

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 13 October 2010 at 7.00 p.m.

A G E N D A

VENUE

**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

Members:	Deputies (if any):
Chair: Councillor Carli Harper-Penman Vice-Chair: Councillor Judith Gardiner	
Councillor Shelina Aktar Councillor Peter Golds Councillor Ann Jackson Councillor Mohammed Abdul Mukit MBE Councillor Kosru Uddin	Councillor Tim Archer, (Designated Deputy representing Councillor Peter Golds) Councillor Lutfa Begum, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul Mukit, MBE and Kosru Uddin) Councillor Shafiqul Haque, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul Mukit, MBE and Kosru Uddin) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Peter Golds) Councillor Gloria Thienel, (Designated Deputy representing Councillor Peter Golds) Councillor Ohid Ahmed, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul

Mukit, MBE and Kosru Uddin)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 13 October 2010

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 14th September 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 12

4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee.

13 - 14

6. DEFERRED ITEMS

There are no items for consideration.

7. PLANNING APPLICATIONS FOR DECISION

15 - 16

7.1 Rochelle School, Arnold Circus, London, E2 7ES

17 - 30

Weavers;

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 14 SEPTEMBER 2010

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Shelina Aktar
Councillor Peter Golds
Councillor Ann Jackson
Councillor Mohammed Abdul Mukit MBE
Councillor Kosru Uddin

Other Councillors Present:

Councillor Stephanie Eaton

Officers Present:

Stephen Irvine	– (Development Control Manager, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Nasser Farooq	– (Planning Officer Development and Renewal)
Bridget Burt	– (Senior Planning Lawyer, Legal Services, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Judith Gardiner.

2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:

Councillor	Item(s)	Type of interest	Reason
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Carli Harper-Penman	6. 2	Prejudicial	She was the owner-occupier of a property in Bow Quarter which was adjacent to the site of the application.
Mohammed Abdul Mukit	6.1	Personal	Ward Councillor.
Peter Golds	6.1	Personal	Had received correspondence from local residents.
Ann Jackson	6.1	Personal	Had received correspondence from local residents.
Stephanie Eaton	7.1	Personal	Related to a property in her ward.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 18 August 2010 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak at the meeting.

6. DEFERRED ITEMS

6.1 Rochelle School, Arnold Circus, London, E2 7ES (PA/10/00037)

Update report tabled.

The Chair pointed out that Councillors Shelina Aktar, Peter Golds and Ann Jackson and were ineligible to vote as they had not been in attendance when the application had been previously considered by the Committee.

Mr Stephen Irvine (Development Control Manager, Development and Renewal) presented the report regarding Rochelle School, Arnold Circus, London.

It was noted that this application was previously reported to the Committee on 18th August 2010 where Members were minded to refuse the application due to a number of concerns contrary to officers over overlooking, parking, noise disturbance and impact on neighbouring properties and the Conservation area.

Mr Irvine drew attention to the legislation on overturning planning officers recommendations, which stated that careful consideration was required as to whether the Council could justify the reasons for refusal.

Mr Irvine addressed the reasons for refusal stating that there was no evidence to suggest they could be supported on planning grounds if tested. The proposed reasons were contrary to the Council's expert advice.

The proposal complied with the UDP as all of the nearest residential properties were significantly more than 18 metres away from the site. As such, it was felt that the argument of overlooking would be difficult to support. In terms of noise, the premises had not generated any complaints. The hours of operation were outside noise sensitive hours. In terms of parking, the impact on the highways would be minimal. The site had already gained approved consent for an ancillary canteen in a Conservation Area. Therefore the argument of impact on the Conservation Area was not a valid reason. The development would be in keeping with the surrounding area as the area was of mixed use.

Members raised a number of questions around the proximity of the site to the nearest residential properties, whether this complied with the guidance in the UDP regarding overlooking, accuracy of the usage figures for the canteen, the waste management arrangements, delivery times, loss of a valuable family area and intensification.

Members also discussed the impact on residential properties, particularly the adjacent Old Laundry Building and family flats. Members expressed concern at the impact on their views, overlooking to their kitchen and bedrooms and

noise disturbance from the canteen. Members requested that these issue be given due consideration.

Members also drew attention to the many letters of objections and the concerns voiced by local residents at the last meeting.

Members also asked officers to clarify the exact proximity of the Old Laundry Building to the canteen/outdoor eating area.

In reply officers reported the following points:

- Clarified the distance between the canteen/ outdoor eating area and the nearest residential units as set out in the Addendum report. Indicating that no building fell within an 18 metres radius of the premises. Therefore the application would not create any amenity problems.
- That the usage of the premises was not changing. It was for continued use. Therefore there would be no new amenity issues.
- That the Old Laundry Building was a residential building.
- Canteen would not open late - past 4pm.
- That the deliveries for the off site catering service would take place during working hours via the Club Row Entrance.
- Clarified the refuse collection arrangements.
- Welcomed the Management Plan designed to mitigate the affects of the scheme.
- The Councils officers had considered the application and had considered that that it was acceptable.

