

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 13 OCTOBER 2010

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

Members Present:

Councillor Judith Gardiner (Vice-Chair)
Councillor Shelina Aktar
Councillor Peter Golds
Councillor Ann Jackson
Councillor Mohammed Abdul Mukit MBE
Councillor Kosru Uddin

Other Councillors Present:

Nil

Officers Present:

Bridget Burt	– (Senior Planning Lawyer, Legal Services, Chief Executive's)
Stephen Irvine	– (Development Control Manager, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Nasser Farooq	– (Planning Officer Development and Renewal)
Sarah Hill	– Planning Intern
Alan Ingram	– (Democratic Services)

Councillor Judith Gardiner (Vice-Chair) indicated that she would be acting as Chair in the absence of Councillor Harper-Penman.

COUNCILLOR JUDITH GARDINER (VICE-CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Carli Harper-Penman (Chair).

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
Judith Gardiner	7.1	Personal	Had received correspondence from local residents.
Mohammed Abdul Mukit	7.1	Personal	Ward Councillor and had received correspondence from local residents and attended a site visit.
Peter Golds	7.1	Personal	Had received correspondence from local residents and had visited the site previously.
Shelina Aktar	7.1	Personal	Had received correspondence from local residents.
Ann Jackson	7.1	Personal	Had received correspondence from local residents.
Kosru Uddin	7.1	Personal	Had received correspondence from local residents.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14 September 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

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

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

The Chair invited statements from persons who had previously registered to address the Committee.

Ms Jenefa Khanom, a local resident, spoke in objection to the application and stated that her family home was separated from the Rochelle Canteen premises by a 30 cm wall and suffered immediate impact from the complex. Members of her family were aggrieved and inconvenienced due to noise, litter, drunken behaviour and foul smells emanating from the premises. There was also disturbance late at night. The site was being used increasingly for media events and public hire, which was against the previous planning approval. She felt that this was likely to increase if the current application was granted. A petition raised by her and her brother had attracted over 250 signatures from local residents who opposed the application and this should be taken into account.

Mr Rath Ashley read a statement in objection to the application on behalf of Mr Rob Allen, a local resident. Mr Allen was a shift worker and his property was overlooked at all hours of the day. He was kept awake by noise from the Canteen and had complained about this to the staff and manager. The current loading/unloading hours were unreasonable in a crowded residential area and affected the amenity of local people. Many people attended events in the Canteen garden area and large tents had been erected on various occasions. The premises had no alcohol licence but he had observed alcohol being served. This was the fourth year that such an application had been made and on previous occasions the applications had been withdrawn or refused. He saw no reason why the position had altered enough to justify the current

proposal. He added that the Canteen was not restricted to Rochelle Centre employees and it was obvious that the agreed management plan had failed. There had been 89 letters of objection, all from local residents and only 9 letters in support had been received from local people. The Rochelle Canteen site was no place for a public restaurant and the application should not be approved.

Mr Luke Gotelier, speaking in support, stated that he had lived on the Boundary Estate for five years. He participated in several local committees and was Building Manager at the Rochelle School. His son's bedroom was 18m from the site and was the quietest room in his house. His family had never been kept awake by noise from the Canteen but he had noted anti-social behaviour on Arnold Circus, which ought to be addressed. If the Canteen were to close, this would result in Tower Hamlets residents losing work. The centre also provided work placements for teenagers and local people. The Canteen was used by local people on a daily basis and put back money into Boundary Estate, helping to keep the laundry open. He added that the complex provided gardening space for local people and extra maths lessons at weekends for Bengali youths. A petition in support of the application had been signed by 169 people in the last two days. In addition, there was no glass recycling after 4 p.m. and there was no alcohol licence, so none was sold on the premises.

Mr Marcus Mustafa, a local resident, spoke in support of the application, stating that he had three children in his family on the Boundary Estate. He had been impressed by the facilities provided by the school, especially by the land made available for the Wonder Garden and extra maths tuition. He sympathised with some of the points made by local people but the school was trying to be a good neighbour. He had never observed drunken behaviour from people either going into or out of the centre and problems with urination etc. could well be caused by people walking through the estate from bars in other areas. The school was possibly not transparent enough about its activities and this might lead to misunderstandings. However, the Neighbourhood Forum was a new tool to involve residents in the running of the estate and was the best opportunity to understand the respective needs of the school and local people.

