

Committee: Development	Date: 18 th August 2010	Classification: Unrestricted	Agenda Item Number: 7.x
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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, the Council's Interim Planning Guidance for the purposes of Development Control (October 2007), Core Strategy Development Plan Document (Submission Version December 2009) associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:
- 2.2 Subject to conditions, the proposed independent café and ancillary catering facilities would not have an adverse impact upon amenities of neighbouring residential properties and therefore accords with Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets Unitary Development Plan 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to

protect the amenity of residents of the Borough.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and conservation area consent.
- 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

- 1) Development approved in accordance with the plans
- 2) Hours of operation
Canteen: 9.30am to 4pm Monday to Fridays
Off-site Catering: 7.30am to 11pm
- 3) Implementation of service management plan.
- 4) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives for Planning Permission

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 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.
- 4.2 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:
- 4.3 *'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. '*
- 4.4 The main planning consideration during the above application would have been the whether an ancillary café for the occupiers of the main Rochelle Old College building and Club Row building was acceptable. The above condition was included as part of the approval.
- 4.5 This condition has not been adhered to, as the café that has occupied the premises

since 2006 is not ancillary. Arnold & Henderson caterers are currently based in the café and provide weekday lunches. Given, this is not what was sought for nor granted, this planning application has been submitted to regularise the situation.

Site and Surroundings

- 4.6 The application site, 'The Rochelle Centre' is comprised 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.
- 4.7 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.
- 4.8 The vast majority of buildings around Arnold Circus are residential in nature, with some commercial uses at ground floor level on Calvert Avenue. Walton House is a 5/6 storey building to the east of the subject site and several of the flats on the upper storeys overlook the subject site. Clifton and Sanford Houses are also 5/6 storey buildings, located to the west of the subject, with some flats overlooking the subject site.
- 4.9 The Rochelle Centre consists of a mix of different uses including artists studios and small creative businesses (Use classes B1/D1). According to the applicant 44 people regularly work within the Rochelle Centre building.
- 4.10 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.

Planning History

- 4.11 The following planning decisions are relevant to the application:
- 4.12 PA/04/1790 Full planning application 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. Approved 16 January 2006.
- 4.13 PA/04/1791 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. Approved 16 January 2006.
- 4.14 EN/07/0098 Alleged use of cafe as a restaurant and also as a catering business in breach of Planning Permission PA/04/01790 Condition 3. No enforcement notice was issued, however a letter was sent to the owner on 30 April 2007 advising of the conditions of permission ref: PA/04/1790.
- 4.15 PA/07/1669 Variation of Condition 3 (use only to be ancillary to functions of the Rochelle Centre) of planning application PA/04/01790, dated 16th January 2006, to allow canteen to provide external catering.

Variation of Condition 6 (opening hours) of planning application PA/04/01790, dated 16th January 2006, to extend opening hours of the canteen from 11am to 6pm on Sunday and from 6pm to 11pm on Monday to Friday.

This application was not determined, and has been closed for 'No Further Action'

4.16 PA/08/544 Removal of Condition 3 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (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).

Application was refused on 03/07/2008 due to insufficient information to demonstrate the removal of the conditions would be acceptable. The reasons for refusal read as follows:

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.

4.17 PA/08/829 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). Application approved on 15/07/2008

4.18 PA/08/830 Conversion and refurbishment of existing roof building to provide office accommodation. Application approved 15/07/2008

4.19 PA/09/804 Removal of condition 3 of planning permission PA/04/1790 dated 16/01/2006 to allow for the use of Rochelle Canteen kitchens for preparation of food for off-site consumption. Application was withdrawn on 26/06/2009

4. 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. Granted consent on 03/04/2010

4.23 PA/10/89 Erection of a roof extension on the southern side of existing roof space for use as an office (Use Class B1).

Granted consent on 16/03/2010

- 4.24 PA/10/36 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).
Granted consent 12/04/2010

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:

5.2 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

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:		Not Subject to site specific proposals
Core Strategies:	CP1	Creating Sustainable Communities
	CP7	Job Creation and Growth
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV17	Transport Assessment
	DEV19	Parking for Motor Vehicles
	CON1	Listed Buildings
	CON2	Conservation Areas

5.4 Core Strategy 2025: Development Plan Document (Submission Version December 2009)

	SO22	Protecting historical and heritage assets
	SO25	Placemaking

5.5 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

5.6 Government Planning Policy Guidance/Statements

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

- 5.7 **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

6. CONSULTATION RESPONSE

6.1 The views of officers within 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 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.