In view of the concerns around the proximity of the premises to residential properties, the Committee considered that the consideration of the planning application be deferred pending a site visit.

Members also requested this application be brought to the Committee afresh - as a new application under the 'Planning Applications for Decision Part' of the agenda' to trigger public speaking rights in view of the time taken to consider the application.

On a vote of 3 for 0 against the Committee **RESOLVED**

That consideration of the planning permission at Rochelle School, Arnold Circus, London for continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation be **DEFERRED** for a site visit and further clarification of the proximity of the proposal to the nearest residential dwellings .

That the application be brought back to the Committee afresh 'under Planning Matters for consideration' to trigger speaking rights in view of the length of time taken to consider the application.

6.2 71A Fairfield Road, London (PA/10/00742)

Update report tabled.

Councillor Carli Harper – Penman vacated the chair and left the room for the consideration of this item. The time being 7:50pm.

Councillor Ann Jackson in the Chair

The Chair pointed out that Councillors Shelina Aktar and Peter Golds were ineligible to vote as they had not been in attendance when the application had been previously considered by the Committee.

Ila Robertson (Applications Manager, Development and Renewal) presented the application regarding 71a Fairfield Road and advised that there was an update report on the site. It was reported that at its last meeting, the Committee indicated that they were minded to refuse this application due to concerns over bulk height and the amenity impact in respect of privacy and resolved that the matter be deferred so that the applicant could consider whether it was possible to address their concerns. Since that time the applicant had advised that it would not be possible to amend the scheme to address these issues without removing the entire building. As a result the application was being presented to Committee with a recommendation for refusal.

In response to the presentation, Members questioned whether, if refused, the existing occupiers of the flats would be made homeless, whether there was anything the Council could do to support the new owners, the timescale for any appeals process.

In reply, Officers explained the enforcement and the appeals process. Officers confirmed that an Independent Inspector would consider the merits of the scheme and the Council would rigorously defend the Council's decision.

On a vote of 3 for and 0 against the Committee **RESOLVED**

1. That the consideration of the planning permission at 71A Fairfield Road, London for retention and alteration of existing part 3 part 5 storey building which contains 8 residential units be **REFUSED** for the following reasons.
 - a) The proposal would result in overdevelopment of the site and this is identified by the following: The proposed development, by virtue of its increased height and excess bulk and mass at third and fourth floor level, would appear out of character with the surrounding area and the host building. The proposed building fails to relate to the scale of the adjacent building to the east at 71 and 73 Fairfield Road. The proposal is therefore contrary to saved policy DEV1 of the adopted Unitary Development Plan (1998), SP10 of the Core Strategy Submission

Version December 2009 and policy DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure appropriate design of buildings within the Borough that respect local context.

- b) The proposed development, by virtue of it's proximity to the adjacent properties to the east at 71 and 73 Fairfield Road, would result in an unacceptable outlook, increased sense of enclosure and loss of privacy for existing residents. This is compounded by the height of the proposed development and its higher gradient which looks down on to and into these properties. The proposal is therefore contrary to saved policy DEV2 of the adopted Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Submission Version December 2009. These policies seek to protect the amenity of residents of the Borough.
- c) The proposal would result in a poor standard of accommodation for future occupants, by virtue of it's small internal floor areas (Flat 1, 6, 7 & 8), poor outlook (Flat 4, 6 & 8) and lack of external amenity space (Flats 3, 4, 5, 6, 7 & 8). The proposal is therefore contrary to saved policies DEV2, HSG13 and HSG16 of the adopted UDP (1998) and Policy HSG7 of the Interim Planning Guidance (2007). These policies seek to ensure developments provide sufficient amenity, internal space standards, and high quality useable amenity space for future residential occupiers.

7. PLANNING APPLICATIONS FOR DECISION

7.1 47a St Peters Close, London, E2 7AE (PA/10/00893)

Councillor Carli Harper Penman returned to the meeting for the remaining item of business. The time being 8.00pm.

Councillor Carli Harper – Penman in the Chair.

Ila Robertson (Applications Manager, Development and Renewal) presented the application for conversation of a pram store facility into a two bedroom flat with private amenity space.

Mr David Wilson, addressed the Committee in objection to the proposals. He stated that he was speaking on behalf of the residents of the estate, and he had got a sense that they all opposed it. He had managed to obtain 36 signatures for his petition. This was a very densely populated area and if approved there would be overcrowding. It would spoil the character and was out of keeping with the architectural features of the area. It should be stopped. He considered that THCH consistently ignored the views of local people. He referred to a previous scheme which if approved would have inhibited peoples access to their properties. This scheme was eventually turned down. He

expressed concern at the amenity impact on the people at number 45, 47 and 49 St Peters Close in terms of overlooking and creating a sense of enclosure.

