

Committee: Development	Date: 17 July 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Iyabo Johnson	Ref No: PA/13/00766
	Ward: Bow East

1. APPLICATION DETAILS

Location:	554-556 Roman Road, London E3 5ES
Existing Use:	A1 Retail (Grocery Store)
Proposal:	Change of use from a grocery store (A1 use), to a mixed class coffee shop (A1/A3 use) and associated alterations to shop front
Drawing Nos:	1.2/A.01 1.2/A.02 1.2/A.03
Documents:	Design and Access/Planning Statement prepared Architecture Design Limited dated 26.03.2013
Applicant:	Mr Antony Tagliamonti
Ownership:	Frances Rosalind Rich
Historic Building:	N/A
Conservation Area:	Roman Road Market

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 Core Strategy (2010), the Council's Managing Development Document (April 2013), adopted supplementary planning guidance and documents, the London Plan (2011) and the National Planning Policy Framework (2012) and has found that:
- 2.2 The development would not result in the loss of an A1 use which would undermine the position of the Roman Road East District Centre within the town centre hierarchy. This accords with part 3 of policy DM1 of the Managing Development Document (adopted April 2013), as well as policy SP01 of the Core Strategy (2010). Further, the development would not result in an over concentration of A3 uses in this location and to that end complies with part 4b of policy DM1 of the Managing Development Document (adopted April 2013) which seeks to direct A3 uses to town centres, provided they do not result in an over concentration of such uses, and there are at least two non A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 2.3 Subject to condition, the A3 use will not result in undue detriment to the amenity of adjoining occupiers in accordance with policies SP03(part 2) and SP10 (part 4) of the adopted Core Strategy and policy DM25 of the Managing Development Document

(adopted April 2013). These policies aim to safeguard the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.

- 2.4 The proposed shopfront has been sensitively designed and will enable the unit to make a more positive contribution to the streets scene and therefore protect and enhance the setting of the Roman Road Market Conservation Area. The proposal therefore occurs with policy SP10 of the adopted Core Strategy (2010) and policies DM24 and DM27 of the Managing Development Document (adopted April 2013). These policies seek to ensure that development is designed to the highest quality and protects and enhances the setting and significance of the Borough's Conservation Areas.

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 and informatives on the planning permission to secure the following matters:

Compliance Conditions

1. Time limit –three years
2. Compliance with plans - development in accordance with the approved schedule of drawings and documents.
3. Hours of Operation (0700-1900 Monday to Saturday, 0800 to 1800 Sunday and Bank holidays)
4. Cooking on site prohibited
5. Restriction of delivery hours (0800-1800 Monday to Friday; 0800 to 1300 Saturdays; no deliveries Sunday and Bank Holiday)
6. Any music emanating from the premises should not be audible at the nearest affected facade

Pre-Commencement Conditions

6. No works shall commence until details of the proposed air conditioning units are submitted to and approved in writing by the Local Planning Authority.

Informatives

1. Advertisement consent required for proposed signage
2. External roller shutter not approved

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission is sought for the change of use of the existing retail unit from A1 to A1/A3 to facilitate the use of the unit as a Costa Coffee shop.
- 4.2 The proposal also seeks consent for the replacement of the existing shop front.

Site and Surroundings

- 4.3 The application site comprises of a double fronted retail unit on the southern side of Roman Road. The site lies within the Roman Road East District Centre and the Roman Road Market Conservation Area.

- 4.4 The unit is currently vacant. Until recently, the “House Wife Cash and Carry” traded from the store. The surrounding uses are predominantly A1 and there is a café (A3) on the opposite side of the road at number 535 and one at 546 Roman Road to the west. A range of uses, including residential immediately above the application premises dominate uses on the upper floors.

Planning History

- 4.5 The following planning decisions are relevant to the application:

PA/01/01655 - Erection of a three storey building above the existing ground floor shop premises to provide 12no. two bedroom flats, together with alterations to the ground floor elevations - Permitted on 14 May 2002

PA/02/01560 - The erection of a three storey addition above the existing shops to provide 12no. two bedroom flats, together with alterations to the front elevations of the ground floor premises at Nos. 552 & 558 Roman Road - as an amendment to the planning permission dated 14th May 2002 (LBTH Ref: PA/01/01655) - Permitted on 1 March 2003

PA/07/00413 - The erection of a three storey addition above the existing shops to provide 12no. two bedroom flats, together with alterations to the front elevations of the ground floor premises at Nos. 552 & 558 Roman Road - as an amendment to the planning permission dated 14th May 2002 (LBTH Ref: PA/01/01655) - Permitted on 17 May 2007

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 (September 2010) (CS)

SP01	Refocusing on our town centres
SP10	Creating distinct and durable places
SP12	Delivering placemaking and (LAP 5 & 6 – Bow)

Managing Development Document (April 2013) (MDD)

DM1	Development within the town centre hierarchy
DM24	Place-sensitive design
DM25	Amenity
DM27	Heritage and the built environment

Government Planning Policy Guidance/Statements

National Planning Policy Framework (2012) (NPPF)

Community Plan

The following Community Plan objectives relate to the application:

- A great place to live
- 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:

6.3 **LBTH Waste and Recycling:**
No comments received to date.

