

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Benson Olaseni		Ref No: PA/10/01826	
		Ward(s): Limehouse	

1. APPLICATION DETAILS

Location:	Site at land adjacent to railway viaduct, Gill Street, E14
Existing Use:	Community centre
Proposal:	Construction of a new mosque and community centre
Drawing No's:	AQQ/74-01/L1; AQQ/74-01/L2; AQQ/74-02a/L3 rev a; AQQ/74/02b/L1 rev b; AQQ/74-02b/L2 rev b; & Site location plan. Design and Access Statement, by AQQ Ltd;
Supporting docs:	Addendum to original Design and Access Statement, by AQQ Ltd; Email from AQQ dated 19 th October 2010 regarding access; GroundSure Review, dated Jan 7, 2010; Flood Risk Assessment, by ambiental, dated July 2010; and Additional document detailing the Management Plan for the Limehouse Mosque & Community Centre, dated 9 th December 2011.
Applicant:	Limehouse Bangladeshi Cultural Association
Owner:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	N/A

2. BACKGROUND AND APPLICATION HISTORY

- 2.1 This application (PA/10/01826) proposal was previously heard at the Development Committee meeting on 12 January 2011, **(see attached Appendix 1 report)** when the application proposal was considered and DEFERRED by members pending the submission of a Management Plan to be presented to the Committee to address the issues around Diversity of Access for other community users and the Management of food waste from the proposed development scheme. A copy of the decision and minutes of the meeting is attached at **Appendix 2** of this report.
- 2.2 Further to the deferral of the application proposal, the requested Management plan was received on the 5th March 2012 and is now the subject of this report for consideration by members.

3 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

3.1 The local planning authority has considered the particular circumstances of this application against the provisions of the adopted London Plan Spatial Development Strategy for Greater London (2011), the adopted London Borough of Tower Hamlets Core Strategy (2010), the saved policies in the Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning guidance (2007), Managing Development, Development Plan Document (Proposed Submission Version 2012), associated supplementary planning guidance, the National Planning Policy Framework, and other material considerations and has found that:-

- The proposal would continue to provide a local community facility at the site and as such complies with Policy 4.6 of the London Plan (July 2011), policy SP03 of the adopted Core Strategy (2010) and policy SCF1 of the Interim Planning Guidance (2007), and policy DM8 of the Managing Development 'Development Plan Document' Submission Version January 2012, which seek to protect community facilities.
- The proposal would have no detrimental impact upon the amenity of neighbours in terms increased noise and disturbance and vehicular activity in the locality, and as such accords with policy SP10 of the adopted Core Strategy (2010), saved policy DEV2 of the Council's adopted Unitary Development Plan (1998) and policy DEV1 of the Council's Interim Planning Guidance (2007), and policy DM25 of the Managing Development 'Development Plan Document' Submission Version January 2012, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Transport matters, including parking, access and servicing, are acceptable and accord with policy 6.13 of the London Plan (July 2011), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), and policy DM22 of the Managing Development 'Development Plan Document' Submission Version January 2012, which seek to ensure developments minimise parking and promote sustainable transport options.

RECOMMENDATION

3.2 The substance of the recommendation by officers remains unchanged, but should be updated to reflect changes in policy that have taken place since January 2011 for the reason cited in paragraph 3.1 of this report.

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

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Prior to commencement, details to be submitted of proposed:

External materials

Green roof

4. Arboricultural report and tree protection plan/measures
5. Landscaping plan
6. Travel Plan
7. Details of cycle storage
8. Scheme of Highway improvements necessitated by development
9. Detail of Highway Works to be completed through S278 agreement
10. The Community Hall, and associated kitchen and sanitary facilities are to be made available for private use or use by other organisations in accordance with a Management Plan to be approved by the Council demonstrating how facility will be available for other community users and conditions of that use.
11. Ground contamination study
12. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
13. No amplified call to prayer
14. Hours of use: 08.00 – 22.00 on any day, except that prayer meetings only may take place outside these hours at times of the year when sunrise and sunset are earlier or later than this. The premises shall never be used earlier than 04.30 or later than 23.30.
15. Doors and windows fixed shut when the premises in use before 08.00 and after 22.00.
16. Development to be completed in accordance with submitted Flood Risk Assessment;
17. Maximum number of people on site at one time;
18. Full details of refuse store and recycling provision; and
19. Prior to the commencement of development and the use hereby approved, a further details Management Plan shall be submitted and approved to include the following:
 - To avoid congregation of users outside the site;
 - Means by which the applicants will limit the number of users of both halls;
 - Details of how the equal opportunity statement and commitment can be achieved with regards to the intended activities and inclusivity.
 - Commitment to a specific and guarantee hours of opening for the community hall.

