

Mile End Residents Association

Website:	http://mile-end-residents.co.uk	Telephone:	07932 626340
Blog:	http://meracouk.blogspot.com	Email:	info@mile-end-residents.co.uk

By email [cc planning@towerhamlets.gov.uk/dr.developmentcontrol@towerhamlets.gov.uk]

Date: 6th September 2010
Development Control Manager (FAO: Adam Williams)
London Borough of Tower Hamlets
Development and Renewal
Mulberry Place (AH)
PO Box 55739
London
E14 1BY

Dear Adam Williams

PA/10/01611 566 Mile End Road Change of use from A1 to A5 hot food take away only.

This letter is a formal objection to the abovementioned planning application by the Mile End Residents Association

We explain policy and terms in our objection in order to aid members of the Association who may wish to make similar objections.

Proposed change of use from A1 to A5

This planning application seeks a change of use from A1 to A5.

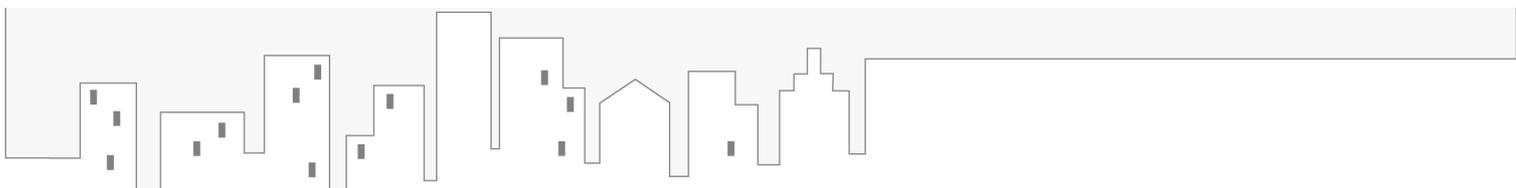
The rationale for the change of use is purely economic and resolution of this can be addressed in other ways which maintain the current A1 use.

Both the information provided and the impact analysis are inadequate as we shall demonstrate below.

The proposed development is also contrary to a number of Tower Hamlets Planning policies.

Definition of use

These are the definitions provided in the planning portal about [the classes of use as set out in the Town and Country Planning \(Use Classes\) Order 1987 and its subsequent amendments.](#)



A1 Shops - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.

A5 Hot food takeaways - For the sale of hot food for consumption off the premises.

Policy considerations

Community Plan: a healthy community

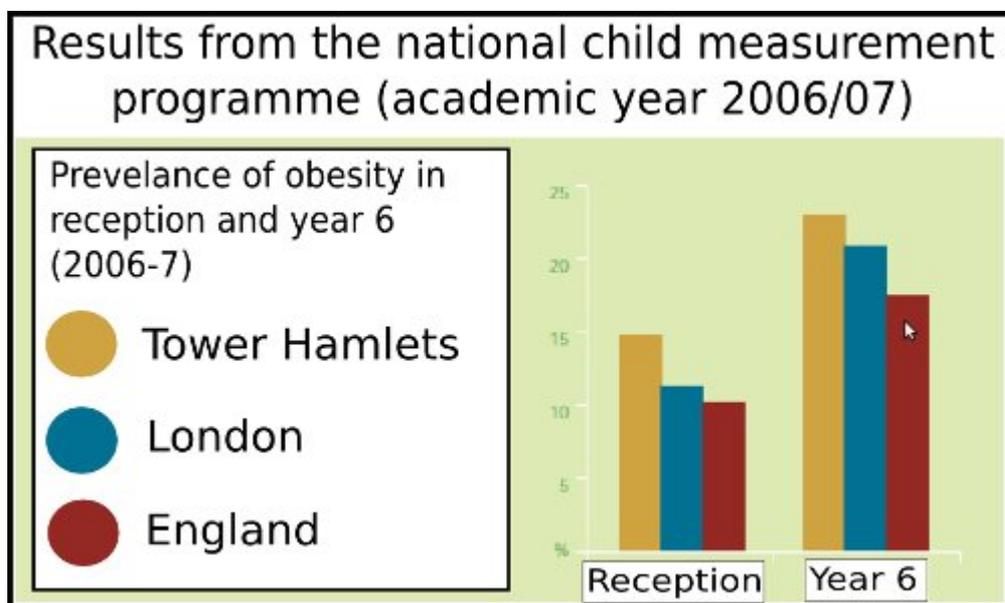
Relevant planning considerations include the Council's statutory duties to promote the health and wellbeing of children living in Tower Hamlets

