6.10 above. They have advised that they will come back with more details about the crime levels within the area. Finally, the proposed use fits in with the mix of uses within this parade and bringing back into use a vacant unit would increase overlooking and activity within the parade.]

- 7.5 Need – it is not considered that there is a need for an internet café in this location.

[Officer Comment: It is noted that local residents have queried the need for an internet café in this location given the proximity of the Idea Store at Chrisp Street Market. The Idea Store at Chrisp Street offers a range of services including internet access for local residents. Notwithstanding that internet services are available within the adjacent town centres, officers do not consider that there is any evidence of an overconcentration of such uses within the parade or the vicinity to indicate there is an over provision.]

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Highways
3. Amenity
4. Design

Land Use

- 8.2 The proposal is for the change of use of a commercial unit from a mini-cab office (Sui Generis) to an Internet Café (Use Class A1) with an ancillary office (Use Class A2). The unit forms part of a parade of five units to the south of the Will Crooks Estate and diagonally opposite Tower Hamlets College.
- 8.3 The parade is not within a designated town centre location. The nearest town centres are Canary Wharf Major Centre to the south, Poplar High Street Neighbourhood Centre to the east and Chrisp Street District Centre and Market to the north-east.
- 8.4 Chapter two of the NPPF seeks to ensure the vitality of town centres. It advises that Planning Policies should be positive, and promote competitive town centre environments. The NPPF continues to state that in drawing up Local Plans, Local Planning Authorities (LPA) should amongst other aims "*promote competitive town centres that provide customer choice and a*

diverse retail offer and which reflect the individuality of town centres”.

- 8.5 Policy 4.9 of the LP seeks to promote local shops and requires LPA’s to develop policies within their local plans.
- 8.6 Strategic policy SP01 of the CS seeks to promote areas outside of town centres as places that support and assist in the creation of sustainable communities. This will be achieved by promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.7 Policy DM2 of the MD DPD, seeks to protect local shops and part 2 of the policy sets out criteria for the development of new local shops outside of town centres. These criteria include the following:
- *“There is a demonstrable local need that cannot be met within an existing town centre;*
 - *They are an appropriate scale to their locality;*
 - *They do not affect amenity or detract from the character of the area; and,*
 - *They do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.”*
- 8.8 The supporting text at paragraph 2.3 clarifies that part 2 of the policy seeks to manage the risk of larger retail shops coming forward outside of designated town centres. It continues to state that for the purposes of this policy, a shop which is local in nature is considered to have a gross floorspace of no more than 100 square metres.
- 8.9 There are five units within the parade and table 1 below lists the results of a land use survey carried out on the 14th of January 2013.

Table 1: Land Use Survey of Local Parade

Address	Use	Occupied / Vacant
51 Poplar High Street – CM Newsagents & Off Licence	A1 – Retail	Occupied
53 Poplar High Street – Poplar Mini Market	A1 – Retail	Occupied
55 Poplar High Street – Permitted use Mini Cab Office	Sui Generis – Mini Cab Office	Vacant
57 Poplar High Street – Sham Barbers	A1 – Retail	Occupied
59 Poplar High Street – Poplar Fried Chicken	A5 – Hot food takeaway	Occupied

- 8.10 The subject unit is currently vacant and the change of use would bring it back into use as an Internet Café (Use Class A1) with an ancillary office use (Use Class A2). Use class A1 (retail) includes uses that involve the retail sale of goods to the public, including amongst other things shops, post offices and internet cafes. As such, by allowing the change of use to A1 (retail), the leaseholder of the property could open up a general retail store. For this reason, in considering the change of use application, the principle of A1 (retail) in general terms is considered.
- 8.11 With regard to the NPPF and the LP, bringing this vacant unit back into use accords with policy. The proposal also accords with policy SP01 of the CS, given the proposals are of a

scale in keeping with the character of the parade.