3.3 Informatives

1. Section 278 required
2. Please note that development proposal is liable for a charge under the Community Infrastructure Levy (CIL) Regulations (2010), as amended.

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application involves the erection of an irregular shaped building to house a Mosque and community centre. The building is effectively comprised of two separate chambers, linked by an entrance lobby. The building would measure a maximum of 24.5m in width and 14.3m in depth. The building is single storey in height, but for the mihrab tower to the east of the site. The mihrab tower is 7.2m high. The building

would be externally finished with white rendered masonry.

- 4.2 At present the Limehouse Bangladeshi Cultural Association (LBCA) operate from three arches in the adjacent viaduct. Their intention is to relinquish the lease on the arches over a period of time and move into this new proposed facility

Site and Surroundings

- 4.3 The site is an irregular shaped area of grassed open space to the south of the Docklands Light Railway (DLR) line between Westferry and Limehouse stations. The site is bounded to the north by railway arches, to the west by Gill Street, to the east by Trinidad Street and to the south by an access road to Trinidad House.
- 4.4 The site is part occupied by two portacabins, which are used as a community centre. There is a cluster of mature lime trees to the west of the site, along the boundary with Gill Street, and a single lime tree towards the middle of the site. There are currently additional portacabins on the site, which are being used in association with renovation works being undertaken on surrounding residential properties.

5 UPDATED POLICY FRAMEWORK

- 5.1 National Planning Policy Framework (2012).
Chapter 8 – Promoting healthy communities.
- 5.2 London Plan (July 2011)
Policy 4.6 – Provision of community facilities including places of worship
- 5.3 Managing Development ‘Development Plan Document’ Submission Version January 2012.
Policy DM22 – Parking;
Policy DM24 – Place-sensitive design;
Policy DM25 – Ensure no adverse impact on neighbouring amenity; and
Policy DM30 – Contaminated land.

6. ADDITIONAL CONSULTATION RESPONSE

- 6.1 A total of 20 neighbours who have previously commented or objected to the planning proposal were notified on 3rd April 2010 about the submitted Management Plan and invited to comment.
- 6.2 One objection has been received on grounds of traffic and loss of amenity for near by residential occupiers. The writer’s objection will be addressed in the amenity section of this report.

7. MATERIAL PLANNING CONSIDERATIONS

- 7.1 Together with the planning issues identified in the substantive report attached at Appendix A, the main planning issues raised by the deferral of the application that the committee must consider are:

- 1) Whether the submitted Management Plan address the issues around diversity of access for other community users.
- 2) Imposition of a planning condition to address the management of food waste from the proposed development scheme.

Submitted Management Plan

- 7.2 The applicants originally did not submit a Management Plan demonstrating how the facility will be made available for other community users.
- 7.3 Policy 4.6 of the London Plan (July 2011) supports the continued success of London's diverse range of cultural activities and the benefits that they offer to its residents. These activities include the provision of community facilities (including places of worship), and notes that the net loss of such facilities must be resisted and increased provision sought where there is a need.
- 7.4 Policy SCF1 of the Interim Planning Guidance (2007) seeks to ensure that when determining the location of new social and community facilities, consideration is given to the following:
 - the likely catchment area of the facility;
 - the accessibility of the site;
 - the needs of the area and quality of the proposal.

This policy also notes that 'the Council will ensure social and community facility users are not disadvantaged by any reduction in the quality of, and access to, facilities. Any development that displaces existing social or community facilities, or increases the need or demand for social and community facilities, will be required to meet identified demands on or off-site'.