6.4 **LBTH Environmental Health:**

"1) Any music noise emanating from the proposed site must not be audible at the nearest affected facade.

2) Noise of mechanical plant or equipment emanating (air con, fans, extracts, etc) from the proposed site must be at least 10dB below the lowest recorded background noise level at the nearest affected facade. This is in accordance with BS 4142.

3) The hours of operation must be restricted to protect the amenity of local residents. Recommended 6pm closing time.

*4) Hours for deliveries (loading and unloading) should be restricted to:
Monday to Friday (8am to 6pm);
Saturday (8am to 1pm); and
Sunday & all public holidays no deliveries*

5) To protect the amenity of local residents any external usage for either eating and or drinking at the proposed site must have a terminal hour of 6pm. Only a maximum of 5 smokers allowed outside at any one time."

OFFICER COMMENT: In response to the Environmental Health Officer's comments; an informative would be included, informing the applicant of the need to ensure that music noise is not audible at the nearest affected façade. A condition would be imposed requiring the submission of details of the air conditioning system prior to commencement of the development to ensure that the noise emissions are within an acceptable range (i.e. at least 10dB below the lowest recorded background noise level at the nearest affected façade). A suitably worded condition would also be imposed restricting the delivery hours to those stipulated by the Environmental Health officer. The Environmental Health Officer has recommended the premises should operate a closing time of 6pm in order to protect the amenity of local residents. Officers consider that a closing time of 7pm is appropriate for a district town centre and would not result in an unduly detrimental impact on the amenity of nearby residents. The Environmental Health Officer has suggested that a condition be imposed limiting the number of people smoking outside the premises to five at any one time. Given that the proposal does not include any designated outside space, such a condition would not be enforceable as any customers smoking would be doing so on the public highway, outside the domain of the application premises.

6.5 **LBTH Plan Making:**

"A1 uses are protected as a priority within the town centre hierarchy unless certain tests can be met (Policy DM1.3a, criteria i-iv). Evidence should be provided that the unit has been unsuccessfully marketed over the previous twelve months before a reduction of A1 space could be considered.

With regard to the partial change of use to A3, in accordance with part 4 of policy DM1 it would be necessary for the applicant to demonstrate that the change of use would not result in an overconcentration of A3, A4 or A5 use units; and there should be a separation of two non-A3, A4 or A5 units between each A3, A4 or A5 unit.

Conservation area

The site is within the Roman Road Market Conservation Area. Advice should be sought from the Borough's Design and Conservation officers with consideration given to Policy DM27 with regard to protecting and enhancing the borough's heritage assets.

Recommendation

Evidence of vacancy for the previous twelve months with marketing effort should be sought and it should be ensured the partial change of use to A3 would not result in an overconcentration of A3/A4/A5 uses around the site and would contribute to the Bow Vision and rejuvenation of Roman Road East before this application could be supported."

OFFICER COMMENT: These issues are discussed in detail in the "Material Considerations" section of this report. The submission of marketing evidence was not considered to be necessary in this instance given that the proposal will not result in the loss of an A1 use but rather the introduction of an A3 use.

6.6 **LBTH Transportation and Highways:**

No objections

7. **LOCAL REPRESENTATION**

7.1 A total of 86 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 in East End Life and on site. 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:	2	Objecting: 2(1 sent on behalf of the Roman Road Town Team)	Supporting: 0
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No of petitions received: 1 objecting containing 197 signatories

7.3 It is noted that 29 of the signatories provided postcodes which were not located within the borough.

7.4 The following concerns have been raised:

- *Impact on existing local businesses*

OFFICER COMMENT: A local business owner has expressed concern about the impact of the proposal on existing independent businesses. The proposal will be assessed on the basis of its potential impacts on the position of the Roman Road East district centre within the town centre hierarchy as set out in policies SP01 of the CS (2010) and DM1 of the MDD (2013). The impacts of a use on other similar uses in terms of competition is not a material planning consideration and therefore is not a factor in the determination of this application.