The Council is subject to a duty as a children's services authority to make arrangements to promote cooperation with its partners and other appropriate persons with a view to improving the well-being (including the physical, mental health and emotional well-being) of children in Tower Hamlets.

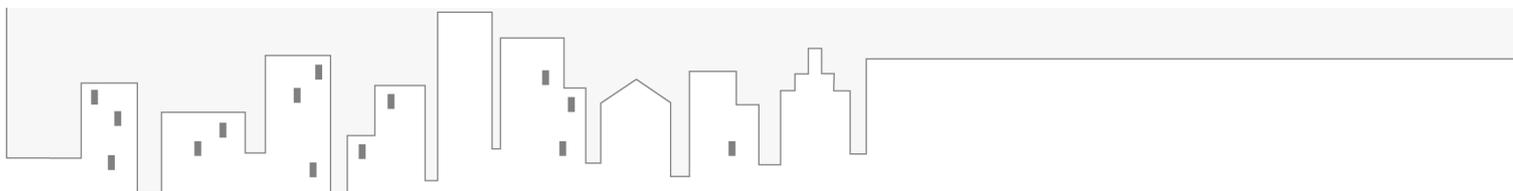
LB Tower Hamlets Scrutiny Committee - Report of the Scrutiny Review Working Group on Reducing Childhood Obesity - increasing the ability of healthy choices.

The Childhood Obesity Scrutiny Review Working Group was established in September 2010 with a view to investigating the steps that health partners and the Council need to take to play their part in reducing childhood obesity in the borough. It reported to the Council's Overview and Scrutiny Committee on 8 June 2010

Figure 1: Children in Tower Hamlets are far more obese than children elsewhere in London and England.



One of the key objectives of the review was the need to develop appropriate recommendations to ensure an



over-concentration of fast food outlets within the borough can be prevented and operationalised.

It states

This review and report fundamentally asks the question, how do we manage and better regulate fast food outlets? It is important that the reader understands the important need to carry out recommendations found within this report to fully realise the radical culture shift that is required in order to avoid our local communities slowly, unwittingly and mistakenly falling into a position of decline where the list of challenges to overcome will only become greater and greater still.

Focus groups interviewed for the scrutiny exercise identified the number of fast food outlets in an area as being an important contributory factor in people having a poor diet.

Members of the Committee welcomed the report and made a number of comments about the importance of promoting healthy eating and exercise as well as focusing on the planning and business issues in relation to fast food outlets.

Planning Policy - Local Development Framework

In exercising its spatial planning powers, under the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, the Council must have regard to the way these are exercised in support of the Community Plan.

One of the objectives of the Community Plan is a healthy community.

In developing sound planning policy, the Council needs to ensure that:

1. the policy has a firm policy base (from higher level documents such as the Unitary Development Plan or Core Strategy);
2. that it is supported by robust and credible evidence; and
3. that it has been prepared in accordance with due process, including appropriate consultation.

