

Committee: Strategic Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/09/00676	
		Ward(s): St Dunstan's and Stepney	

1. APPLICATION DETAILS

Location:	81 & 83 Duckett Street, London E1 4TD
Existing Use:	Temporary mosque, parkland
Proposal:	Erection of a two-storey mosque and cultural centre (Use Class D1) and the siting of a temporary portacabin onto adjoining parkland for prayers and community use for the duration of construction
Drawing Nos:	<ul style="list-style-type: none"> • Drawing nos. AIB/SJM/01 (amended on 29/07/09), AIB/SJM/02, AIB/SJM/03 rev B (entitled 'ground floor'), AIB/SJM/03 rev B (entitled 'ground floor layout and location of temporary mosque'), AIB/SJM/04, AIB/SJM/05 (amended on 29/07/09), AIB/SJM/06 rev A, AIB/SJM/07 rev A, AIB/SJM/09, AIB/SJM/11, AIB/SJM/13, AIB/SJM/14 and A4-sized sheet of panoramic photos • Design & Access Statement (amended 17th June 2009) • Energy Statement submitted on 29th July 2009 • Arboricultural Survey dated 22nd July 2009 • Supplementary Sun Study dated 14th August 2009 • Travel Plan dated 19th May 2009 • Draft Worshipers Travel Survey Report dated 18th December 2009 • Document entitled "Background to the Current Planning Application for Stepney Shah Jalal Mosque and Cultural Centre" • One-page statement entitled "Note for planning officer concerning pre-submission consultations with members and neighbours and the attached" • 5no. spiral bound documents containing questionnaire results in support of the proposal
Applicant:	Stepney Shah Jalal Mosque & Cultural Centre
Owner:	Stepney Shah Jalal Mosque & Cultural Centre and LBTH Parks Department
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- The proposed Mosque and Cultural Centre will provide a valued facility for local residents which will provide numerous benefits in terms of education, social and community facilities, whilst respecting the existing residential activity adjoining the site. It is therefore considered to be in accordance with saved policy SCF11 of the Unitary Development Plan 1998, policies CP27 and SCF1 of the Interim Planning Guidance October 2007 and policies SP03 and SP07 of the Core Strategy Development Plan

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, supporting technical reports, adopted UDP, IPG, Core Strategy DPD, London Plan and PPGs		Development Control 020 7364 5009

Document 2009 which seek to support such community services and facilities where they do not affect or detract from the amenity of adjoining residential occupiers.

- Subject to conditions requiring the submission of details and samples of finishing materials and landscaping, it is considered that the building height, scale, bulk and design is acceptable and in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998, policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document 2009 which seek to ensure buildings and places are of a high quality of design and suitably located.
- The loss of trees as a result of the development is mitigated by tree replacement works secured within the as106 agreement. As such, the proposal is considered to comply with saved policy DEV15 of the Unitary Development Plan (1998) and policy DEV13 of the Interim Planning Guidance (2007) which seek the replacement of mature trees which are considered by the Council to be of townscape or environmental value.
- The temporary loss of parkland during construction will be mitigated by conditions which require the reinstatement of the parkland, paths and Duckett Street entrance upon completion of development. As such, it is considered that the proposal is in accordance with policies 4B.1 and 4B.3 of the London Plan, policy CP30 of the Interim Planning Guidance (2007) and policies SP04 and SP09 of the Core Strategy Development Plan Document 2009 which seek to improve the quality, quantity and accessibility of the public realm and open spaces in the Borough.
- The amenity of adjoining residents will be maintained subject to conditions controlling the opening hours being implemented, including a prohibition on amplified noise. As such the proposal accords saved policies DEV2, DEV50 and HSG15 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance October 2007 and policy SP03 of the Core Strategy Development Plan Document 2009 which seek to safeguard the amenity of residential occupiers of the Borough and to minimise noise disturbance.
- Given the accessibility of the site by public transport and that the centre is aimed at local residents, it is not considered that the activity would adversely impact the adjoining local road network. Therefore, the proposal accords with saved policy T16 of the Unitary Development Plan 1998, policies CP41 and DEV17 of the Interim Planning Guidance October 2007 and policies SP08 and SP09 of the Core Strategy Development Plan Document 2009 which seek to ensure development reduces the need to travel and encourages alternative sustainable means of transport to ensure no adverse impacts on the safety or capacity of the transport network.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007) and policies SP04, SP05 and SP11 of the Core Strategy Development Plan Document 2009, which seek to promote sustainable development practices.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