- 7.5 Saved policy SCF11 of the Unitary Development Plan encourages the support of new meeting places, where appropriate, in terms of location and access in accordance with other policies. Access components of this proposal relates to the Council's equal opportunities where emphasis is placed on diversity of access which should at least be equivalent to existing uses of the application site.
- 7.6 The submitted management plan (**see attached Appendix 3**) provides some details and measures for achieving the parameters of diversity of access for other community users to the proposed development and contains the following 5 main themes:
 1. Means by which the applicants will manage facilities and potential users;
 2. Means by which the applicants will limit the capacity and access;
 3. Means by which the applicants will ensure maximum numbers of activities and inclusivity;
 4. Proposed general hours of use for the Community Hall to be between the hours of 8.00am and 10.00pm, seven days a week; and
 5. LBCA General terms and conditions of hire.
- 7.7 Each of these themes are considered in more detail below.

1. Facilities and Potential Use

Policy SCF11 of the UDP (1998) encourages the support of new meeting places, where appropriate, in terms of location, noise, design, car parking and access. The designs of the two main parts of the new building are to be the prayer hall and a community hall, separated by a common entrance lobby.

Both halls will cater for many functions and activities for people of all ages from a variety of social, cultural and ethnic background. Specific uses for the proposal development includes:

- Public meetings and meetings of various groups and organisations including talks, lectures and workshops;
- social functions and get-togethers;
- social welfare and community advice surgeries;
- Councillor and MP surgeries;
- adult education classes and exercise classes;
- adult and senior citizens' day centre activities;
- children's after-school classes; and
- children's or youth group activities such as Cubs, Scouts and Girl Guides.

It is considered that design and internal layout is satisfactory and meets the requirements of meeting places provision in line with policies.

7.7 Capacity and Access

Saved policy DEV1 of the Unitary Development Plan seeks development proposal to provide adequate access for disabled people in respect of the layout of site. It is considered that the access for all users in physical terms is satisfactory. The new purpose-built halls will be fully accessible to people with disabilities and the internal layout are designed to be fully accessible to wheelchair users in line with policy.

However, the management plan suggested that the maximum capacity of the Community Hall should be fifty people when seated in rows for public meetings or lectures. A less formal seating arrangement for classes, functions and group meetings should be able to comfortably accommodate approximately twenty-five people.

The suggested community hall capacity presented the 'worst case scenario' in terms of assessing the likely impact of visitors to the new mosque. In the absent of likely numbers of worshippers' to the site, it is recommended that a condition is attached to ensure the maximum number of people on site at one time.

7.8 Activities and Inclusivity

The equal opportunities statement in the management plan by the Limehouse Bangladeshi Cultural Association (LBCA) is welcome in principle. However, details of how the statement commitment can be achieved are needed. As such, it is recommended a condition is attached to secure details of this prior to the commencement of the use.

7.9 Hours of Use

As noted in the submitted management plan regarding the hours of use for the proposed community hall stated that it will '*generally*' be available for hire. This commitment is open to different interpretation, as such a condition is attached to secure a specific and guarantee hours of opening for the community hall between the hours of 8.00am and 10.00pm, seven days a week.

7.10 **General Terms and Conditions of Hire**

It is considered that the details of terms and condition to hire the community hall are welcome and satisfactory.

- 7.11 To further ensure that the proposed use will not result in a loss of amenity for neighbours, the applicants have agreed to a condition to secure the further submission of a Management Plan to outline the following commitments that:

The Secretary or Chairman of the LBCA will act as the premises manager for the facility, responsible for its day-to-day operations. The role of the premises manager will involve the following:

1. Supervising a caretaker to open and shut the facility at the times prescribed in the planning permission;
 2. Supervising ushers at Friday prayers and other times the centre is heavily used;
 3. The ushers will be responsible for the safe and quiet entrance and exit of centre users;
 4. They will also be responsible for ensuring that visitors enter and exit mainly by the Gill Street entrance;
 5. The ushers will undertake a headcount during Friday prayers and other times when the centre is heavily used to ensure the permitted numbers for the building are not exceeded;
 6. The premises manager will also ensure health and safety announcements are made before each centre activity;
 7. The premises manager will ensure that bi-monthly fire drills are undertaken;
 8. The premises manager will ensure that the fire alarm is tested regularly in accordance with regulations;
 9. The premises manager will ensure that the means of escape are kept free of obstacles and are made known to all centre users;
 10. The premises manager will draw up a health and safety policy and procedure for the use of the building which will be reviewed annually.
- 7.12 Officers consider that the management plan demonstrates the conditions on which the Community Hall, sanitary and kitchenette facilities would be made available for private use and use by other groups and organisation. The management plan submitted is considered acceptable subject to some minor modifications. In order to allow for these modifications to be made if permission is granted the relevant condition can require a final management plan to be submitted to the Council for approval prior to occupation of the development and to be implemented thereafter.