The CORE STRATEGY 2025

The Council asserts in this document that the Core Strategy is derived from an evidence base and has been subject to consultation. It states the following as being Strategic Objectives

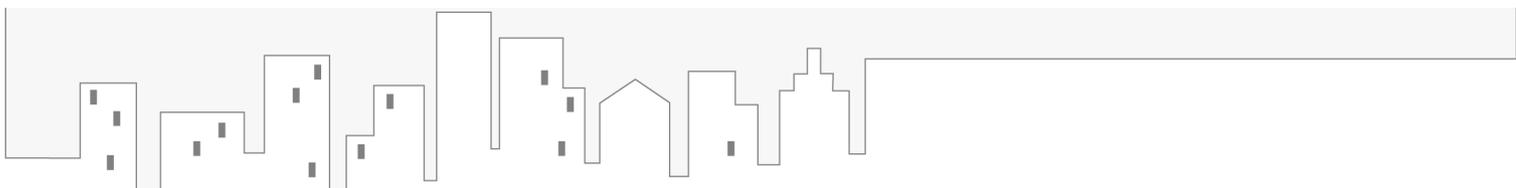
SO10

To deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and enhance peoples wider health and well-being.

SP03

1. Support opportunities for healthy and active lifestyles through:
 - d. Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.

The following policies seek to ensure that non-residential uses such as restaurants / takeaways are only supported where there is no adverse impact on the amenity of adjoining residential occupiers or damage to the local environment.



Unitary Development plan (1998) policies HSG15 and S7

DEVELOPMENT AFFECTING RESIDENTIAL AMENITY

HSG15 In predominantly residential areas planning permission for non-residential development will normally only be granted where it is likely to have no adverse effects upon residential amenity. All new developments (including conversions, extensions and change of use) within residential areas will be required to take account of planning standard No.2 Noise. Conditions will be imposed where appropriate to control hours of work, the operation of plant and the hours of delivery

[UDP 1998 Chapter 5 - Housing page 113](#)

RT2 and RT6 of the Local Development Framework 2005

to be completed

DEV55 of the Tower Hamlets Unitary Development Plan (1998)

This requires that developments which are likely to generate significant quantities of waste include adequate arrangements for its collection and storage

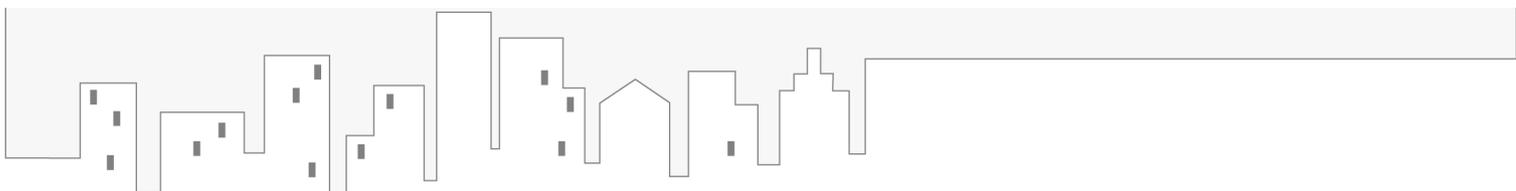
LITTER AND WASTE FROM NEW DEVELOPMENT

DEV55 Developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage

[UDP Chapter 2 The Environment Page 66](#)

Fast food Policy

We are aware that the Development and Renewal Directorate intend to submit a paper to Cabinet titled 'Healthy Borough Programme – Managing Fast Food Outlets via Planning'.



Factual considerations

There are 16 EXISTING fast food outlets around and about Mile End.

Many of these are not providing healthy food which is far too many for the health and wellbeing of this area which predominately comprises family housing.

FIGURE 2: 16 units with A5 use in Mile End.

We attach a map (see right) which indicates just how many there are.

Grounds for objection

A Healthy Community

The Council needs to take account of the impact on the health and well being of local residents and the local primary school of yet another fast food outlet.

- These include the many families and children living on the Eric & Treby Estate which we represent
- [Guardian Angels Roman Catholic Primary School](#) is just the other side of Budgens. So far as we are aware it has not been advised of the planning application. The timing of the consultation on this planning application - located near a primary school - was conducted during the school holidays
- City University School of Community and Health Sciences has found that **in Tower Hamlets there are 41.8 junk food outlets to every school**. This compares to the national average ratio of 25 outlets per school.
- **Health and wellbeing is a material planning consideration.** We refer you to the recent High Court decision re *Fried and Fabulous* in Cable Street
- How does this change of use contribute in a positive way to the health and wellbeing of local residents?

