

Committee: Development	Date: 14/06/2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Monju Ali		Ref No: PA/11/00546	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location: Ground floor, 248 Westferry Road, London, E14 3AG
Existing Use: Community Centre and Place of worship – Mosque (Use Class D1)
Proposal: Application for the variation of condition 1 (hours of operation) – 08:00am to 22:45pm Mondays to Saturdays (inclusive) and not on Sundays or Bank Holidays, of planning permission T/96/00369, with proposed new hours of operation: 08:00am – 22:45pm Monday to Sunday; together with 04:00am – 08:00am (for a maximum of 10 worshippers) Monday to Sunday.
Drawing Nos: OS site plan, Zavvia/248wr/101
Applicant: Madina Jamme Masjid
Owners: Mr S. U Choudhury
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) The proposed change of hours of operation is considered acceptable, in that it would not result in significant adverse impacts to the amenities of neighbouring properties. The proposal is therefore considered acceptable in terms of policy DEV2 of the Unitary Development Plan 1998, together with policy DEV1 of the Interim Planning Guidance 2007, which seek to ensure development would not have an unduly detrimental impact on neighbouring properties.
- b) The proposed change of hours would not have an adverse impact on the safe and free-flow of traffic within the vicinity of the application site. The proposal is therefore in accordance with policy SP09 (3) of the adopted Core Strategy (2010), policies SCF11 and T16 of the UDP (1998), and policy SCF1 of the Interim Planning Guidance (2007), which seek to ensure community facilities would not result in an unacceptable impact on the highway network.

3. RECOMMENDATION

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

- 3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.3 **Conditions**
- 1) Hours of operation being (08:00am – 22:45pm Monday to Sunday; together with 04:00am – 08:00am (for a maximum of 10 worshippers) Monday to Sunday;
 - 2) No audible sound, including amplified sound or live music
 - 3) Maximum number of people on site at one time comprising of:
(04:00am – 08:00am 10 people) and
(08:00am – 22:45pm 60 people)
- 3.4 Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the variation of condition 1: (hours of operation)
- Existing - 08:00am to 22:45pm Monday to Saturday (inclusive) and not on Sundays or Bank Holidays, of planning permission T/96/00369 dated 5th September 1996.
 - Proposed - 08:00am to 22:45pm Monday to Sunday (including Bank Holidays); together with 04:00am to 08:00am (for a maximum of 10 worshippers) Monday to Sunday.
- 4.2 The change of hours of operation is sought to amend the existing planning permission to allow the mosque to open on Sundays and for early morning prayers commencing from 04:00am (sunrise).
- 4.3 The onsite capacity is not expected to exceed that of the existing facility, being an average of 35 people from 10:00am – 22:45pm; up to 10 people between 04:00am and 08:00am; and 30 children for educational sessions on Monday - Friday evenings between 17:00pm and 19:00pm. However, Fridays attract an increase in worshippers, as it is the Islamic holy day (Jum-ma), attracting up to approximately 60 worshippers between 12:45pm and 13:45pm.

Site and Surroundings

- 4.4 The site is situated on the southern side of Westferry Road, and lies within a predominantly residential area. The Islamic Cultural Centre has been in operation on site since 1996.
- 4.5 The site does not lie within a Conservation Area, however to the north and south of the site lies two listed buildings comprising of Forge Square and Burrells Wharf development both currently in residential use.
- 4.6 The application site directly outside of Westferry Road and has good public transport accessibility level (PTAL) of 3. There is a bus stop adjacent to the site, the bus routes servicing the site are 135, D7 and D3.
- 4.7 The existing Islamic Cultural Centre is located within a three storey building which has residential uses above. The second floor of the building is accessed internally from the ground floor, which is occupied by the mosque caretaker who uses this floor for permanent

residential use only.

- 4.8 The third floor of the building is accessed from a separate entrance from street level; the third floor level is also used as a separate residential unit.