Financial Contributions

A financial contribution of **£50,000** towards the following:

- a) Replacement tree planting
- b) Landscaping works in the park in line with detailed landscaping reports to be submitted and agreed
- c) Reinstatement of park entrance to Duckett Street and paths through Shandy Park
- d) Highway works

Non-financial Contributions

- e) Removal of temporary mosque
- f) Local labour in construction
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples / details / full particulars of:
 - a. Façade design and detailing;
 - b. facing materials, glazing, minaret and dome;
 - c. landscaping (hard and soft);
 - d. details of boundary treatment (fences, walls, gates); and
 - e. external lighting
- 5) Contaminated land: desk study, site investigation, risk assessment and mitigation
- 6) Programme of archaeological work
- 7) No works to take place, including felling of trees or installation of temporary building, until a programme of works has been agreed in writing with the LPA
- 8) Temporary building to be removed on or before the expiration of 5 years from date of planning permission
- 9) Trees not to be removed or fell until commencement of development
- 10) Recycling of building materials
- 11) Submission of further details of any plant, machinery and ventilation
- 12) Submission of full details of site level changes and fire escape routes
- 13) Submission of Travel Plan
- 14) Submission of full energy assessment and strategy
- 15) Installation of sliding door to main entrance
- 16) Hours of opening – 06.00 – 22.30 hours Monday to Friday and 09.00 – 21.00 hours on Saturdays and Sundays
- 17) No amplified call to prayer
- 18) Submission of Service Management Plan
- 19) Submission of details of cycle parking
- 20) Scheme of highway works (s278 agreement)
- 21) Submission of Construction Logistics Plan
- 22) Submission of site drainage details
- 23) No doors to open outwards onto the highway
- 24) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Section 106 agreement required

- 2) Section 278, 177, 178 & 72 Highways agreements required
- 3) Contact LBTH Highways Department regarding
- 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.3 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Head of Planning & Building Control is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the removal of the existing temporary mosque and community buildings and the erection of a two-storey building containing a mosque and cultural centre. The proposed building also features a dome and minaret at roof level. The proposed building has a total floor area of 2,570 sq.m and measures 47m in width, 28m in depth and 12.4m in height to the parapet, with a final height of 31.4m to the tip of the Minaret. The dome has a total diameter of 10m. A small hardstanding/lay-by is proposed on the Duckett Street frontage for servicing and disabled parking purposes.
- 4.2 The proposed building comprises a prayer hall together with office, conference, kitchen, classroom, meeting and ablution facilities. The applicant details that the proposed building would be able to hold 2,000 people and would employ a total of 17 people on a part-time basis.
- 4.3 The application also proposes the siting of a single-storey temporary portacabin measuring approximately 508sq.m immediately to the north of the application site, on an area within Shandy Park. The temporary portacabin would be used for prayers during the construction period.

Site and Surroundings

- 4.4 The application site measures 51m x 31m and occupies the south-west corner of Shandy Park. The site currently contains the existing single storey temporary mosque buildings which have an existing floorspace of 505sq.m. The Duckett Street entrance to Shandy Park runs through the centre of the site, whilst open space and numerous trees surround the temporary buildings to the south and east.
- 4.5 The site for the proposed temporary portacabin is immediately to the north of the application site upon parkland.
- 4.6 Shandy Park is bounded by Duckett Street, Shandy Street, Bale Road and Harford Street and lies at the centre of the Ocean Estate. The surrounding area is characterised by low to mid-rise housing, with the application site being located opposite modern three-storey terraces to the south in Bale Road. On the opposite side of Duckett Street lies the eight-storey Bengal House, a large block of flats which is earmarked for redevelopment as part of the Ocean Estate scheme.
- 4.7 Shandy Park itself is largely a grassed area with some planting, numerous trees, play facilities and a small ball games area. Formerly called East London Cemetery, the site was part of the early 19th century village of North Stepney. St Paul's House, a club house and associated play area are also contained within the north west corner of Shandy Park.