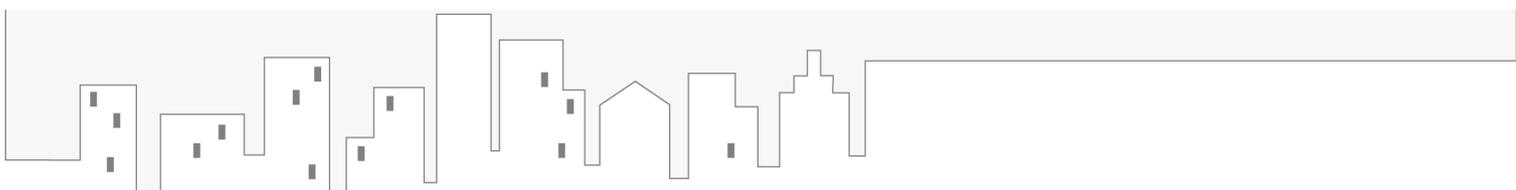
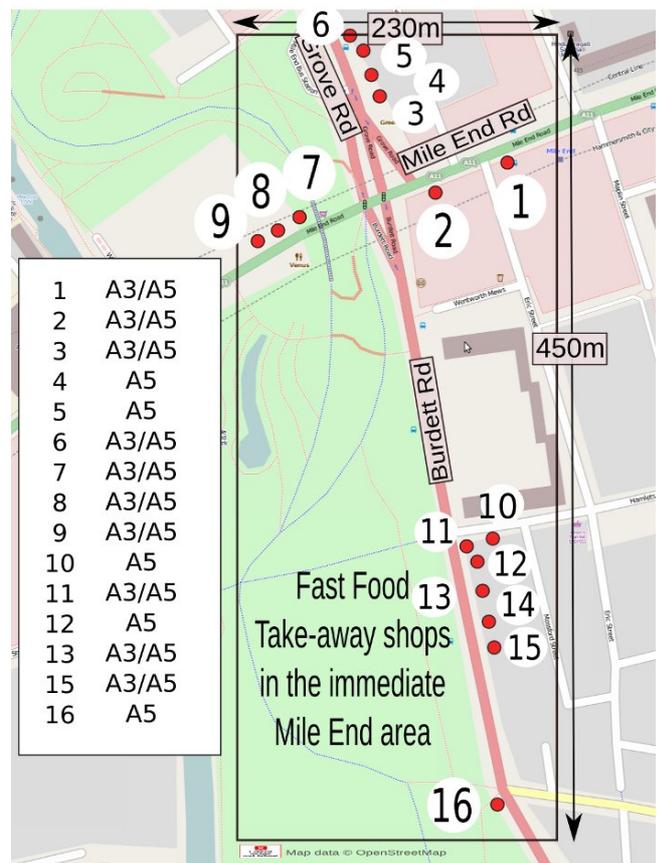
ACTION: If Planning Policy supports the aims of the Community Plan for a healthy community (as per planning policies SP10 and SP03) it MUST actively aim to REDUCE the number of A5 outlets not to increase them

ACTION: Applicants talking to planning officers about A5 use should be advised about the Council's planning policy - specifically the terms of SP03. This avoids a lot of wasted time and effort for the applicant.