- *Loss of A1 retail*

OFFICER COMMENT: The proposal will not involve the loss of an A1 retail use but rather the addition of an A3 function. This is discussed in further detail in the "Material Planning Considerations" section of this report.

- *Over provision of cafes on Roman Road*

OFFICER COMMENT: The proposal has been assessed against the requirements of policy DM1 of the MDD (2013) which stipulates that within town centres, the introduction of A3 uses should not produce an over concentration of that use. The case officer undertook a survey of uses in the area which demonstrated that the introduction of an A3 use at the application site would not produce an over concentration. This is discussed in further detail in the “Material Planning Considerations” section of this report.

- *Introduction of large chain stores to Roman Road*

OFFICER COMMENT:

The planning use classes order sets out different use classes, within which all activities fall. There is no planning regulation which dictates the end-occupant of retail units, but rather dictates the use class within which users fall (in this case A1/A3). Accordingly, the end user is not a material consideration in the determination of this planning application.

- *Employment benefits*

OFFICER COMMENT: An objector has asserted that employees of the proposed business will receive low wages. This matter would be subject to national work and employment legislation and is not a planning consideration.

- *Impacts of air conditioning units*

OFFICER COMMENT: Given that there would be no cooking on the premises, officers are satisfied that the air conditioning equipment is unlikely to cause harm to residential amenity in terms of their noise output. Notwithstanding, a suitably worded condition will be imposed requiring the submission and approval of the technical specification of the equipment prior to the commencement of the development.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design
3. Amenity

Land Use

8.2 Strategic policy SP01 of the CS (2010) promotes a hierarchy of inter connected, vibrant and inclusive town centres that are mixed use hubs for retail, commercial, leisure, civic and residential uses. Roman Road East is a district centre and the CS (2010) sets out to define and apply the role of district centres within the hierarchy by enhancing existing centres and creating new centres that contain a wide range of shops and services to meet the needs of local communities.

8.3 The CS (2010) vision for Bow (LAP 5 and 6) prioritises the regeneration of the Roman Road East town centre through the promotion of a mix of uses in the form of shops, cafes and restaurants and an anchor supermarket.

8.4 Policy DM1 of the MDD (2013) provides a framework for the management of development within the town centre hierarchy. The policy states that the Council will promote the vitality and viability of the borough’s district centres by protecting A1 uses as a priority and by directing A3 uses to town centres provided they do not result in an over concentration of such uses, and there are at least two non A3, A4 or A5 units between every new A3, A4 or A5 unit.

8.6 The application premises is located within a block comprising of six other units. The uses of these units are as follows:

564 Roman Road – B1 (Council offices)
562 Roman Road – A1 (Cash and carry)
560 Roman Road - D1 (Dental surgery)
558 Roman Road – A1 (Vacant shop)
554-556 Roman Road – A1 (Vacant shop) (application premises)
552 Roman Road – A1 (Vacant shop)
550 Roman Road – A2 (Bookmaker)

8.7 To the west of Ewart Place (to the west of the application site), the uses are as follows:

546 Roman Road – A3 (Café)
542-544 Roman Road – A2 (Tower Hamlets Homes)
538-540 Roman Road – A1 (Shoe shop)
536 Roman Road – A1 (Grocery store)
534 Roman Road – A1 (Pharmacy)
532 Roman Road – A1 (Shop)
530 Roman Road – A1 (Shop)

8.7 The distribution of uses is such that the introduction of the A3 function at 554-556 Roman Road would not result in an over concentration as there would be at least two non A3, A4 or A5 uses between it and nearest A3, A4 or A5 unit. In this instance, the closest A3, A4 or A5 unit is a café at 546 Roman Road, two units away on the other side of Ewart Place.

8.8 By virtue of the variety and distribution of uses in this area of Roman Road, it is considered that the proposal would not result in an over-concentration of food and drink uses within the district centre.

8.9 This application seeks consent for a change of use from the existing (vacant) A1 retail to a combined A1/A3 coffee shop (retail/café). Whilst the proposal would not result in the complete loss of the A1 function, officers are satisfied that the loss of the exclusive A1 function will not undermine the position of Roman Road East within the town centre hierarchy in accordance with part 3a.i of policy DM1 of the MDD (2013).

8.10 Further, part 3.a.ii of policy DM1 of the MDD (2013) states that any loss of A1 should not result in the overall level of A1 falling below 50% within the town centre. Of an approximate total of 234 units within the Roman Road East district centre, approximately 60% are A1 (retail). The addition of the A3 use to the application premises would not result in the overall provision of A1 falling below 50%.