Relevant Planning History

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

PA/00/00272 Planning permission was granted on 18th September 2000 for the 'Erection of a new mosque at south west corner of park, replacing existing temporary mosque'. As part of this proposal, a land transfer agreement was made between the applicants and the Council, which provided public open space elsewhere in the Borough to off-set the loss of open space in the park. The planning permission was not implemented and has since expired.

PA/04/01173 An application was received on 9th August 2004 for 'Construction of a new mosque and multi-cultural community centre and relocation of existing temporary mosque onto adjoining public open space for a temporary period during construction works'. Members recommended the application for approval at the Development Committee meeting of 23rd March 2005 subject to, inter alia, the satisfactory completion of a Section 106 legal agreement. However, the legal agreement was never signed and the application was disposed of on 17th April 2007.

PA/08/00385 An application was received on 4th March 2008, which proposed 'Construction of a two-storey mosque and community centre and the siting of a temporary portacabin (365 sq.m.) for prayers for the duration of construction'. The application was withdrawn by the applicant on 8th July 2008.

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:

Spatial Development Strategy for Greater London (London Plan)

3A.24	Education facilities
3C.22	Improving conditions for cycling
3C.23	Parking strategy
3A.17	Addressing the needs of London's diverse population
3A.18	Protection and enhancement of social infrastructure and community facilities

Unitary Development Plan 1998 (as saved September 2007)

Policies:	ST45	Education and training
	ST46	Encourage education and training provision at accessible locations
	DEV1	Design requirements
	DEV2	Environmental requirements
	DEV15	Retention/replacement of mature trees
	DEV50	Noise
	DEV51	Contaminated land
	SCF11	Meeting Places
	EMP6	Employing local people

Interim Planning Guidance (2007)

Policies:	CP4	Good design
	CP27	High quality social and community facilities to support growth
	CP29	Improving education and skills
	CP30	Improving the quality and quantity of open spaces
	CP38	Energy efficiency and production of renewable energy
	CP39	Sustainable waste management
	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design

DEV4	Safety and security
DEV5	Sustainable design
DEV6	Energy efficiency and renewable energy
DEV12	Management of demolition and construction
DEV13	Landscaping and tree preservation
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV19	Parking for motor vehicles
DEV22	Contaminated Land
OSN2	Open space
SCF1	Social and community facilities

Core Strategy Development Plan Document (Submission Version December 2009)

Policies:	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP07	Improving education and skills
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Vision, priorities and principles for Stepney

Supplementary Planning Guidance/Documents

Planning for Equality and Diversity in London (London Plan)

Community Plan The following Community Plan objectives relate to the application:

- A better place for creating and sharing prosperity
- 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:

LBTH Biodiversity

6.2 No comments.

LBTH Education

6.3 No comments.

LBTH Energy Efficiency

6.4 No objections, subject to a condition being attached which requires the submission of a full assessment of the energy demand and carbon emissions of the proposed development, together with a scheme of energy efficiency and renewable energy measures. (OFFICER COMMENT: A condition has been attached to this effect)

LBTH Environmental Health

6.5 Daylight & Sunlight

No objections in terms of the proposal's impact upon residential properties.

Contaminated Land

- 6.6 No objection subject to the attachment of appropriate conditions.

Health & Safety

- 6.7 No objection subject to the attachment of informatives advising the applicant to contact the Health & Safety executive prior to construction.

Noise & Vibration

- 6.8 No objections.

