

Committee: Development	Date: 2 nd July 2008	Classification: Unrestricted	Agenda Item Number: 7.4
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Report of: Interim Corporate Director of Development and Renewal	Title: Application for variation Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006
Case Officer: Amy Cooper	Ref No: PA/08/00545
	Ward: Weavers (February 2002 onwards)

1. APPLICATION DETAILS

Location:	Outbuilding Rochelle Centre, Arnold Circus, London
Existing Use:	
Proposal:	Variation of Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The cafe use hereby permitted shall not be carried out other than between the hours of 9.00am to 6.00pm Mondays to Saturdays and shall not take place on Sundays or Public Holidays) to enable the cafe to open, a maximum of 8 Sundays per year, between 9.00am and 6.00pm.
Drawing Nos/Documents:	1. Un-numbered Site Plan 2. Un-numbered Location Plan 3. Letter from Rochelle School dated 18 March 2008.
Applicant:	Mr James Moores
Ownership:	Mr James Moores
Historic Building:	Grade II
Conservation Area:	Boundary Estate

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The proposed variation of condition to allow the cafe to open 8 Sundays per year from 9am - 6pm would have no adverse impacts upon the surrounding Boundary Estate conservation area or the amenities of neighbouring residential properties and therefore would adhere to Saved Policies DEV1, DEV2, DEV50 and HSG15 of the Tower Hamlets UDP 1998, together with policy DEV2 of the Interim Planning Guidance (2007), which seek to protect the amenities of the residents of the Borough.
- 2.2 The proposed variation of condition to allow the cafe to open 8 Sundays per year from 9am - 6pm would not result in an unacceptable level of traffic generation, and therefore would adhere to Saved Policy T16 of the Tower Hamlets UDP 1998, together with policies DEV17 and DEV19 of the Interim Planning Guidance (2007), which seek to ensure new developments do not prejudice the safety of users.

3. RECOMMENDATION

- 3.1 That the Committee resolve to GRANT variation of Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The cafe use hereby permitted shall not be carried out other than between the hours of 9.00am to 6.00pm Mondays to Saturdays and shall not take place on Sundays or Public Holidays) to enable the cafe to open, a maximum

of 8 Sundays per year, between 9.00am and 6.00pm planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This scheme proposes the variation of Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The cafe use hereby permitted shall not be carried out other than between the hours of 9.00am to 6.00pm Mondays to Saturdays and shall not take place on Sundays or Public Holidays) to enable the cafe to open, a maximum of 8 Sundays per calendar year, between 9:00am and 6:00pm.
- 4.1.1 As noted in covering letter submitted with the application, the applicants' (A Foundation) work with the Friends of Arnold Circus and North Brick Lane Residents Association on community projects and events in the area. A Foundation considers the canteen at Rochelle Centre is a central part of their ability to contribute to and support the local community and events.
- 4.1.2 The Rochelle Centre provides subsidised studio spaces for artists and creative industries, together with a project and exhibition space.
- 4.1.3 It is common for arts exhibitions to take place on Sundays, hence why permission is sought to open the cafe for a maximum of 8 events per calendar year.

Site and Surroundings

- 4.2 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 cafe for which this application relates is centred within the site, and has a floor area of approximately 68 square metres.

Planning History

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

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.
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.
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.
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. Application was withdrawn.

- 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). Recommended for refusal.
- 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 currently being considered.
- PA/08/830 Conversion and refurbishment of existing roof building to provide office accommodation. Application currently being considered.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Decision" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

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

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

Supplementary Planning Guidance/Documents

Not subject to Supplementary Planning Guidance/Documents

Spatial Development Strategy for Greater London (London Plan)

Policy3A.3	Efficient use of stock
Policy3C.22	Parking Strategy
Policy4B.1	Design principles for a compact city
Policy4B.2	Promoting world class architecture and design
Policy4B.5	Creating an inclusive environment
Policy4B.6	Sustainable design and construction
Policy4B.7	Respect local context and communities
Policy4B.10	London's built heritage
Policy4B.11	Heritage conservation

Policy4B.12 Historic conservation-led regeneration

Government Planning Policy Guidance/Statements

PPG1	General Policy and Principles
PPS1	Urban Design
PPG15	Planning and the Historic Environment

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:

LBTH Environmental Health - No objections received

LBTH Highways - No objections received.

