

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

3<sup>RD</sup> August 2016

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/15/01526	216-218 Mile End Road	Application for variation of conditions no. 5 'hours of operation', 8 'use of rear yard' and 10 'use of rear yard and details thereof' of planning permission ST/96/00059 dated 04/02/1998 for: "Conversion and change of use from light industrial, office and storage into ground floor retail shop, first and second floors into 2 x 2 bedroom flats, demolition of rear single storey buildings to form vehicle parking spaces plus ancillary uses to the retail shop, and the retention of existing warehouse, with access for the rear activities from Beaumont Grove, E1."

**1.0 FURTHER INFORMATION**

1.1 Following the Development Committee of 8<sup>th</sup> June 2016 additional information has been supplied by the applicant in support of their application and in response to the reasons for refusal that were suggested by the committee. This was summarised within paragraph 3.2 of the committee report. The list is re-produced below with officer comments:

- a) An extract from Wikipedia, the free online encyclopaedia for entry 'British Bangladeshi';

*[Officer comment: This is provided to demonstrate a local need, however it is not considered to out-weigh the harm on amenity and transport as suggested by members.]*

- b) Schedule of the dates of purchase of Louisa Street properties backing onto Rahim's yard;

*[Officer comment: Whilst the owners of Louisa Street may have purchased the properties after the occupation of Rahim Brothers, they may have done so based on Rahim Brothers complying with the conditions as set out in the original consent. Notwithstanding this, planning has a duty to consider amenity of existing and future residents.]*

- c) St Dunstan's Ward Profile by LBTH Corporate Research Unit (May 2014);

*[Officer comment: This is provided to demonstrate a local need, however it is not considered to out-weigh the harm on amenity and transport as suggested by members]*

- d) Schedule comparing prices and product availability between Rahims and Co-op (June 2016);

*[Officer comment: This is noted, however it cannot be secured and is not considered to out-weigh the harm on amenity and transport as suggested by members]*

- e) 'Development Committee Issues' supporting statement ref CSA22.06.16;

*[Officer comment: The documents addresses the limited community engagement carried out by the applicant (in the form of hand delivered letters), provides further information on the bulky specialist goods sold and highlights the differences between the retail store operation at 216-218 Mile End Road and the cash & carry operation at Atlas Wharf in Hackney Wick. This is noted but does not affect officers' recommendation.]*

- f) Schedule showing opening hours of other retail premises in the vicinity;

*[Officer comment: This is noted and the opening hours of adjoining stores have informed officers' recommendation. The special circumstances of the application premises deriving from the presence of a rear yard have been highlighted by officers.]*

- g) Copy of consultation letter sent to neighbours, dated 06/07/2015;

*[Officer comment: This is noted and evidences that some pre-application consultation took place.]*

- h) Copy of consultation letter sent to Louisa Street residents, dated 01/07/2015;

*[Officer comment: This is noted and evidences that some pre-application consultation took place.]*

- i) Stifford Centre Stepney Green Fair brochure with Rahims logo among supporters;

*[Officer comment: This is noted, however any social benefits are not considered adequate trade-offs when weighed against the harm identified by Members.]*

- j) Letter from Old Palace Primary School thanking for contributions towards a fund raising event;

*[Officer comment: This is noted, however any benefits in terms of social benefits are not considered adequate trade-offs when weighed against the harm identified by Members.]*

- k) Specification of a traffic management system with annotated photographs;

*[Officer comment: The measures would include: green/red lights to warn pedestrians of vehicles, a 'car park full' sign, traffic lights in the access tunnel, safety mirror on the opposite side of Beaumont Grove to improve visibility & provision of a turning area and signage to ensure that vehicles enter & leave in forward gear. Full details would be secured by condition as per officers' original recommendation.]*

- l) Summary of the proposal, dated 20/07/2016;

*[Officer comment: The merits of the proposal have been addressed in the committee reports.]*

- m) Correspondence with Thames Water regarding sewer repairs on Mile End Road; and

*[Officer comment: This is of little relevance to the proposal, given that the disruption to parking & servicing caused by the Thames Water works is temporary.]*

- n) Letter setting out the case for the proposal, dated 20/07/2016.

*[Officer comment: In particular, the letter emphasizes that the store serves the specific needs of the Bangladeshi community, including the need to buy in bulk for large families, the availability of products that would otherwise not be available or affordable from high street retailers, that the cost of travel for such goods to outside the borough would affect the community adversely, that orders can be made in Bengali and that they do not have to be made in writing or online, broadening access to the goods. The applicant highlights that the community is particularly concentrated in the Borough and St Dundstons Ward and that it suffers from above average rates of poverty, deprivation and unemployment. The applicant also argues that the retail operation is more akin to 'click & collect' than 'cash & carry'. 'Bulk retail shopping' rather than 'wholesale'. That currently approximately 15-20% of trade takes place on Sundays and that there has also been 30% drop in turnover since the relocation of the wholesale operation to Hackney Wick with a reduction in staff of 17. Refusal of permission could result in a loss of further 10 jobs at the store. No evidence has been provided to verify these claims. Overall, the submitted information does not affect the officers' recommendation. The submitted information is noted, however any social benefits are not considered adequate trade-offs when weighed against the harm identified by Members.]*

- 1.2 Following publication of the deferral report, the applicant has also submitted photographs showing unloading taking place on the double lines on Beaumont Grove. This is allegedly carried out by the operator of a neighbouring

restaurant. The submitted information does not affect the officers' recommendation.

## 2.0 ADDITIONAL REPRESENTATIONS

2.1 Members of the public who have previously objected to the proposals were re-consulted on the minor amendments and additional information put forward by the applicant. 12 objectors have confirmed that their objections still stand and no objections have been withdrawn.

2.2 Two petitions were received:

- A petition in support with 846 signatures received from the applicant
- A petition in objection with 11 signatures received from the residents of the Louisa Street properties backing onto the rear yard of 216-218 Mile End Road.

2.3 John Biggs, the Mayor of Tower Hamlets, submitted a clarification. Mr Biggs, notes that a letter from him dated 24<sup>th</sup> April 2015 has been included in a bundle of papers submitted by the applicant and comments:

*"I want committee members to be aware that I no longer have up-to-date knowledge of the traffic issues in the street, and rarely visit there. It would therefore not be reasonable to rely on my letter as an up-to-date representation or to use it in forming a view on the merits or otherwise of the application. I have had no recent conversations with residents on this matter but I have been copied into emails. I am aware that, for many residents, this remains a highly charged issue."*

2.4 No new substantial issues have been raised in objection but many of the objectors have elaborated further on their previous reasons for objection. Further photographs and videos have also been provided showing the operation of the forklift, vehicles reversing of the access tunnel and loading/unloading from double yellow lines despite the stopping restrictions. The only new issue raised in support is that the store provides an important service to the local community.

## 3.0 RECOMMENDATION

3.1 Officers' original recommendation to **GRANT** planning permission remains unchanged, however for the avoidance of doubt includes the amended hours of operation as mentioned above.