Councillor Stephanie Eaton addressed the Committee as an objector. She said that she was speaking on behalf of a large number of residents on the Estate. She opposed the loss of pram space, if used properly they could be used as a cycle storage. They would be popular if better used. The scheme falls well below the minimum requirement for amenity space. It provided around a third of what was required for the site. She disputed the policy argument that this was appropriate as the land was going to be private amenity space. There were also worries about loss of privacy and overlooking to the adjacent neighbours and the inadequacy of the proposed wall. She stated that the Council had approved similar development in the past but in planning terms this did not make this right.

Bilkis Khanom (Applicants Agent) spoke on behalf of Tower Hamlets Community Housing (THCH) who were the applicants. A key aim of the group was to address the problem of overcrowding in Borough, provide better housing and to deliver large affordable housing. THCH had amongst other things, completed an overcrowding strategy, exceeded its targets in providing affordable housing, tried to deal with Anti Social Behaviour at their housing developments, carried out consultation and engaged with residents to ensure their proposals mirror the needs of residents. They welcomed the views of MPs and Councillors.

THCH had held a community event to discuss 3 other pram store conversions. During which the residents attending were very supportive of the plans and supported the schemes. They had had no objections by post either.

Ms Yasmin Begum (Applicants Agent) also spoke on behalf of Tower Hamlets Community Housing (THCH). She stated that they supported and worked to meet the Boroughs housing needs. The scheme was of good quality design. She referred to the size of the local housing register and their plans would go some way to reducing these numbers. She said that THCH had converted other pram stores into flats including a bespoke ground floor flat for a disabled person.

Ms Robertson (Applications Manager, Development and Renewal) outlined the merits of the proposal.

She advised that there would be a loss of public open space on the estate but that given the acute need for affordable housing, the quality of the land and that a large part of the land would be retained as private open space, that the proposal was acceptable in policy terms.

Ms Robertson also outlined the responses to the public consultation exercise. The main objections raised related to loss of a communal open space, overdevelopment, poor quality design, light and ventilation issues.

Officers considered that the scheme was in keeping with the surrounding area, would not cause a sense of enclosure or overlooking, and the

construction impact would be negligible. The hours of construction could be conditioned to ensure that amenity was protected. On all counts, officers considered that the scheme was acceptable and in keeping with policy and should be approved.

In reply to the presentation, Members queried the merits of the scheme, the loss of the pram space and amenity space, whether the pram space could be put to better use if advertised properly, the quality of the design.

Members also asked officers to clarify the amount of amenity space on the site and to address the amenity issues and the noise concerns.

Member also questioned whether the height of the proposed external fence was adequate to protect privacy and whether the hours of construction should be restricted.

In reply, Officers confirmed that the scheme would in no way restrict access to properties. In relation to external noise, conditions could be added to ensure that a noise assessment was carried out to prevent noise nuisance including pre- occupation testing. Further consideration could be given to varying the height of the proposed external fence to safeguard privacy.

The Chair proposed a number of amendments to the conditions, which were seconded by Councillor Mohammed Abdul Mukit to ensure

- That the hours of construction be restricted to minimise noise disturbance
- Submission of a satisfactory noise assessment including pre-completion testing prior to occupation
- That officers explore with the applicant the possibility of raising the height of the 1.4m fence to protect privacy, and to report back to the Committee if necessary.

These proposals were carried.

On a vote of 5 for and 1 against, the Committee **RESOLVED**

1. That the planning permission be **GRANTED** at 47a St Peters Close, London for conversion and extension of the pram store facility into a two bedroom ground floor flat with associated private amenity space subject to conditions.
2. That the Corporate Director of Development & Renewal is granted power to impose conditions and informative on the planning permission to secure the following matters:
3. Conditions
 1. Implementation within 3 years.
 2. Development completed in accordance with approved plans

3. Details and samples of all external facing materials used on proposed dwelling and boundary treatment.
 4. Details of cycle parking.
 5. Details of compliance with life times homes standards.
 6. Car Free.
 7. Submission of a satisfactory noise assessment including pre completion testing prior to occupation
 8. Details of revised fence.
 9. Hours of construction: Restricted in accordance with standard hours
4. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

5. **Informative:**

1. Any informative considered necessary by the Corporate Director Development & Renewal

8. **OTHER PLANNING MATTERS**

There were no items for consideration

The meeting ended at 9.00 p.m.

Chair, Councillor Carli Harper-Penman
Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
 - An objector who has registered to speak
 - The applicant/agent or supporter
 - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 7

Committee: Development	Date: 13 th October 2010	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Development	Date: 13 th October 2010	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Nasser Farooq	Ref No: PA/10/00037
	Ward: Weavers (February 2002 onwards)

1. APPLICATION DETAILS

Location: Rochelle School, Arnold Circus, London, E2 7ES
Existing Use:
Proposal: Continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation.