LBTH Highways

- 6.9 Highways Officers have raised the following concerns:
- The quality of the submitted Travel Survey and Travel Plan is insufficient. As such, a full Travel Plan should be secured by condition;
 - The full details of the proposed cycle parking should be secured by condition;
 - The main entrance doors should be sliding to ease pedestrian congestion on the Duckett Street footway;
 - A Service Management Plan should be secured by condition;
 - All external doors at ground floor should open inwards;
 - The applicant will be required to enter into a s278 Highways Agreement to remediate the impacts of construction, i.e. the reinstatement of the of surrounding footways;
 - S177 and 178 Highways Agreements will be required should any part of the building project over the public highway

(OFFICER COMMENT: The above issues have been secured by attachment of conditions or informatives, as detailed in section 3 of this report)

LBTH Parks & Open Spaces (Arboriculturalist)

- 6.10 The Council's Arboriculturalist has acknowledged that 5 high quality, mature 'Grade-A' London Planes will be lost as a result of the proposal, together with 7 smaller specimens in and around the application site. As their retention could not be sought, the cost of replacement trees should be secured through the s106. The Corporate Director of Communities, Localities and Culture has requested a s106 contribution of £50,000 towards the replacement of trees, together with the necessary highway works required for the proposed vehicular crossovers, the reinstatement of the Duckett Street Park entrance and the associated linking paths within Shandy Park.

(OFFICER COMMENT: The suggested s106 sum has been incorporated into the proposed s106, as detailed within section 3 of this report).

English Heritage - Archaeology & Built Heritage (statutory consultee)

- 6.11 The application site lies partly over the disused East London Cemetery (1837 – 1852). It is presumed that the cemetery was intensively occupied and that human burials might be encountered during excavations within the former cemetery boundaries. Following an archaeological evaluation of the site in 2004, it is likely that archaeological remains will be affected by this development. It is therefore recommended that a condition is attached to ensure archaeological investigations are undertaken in advance of development works.

Greater London Authority (GLA – statutory consultee)

- 6.12 The Mayor considers that the application generally complies with the London Plan. In particular, the Stage I report states that there are no major strategic concerns with regard to urban design, access, sustainable development and social infrastructure, community

facilities, culture and regeneration. However, the Mayor specifically mentioned that the design and use of materials needs to be of the highest standard. With regard to transport, the report states that there are no major strategic concerns, but a travel plan and service & delivery plan should be secured by planning conditions. Pursuant to Article 5(2) of the Town & Country Planning (Mayor of London) Order 2008, the Mayor does not need to be consulted again. LBTH can therefore determine the application without future reference to the GLA.

7. LOCAL REPRESENTATION

7.1 A total of 354 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:	36	Objecting:	29	Supporting:	4
No of petitions received:	0				

7.2 A total of 36 individual responses were received. The 4 letters of support do not contain any reasons or grounds of representation; rather they seek to withdraw a previously submitted letter of objection, which is claimed to have been fraudulently submitted.

7.3 Three further letters have been anonymously received from local residents, each of whom states that they previously submitted a letter of objection. The letters go on to state that after they submitted their initial letter of objection to the local planning authority, they received a visit to their homes and businesses from management and/or unelected members of the management committee of Shahjalal Mosque, who threatened the individuals and their families and told them to withdraw their objections. The letters detail that the issue has been referred to the Police.

7.4 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:

- The mosque is not appropriately designed to meet the needs of the local community
- The proposed mosque does not have adequate capacity, especially during Friday prayers and during Eid, which already attracts over 1,500 people, when attendees spill into the street and Shandy Park
- The proposal should be modern and in keeping with the new Ocean Estate regeneration
- The loss of trees
- Detriment to the quality of Shandy Park
- Increased traffic congestion in the area
- Lack of sustainable design measures
- The proposed community facilities do not cater for all sectors of the community

7.5 The following issues were raised in representations, but they are not material to the determination of the application:

- The current management committee of the mosque have failed to demonstrate how they will fund the new mosque
- The design of the mosque is incorrect as it is not facing the direction of Qibla (Mecca)
- Publicly donated money is being spent without prior community consultation
- Funding has been lost following the mosque's exclusion from a fundraising event on Bangladeshi television channel this year
- The committee have misled the public by claiming the proposal is larger in size than has been applied for

(OFFICER COMMENT: The above issues are not material planning considerations and are

private issues for the applicant to consider)

7.6 The following procedural issues were raised regarding the application:

- No public consultation regarding the application took place (OFFICER COMMENT: The proposal was not discussed with the planning department through the formal pre-application process prior to submission. Within this process, the applicant would be advised to undertake community consultation and a joint community forum event would also be held. As detailed within paragraph 7.1 above, the Council undertook its statutory consultation upon receipt of the application).