AMENITY ISSUES

- 7.13 An objection has been received in which the writer states that there are enough activities within the area, as such no more traffic generating activities within the residential area.

More traffic and call to prayer would result in the loss of amenity for nearby residential occupiers.

- 7.14 On traffic impact, the Council's Highways Officer has previously raised a number of points regarding trip generation, the proposed catchment area of the facility and parking. At present most people using the existing mosque are local residents and arrive mostly on foot. The proposed mosque would serve the local community and it is expected users would continue to arrive on foot. However, a Travel Plan and Construction Management Plan will be conditioned to ensure the highway network is not unduly disrupted during construction period, the use of the proposed mosque and community centre. Subject to the travel plan planning condition to be attached to any planning permission granted, it is not expected that the proposal would have a detrimental impact on the flow of local traffic to the area.
- 7.15 To overcome the call to prayer objection, it is recommended that a planning condition to ensure there is no amplified call to prayer from the site is attached to any permission granted, to ensure neighbouring residential amenity is maintained.
- 7.16 To further overcome concerns raised by residents with regard to loss of amenity for neighbours, the applicant's agreement to further submission of a Management Plan detailing the day-to-day operations will ensure and safeguard residential amenity.
- 7.17 It is considered that the submission of the Management Plan has demonstrated how the facility will be available for other community users. With some minor modifications that can be dealt with through the condition, the Management Plan is considered acceptable for the purposes of addressing the issues around diversity of access for all users of the proposed development.
- 7.18 Given the measures being proposed to ensure the proposed centre use will not result in an unduly detrimental loss of amenity for existing residential neighbours, and is therefore compliant with policies DEV2, SCF11 and HSG15 of the Unitary Development Plan, together with policy DEV1 of the Interim Planning Guidance 2007, and policy SP10 (4a) of the Core Strategy 2010, and policy DM25 of the Managing Development 'Development Plan Document' Submission Version January 2012, which seek to ensure development does not have an adverse impact on neighbouring amenity.

Management of food waste:

- 7.19 It is noted that at the previous Development Committee meeting, members resolved that a further condition be added to any planning consent to address the issues around the management of food waste.
- 7.20 Saved policy DEV55 of the Unitary Development Plan states that a great deal of environmental nuisance can result from litter and waste. As such, developments must include adequate waste collection and storage arrangement to ensure and encourage proper disposal of waste.
- 7.21 The submitted drawings do not indicate where provision will be made for the storage of waste and recyclables and this is required to satisfy the Council that there is adequate room available. Without any indication of where refuse stores will be provided the development does not make proper provision for the storage of waste and the local

planning authority is not satisfied the development accords with saved policies DEV1, DEV2 and DEV55 of the Unitary Development Plan – which seek to ensure development makes proper provision for the storage of waste to protect the amenities of neighbouring residential occupiers.

7.22 Officers have interpreted member's comments for further condition to address food waste and have drafted the following condition to be added to the planning schedule to cover the management of food waste within the proposed development. The condition states that:

- Notwithstanding the plans hereby approved, provision shall be made for the storage of refuse and recycling facilities in accordance with details to be submitted to and approved by the Council as Local Planning Authority prior to the commencement of the development, such provision shall be made prior to the occupation of the building and shall thereafter be made permanently available for the users of the mosque and community centre.

7.23 With the inclusion of appropriate waste condition, officers consider the proposal to provide a new mosque and community centre facility will not have an adverse impact on the amenities of neighbouring residential occupiers.

8 CONCLUSION

8.1 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.

Appendix 1