Drawing Nos/Documents: 1. Un-numbered Site Plan
2. Un-numbered Location Plan
3. 4SK.008
4. Supplementary documents for Rochelle School
5. Design and Access Statement
7. Planning Impact Statement
8. Management Plan

Applicant: Mr Anthony Bennett
Ownership: Mr James Moores
Historic Building: Grade II (the site is comprised of two Grade II listed buildings. The main building is located nearest to Arnold Circus and the second building fronts Club Row, the former school walls are also grade II Listed).
Conservation Area: Boundary Estate

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this planning application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, Core Strategy Development Plan Document (adopted 2010), the Council's Interim Planning Guidance for the purposes of Development Control (October 2007), the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:

2.2 1) The continued use of the canteen does not result in a change of use of the building, nor an intensification of existing activities. As such, the use is considered acceptable in-line with saved policy S7 of the Unitary Development Plan (1998) which seeks to ensure special uses, including restaurants/cafés, are acceptable within their locations.

2) Subject to conditions, the proposed independent café and ancillary catering facilities does not have an adverse impact upon the amenity of neighbouring residential properties in terms of overlooking, loss of privacy and an unacceptable levels of noise. The proposal therefore accords with Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets Unitary Development Plan 1998, and policy DEV1 of the Interim Planning Guidance (2007), which seek to protect the amenity of residents of the Borough.

3) The retention of the canteen is not considered to have an adverse impact on the appearance of the Boundary Estate Conservation Area or be out of character with it. As such, the proposal is considered acceptable and in line with policy CON2(2) of the Council's Interim Planning Guidance (2007), which seeks to ensure development proposals preserve the setting of the Boundary Estate Conservation Area.

4) Subject to conditions transport matters, including access and servicing, are considered acceptable and in line with saved policies DEV1 and T16 of the adopted Unitary Development Plan (1998) and policies DEV17 and DEV19 of the Interim Planning Guidance (2007). These policies seek to ensure developments can be supported within the existing transport infrastructure.

5) The proposed change of use is not considered to have an adverse impact on the historic fabric, setting or identity of the listed building. As such the proposal is considered acceptable and in line with policy CON1 of the Council's Interim Planning Guidance (2007), which seeks to ensure development proposals preserve the historic fabric and setting of the Councils Listed Buildings.

3.0 RECOMMENDATION

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

3.2 That the Corporate Director of Development and Renewal is delegated power to impose the following conditions and informatives on the planning permission to secure the following:

3.3 Conditions

Condition 1. Development approved in accordance with the plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 2. Hours of operation

The use hereby approved must only be carried out within the following times:-

Canteen: 9.30am to 4pm Monday to Fridays

Off-site catering: 7.30am to 9pm.

In addition to this, any servicing for the uses approved must not take place between the hours of 9pm to 8am on any day.

Reason: To safeguard the amenity of adjacent residents and the area generally, in

accordance with the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):
DEV2 , DEV50 Noise and HSG15 Preservation of Residential Character

Condition 3. Restriction on covers

The maximum number of covers allowed for dining at the canteen should not exceed 56 (36 indoor and 20 within the outdoor seating area) unless agreed in writing by the local planning authority.

Reason: To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of the following saved policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998), DEV2, DEV50 and HSG15.

Condition 4 Restriction on loading/servicing

All loading/ unloading and servicing required to facilitate this development should only take place between the hours of 9am until 9pm and should only take place within the Club Row parking area within the school walls or the Arnold Circus entrance.

Reason: To ensure the development does not have an adverse impact on residential amenity and to meet the requirements of the following saved policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998), DEV2, DEV50 and HSG15.

Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives for Planning Permission

1) With regards to Condition 3, should you wish to increase the number of seating the council would need to be satisfied that the increase in seating would not have an adverse impact on amenity and on the highway.

2) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

4.0 Background

4.1 This application for planning permission was reported to Development Committee on 18th August 2010 with an officer recommendation for approval.

4.2 Members' indicated that they were minded to refuse the planning application because of concerns over:

1. Overlooking
2. Parking, as a result of deliveries
3. Parking, for patrons of the site.
4. Noise disturbance
5. Impact on adjoining area

4.3 The application was subsequently reported to the Development Committee on 14th September 2010. At this committee discussions took place over the proposed

reasons for refusal.

- 4.4 Members were informed that Paragraph 1.4.2 of the Planning Inspectorates guidance on appeals sets out “a number of core principles which underpin the operation of a well-functioning appeal system”. These include a requirement that:

“where the elected members’ decision differs from that recommended by their officers, it is essential that their reasons for doing so are...clear, precise and comprehensive.”

- 4.5 It was pointed out that the use of the outbuilding as a café had already been granted planning permission as an ancillary café. Therefore, the proposed use as an independent café was not going to increase or add additional impacts to what is approved and as existing.
- 4.6 After a discussion on the reasons for refusal, it was decided that the application should be deferred, to enable members to carry out a site visit, as part of their consideration of the application.
- 4.7 Given the application had been previously deferred, the Council’s constitution requires the application to be reported again in its entirety.