8.11 Part 3.a.iii states that applications proposing the loss of A1 should demonstrate that the shop has been vacant for a period of at least 12 months and that effort have been made to market the shop over that period at an appropriate rent. The applicant has explained that the store has been vacant for a period of approximately five months. Given that the application does not propose the wholesale loss of the A1 use but instead proposes the addition of an A3 function to the existing retail use A1 use, the submission of marketing evidence has not been deemed necessary in this instance.

8.12 It is noted that the vision for Roman Road East as expressed the CS (2010) identifies the delivery of cafes as a means of promoting regeneration. To that end, it is considered that the A3 use would support the function of the town centre in accordance with part 3.a.iv of policy DM1 of the MDD (2013).

- 8.13 In addition, on a recent site visit, the case officer made note of three vacant retail units in within the block 550-564 Roman Road. The proposed re-use of the double fronted unit at 554-556 Roman Road will serve to animate this town centre frontage and as such help regeneration objectives for the district centre to be realised.

Design

- 8.11 Policy SP10 of the CS (2010) and DM23 and DM24 of the MDD (2013), seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.12 More specifically, policy DM23 of the MDD (2013) states that in order to improve and maintain the quality of the public realm, it will be necessary for shop fronts to be of a high quality design, taking into consideration:
- the maintenance of active shopfronts at all times;
 - the relationship between the shopfront and the upper floors;
 - the relationship with surrounding shopfronts and buildings;
 - the use of materials which are appropriate to and enhance the local character; and
 - the value of existing architectural and historic features.
- 8.13 The applicant is proposing to overhaul the existing shop front. The existing windows are to be replaced by five folding windows positioned either side of the entrance which is located in the same position as existing. The exiting stall riser is to be maintained.
- 8.14 The proposed alterations would serve to improve the appearance of the application unit and the parade as a result. The inclusion of opening windows and retention of stall riser will animate the frontage and contribute to the creation of a higher quality of public realm along Mile End Road.

Amenity

- 8.15 Policy SP10(4) of the CS (2010) and policy DM25 of the MDD (2013) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook, privacy and a lack of disturbance through noise and vibration.
- 8.16 The applicant has stated that a "whisper quiet" air conditioning unit will be site in the rear refuse area. A local resident has raised concerns about the potential impact of this on residential amenity. It is recommended that a suitably worded condition to ensure that a full specification of the air conditioning is submitted to and approved by the Local Planning Authority prior to the commencement of the development. This will ensure that the noise emissions will be within an acceptable range to ensure that there is no unduly detrimental impact on the amenity of residents living on the upper floors.
- 8.17 A condition restricting opening hours to no later than 7pm Monday to Saturday and 6pm on Sundays and Bank Holidays will also be imposed in the interests of protecting residential amenity. The Council's Environmental Health officer has recommended a closing time of 6pm. However, given the location of the premises within a district town centre where one would expect a greater level of activity, a closing time of 7pm is considered to be acceptable. Similarly, hours of delivery will be restricted to between 8am and 6pm Monday to Friday and 8am and 1pm on Saturdays. No deliveries will be permitted on Sundays and Bank Holidays.

- 8.18 The Council's Environmental Health officer has also recommended that a condition be imposed restricting the number of customers smoking outside to five at any one time. Given that the application proposal does not include any designated outdoor space, customers wishing to smoke would have to do so on the public highway, outside the domain of the application premises. As such, a condition restricting the number of smokers would be unenforceable in this instance.
- 8.18 Subject to conditions requiring the submission of details of the air conditioning system and restricting the hours of operation and deliveries, it is considered that the proposal would protect the amenity of neighbouring residents in accordance with policy DM25 of the MDD (2013).

Highways and Servicing

- 8.19 The Highways officer has raised no objections to the proposal, particularly on the basis that an A1/A3 use is likely to generate less vehicle trips than a sole A1 use.
- 8.20 The arrangements for waste and recycling storage are to remain as existing, with two 2100ltr Eurobins situated to the rear of the store. Both bins will be collected on a weekly basis by waste disposal contractors (Veolia). This arrangement is considered to be acceptable.
- 8.21 The proposal is acceptable in respects transport and highways matters and servicing. The proposal would not result in an unacceptable impact on the capacity and safety of the local transport network.

Conclusions

- 8.20 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/13/00766



-  Planning Application Site Boundary
-  Consultation Area
-  Locally Listed Buildings
-  Statutory Listed Buildings



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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