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. As such, no objection is raised to this use.

6.4 **LBTH Highways** –

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

6.5 The servicing described currently is low-key and using small vehicles, on-site, however it is imperative that any intensification of the use will trigger a review of the Management Plan alongside a planning application. It is recommended that the servicing is conditioned, possibly under the heading of 'Servicing/Management Plan'.

6.6 (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.

7. LOCAL REPRESENTATION

7.1 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	

7.2 The letters of support include around 18 addresses and organisations outside the borough.

7.3 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:

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

- Noise associated with visitors to the canteen, and general operation (i.e., kitchen, machinery, refuse disposal, staff).
- Intensification of use, with increased levels of activity resulting in a detrimental impact on surrounding properties.
- Use out of character with predominantly residential nature of the conservation area
- Failure to comply with Council policy.
- Previous refusals on the application site (for the same development).

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider is whether or not the use of the Rochelle canteen as an independent canteen as opposed to an ancillary canteen would have a significantly amenity impact on residents of the Boundary Estate and if there was a impact whether it could be controlled via the imposition of conditions.

8.2 The key considerations are:

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

Amenity of neighbouring residential occupiers

8.3 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.

8.4 Walton House is a 5/6 storey building to the east of the subject site. Several of the flats on the upper storeys overlook the subject site. Clifton and Sanford Houses are also 5/6 storey buildings, located to the west of the subject, with some flats overlooking the subject site.

8.5 The centre of the outdoor area is some 52 metres from Walton House, and 32 metres from the northeast corner of Clifton House. It is considered that this is an acceptable distance to ensure amenity will not be impeded upon during the operational hours.

8.6 It is noted the PA/08/544 to remove condition 3 (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) was refused on 03/07/2008 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.

- 8.7 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.
- 8.8 In order to mitigate this, the applicant has drawn up a detailed management plan which sets out the details of the canteen operation. 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 which will be secured by planning condition.
- 8.9 The implementation of the Management Plan will ensure that no unacceptable impacts to residential amenity occurs.

Hours of operation

- 8.10 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

- 8.11 The proposed hours of operation for the canteen between, Mondays to Friday, 9.30 to 4pm. These hours are outside the noise sensitive hours and are not considered by officers as being contentious. Furthermore, these hours are likely to be similar to the sites historic use as a school.
- 8.12 In addition to this, the earlier consent allowed the canteen use on Saturdays. Whilst the applicant chose not to use the canteen on Saturdays, it is still considered that the hours and proposed use is acceptable on Saturdays. Therefore the planning department would like to allow the canteen operations on Saturday's 9.30am to 4pm.
- 8.12 Given, the existing nature of the use, officers from the Environmental Health team have confirmed that no noise complaints have been registered. As such, the Environmental Health Department raise no objections to the use.
- 8.13 The applicant has submitted a management plan which outlines the functions of the café and off-site facilities.
- 8.14 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
- 8.15 A condition will be included on the consent to ensure that the applicant complies with the management plan which will ensure that the retention of the independent café does not have an adverse impact on the amenity of neighbouring properties.

Intensification of Use

- 8.16 The proposal does not involve any intensification of use; it simply seeks to regularise the existing operations. 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).
- 8.17 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.
- 8.18 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 at paragraph 8.15 the implementation of the management plan will be conditioned.

Traffic Generation

- 8.18 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 highway safety.
- 8.19 The streets surrounding the site are designated residents only parking, and the site has good access to public transport with a 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
- 8.20 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.

Other Planning Issues

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

- 8.21 The use of the cafe is established, having been in operation since 2005. It is therefore not considered that an ancillary café or an independent café will have a detrimental effect on the character of the surrounding area nor the Boundary Estate Conservation Area.

In particular, the Rochelle Centre currently caters for a variety of uses currently and the western side of Arnold Circus includes a number of different uses. It is considered that given the scale and intensity of use that it is an acceptable use within the area.