5.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 This planning application is for the continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with an ancillary off - site catering operation. The application form states that the use has been occurring since 2006.
- 5.2 The premises have 36 covers within the canteen and an additional outdoor area which accommodates around 20 people.
- 5.3 The canteens preferred operating hours Monday to Friday 9.30am to 4pm.
- 5.4 The applicant has submitted a management plan which outlines the business would operate an off-site catering facility, with approximately 6 off-site events per month.
- 5.5 Food deliveries would be made during normal canteen food deliveries by the same suppliers and all rubbish collections would be made from the off-site event and disposed of directly.

Previous applications

- 5.6 A previous planning application was submitted and granted consent for an ancillary café at the application site. The consent was granted on 16/01/2006 under planning reference PA/04/1790. Condition 3 of the planning permission restricted the use of the café. It reads:
- 5.7 *‘The accommodation hereby approved for café purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principal Rochelle Centre building’s uses.*

Reason: As requested by the applicant and to safeguard the amenity of adjacent residential properties and the area generally. The local planning authority has

had regard to the circumstances of the case and considers that use by way of separate occupants would not have been granted planning permission. ‘

- 5.8 This condition has not been adhered to as Arnold & Henderson caterers; the occupiers currently based in the café, provide weekday lunches for non- Rochelle Centre users. Given, this use is contrary to condition 3 of planning application PA/04/1790, this planning application has been submitted to regularise the situation.

Site and Surroundings

- 5.9 The application site, ‘The Rochelle Centre’ comprises of two Grade II listed buildings, which lie within the Boundary Estate Conservation Area. The main building is located nearest to Arnold Circus and the second building fronts Club Row. The café, the application site, is in the centre of the Rochelle Centre, and has a floor area of approximately 68 square metres.
- 5.10 It is concealed to an extent by Grade II listed brick walls. However, some views of the canteen exist from the upper floors of neighbouring residential properties.
- 5.11 The majority of buildings around Arnold Circus are residential in nature, with some commercial uses at ground floor level on Calvert Avenue.
- 5.12 Walton House is a 5/6 storey residential building to the east of the subject site and several of the flats on the upper storeys overlook the subject site. The Councils records indicate Walton House has around 45 flats.
- 5.13 Clifton and Sanford Houses are also 5/6 storey residential buildings, located to the west of the subject, with some flats overlooking the subject site. The Councils records indicate they have 72 and 5 flats respectively.
- 5.14 The Laundry Building is a residential building located to the east of the site. It contains four flats.
- 5.15 The Rochelle Centre has a mix of different uses, including artist’s studios and small creative businesses (Use classes B1/D1). According to the applicant, 44 people regularly work within the Rochelle Centre building.
- 5.16 The canteen building is a single storey structure within the compound of the site. The structure holds 36 covers with additional space externally used in the summer. The applicant suggests a maximum of 56 people could be accommodated in total.

6.0 Planning History

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

16th January 2006 (PA/04/1790 and 1791)

Planning permission for external alterations to outbuilding in connection with provision of ancillary café for the occupiers of the main Rochelle Old College building and Club Row building only with cooking extract system linked to the main Rochelle Old College Building.

Listed Building Consent for external and internal alterations to outbuilding to create cafe ancillary to the main Rochelle Old College building and Club Row building with cooking extract system linked to the main Rochelle Old College building.

3rd July 2008 (PA/08/544)

Refusal for the removal of Condition 3 of the PA/04/1790 dated 16th January 2006 (PA/04/1790): The accommodation hereby approved for cafe purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principle Rochelle Centre building's uses).

The reasons for refusal were:

1. The removal of condition as proposed would have an adverse impact upon amenities of neighbouring residential properties and would therefore contravene policies which seek to protect the amenities of the residents of the Borough.

2. The proposed removal of condition is unacceptable as it would result in the inappropriate intensification of the use within a residential area, thus detracting from the character of the Boundary Estate Conservation Area. The proposal therefore fails to comply with policies that seek to ensure and protect the amenity of the residents of the Borough.

15th July 2008 (PA/08/829 and 830)

Planning permission for the erection of two new buildings to adjoin the existing roof building in order to create an additional 3 x B1 (office) units (311m² in total).

Conversion and refurbishment of existing roof building to provide office accommodation.

16th March 2010 (PA/10/89)

Listed Building Consent for the erection of a roof extension on the southern side of existing roof space for use as an office (Use Class B1).

3rd April 2010 (PA/10/183)

Listed Building Consent for the erection of three new single storey roof extensions on the north, south and west elevations for office Class B1 Use and refurbishment of existing roof building.

12th April 2010 (PA/10/36)

Planning permission for a change of use of the "Old College" Building within the Rochelle Complex from D1 (non - residential training and education centre) to mixed D1/B1 use (artists studios and small creative businesses).