7.7 Members should also note that the applicant has submitted 5 bound documents containing 613 questionnaire results from supporters of the proposal. Of the 613 respondents, 535 use the mosque and/or cultural centre and 78 detailed that they do not use either. The applicant advises within the submitted 'Note for Planning Officer' document that the questionnaires are intended to demonstrate the local support for the proposal, as the previous application (ref. PA/08/00385) drew objections from Borough residents outside of the Ocean Estate.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design
3. Trees & Open Space
4. Amenity
5. Highways
6. Other Issues

Land Use

8.2 Within the submitted 'Background to the Current Planning Application' document, the applicant details that the Stepney Shahjalal Mosque & Cultural Centre provides a number of community development and support activities (including health and social care) through its integral facilities. The document states: *"In broad terms, Stepney Shahjalal Mosque & Cultural Centre serves religious and related cultural needs and promotes good social, moral and educational practice and teaching, encouraging positive inter-social development across the wider community. To this extent it serves the whole community and provides services and facilities for those of all ages and abilities."*

8.3 The document goes on to state: *"The new building will become one of the relatively few mosques to provide prayer facilities for women, as well as offering other cultural and educational opportunities to families. Furthermore, in keeping with the spirit and philosophy of the Faith, the mosque will be open to all, not just worshipers, who wish to visit with due respect for the sanctity of its environment... It [Stepney Shahjalal Mosque & Cultural Centre] has wider links to other relatively local social and community projects and services (such as Saint Clements in addition to that it offers itself. Services provided continue to expand in scope and the complex is now available to the community as a whole. Current examples: basic literacy support and teaching (ESOL), health and social care facilities, advice and guidance, luncheon groups for older people, food co-op, healthy living projects, social events and also as a venue providing facilities and support for meetings and events of interest and concern to the local and wider community, such as LBTH contact groups, Primary Care Trust, Registered Social Landlords and councillors' surgeries amongst others. An emphasis on inter-generational and inter-faith activities and engagement is actively encouraged to develop community cohesion"*.

8.4 Policy 3A.18 of the London Plan expects adequate provision of social infrastructure and

community facilities to be provided, including places of worship. This is particularly important in major areas of new development and regeneration. East London is the Mayor's priority area for development, regeneration and infrastructure and this site falls within an Area of Regeneration as identified in the London Plan. The Ocean Estate is a New Deal for Communities (NDC) area and the locality has become the beneficiary of a significant regeneration scheme under this programme.

- 8.5 Policy 3A.17 of the London Plan seeks to ensure that the needs of diverse groups are identified. The policy states that the spatial needs of these groups are met wherever possible, both through general policies for development and specific policies relating to the provision of social infrastructure including healthcare and social care, safety and security, policing facilities, the public realm, playspace and open space, inclusive design and local distinctiveness, community engagement, access to employment/skills development opportunities, and the provision of suitable space for Small and Medium-sized Enterprises. Existing facilities that meet the needs of particular groups should be protected, and where shortfalls have been identified, policies should seek measures to address them proactively. This policy should have particular relevance to the additional guidance set out in the 'Planning for equality and diversity in London' SPG which accompanies the London Plan. This guidance has particular reference to the existing disparities experienced by London's older people, children, women and black, Asian and minority ethnic groups. The document aims to ensure an inclusive London that builds upon its diversity. In the case of this application, it is considered that this policy is relevant in the case of the Stepney Shajalal Mosque and Cultural Centre.
- 8.6 Policy CP27 of the Interim Planning Guidance (2007) and policy SP03 of the Core Strategy SPD (2009) build upon policy 3A.17 of the London Plan, and supports the provision of high quality social and community facilities. The policies specifically support the multiple use of social and community facilities, for a mix of sporting, social, cultural and recreation uses, provided there are no adverse impacts on the amenity of residents and the facility is accessible. Again, the proposal is supported by these policies.
- 8.7 Saved policy ST45 of the UDP (1998) seeks to ensure that sufficient buildings are available to meet all existing and future educational needs arising in the Borough. Saved policy ST46 of the UDP encourages educational and training provision at locations which are accessible to the Borough's residents. Policy CP29 of the Interim Planning Guidance (2007) seeks to improve education and skills within the Borough through educational and training initiatives and adequate education facilities. These policies are, in turn, are supported by policy SP07 of the Core Strategy DPD which seeks to improve education and skills by supporting developments which encourage local enterprise.
- 8.8 The proposal conforms with policy SCF1 of the Interim Planning Guidance (2007) and policy SP03 of the Core Strategy SPD (2009), as it is considered that the proposal continues to ensure that community facilities have a high level of accessibility.
- 8.9 The temporary use of parkland to the north of the site for the siting of a portacabin during construction is considered to be acceptable in principle. Paths within the park would need to be re-routed to secure adequate access through the park. The period of time would need to be strictly controlled and limited by way of legal agreement and the cost of the re-routing of the paths and landscaping works upon removal of the temporary building would be carried out by the applicant (also secured through legal agreement).
- 8.10 In light of the above, it is considered that the proposal is supported by the aforementioned policies within the London Plan, Interim Planning Guidance and saved Unitary Development Plan and is therefore acceptable in principle.