Mr Nasser Farooq, Planning Officer, made a detailed presentation of the application as contained in the previously circulated report, regarding the continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off-site catering operation. He added that an update report tabled at the meeting outlined additional objections received, together with the applicant's response to issues raised. He spoke further to address the matters of overlooking; hours of operation; intensification of use; traffic generation; residential nature; conservation area issues and enforcement, as also contained in the circulated report. He pointed out that the Environmental Health Team had received no complaints about the Canteen since 2006. There was to be no intensification of use and no change to outside use.

In addressing objectors' concerns, Mr Farooq indicated that existing distances from the premises would not change and the Canteen facility was an established use that would not change whether the application was granted or not. No windows directly faced the Old Laundry building and the application was not for late night use.

The Chair invited questions from Members on the information submitted and questions were raised relating to:

- Clarification on possible overlooking arising from the Old Laundry and clients using the Canteen's outside facilities.
- The need to ensure the Committee's view to be taken forward that the premises would not be suitable for licensing for serving alcohol, in the event that a licensing application should be made. The Committee felt that a licence would not be appropriate to preserve the amenity of local residents. Members asked that the strong concerns of the Committee across the board be recorded should any licensing application be made.
- The inference that the need to regularise practices indicated that the previous management plan had not been adhered to and how it could be assured that the terms of the new plan would be observed.
- The implication that alcohol had been seen or served on the premises and controls available to prevent this.

Officers addressed the points raised and made points that:

- People inside the complex could not see into residents' homes but there were concerns that clients using the Canteen's outside facilities could do so.
- The Committee's concerns regarding any alcohol licensing application would be taken into consideration should an application be made.
- Enforcement action could be taken against any late night use of the premises and any breach of conditions, including the matter of sale of alcohol, could be subject to prosecution.
- Further conditions could be applied in the event that the planning application was approved.

Members made the point that residents had consistently and over a period of years raised concerns about the impact of the Canteen on the community. The view was expressed that such concerns had not been alleviated by responses relating to enforcement action that could be taken and it was difficult to be confident that even new additional conditions would be adhered to or better enforced. Members asked how much weight should be given to the concerns and frustrations voiced by residents. (During discussion of this point the Chair repeatedly informed the public present that no further input could be made by them while the Committee was in session.)

Mr Stephen Irvine, Development Control Manager, read out the appropriate Government guidelines to the Committee from the Costs Circular 03/09 (paragraphs B20 and B21) and summarised that the planning authority had to take local opposition to an application into account but that the extent of the

opposition in itself was not a valid reason to refuse an application. There would need to be valid planning reasons and evidence to do so.

The Chair also indicated that, whilst the source of anti-social behaviour around the estate needed to be identified and addressed, this was not within the Development Committee's remit. She then indicated that the application would be put to the vote.

Mr Farooq summarised the report recommendation and conditions, commenting that the Committee's views on alcohol licensing would be made known should any licensing application be made.

On a vote of 2 for and 4 against, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission for continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off-site catering operation be **REFUSED** for the following reasons:-

- (1) The proposed use would result in an unacceptable degree of overlooking and loss of privacy to the detriment of the amenity of occupiers of adjacent residential properties, contrary to saved policies DEV2 and HSG15 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) which seek to preserve residential amenity.
- (2) The cumulative impact of the noise, disturbance and related activities that would result from these premises would be harmful to the living conditions of adjacent residents and would therefore be contrary to saved policies DEV2, DEV50 and HSG15 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) which seek to preserve residential amenity.
- (3) It is considered that the proposal, by reason of its commercial use in a predominantly residential area, would adversely affect the character of the Boundary Estate Conservation Area. As such, the proposal is contrary to Council Policy CON2 of the Interim Planning Guidance (2007) which seeks to ensure new uses are not detrimental to the character, fabric or appearance of conservation areas and their settings.
- (4) The proposal is considered likely to result in additional anti-social behaviour in the area of the Boundary Estate.

The meeting ended at 8.05 p.m.

Vice-Chair, Councillor Judith Gardiner
Development Committee