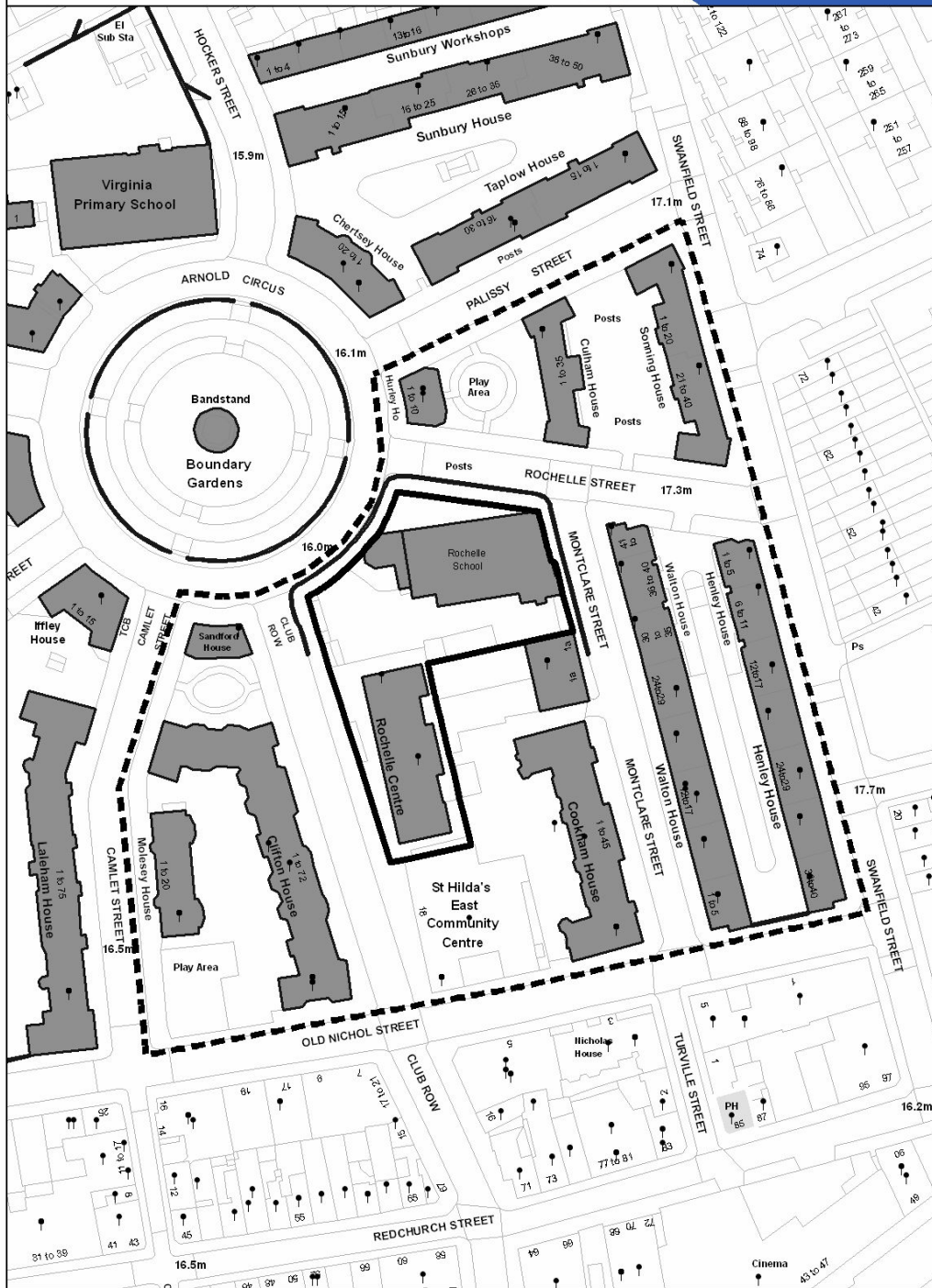
8.22 Enforcement

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 applicants given an application to remove condition 3 is before the planning authority for consideration.

9.0 Conclusions

- 9.1 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	  0 30 m 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.