Design

- 8.11 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG and policies SP10 and SP12 of the Core Strategy DPD (2009).
- 8.12 Policies DEV1 and DEV2 of the UDP, policy CP4 of the IPG October 2007 and policy SP10 of the Core Strategy DPD (2009) state that the Council will ensure developments create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.13 As detailed above, the proposed building will be mostly 12.4m high, with a minaret height of a further 19.0m and a dome diameter of 10m. The mosque is proposed to be steel framed with arched aluminium external windows and doors. Parts of the octagonal minaret will be buff coloured brickwork with architectural stone termination at eaves. The proposed building is set back from the site boundaries by between 1.2m to 2.8m, with the intervening space treated with grey concrete and planting. The landscaping to the Duckett Street frontage is proposed to be treated with red brick paving. A retaining wall is proposed to the eastern boundary of the site to mitigate the level changes across the site.
- 8.14 The Council's Principal Urban Designer has reviewed the proposal and has raised no concerns regarding the bulk, height and mass of the building. Further details are required on the proposed soft and hard landscaping in order to ensure that the centre defines a clear boundary between semi-public use, edge treatment and the park in order to prevent negative space of little amenity value. Details and samples should also be provided for materials and all features of architectural interest, such as the dome, minaret, window frames and entrance signs. Conditions have been added to secure the submission and approval of these details prior to the commencement of development.
- 8.15 In light of the above, the proposed design is considered to reflect the contemporary local built environment, as well as preserving the intended cultural heritage. Subject to conditions requiring the submission of details and samples of finishing materials, landscaping and scale detailed drawings of features of architectural interest such as the dome and minaret, it is considered that the scale, massing, height and design of the proposed building is acceptable and the proposal accords with the abovementioned policies.

Trees and Open Space

- 8.16 As detailed above, the application site measures 51m x 31m and occupies the south-west corner of Shandy Park. The site currently contains the existing single storey temporary mosque buildings and the Duckett Street entrance to Shandy Park runs through the centre of the site, whilst open space and numerous trees surround the temporary buildings to the south and east.
- 8.17 Shandy Park envelops the application site to the north and east and is designated Open Space within the saved Unitary Development Plan (1998) and Interim Planning Guidance (2007).
- 8.18 London Plan policies 4B.1 and 4B.3 contain design principles for a compact city and seeks to ensure, amongst other things, that developments create or enhance the public realm, respect local context, history and character and also respect the natural environment. Policy 3A.18 seeks to protect and enhance social infrastructure and community facilities and, in particular, refers to open space and children's play and recreation facilities.
- 8.19 Saved policy DEV15 of the Unitary Development Plan (1998) states that the retention or replacement of mature trees will normally be sought in development proposals, where the trees are considered by the Council to be of townscape or environmental value.