Planning History

- 4.9 T/96/00369 – granted planning permission on the 5th September 1996 by the London Docklands and Development Corporation for the continuation of use of ground floor as an Islamic Centre. (**Officer comment:** *This is the consent which has been implemented on site*).
- 4.10 T/95/00165 – granted planning permission on the 6th September 1995 Granted by the London Docklands and Development Corporation for the use of ground floor as an Islamic Centre. (**Officer comment:** *A condition was included on this first permission which restricted the use of the centre for religious services. However, this consent was superseded by T/96/00369 which does not restrict the use*).

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 Adopted Core Strategy (2010)

Policies:	SP09(3)	Highways Safety and Capacity
	SP10(4)	Amenity

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV2	Development requirements
	DEV 50	Noise
	T16	Highways
	SCF11	Community facility

5.4 Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV4	Safety and security
	DEV10	Disturbance from noise pollution
	SCF1	Community facility

- 5.5 **Community Plan** The following Community Plan objectives relate to the application:

A better place for living well
A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

London Borough of Tower Hamlets - Environmental Health Noise and vibration

- 6.2 Having regard to the proximity of the community centre to residential accommodation, Environmental Health would not support an extension of the opening hours to start from sunrise because this would cause sleep disturbance to nearby residents.
- 6.3 **Officer comment:** *(The above is noted; however the application site already has permission*

for the current D1 use from as early as 08:00am. The site is opposite a busy road with a bus stop also situated directly outside and a takeaway next door. The early morning prayer would only attract up to 10 worshippers, additionally the prayer would take approximately 20-30mins therefore worshippers would not be on site for the entire period 04:00am – 08:00am. The applicant has agreed to comply with a condition restricting the maximum number of worshippers to 10 people during the proposed early morning extension of hours (04:00am – 08:00am). It should also be noted, Environmental Health have confirmed there has been no recent record of noise nuisance associated with the premises).

- 6.4 In addition, we would advise that any amplified noise is not audible at 1 meter beyond the building at any time. No external amplification should be used to broadcast from the premise. Environmental Health would recommend that the condition 1, hours of operation remain unchanged.
- 6.5 **Officer comment:** (The above is noted; if planning permission is granted the existing condition No. 2 attached to planning ref. T/96/00369 would be retained, to ensure no audible noise shall be transmitted including amplified sound or live music).

London Borough of Tower Hamlets - Highways

- 6.6 Following a discussion with the Planning Case Officer, Highways have been informed that any future permission would be subject to a condition stipulating that no more than 10 worshippers could be in attendance during the additional times of worship for the early morning hours. This would alleviate the concerns originally expressed by highways.

7. LOCAL REPRESENTATION

- 7.1 A total of 194 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised on site via one site notice.

- 7.2 The total 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:	28	Objecting:	28	Supporting:	36
No of petitions received:	0	objecting containing	0	signatories	
		1 supporting containing	233	signatories	

- 7.3 The following issues were raised in objection that are addressed in the next section of this report:

- Noise and disturbance (**Officer Comment:** refer to the amenity section 8.2)
- Lawful use of the premises (**Officer Comment:** The site has planning permission under T/96/0369 which granted lawful use of the application site as an Islamic Centre and allowed religious services).
- Intensity of use by extended hours (**Officer Comment:** The existing use is not being assessed as this is already established. The intensity of the extended hours is unlikely to have a detrimental impact upon the amenity of local residents as a condition would be applied to restrict the maximum number of people on site).
- Parking and Highways congestion (**Officer Comment:** The Councils highways officer has confirmed the proposal would not have a detrimental impact upon the local transport and highways network given the number of worshippers attending the centre).
- Undesirable precedent (**Officer Comment:** The existing use is not being assessed, in

addition there are no other immediate local Islamic Centre within the locality, the site serves the local needs within the community).

