

Committee: Development	Date: 12 th January 2011	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal Case Officer: Daniel Buffa		Title: Planning Application for Decision 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; AQQ/74/02b/L1; AQQ/74-02b/L2; and Site location plan.
Supporting docs:	Design and Access Statement, by AQQ Ltd; 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; and Flood Risk Assessment, by ambiental, dated July 2010.
Applicant:	Limehouse Bangladeshi Cultural Association
Owner:	London Borough of Tower Hamlets
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 Core Strategy, Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal would continue to provide a local community facility at the site and as such complies with policies 3A.18 of the London Plan (Consolidated with

Alterations since 2004), policy SP03 of the adopted Core Strategy (2010) and policy SCF1 of the Interim Planning Guidance (2007), 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), 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 3C.23 of the London Plan (Consolidated with Alterations since 2004), 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), which seek to ensure developments minimise parking and promote sustainable transport options.

3. RECOMMENDATION

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

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

3.4 Conditions

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. Management Plan demonstrating how facility will be available for other community users
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

3.5 Informatives

1. Section 278 required

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 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.

Planning History

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

PA/10/01051 Construction of new single storey Mosque and Community Centre.
Refused 15.07.2010 due to an inadequate flood risk assessment for the proposal.

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:

Core Strategy (adopted 2010)

Policies: SP03 Creating Healthy and Liveable Neighbourhoods

SP04	Creating a green and blue grid
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places

Unitary Development Plan 1998 (as saved September 2007 & retained September 2010)

Policies:	DEV1	Design requirements
	DEV2	Environmental requirements
	DEV15	Replacement/retention of mature trees
	SCF8	Encouraging shared use
	U2	Development in areas at risk of flooding
	T16	Traffic priorities for new development
	T18	Pedestrians and the road network

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV13	Landscaping and Tree Preservation
	DEV16	Cycle parking and facilities
	DEV18	Travel Plans
	DEV19	Parking for motor vehicles
	DEV21	Flood Risk Management
	SCF1	Social and Community Facilities

Spatial Development Strategy for Greater London (London Plan)

	4B.1	Design principles for a compact city
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4B.6	Sustainable Design and Construction
	3A.18	Protection and enhancement of social infrastructure and community facilities
	4A.12	Flooding
	4A.13	Flood Risk Management

Government Planning Policy Guidance/Statements

PPS25	Development and Flood Risk
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Community Plan The following Community Plan objectives relate to the application:
A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

6.2 Environment Agency

- No objection subject to a condition requiring that the development is carried on in accordance with the submitted Flood Risk Assessment (**officer comment** – the

requested condition will be included on any approval).

6.3 Network Rail

- To date no comments have been received.

6.4 Docklands Light Railway Limited

- To date no comments have been received.

6.5 LBTH Highways and Transportation

- The existing adjacent mosque accommodates 250 worshippers. The proposed building will accommodate a maximum of 191 worshippers. The applicant intends to relinquish the lease of the existing mosque. Will there be a time when the existing and proposed mosques would both be operating, thereby increasing the capacity of the facility? (**officer comment** – some overlap is possible)
- Travel surveys of the current use would be helpful at establishing a base case from which to anticipate future trends. And confirmation should be provided in relation to the catchment area of the facility (**officer comment** – a survey has been carried out. Please refer to section 8 (30-31) of the report for further discussion on this point).
- The site is located within an area of parking control during Monday to Friday 08.30-17.30. The facility is anticipated to generate trips both inside and outside of the on-street parking restriction times. Hence local amenity impacts are a concern. Consideration needs to be given to the provision of disabled parking spaces. Cycle parking facilities should be provided in accordance with the minimum policy requirements (**officer comment** – please refer to section 8 (32-34) of the report for further discussion on this point)
- On-street servicing would not be supported. On-site provision is required for servicing/delivery vehicles with full details provided (e.g. vehicle sizes, frequency and times) (**officer comment** – please refer to section 8 (36) of the report for further discussion on this point)
- A comprehensive Travel Plan (TP) should be produced (**officer comment** – this matter can be adequately dealt with by condition)

6.6 LBTH Arboricultural Officer

- To date no comments have been received (**officer comment** - a response was received to the previous refusal, requesting a British Standard compliant tree survey. It is considered this matter can be dealt with by way of condition).

6.7 LBTH Asset Management

- To date no comments have been received.

6.8 LBTH Cleansing Officer

- To date no comments have been received.

7. LOCAL REPRESENTATION

7.1 A total of 247 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 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: 16 Objecting: 16 Supporting: 0
No of petitions received: 1 objecting containing 28 signatories

7.2 The following local groups/societies made representations:

- Limehouse Community Forum

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:

Loss of existing community facility

- Existing portacabins facility has been used for more than 20 years by the whole local community for a wide variety of uses (family parties, educational uses, exercise groups). This should be protected.
- Submitted information states the proposed community facilities would be made available to local community groups. What is the mechanism for ensuring this?

Highways impacts

- Will lead to an increase in traffic in an already congested area;
- Will worsen parking congestion.

Amenity

- Existing mosque is over-full for Friday prayers and on special religious occasions. The proposal will exacerbate the situation;
- Proposal will result in more noise and litter in the area
- Disruption during construction of the building

Impact upon open space

- Loss of greenery at the site;
- Building will cover 40% of the site – Council policy seeks to protect open space provision;

Other matters

- Residents were misled by the members of the mosque committee as the original plans left the existing portacabins in situ (**officer comment** – this is not a matter for the planning department's involvement)
- The mosque members have failed to enter into a dialogue with the St. Vincent's Tenants Residents Association (**officer comment** – whilst the Council encourages community consultation and dialogue from applicants, it cannot be insisted upon in this case, and sufficient information has been submitted to assess the scheme fully).
- The proposed 'community room' is not really for community use, but a second prayer room (**officer comment** – it is expected that the room would serve a dual purpose).
- Stated figures do not make sense. Limehouse mosque already has more users than

the new facility can accommodate (**officer comment** – the size of the facility applied for is a matter for the applicant).