7.0 POLICY FRAMEWORK

7.1 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:

7.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals		Not Subject to site specific proposals
Policies:	DEV1	Design Requirements
	DEV2	Amenity
	DEV50	Noise
	HSG15	Residential Amenity
	S7	Special Uses
	T16	Traffic Priorities for New Development

7.3 Interim Planning Guidance for the purposes of Development Control

Proposals:		Not Subject to site specific proposals
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV17	Transport Assessment
	DEV19	Parking for Motor Vehicles
	CON1	Listed Buildings
	CON2	Conservation Areas

7.4 Core Strategy 2025: Development Plan Document (Adopted 2010)

SO22	Protecting historical and heritage assets
SO25	Placemaking

7.5 Spatial Development Strategy for Greater London (London Plan)

3C.22	Parking Strategy
4B.5	Creating an inclusive environment
4B.6	Sustainable design and construction
4B.7	Respect local context and communities
4B.10	London's built heritage
4B.11	Heritage conservation
4B.12	Historic conservation-led regeneration

7.6 Government Planning Policy Guidance/Statements

PPG1	General Policy and Principles
PPS1	Urban Design
PPS5	Planning and the Historic Environment

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

8.0 CONSULTATION RESPONSE

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

8.2 The following were consulted regarding the application.

8.3 **LBTH Environmental Health** – Comments have been received regarding the extraction system. The existing system is not causing nuisance and no change is proposed to the system. As such, officers consider this acceptable.

8.4 In addition, Environmental Health have confirmed that whilst the area in general suffers from some anti-social behaviour, there have not been any complaints specifically regarding the canteen and its use. As such, no objection has been raised to this use.

8.5 **LBTH Highways** – Welcome the provision of a 'Management Plan' which sets out exactly how the canteen is currently managed and operated.

8.6 The servicing described currently is low-key and uses small vehicles that unload on-

site. It is recommended that that the servicing is conditioned, possibly under the heading of 'Servicing/Management Plan'.

- 8.7 (Officer comment: has included a recommended condition requiring the applicant to implement the Management Plan and acknowledges that any future change in operation of the canteen (such as more deliveries, longer opening hours etc) would require an amendment to this Management Plan and, consequently, a fresh planning application.

9.0 LOCAL REPRESENTATION

- 9.1 A total of 198 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:	Objecting: 89	Supporting: 67
No of petitions received:	0	

- 9.2 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:

Use

- Intensification of use, with increased levels of activity resulting in a detrimental impact on surrounding properties.

Design

- Use out of character with predominantly residential nature of the conservation area

Amenity

- Noise associated with visitors to the canteen, and general operation (i.e. kitchen, machinery, refuse disposal, staff).

Highways

- Increase in traffic, parking problems and congestion, generated by both suppliers and the general public.

Other

- Failure to comply with Council policy.
- Previous refusals on the application site (for the same development).

The letters of support make the following comments

- The canteen is a key component of the community
- Provides a facility for local people
- Proposal does not lead to an increase in noise or parking
- Approving the canteen will enable a popular local business to provide a valuable service in Tower Hamlets.

10.0 MATERIAL PLANNING CONSIDERATIONS

10.1 The key considerations are:

1. Amenity of neighbouring residential occupiers
2. Generation of traffic

Amenity of neighbouring residential occupiers

10.2 Saved policy DEV2 of the Tower Hamlets UDP (1998) and Policy DEV1 of the Interim Planning Guidance (2007) seek to ensure development will not result in an unduly detrimental loss of amenity for neighbouring properties. Policy DEV50 of Tower Hamlets' UDP (1998) seeks to ensure development will not result in an unduly detrimental increase in noise levels, and policy HSG15 of Tower Hamlets' UDP (1998) seeks to ensure development within residential areas is appropriate, and will not result in an unduly detrimental loss of amenity for residents.

Previous application decision

10.3 The application to remove condition 3 (PA/08/544) was refused on 3rd July 2008 for the following reasons:

1. *The removal of condition as proposed would have an adverse impact upon amenities of neighbouring residential properties and would therefore contravene Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets UDP 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to protect the amenities of the residents of the Borough.*
2. *The proposed removal of condition is unacceptable as it would result in the inappropriate intensification of the use within a residential area, thus detracting from the character of the Boundary Estate Conservation Area. The proposal therefore fails to comply with saved policy DEV2 of the Tower Hamlets Unitary Development Plan 1998, and policy DEV1 and CON2 of Interim Planning Guidance 2007 which seek to ensure and protect the amenities of the residents of the Borough.*

10.4 The previous application seeking to remove the condition, did not provide enough evidence that the existing operations would not have impacts on residential amenity. At the time, it was also felt that the removal of the condition could lead to an unacceptable intensification of use, hence the two reasons for refusal.

10.5 In order to address these reasons for refusal, the applicant has drawn up a detailed management plan which sets out the details of the canteen operation and how it will control and avoid amenity, refuse and highway issues. It includes information in relation to hours of operation, number of seats, details of deliveries, waste proposals and the nature of the off-site catering operation. The applicant is committed to adhering to this management plan. The details regarding the covers, opening hours and servicing have all been conditioned to ensure the acceptability of the plan.

10.6 The implementation of the Management Plan and the further controls imposed by conditions will ensure that no unacceptable impacts to resident's amenity will occur.