- 8.12 Policy DM2, of the MD DPD provides specific criteria which are required to prevent the introduction of larger retail stores coming forward outside of designated town centres.
- 8.13 With regard to the first criteria of Policy DM2, "*there is a demonstrable local need that cannot be met within an existing town centre*", it is not considered that this part of the policy is relevant in this instance, given this proposal is for bringing back into use a vacant unit which forms part of an existing retail parade. The impact of allowing an internet café (Use Class A1), given its scale (further discussed at paragraph 8.15) and the fact that this is a vacant unit as part of an existing parade of retail shops would not affect the vitality and viability of the existing town centres within the vicinity.
- 8.14 It is noted that local residents have queried the need for an internet café in this location given the proximity of the Idea Store at Chrisp Street Market. The Idea Store at Chrisp Street offers a range of services including internet access for local residents. Notwithstanding that internet services are available within the adjacent town centres, officers do not consider that there is any evidence of an overconcentration of such uses within the parade or the vicinity to indicate there is an over provision.
- 8.15 With regard to the second criteria, the unit in question measures approximately 50 square metres which is below the threshold (100 square metres) set to consider a shop as local. As such, the scale of the unit is appropriate and in keeping with the scale of the local parade.
- 8.16 It is not considered that the proposal would unduly impact upon the amenity of the local residents and a condition will be attached to limit the hours of operation. This is further discussed within the amenity section of this report (paragraphs 8.29 – 8.34). The fourth criteria of policy DM2 part 2, also refers to character, however as the current application does not propose any external works there would be no impact to assess in this respect. It is noted that if new signage were required this would require the submission of an application for advertising consent.
- 8.17 With regard to the fifth criteria, it is not considered given the scale of the use that it would result in a concentration of uses that would undermine nearby town centres.
- 8.18 Finally, it is noted that this is currently a vacant unit which forms part of a parade of shops and it would be expected for this unit to come forward with a retail use. An Internet Café falls within Use Class A1 and as such is considered to be an acceptable use within this parade.
- 8.19 It is noted that local residents and business owners are concerned about the increase in anti-social behaviour as a result of this use. However, there is no evidence to suggest a direct link between retail uses and anti-social behaviour. Should existing problems occur within the estate, it is not considered that bringing back into use a vacant unit would exacerbate the problem further. If illegal activity were taking place within any of the units within the parade or were to occur within this premises the matter would need to be reported to the local police to investigate.
- 8.20 The loss of the mini cab use (Sui Generis) which has not been in operation for some years is considered acceptable. There are no land use policies to protect such uses.
- 8.21 To conclude, with regard to land use, the proposed change of use from a mini cab office (Sui Generis) to an Internet Café (Use Class A1) with an ancillary office (Use Class A2) is considered acceptable. The proposed unit is small in scale and is in keeping with the scale of units within the parade, it would not affect the vitality and viability of nearby town centres and bringing back into use a vacant unit is welcomed. As such, the proposal accords with the

NPPF, policy 4.8 of the LP, policy SP01 of the CS and DM2 of the MD DPD which seek to protect local shops.

Highways

- 8.22 CS policies SP08 and SP09, saved UDP policy T16, and policy DM20 of the MD DPD, together seek to deliver an accessible, efficient and sustainable transport network; ensuring new development has no adverse impact on the safety and road network capacity.
- 8.23 The proposal is for the change of use of an existing vacant unit to an internet café (Use Class A1) with ancillary office (Use Class A2). The Borough Highway Officer was consulted and raised no objection to the proposals. They note that the relatively small floor area is unlikely to have an impact on the existing transport and highway network.
- 8.24 There is a loading bay immediately outside the shop on Poplar High Street which can be used for servicing.
- 8.25 With regard to accessible car parking spaces the Borough Highway Officer has concluded that there are several 'multi bay' on-street parking spaces in front of the unit which can be legally used by blue badge holders.
- 8.26 Policy 5.17 of the LP, policy SP05 of the CS, DM14 of the MD DPD, saved policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.
- 8.27 The submitted plans show an area allocated for refuse within the property which is considered appropriate given the scale of the unit. Waste would be stored in this space until the day of collection. This would be controlled via condition.
- 8.28 To conclude, given the scale of the retail unit, access to a servicing bay and accessible car parking spaces, it is not considered that the proposal would give rise to any unduly detrimental impact to the existing highway and transport network. As such, the proposal, accords with policies SP08 and SP09 of the CS, saved UDP policy T16, and policy DM20 of the MD DPD which seek to ensure development has no adverse impact on the safety and capacity of the surrounding highway network.

Amenity

- 8.29 Part 4 a and b of policy SP10 of the CS, saved policies DEV2 and DEV55 of the UDP and policy DM25 of the MD DPD seek to protect the residential amenity of the residents of the borough. This includes considering noise impacts.
- 8.30 The proposal relates to a change of use and does not include any external changes to the property. This is an existing commercial unit and bringing it back into use as an internet café (use class A1) is not expected to result in any adverse impacts from noise and disturbance.
- 8.31 However, it is proposed to manage the hours of operation through condition. The applicant has requested the following hours of operation which are considered acceptable.
- 07.00 am – 10.00 pm Monday to Friday,
07.00 am – 11.00 pm on Saturdays, and;
08.00 am – 06.00 pm on Sundays.
- 8.32 It is noted that the internet café intends to sell hot and cold beverages and light snacks. However, this activity would not be expected to give rise to the need for a new flue due to the

small scale nature of this part of the proposal. Nevertheless, it is noted that the erection of a flue would be considered to be operational development and would require planning permission to erect. Should a flue be required, this would indicate an A3 (restaurant) use or A5 (hot food takeaway) use which is not permitted by this permission, and would require the submission of a new planning application.