- 8.20 Policy DEV13 of the Interim Planning Guidance (2007) refers to landscaping and tree preservation. Criterion 2 of the policy states that *“where existing trees are healthy the Council will require them to be retained and incorporated into the design of development proposals wherever possible”*. The text accompanying IPG policy DEV13 highlights that trees play a crucial role in the landscaping of a site, providing many benefits including shelter, shade, soil stabilisation, improvements to air quality, fauna habitat and the creation of privacy. The text also states that existing trees should be preserved as they contribute to the established sense of community in an area. New development should seek to incorporate them into its design, and where their retention isn't possible, adequate replacement should be sought.
- 8.21 Policy OSN2 (Open Space) of the Interim Planning Guidance states that development ancillary to designated open space will need to have regard to the character and functions of that particular open space within which it is located and must have no more than a negligible impact on the openness of the space. Policy CP30 (Improving the Quality and Quantity of Open Space) of the IPG states that the Council will seek to protect, increase and improve the provision of all types of open space in the Borough. In particular, the Council should seek to promote improved accessibility to, between and within open spaces.
- 8.22 Policies SP04 and SP09 of the Core Strategy DPD (2009) seek to protect and safeguard all existing open space whilst enhancing their quality, usability and accessibility. Policy SP09 in particular seeks to create a high quality public realm which provides a range of public spaces that can function as places for social gathering.

Trees

- 8.23 The applicant has submitted an Arboricultural Survey which incorporates a tree survey of all the trees that may in any way be affected by the development. The survey only assesses the main application site where the proposed mosque and cultural centre is proposed to be located.
- 8.24 From the trees surveyed, the submitted Arboricultural Survey identifies 5 London Planes in particular which are described as *“in generally good health, approximately 90-110 years of age. The trees are typical of a London Park setting and have the potential for further growth”*. The report also states that:

“The [London] planes are all category A trees because of their landscape value [A being the highest and representing those species of high quality and value i.e. make a substantial contribution]”.

One of these London Planes is located within the application site and is described as *“the finest specimen identified”* whilst the remaining 4 are located either on the site's east boundary, or within close proximity.

- 8.25 With regard to the smaller specimens located within the application site, the submitted Arboricultural Survey details that these are young mature trees, all of approximately 20 years in age and of average to above average vitality. The report also states that they should have at least another 80 years safe life expectancy and have the potential to develop into good, landscape trees but as yet are not big enough to achieve an “A” rating.
- 8.26 By virtue of the proximity of the proposed mosque and cultural centre building to the site boundary, this would result in the direct loss of these 5 grade “A” London Planes. The applicant has not provided any details of construction methodology and, as such, it can only be assumed that the footings and use of scaffolding could result in the loss of further London Planes within close proximity of the site. Given the size, quality, maturity and overall landscape value that these specimens lend to Shandy Park, it is considered that their loss

should be mitigated through contributions for their replacement elsewhere in the park in accordance with saved UDP policy DEV15 and policy DEV13 of the IPG. This is to be secured by a s106 agreement, as detailed above in section 3 of the report.

- 8.27 As detailed above within section 6 of this report, the Council's Arboriculturalist has identified that 7 smaller specimens of tree will be lost alongside the 5 mature London Planes. The Corporate Director of Communities, Localities and Culture has suggested a total s106 contribution of £50,000 towards the replacement of the trees, together with highways and works to the park.
- 8.28 In light of the above, the proposed development would result in the loss of at least five high grade, mature trees together with numerous smaller specimens. The loss of these trees is to be mitigated through a replacement strategy secured through a s106 agreement. The proposal therefore satisfies saved policy DEV15 of the Unitary Development Plan (1998) and policy DEV13 of the Interim Planning Guidance (2007), which seeks that developments adequately replace healthy trees where they are considered to be of townscape or environmental value.