Overlooking

- 10.7 The following table was originally presented to members in the update report on 14th September 2010. It shows the nearest residential blocks to the site and their distance to the canteen building and the centre of the outdoor area.
- 10.8 Members, raised concerns over the omission of the Laundry Building which is located in close proximity to the development. The original table has been updated to include the Laundry Building.

Block	Approximate distance from Canteen building (metres)	Approximate Distance from the centre of outdoor area (metres)
Cookham House	26	41
Laundry Building	7	34
Walton House	30	55
Clifton House	37	30
Sandford House	37	25
Culham House	41	54
Hurley House	50	43
Sonning House	50	75
Mosely House	63	53

- 10.9 Out of the all the surrounding properties, the Laundry building is the closest residential property. However, site visits show that, given the direction and orientation of the canteen, the views into this building are limited. Furthermore, given the canteen building is an approved structure with an approved use and no new windows are proposed, this application will not involve an increase in the perception of overlooking.
- 10.10 It is important to also note that the proposals do not involve the construction of a new building. They simply involve the formalisation of its existing use. Consequently, overlooking impacts are not a significant consideration for this application as both the building, and its use as a canteen, are established and benefit from planning permission.
- 10.11 Moreover, the arrangement between the open area and the surrounding buildings is an established relationship, which is not dependent on the outcome of this planning application.

Hours of operation

- 10.12 The proposed hours of operation are as follows:

Use	Monday to Friday	Saturdays	Sundays and Bank holidays
Canteen	9.30am to 4pm	Not applicable.	Not applicable
Off site Catering	7.30am to 11pm	Not applicable	Not applicable

- 10.13 The proposed hours of operation for the canteen are between Mondays to Friday, 9.30 to 4pm. These hours are outside the noise sensitive hours and are not considered by officers as contentious. Furthermore, these hours are likely to be similar to the sites historic use as a school.
- 10.14 Following further discussions with the applicant, a condition will be imposed to restrict the hours of operations of the off-site catering to no later than 9pm.
- 10.15 In terms of operations, this would mean that any vehicles returning to the site after the off-site event, would need to have returned by 9pm rather than the 11pm originally requested.
- 10.16 The purpose of restricting the hours of the off-site catering is to mitigate any late night noise disturbances encountered by neighbouring residential occupants from vehicular activity.
- 10.17 Officers from the Councils Environmental Health team have confirmed that no noise complaints have been registered against this use. As such, the Environmental Health Department raise no objections to the use.
- 10.18 The applicant has submitted a management plan which outlines the functions of the café and off-site facilities.
- 10.19 In summary the management plan outlines the following:
1. There are approximately 6 off-site events per month
 2. Food deliveries for the off-site events are made with normal canteen food deliveries by the same supplier
 3. Rubbish collections are made from the event.
 4. Any goods returns to the school are made before 10pm or the next morning.
 5. Loading is from the Club Row parking area, within the school walls or the Arnold Circus entrance
- 10.20 Conditions will be included on the consent to ensure that the applicant complies with aspects of the management plan, to ensure that the retention of the independent café does not have an adverse impact on the amenity of neighbouring properties.

Intensification of Use

- 10.21 The proposal does not involve any intensification of use; it simply seeks to regularise the existing operation. No changes are proposed to the current canteen /catering facilities (e.g. opening hours, physical expansion, alcohol sales, parties, types of foods, deliveries, servicing arrangements etc).
- 10.22 There are only a small number of covers at the canteen (up to 36 inside) and a landscaped area outside which can cater for around 20 people (in good weather) and this will not change.
- 10.23 The Management Plan, which accompanies the application, sets out all of the limits, restrictions and principles governing the café operation that the applicant abides by and will continue to abide by. As stated aspects of the management plan will be conditioned to ensure acceptability.

Traffic Generation

- 10.24 Policy T16 of Tower Hamlets' UDP (1998) together policy DEV19 of the Interim Planning Guidance (2007) seek to ensure developments will not prejudice the free flow of traffic, and highways safety.
- 10.25 The streets surrounding the site are designated as residents only parking, and the site has good access to public transport with a Public Transport Accessibility level (PTAL) of 5. The Councils Highways section had no adverse comments to make in respect of the proposal, in particular noting that the scale of vehicles and operations are not envisaged to have a detrimental impact on the vicinity
- 10.26 The applicant will be required to comply with the management plan, via the imposition of a condition, to ensure that this remains the case and that no intensification can occur without a new application being considered.