Active retail frontage

Mile End needs to retain A1 retail units at the junction with and long Grove/Burdett Road if it is to maintain a thriving and active retail frontage

Local parades serve as focuses for the community and contribute to the individual character and attractiveness of a neighbourhood. The elderly, people who are less mobile, and the parents of young children in particular suffer from the loss of local shops. For these reasons the Council considers that local parades need to be protected from changes of use which would result in the



- Every time a retail use is converted to a fast food outlet it reduces the scope for genuine entrepreneurs to introduce appropriate retail uses to this area and its ability to thrive as a retail centre.
- Converting the use from A1 to A5 is, in our opinion, a very lazy solution to the recession. If people aren't buying it's not because of the recession. It's because businessmen are not identifying market needs and developing outlets selling the right products - residents then need to buy such items elsewhere.
- Given the specialist needs and the huge range of income levels associated with the local community on both sides of the Mile End Road and the he passing custom associated with Mile End Tube there are any number of retail uses which could thrive in this location. Consequently this location very definitely has continuing value as a retail unit with A1 use.
- We also consider that approval of another A5 use could also have a detrimental impact on the economic wellbeing of existing units leading to a less than active frontage than exists at present. This is contrary to council policy

ACTION: The existing retail A1 use should be protected in line with existing planning policy and this application should be REFUSED

ACTION: The Council's economic development function can advise the applicant about the type retail use which would be attractive to people living in and passing through this area.

ACTION: Planning needs to develop a list of A5 units in an area to that the number and density of A5 use can be properly assessed when planning applications are considered. (see our map by way of example)

Activities incompatible with a residential area

At present Mile End is becoming a focus for fast food units, betting shops and late night activity - DESPITE the fact that this area is home to a lot of family housing

- The Eric & Treby Estate is a very large estate housing very many families with small children and teenagers. This fact always seems to get ignored and forgotten by Planning when permitting previous changes of use.
- Is this the image that the Council wants to present to the visitors to the Olympics in 2012? Don't both visitors and long term residents deserve better than this?
- The Core Strategy states that the aim for this area is that it should become vibrant and have an active retail frontage. How is this possible if every A1 use becomes a fast food outlet or a betting shop?
- Where did it state in any planning policy that Mile End would only have fast food shops as new developments?
- UDP S4 provides very explicit reasons why small retail units are required in areas like Mile End and why the existing A1 use should be retained.

ACTION: This application should be REFUSED as the proposed change of use to A5 serves to over-concentrate in area which is predominantly residential in direct contravention of policy SP02 of the Core Strategy

ACTION: Planning should review the overall mix of existing uses along Burdett/Grove Road and the junction with Mile End Road and develop location specific guidelines to assist with the development of economic activity in this area. In particular it needs to address the introduction of new activities and deterrents to "more of the same"

ACTION: Planning should develop a guide to the location of A5 units within the borough as a



whole and Mile End in particular in order to improve the management of permissible development of A5 use. This should reflect on the percentage of units within an area

Night-time activities

We believe that the intention is that this proposed fast food outlet will want to open very late to provide late night food after the pubs and clubs close.

WE VERY STRONGLY OBJECT to any activity in this area which further contributes to the existing disruptive behaviour which has a very negative impact on the neighbouring streets on both sides of the Mile End Road and the quiet enjoyment of existing amenity.

- Residents have campaigned for a long time to reduce the negative impact on amenity of late night activities in this particular area which in the past have caused substantial disruption to the peaceful enjoyment of amenity in Eric Street, Wentworth Mews and Aberavon Road.
- This used to be associated with the night club which used to operate on the corner of Mile End Road and Burdett Road. The night club has reopened under new ownership and is currently under strict monitoring by residents from both sides of Mile End Road and Licensing Officers.
- **There is mounting evidence that disruptive behaviour associated with people leaving for their cars parked in neighbouring residential streets is increasing yet again**
- Kathy Rodgers of the Council's Licensing section of the Council can provide you with ample evidence of what happens when this area becomes a focus for people after the pubs have shut. Lots of noise and shouting in the streets which wakes up residents in the small hours, fast food left wrappers and food and cans in the streets along with the vomit and urination
- MERA was set up in part to counteract the way "things just happen" to this area. We are standing up for local residents' right to have a decent standard of life and to be able to sleep in their beds at night without being woken up in the small hours on a regular basis

ACTION: Planning powers should be used to help reduce the level of documented disruption to residents' sleep experienced in streets to the north and south of Mile End Road.

