

Committee: Development	Date: 9 th April 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adrian Walker	Ref No: PA/13/02318
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	93 New Road, London, E1 1HH
Existing Use:	Retail (Use Class A1)
Proposal:	Proposed change of use from a retail shop A1 into a restaurant A3. Installation of extract flue at rear.
Drawing Nos/Documents:	KOM/177-32, KOM/177-31 Location Plan, Design and Access Statement, Impact Statement
Applicant:	Mr T. Parvez
Ownership:	Mr T. Parvez
Historic Building:	No
Conservation Area:	Myrdle Street

2. BACKGROUND

- 2.1 This application was reported to the Development Committee on the 12th March 2014 with officers' recommendation for APPROVAL. A copy of the report is attached at Appendix B for ease of reference.
- 2.2 The Committee resolved NOT TO ACCEPT officers' recommendation to grant planning permission. Officers recorded that the Members were minded to REFUSE planning permission for the following reasons:-
- Overconcentration of A3 restaurant uses in the area.
 - Impact of the proposal on residential amenity in terms of increased noise and disturbance and Anti-Social Behaviour arising from the activities based on the evidence of local residents.
- 2.3 It was noted that Officers will bring further report back to the Committee setting out the detailed reasons for refusal and the implications of the decision.

3. REASONS FOR REFUSAL

- 3.1 Officers have drafted the following reason for refusal based on the concerns raised by Members:-
- 3.2 The proposed restaurant would add to the proliferation this use along New Road. This will result in an over-concentration of this type of use and detract from the objectives of Core Strategy policy SP01, which seeks to promote a vibrant mix of uses in the designated Tower Hamlets Activity Area. The over-concentration of

restaurant uses in the area will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going and Anti-Social Behaviour arising from the activities based on the evidence of local residents. The proposal is therefore contrary to the objectives of policies SP01(2c) of the adopted Core Strategy (2010) and policy DM1(4) of the adopted Managing Development (2013).

4. CONSIDERATION

4.1 Members will be aware that consistency of decision making represents a material planning consideration. Members are reminded that at Development Committee on 12th October it was resolved to approve planning permission for the change of use of 85 New Road from retail to a restaurant. When considering the case at 85 New Road Members concluded the proposal was acceptable because-

- i) there was a lack of evidence that there was an over - concentration of restaurant uses in the area; and
- ii) that there was a lack of clear policy guidance in relation to this matter

4.2 The policy position has changed slightly since the previous decision in that the newly published National Planning Policy Guidance is now a material consideration. However, it is not considered that this particularly changes the balance of issues being considered here, which still turns on the issue of the concentration of restaurants in the vicinity of the application site.

4.3 Given the policy position has not significantly changed since the previous decision, the key issue is the impact of the proposals on the concentration of restaurants. By taking the decision to refuse this application Officers suggest the inference of Members decision is that this is a case of 'one restaurant too many', and moving from 13 (36%) to 14 (39%) restaurants is the tipping point at which the concentration of restaurants becomes unacceptable. Officers consider that it is open for Members to come to this decision, but would remind Members that this decision will in itself become a material consideration that will need to be taken into account if any further restaurants proposals come forward along New Road.

5. IMPLICATIONS OF DECISION

5.1 Should Members decide to re-affirm their previous resolution and refuse planning permission there are a number of possibilities open to the Applicant. These would include (though not be limited to):-

- Resubmit an amended scheme to attempt to overcome the reasons for refusal. However, the scope of this is limited to the applicant due to Members' concerns in relation to the overconcentration of similar uses in the area and the impact of the proposal on residential amenity in terms of increased noise and disturbance and Anti-Social Behaviour arising from the activities based on the evidence of local residents.
- Appeal against the refusal of the scheme. Planning Inspectorate guidance on appeals sets out that:

5.2 "Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed,

authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.

6. OFFICER RECOMMENDATION

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

7. APPENDICES

7.1 Appendix One – Report to Development Committee 12th March 2014

8.0 Site Map