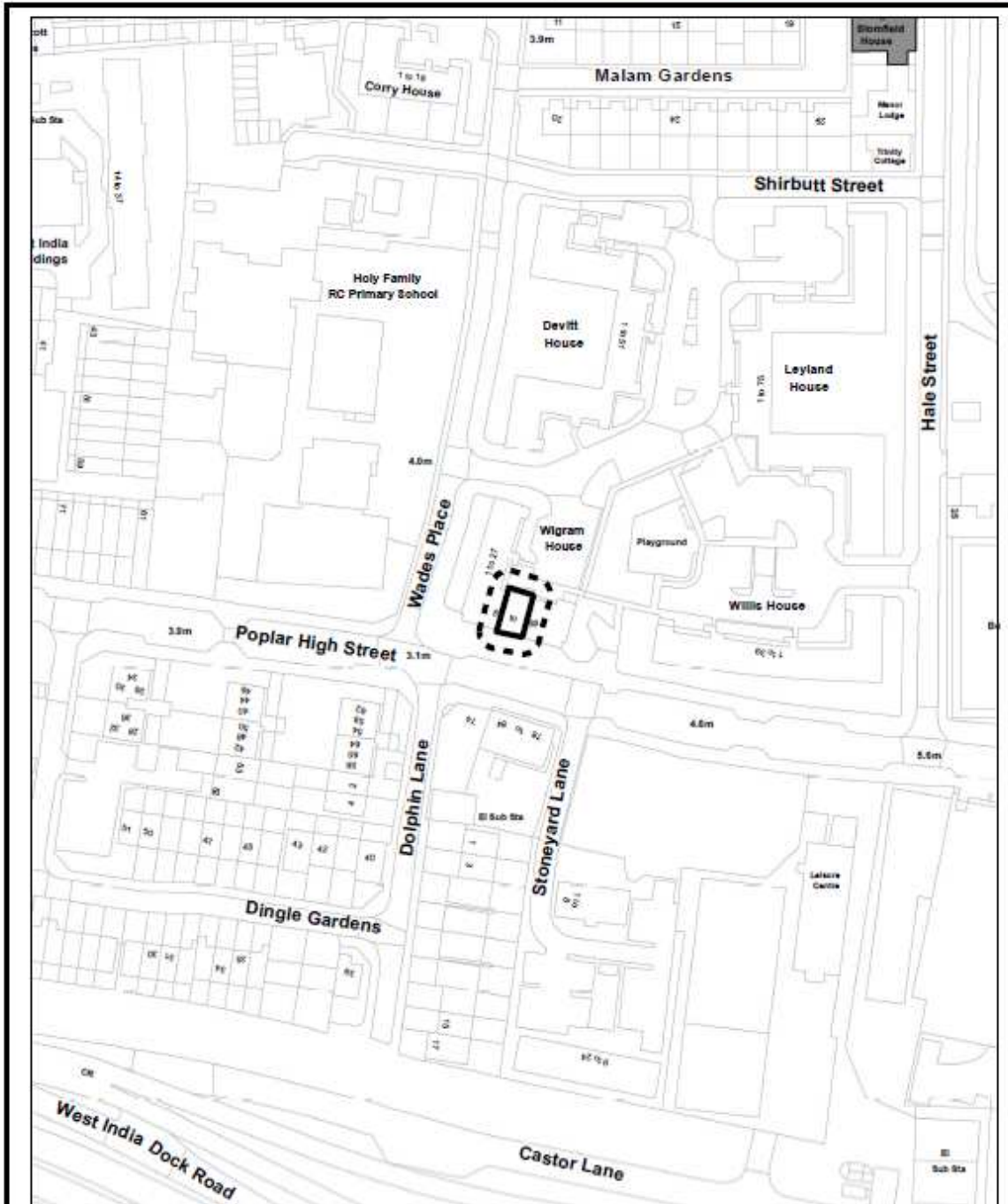
- 8.33 Finally, given this is an existing unit there would be no further amenity impacts to consider.
- 8.34 In conclusion, the proposed change of use would not have an adverse impact on the amenity of surrounding residents subject to a condition managing the hours of operation. As such, the proposals accords with part 4 (a) and (b) of policy SP10 of the CS, saved policies DEV2 and DEV55 of the UDP and policy DM25 of the MD DPD seek to protect the residential amenity of the residents of the borough. This includes considering noise impacts.


Design

- 8.35 The proposal does not include any external alterations and as such there are no design implications to consider.


Conclusions


- 8.36 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 Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings

0 50 m



1:1,250

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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