Dispersal Area

The Metropolitan Police's Safe Neighbourhood Team has introduced a dispersal area in Eric Street which is very close to this unit (although you'd never know this from the incomprehensible location map supplied)

Planning permission needs to be sensitive to 'safe neighbourhood' issues which spill over into residential areas

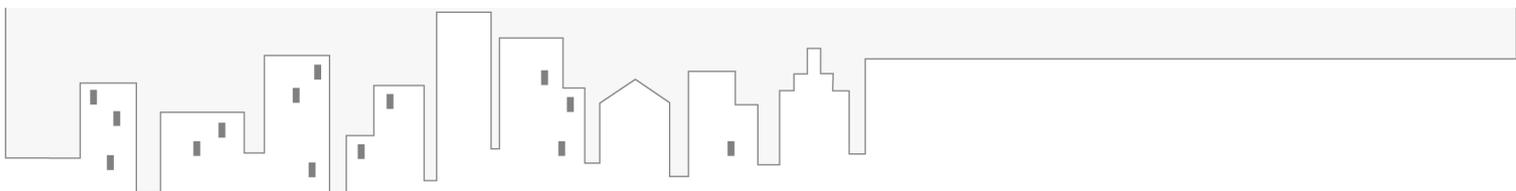
Planning permission should NOT allow a proposed change of use which provides a focus for groups to congregate close to a dispersal area and to disrupt the sleep of local residents

- Residents have recently been disturbed by groups of youths hanging around close to location of this proposed fast food facility. Many residents have complained about their sleep being disrupted.
- We don't want to see such a facility acting as a magnet for more youths to congregate at any time and/or to make a noise late at night in Eric Street or around Wentworth Mews.

ACTION: Adjoining streets are residential areas. Eric Street and Wentworth Mews MUST be protected through the use of planning powers so that they can be the quiet residential areas they are supposed to be.

Lack of adequate provision for an area to house the commercial waste bin

It's been our experience that **Planning and Environmental Health have allowed developments in economic activity in Mile End without sufficient adequate controls over the negative impact of the storage of commercial waste arising from commercial activities on the area.**



Local residents have made a number of complaints to us about the state of the pavements and the refuse which is inappropriately stored and often not collected.

As a result MERA will be actively supporting new government initiatives to clean up the streets and pavements of clutter - not least the unsightly and, when rubbish is not collected, the unsavoury overflowing waste bins which can be seen around and about Mile End again and again and again

We want to see ALL COMMERCIAL WASTE BINS HOUSED OUT OF SIGHT and preferably off the street altogether with fines being imposed for every time a bin is seen on the street when not in the process of being emptied

In addition, there is no provision for dealing with waste associated with A5 use once the customer has left the unit. There are too few waste bins to contain the amount of waste which gets generated by people at night by who do not live in this area.

- **This application makes no reference as to where it is going to house the commercial waste generated by the fast food operation and handled by the proprietor. It also fails to deal with how waste will be handled by the customer once the product is off the premises.**
- We have experience of retail/fast food activities in Mile End which appear to think it's perfectly OK to put their bins on the street making the place look a mess and also making it difficult for people to walk along the pavement. MERA does NOT think it is OK and we will be continuing with our campaign to get this addressed.
- You may wish to [refer to FixMyStreet](#) for the number of times MERA has reported rubbish as being a problem on a street in the western part of the Mile End East ward covered by MERA.
- It is completely ridiculous to spend time and effort and vast amounts of taxpayers money on making the area look better - only for that impression to be completely contradicted by smelly and unsightly commercial waste bins.
- We expect to be referring this problem to local London newspapers in the near future given the extremely poor performance by the Council in tackling this issue.
- MERA has been advised the long term aim is to remove these bins from the streets. That long term aim needs to be converted into practical short term action.
- Until such time as Tower Hamlets sees the light and goes back to nightly collections of refuse from commercial premises (as occurs elsewhere) we shall continue to campaign for the removal of all commercial waste bins from the pavement and/or the levying of very expensive licence fees to keep them on the pavement.