Open Space

- 8.29 The proposed building would also lie across the main access point to the park from Duckett Street and the pathway which transects the park and links Duckett Street to the west, to the Shandy Street and Bale Road park entrances to the north-east and south respectively. The temporary building is proposed to be located within Shandy Park, which is designated open space. Policy CP30 of the Interim Planning Guidance, seeks to ensure that the quality of open space in the Borough is protected and improved and, in particular, accessibility to and within open space is also improved.
- 8.30 As detailed above within section 3 of this report, obligations have been included within the s106 agreement which require the applicant to mitigate the aforementioned impacts. These include contributions towards landscaping works in the park, in line with detailed landscaping reports to be submitted and agreed by the Council, and also towards the reinstatement of the park entrance to Duckett Street and the associated paths through Shandy Park.

Amenity

- 8.31 Saved policy DEV2 of the UDP, policy DEV1 of the IPG October 2007 and policy SP03 of the Core Strategy DPD 2009 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. Saved policy HSG15 of the UDP seeks to protect residents from undue noise disturbance from development.
- 8.32 An increased number of visitors may result in raised levels of noise and disturbance to nearby residents. However, the last prayer would not normally finish later than 11pm, which would not be considered to be unusually late and cause significant disturbance to residents. The great majority of local residents are of Muslim faith and would attend this mosque or other mosques at prayer times. It is considered that, as long as there is no amplified call to prayer, it is unlikely that the proposed use would result in statutory noise nuisance to local residents. A condition is suggested to prevent the amplified call to prayer.
- 8.33 The Council's Environmental Health department, upon consultation, consider that subject to the attachment of appropriate conditions and informatives, it is not considered that the proposed building would create undue loss of amenity to nearby residents. As such, it is considered that the proposal accords with the abovementioned policies.

Highways

- 8.34 Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG October 2007 and policies SP08 and SP09 of the Core Strategy DPD 2009 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.
- 8.35 The application proposes a parking and servicing bay on the Duckett Street frontage which will provide disabled parking for two vehicles. A total of 9 bicycle stands are also detailed to be provided on the same frontage.
- 8.36 The applicant details that up to 2,000 people will attend the mosque during peak periods such as Friday prayers and Eid. The submitted draft Travel Survey was responded to by 225 worshippers during the Jumma Prayer (Friday prayers) and details that 77.7% of attendees walk to the Mosque, 10.6% arrive by car and the remainder arrive by tube, motorcycle or bicycle.
- 8.37 As detailed above within section 6 of this report, the Council's Highways department have reviewed the proposal and consider that the results of the brief travel survey demonstrate the need for more detailed analysis of trip patterns and controls and, as such, the submission of a robust Travel Plan should be secured by condition.
- 8.38 Whilst the 9 proposed cycle parking spaces fails to meet the required cycle parking provision of 1 space per 10 visitors, as set out in IPG Planning Standard 3, The Council's Highways Department have not raised any objections, subject to the submission of further details regarding the specification of the stands.
- 8.39 With regard to the proposed dual-use servicing and disabled parking bay, the Highways department have requested that a condition be attached which requires the submission of a detailed Service Management Plan, in order to control the time, size and frequency of vehicle used for servicing the proposed development. A condition has been attached to this effect.
- 8.40 The Highways department have also requested that conditions be attached to prevent doors opening outwards onto the highway/forecourt and also for the main entrance door to be an electric sliding model, in order to increase the capacity of the adjacent footway during peak attendance periods.
- 8.41 The applicant was advised during the course of the application that should planning permission be granted, s106 contributions towards the creation of vehicular crossovers and the removal of parking bays would be sought. Also, a Section 278 Highways agreement would be required to mitigate the impacts brought about by the construction of this development (i.e. the reinstatement of surrounding footways to the new layout: moving redundant crossovers, installing new, and repairing any defects created by construction traffic). Accordingly, s106 contributions have been suggested, and a s278 agreement has been conditioned, as detailed above in section 3 of this report. The total extent/cost of works will be dependent on the exact level of works, particularly in connection with the additional crossovers and pavement works and whether underground utility piping or fibre optic cabling exists, for instance.

Other Planning Issues

Energy

- 8.42 The applicant has submitted an Energy Statement, which the Council's Energy Efficiency Team have reviewed and subsequently raised no objections. A condition requiring full details has been attached, as requested.

Conclusions

- 9.0 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.