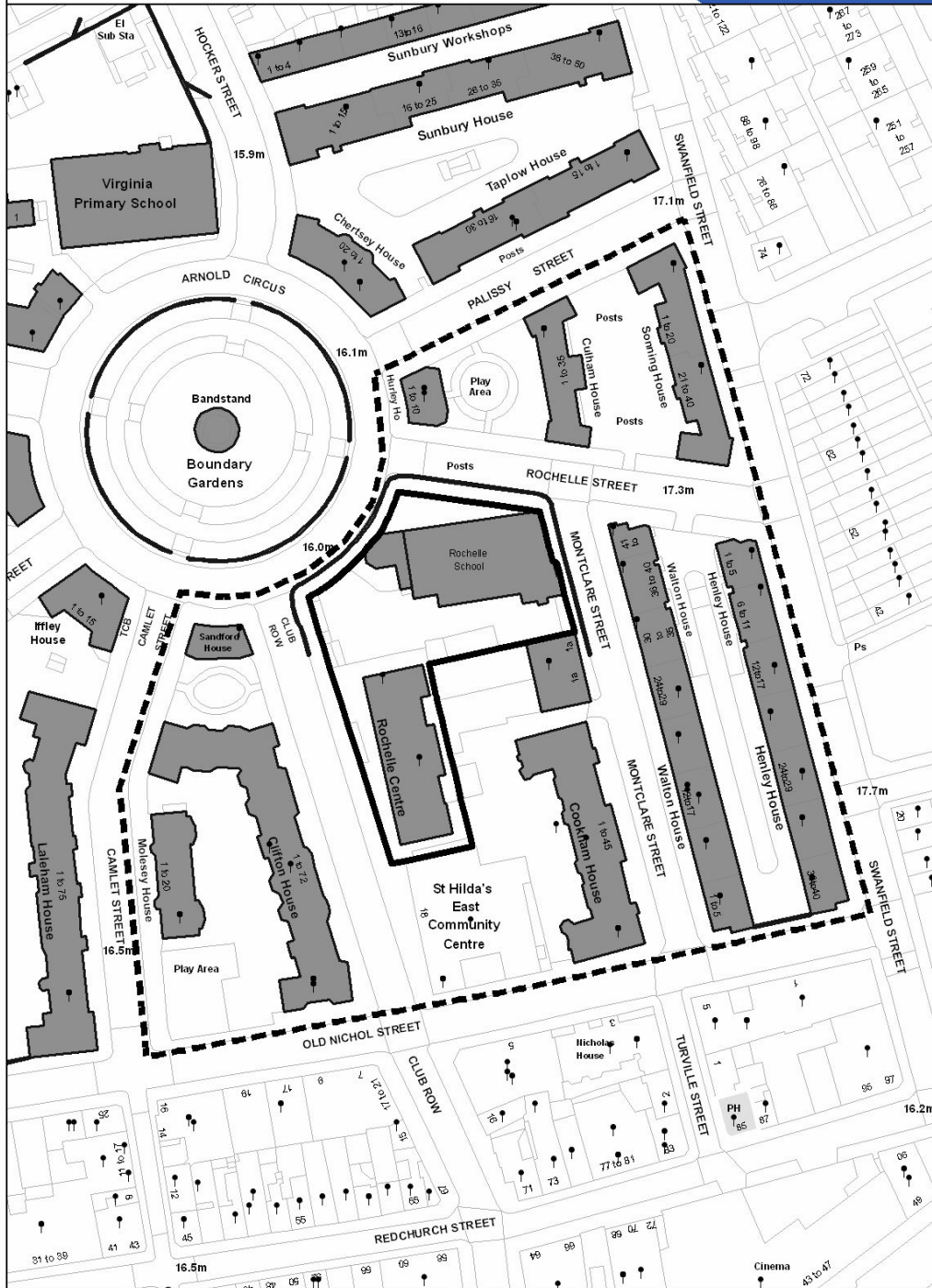
Potential Intensification of use, out of character with residential nature of conservation area/issues;

- 10.27 The site has an approved consent to be used as an ancillary café and the use of the cafe is established, having been in operation since 2006. Therefore, the principle of having a café at this site has already been assessed and considered acceptable within the conservation area. Officers do not believe these considerations have changed.
- 10.28 In terms of the potential for impact on the character and appearance of the conservation area, given that the building already exists, (and planning permission was granted for its conversion and associated works) and there is no intensification of the use, the proposal cannot be considered as having any unacceptable impact on the character and appearance of the area, as nothing is proposed to change the current situation.
- 10.29 Secondly, the canteen is located within the compounds of a former school, within the Boundary Estate. This school building along, with the former workshops (Marlow workshops), the retail uses (Calvert Avenue) and the Virginia School, illustrate that whilst the area is predominately residential, it contains a mixture of different uses which form part of the character of the area. This use is considered to fit within this mix of uses satisfactorily.
- 10.30 Enforcement
In 2007 a complaint was received by the Councils' Enforcement Department in relation to a breach of condition 3 of full planning permission: PA/04/1790 (which stated the use of the cafe should be ancillary to the Rochelle Centre). A letter dated 30 April 2007 was sent to the owner, reminding them of the requirements of the conditions. However, it was not considered expedient, nor practical to take action against the applicant given an application to regularise the situation is before the planning authority for consideration.

11.0 Conclusions

- 11.1 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



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address
 Consultation Area	 Statutory Listed Buildings	 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. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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