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: 2 Objecting: 2 Supporting: 0
No of petitions received: 1 objecting containing 70 signatories from 53 properties

7.2 The following local groups/societies made representations:

- Boundary Estate TRA.

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. Complaints regarding number of people visiting the cafe in the past.
- Use out of character with predominantly residential nature of the conservation area
- Failure to comply with Council policy.

7.4 The following issues were raised in representations, but they are not material to the

determination of the application:

- Criticism of inconsistencies and content of applicants' supporting documents (Some minor inconsistencies were noted, however these are not material to the determination of the scheme. Your officers have drawn out the relevant planning matters relating to the scheme and expanded upon them in Section 8 of this report)

7.5 The following procedural issues were raised in representations, and are addressed below:

- Complaint regarding failure to erect site notice (One site notice was erected for both this application and associated reference PA/08/544 on 24 April 2008)
- Enforcement History - Objector noted the Councils' enforcement department had been previously involved with this property due to an alleged breach of Condition 3 of full planning ref: PA/04/1790. It is also noted the enforcement department sent a letter advising of the breach but did not pursue formal action (Addressed in section 8.4 of this report).

8. MATERIAL PLANNING CONSIDERATIONS

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

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

Issue 1

Amenities of neighbouring residential occupiers

- 8.2 The application being considered proposes to vary Condition 6 of full planning ref: PA/04/1790 to allow the cafe to open from 9am - 6pm, for a total of 8 Sundays per year.
- 8.3 Given the sites' location in a predominantly residential area, the amenity of nearby residential occupiers is an issue in terms of potential noise intrusion and general disturbance.
- 8.4 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 in residential areas is appropriate, and will not result in an unduly detrimental loss of amenity for residents.
- 8.5 The issue is whether the proposal represents an intensification of the use to a degree where it is no longer compatible with the surrounding residential uses.
- 8.6 The cafe has capacity for 36 people inside, and a maximum of 20 people on the lawn outside. 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.
- 8.7 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 through opening for 8 Sundays per year.

- 8.8 As noted in the applicants' submitted statement, deliveries are made during normal working hours only, and there is no glass recycling after 6pm. All equipment is kept serviced and maintained to ensure safety and good performance, e.g., of the extraction system.
- 8.9 The Councils Environmental health section were consulted regarding this application, and given the hours of opening are restrictive (9am - 6pm), no adverse comments were made.
- 8.10 Given the small scale nature of the cafe, together with the restrictive hours and Sunday opening limited to a maximum of 8 Sundays' per year, it is considered that the variation of condition is acceptable in terms of safeguarding the amenities of surrounding residential properties.

Issue 2

Traffic Generation

- 8.11 Additional Sunday trading hours for the canteen raises an issue regarding increase in visitors to the site.
- 8.12 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.
- 8.13 The streets surrounding the site a 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.
- 8.14 The capacity of the cafe will not be increasing, and the venue is only proposed to open for 8 Sundays per year. It is therefore considered the variation of condition 6 would be unlikely to result in an unacceptable increase in traffic generated.

Other Planning Issues

Intensification of use, out of character with residential nature of conservation area; established complaints regarding occupancy

- 8.15 The use of the cafe is established, having been in operation since 2005. It is therefore not considered by your officers that allowing the cafe to open for 8 Sundays per year will have a detrimental effect on the character of the surrounding area.
- 8.16 Objectors consider the cafe has accommodated in excess of 100 people on the site in the past. The occupancy rate as confirmed by the applicant on site is a maximum of 36 people in the cafe, and 20 outside on the grass. The applicants have confirmed that the London Fire and Civil Defence Authority consider the premises too small in size to require a fire safety certificate limiting the number of patrons. Whilst there is no condition on the original permission restricting the number of visitors to the café, it is however considered that should additional patrons visit the site, the restricted hours of operation together with high PTAL will limit the impact on highway safety, congestion and the amenities of nearby residential occupiers.

Enforcement

- 8.17 In 2007 a complaint was received by the Councils' enforcement department with 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, or practical to take action against the applicants.