ACTION: This planning application should be REFUSED does not comply with DEV55 and does not state how waste associated with A5 use will be handled.

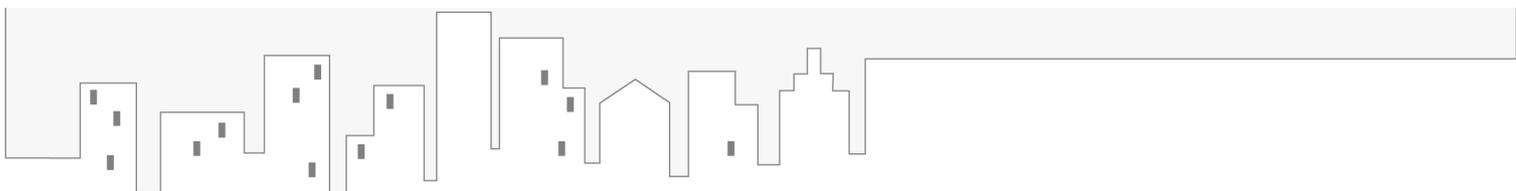
ACTION: Planning should be IMPROVING the amenity of an area and NOT contributing to a reduction in its amenity value

ACTION: Planning should be taking a vigorous stance on the presence of commercial waste bins on pavements and seek to eliminate them from Mile End at the earliest opportunity.

Applicant's perspective on the impact of this change of use

We vigorously dispute the applicant's assessment of the impact of this change of use
The applicant states

"As the retail unit is not financially viable to operate under the current economic climate. The new hot food takeaway will enhance the character, vitality and viability of the area and street"



We wish to emphasize as the local residents association for Mile End that we consider that yet another fast food outlet will in no way enhance the character, vitality and viability of the area and street because:

- it will lead to an unhealthy community - not one which is vital in the literal meaning of the word
- as we keep emphasising to Planning, the residents of Mile End do not want a "vibrant area". They just want to be able to sleep in their beds at night without being woken up. People who don't get enough sleep are considerably less vital!
- the economic viability of the area is UNDERMINED by the proliferation of A5/fast food outlets (and betting shops) because it deters other retailers from coming into the area
- how does a fast food add to the character of the area - except in terms of its diminution?

Reasons for refusal

This planning application should be REFUSED on the following grounds:

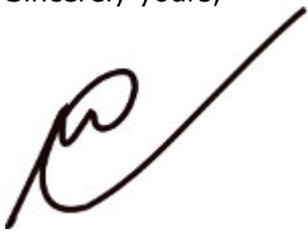
- the proposed A5 use will have **a detrimental impact on residential amenity** because of the noise and increased activity caused by the proposed use, and noise and fumes created by the proposed duct.
- the **submitted information is insufficiently detailed, particularly with respect to the proposed A5 use**. In the absence of such information, the full impact upon amenity of surrounding residents cannot be fully assessed. *We have endeavoured to remedy that deficiency in this consultation response*
- **The lack of any identified refuse store could result in a loss of residential amenity**, contrary to policy DEV55 of the Tower Hamlets Unitary Development Plan (1998) which requires that developments which are likely to generate significant quantities of waste include adequate arrangements for its collection and storage

We are copying this objection to Cllr Saunders, Ward member for Mile End East and Cabinet Member with lead responsibility for health. She will doubtless be interested in just how many fast food outlets there are in Mile End East and the ratio of A5/fast food outlets to the number of young people.

Please reply to:

- Mark Taylor (Chair) info@mile-end-residents.co.uk
- Katherine Tyrrell (Planning Lead) mileendresident@googlemail.com

Sincerely yours,



Mark Taylor (Chair) and Katherine Tyrrell (Planning Lead)

Mile End Residents Association

cc
MERA Committee Members
Mile End East ward councillors