- Hours of operation too long (**Officer comment:** *The proposed extended hours would enable worshippers to make prayer in accordance with their faith. The extended hours would not have a detrimental impact as the maximum number of people on site would be restricted and furthermore the prayer would not take more than 30mins to complete).*
- Security and anti-social behaviour (**Officer comment:** *As a place of worship it is not expected there would be any security and anti-social behaviour concerns).*
- The proposal will negatively impact upon valuations of properties around the site (**Officer comment:** *The value of the property itself is not a planning matter).*
- The applicant is already in breach of its operating hours. (**Officer comment:** *This application seeks to allow extended hours from those original allowed by the 1996 permission).*
- The use of the property as a Mosque opposed to a community centre is unauthorised (**Officer comment:** *Refer section 4.9 and 4.10 of the report).*
- Use of part of the building as a fast food shop is unauthorised. (**Officer comment:** *This does not form part of the proposal being considered by members. This matter has been passed onto enforcement to investigate).*

7.4 The following issues were raised in support:

- As local residents we fully support the proposal and can confirm have never witnessed any noise or other disruptions emanating from the premises.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Residential Amenity

Impact on the amenity of the surrounding area.

2. Highways Impacts

Impact on the public highway and local road network.

Amenity

- 8.2 Policy SP10(4) of the adopted Core Strategy (2010) along with Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.3 Furthermore, policy SCF11 of the UDP (1998) refer to impacts of community facilities on residential amenity.
- 8.4 The application being considered solely proposes the variation of condition 1, controlling the hours of operation from 08:00am to 22:45pm Mondays to Saturdays, with the use unable to operate on Sundays or Bank Holidays. This restricts the use of the existing mosque.
- 8.5 The new hours of operation proposed are 04:00am – 22:45pm Monday to Sunday (including

Bank Holiday); with a maximum of 10 worshippers during 04:00am – 08:00am on the ground floor level only.

- 8.6 The permitted use for the site is as an Islamic Centre, which would remain unchanged. This arrangement is proposed to extend the use and ensure that in the early hours a maximum of 10 worshippers can visit the site for quiet prayer.
- 8.7 A number of objections have been received regarding noise and disturbance matters. The council has no record of recent noise complaints associated with the site. However, further conditions are recommended to ensure no audible noise, sound or music is transmitted beyond the site given the extended opening hours proposed.
- 8.8 It is considered the attendees to the Islamic Centre facility would use the same method of transport which is primarily walking given the catchment area of the mosque. Therefore it is unlikely noise associated with car parking in the early hours would result in an unduly detrimental loss of amenity for nearby residential occupiers.
- 8.9 Furthermore, Westferry Road is already a busy and vibrant road in nature, also with two night buses D7 and 135 serving the area.
- 8.10 Given the low number of attendees on the site during the extended hours and the existing nature of the site as a place of worship, it is not considered that there would be significant detrimental impacts on the amenity to the existing residents.
- 8.11 Given the measures being proposed to ensure the use would not result in an unduly detrimental loss of amenity for existing residential neighbours, it is therefore compliant with Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007), which seek to ensure that development proposals protect neighbouring residential amenity.

Transport & Highways

- 8.12 Council policies contain a number of safety and operation policies which seek to protect the highway from development.
- 8.13 However, concerns regarding the limited availability of on-street parking and increased pressure associated with worshippers driving their vehicles to the site in the early hours have been raised by objectors.
- 8.14 The principle of the use on site is already agreed. The application solely relates to the uses operating earlier in the morning and on Sundays and Bank Holidays.
- 8.15 The Islamic centre is largely used by local residents within the immediate catchment area who reside within walking distance to the site. It is not expected there would be any significant increase in activity with the proposed extended hours given the number of attendees proposed. Therefore there would be no significant impact upon the local highway.
- 8.16 The application has been reviewed by Council Highways Officers who have confirmed that they do not consider that there would be any adverse impacts on the local highway.
- 8.17 Subject to appropriate conditions, the proposed variation of hours would not have an adverse impact on the safe and free-flow of traffic within the vicinity of the application site. The proposal is therefore in accordance with policy SP09 (3) of the adopted Core Strategy (2010), policies SCF11 and T16 of the UDP (1998), and policy SCF1 of the Interim Planning Guidance (2007), which seek to ensure community facilities would not result in an unacceptable impact on the highway network.

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



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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