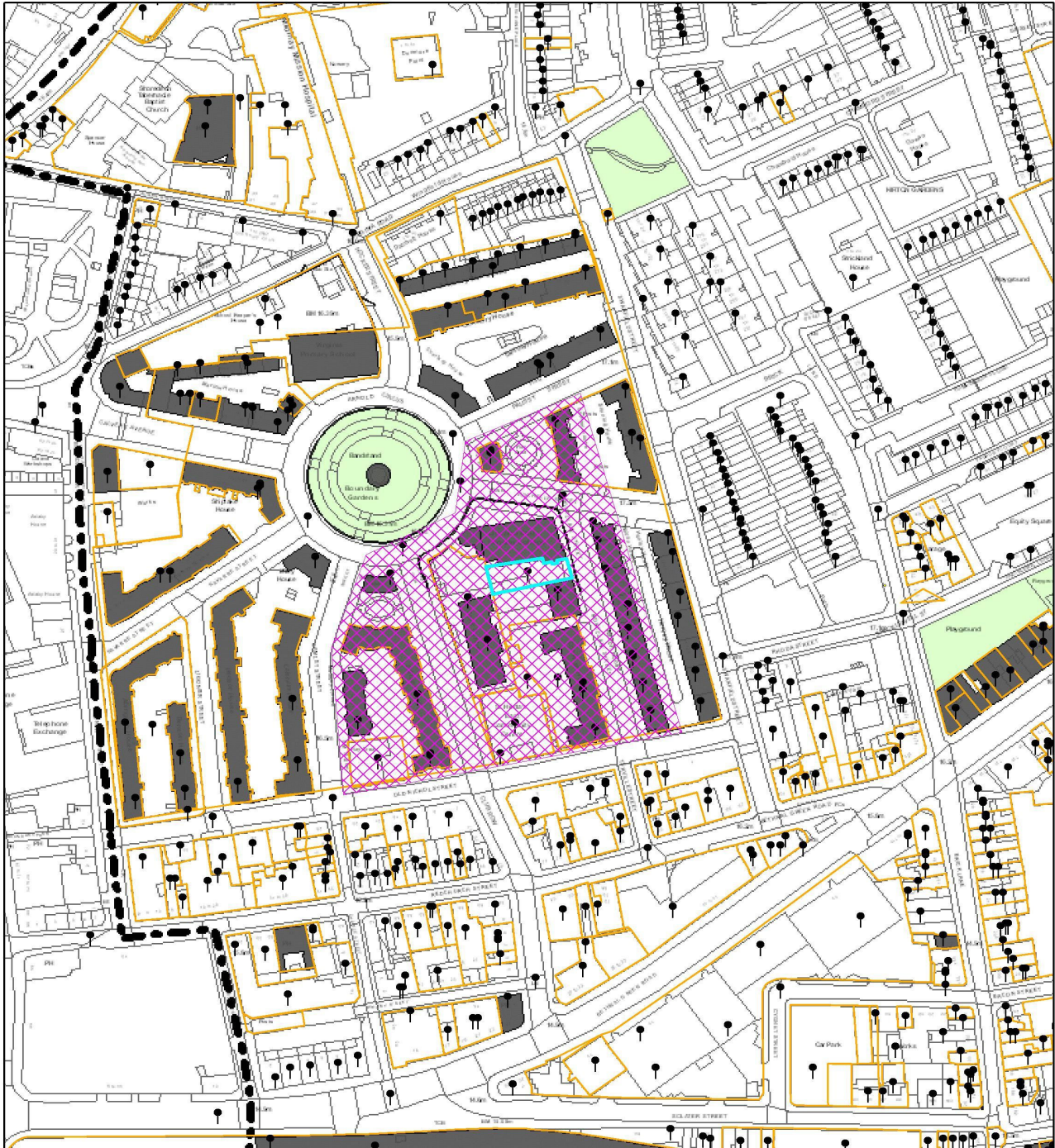
Failure to comply with Council policy

8.18 As noted above, the application is broadly compliant with Council policy.

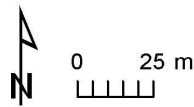
9.0 Conclusions

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
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568