- There are more appropriate locations elsewhere for a mosque (**officer comment** – the application has been submitted and must be assessed on its individual merits).

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use/loss of existing facility
2. Design
3. Impact upon amenity of neighbours
4. Transport Impacts
5. Other planning matters

8.2 Land use/loss of existing facility

8.3 Core Strategy (CS) policy SP03 seeks to locate social and community facilities in accessible locations. Interim Planning Guidance (IPG) policy SCF1 states that when determining the location of community facilities careful consideration should be given to the likely catchment of the facility, the accessibility of the site and the needs of the area and the quality of the proposal. Furthermore, it states that any development that displaces existing community facilities will be required to meet identified needs on or off site.

8.4 The existing on-site portacabins have been in place for more than 20 years. Whilst they certainly have something of a temporary appearance, it is considered that the length of time they have occupied the site has established the principle of the use of the land for a community use.

8.5 The proposed building would cover more of the site than the existing portacabins. Some 226m² compared to 73m². This represents an increase in size of some 309%. The existing portacabins occupy approximately 11% of the site and the proposed building would occupy some 33.3% of the site. The site is an area of grassed amenity land rather than an adopted piece of open space. It is not widely used for amenity purposes, and indeed it is not particularly practical for such usage. The principle of the loss of some of this open land for an increased size community facility is considered to be acceptable.

8.6 The existing portacabins are currently used as a social and community facility by the local community. A wide range of activities and classes are run from the portacabins, such as language classes, a child play group and a gardening group. The portacabins would be removed to make way for the proposed scheme. The footprint of the portacabins is some 73m². The community centre element of the proposed scheme has a useable floor area of 76m². Objections to the scheme have been received stating that there is no mechanism of ensuring that the proposed community facility would be available for the use of the whole community.

8.7 The submitted Design and Access Statement states that the applicant's intention is to make the proposed community hall available to community groups for genuine community uses. The applicant has since further confirmed that they would be amenable to opening up the use of the community centre to other community organisations. Furthermore, they

have stated that they would be happy to enter into a management agreement securing wider community use by way of a planning condition. This is not a matter that would normally be easily secured by condition, but given the good will shown by the applicant, and the desire of the existing community groups to continue using the site, it is considered that a reasonable agreement could be reached in this instance.

8.9 Thus the use of the site as a mosque/community centre is considered to be acceptable in principle and complies with CS policy SP03 and IPG policy SCF1.

8.10 **Design**

8.11 Good design is central to the objectives of national, regional and local planning policy. 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 achieving good design. These policies are reflected in CS policy SP10, saved policies DEV1, DEV2 and DEV3 of the Unitary Development Plan (UDP); and IPG policies DEV1 and DEV2.

8.12 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.

8.13 Layout, scale and height

8.14 The design form of the proposed building is essentially relatively simple. The building comprises two separate rooms linked by a centrally located entrance lobby. The proposed building is set well within the site boundaries and, therefore, would not appear over dominant in its surroundings. The building is mostly single storey and would be visually unobtrusive against the taller backdrop of the railway arches. The building would be largely screened from Gill Street by the existing line of mature lime trees that would be retained. The taller element of the scheme, the mihrab tower, would form a point of visual interest and give the building the definition of a mosque. The external faces of the building would be white rendered masonry and the proposal would incorporate a flat 'green' roof.

8.15 Overall, the design of the building, which is a clear improvement from the existing unsightly portacabins, does not harm the site or surrounding area and complies with CS policy SP10, saved UDP policy DEV1 and IPG policy DEV2.

8.16 Accessibility

8.17 CS policy SP10, saved UDP policy DEV2 and IPG policy DEV3 all require development to incorporate inclusive design principles.

8.18 The proposal provides a ramped disabled access to the north of the building. The Council's Access Officer commented this arrangement is poor and disabled access should be provided through the main front entrance. The applicant's agent has stated that the two entrances should not be seen as a front door and a back door, but rather as two main entrances to the building. The north access has been amended to provide a wider entrance door and a less steep gradient to the ramp. Given the building has to be set well above ground level to prevent the risk of flooding, it would not be possible to easily provide an acceptable ramped access to both entrances.

8.19 Given this the building is considered to be sufficiently accessible to allow for inclusive usage. Complies with CS policy SP10, saved UDP policy DEV2 and IPG policy DEV3.

8.20 Impact upon the amenity of neighbours

8.21 Policy SP10 of the CS, saved UDP policy DEV2 and IPG policy DEV1 all seek to protect residential amenity. The application poses no harm to nearby residents in terms of loss of light, outlook or overlooking. Therefore, the main amenity impact is the potential increase in noise and disturbance in the vicinity caused by the increased number of people using the new facility.

8.22 The submitted Design and Access Statement states that the existing mosque in the arches has a maximum capacity of 250 people. The proposed mosque would have a maximum capacity of nearly 200 people. Whilst it has been stated that the intention if permission is gained is to gradually relinquish the lease on the arches, this cannot be guaranteed. Regardless, another community group with a similar number of users could move into the vacated arches. Thus it is most prudent to assess the proposal as if an additional facility rather than a replacement facility. The maximum capacity, therefore, would be some 450 people.

8.23 The application has been submitted with a survey assessing how users arrive at the existing mosque in the arches. The survey reveals that during 'normal' prayer sessions 100% of users walked to the mosque. During Friday prayer 86% of users walked, 10% arrived by bus, 3% arrived by car and 1% arrived by DLR.

8.24 This demonstrates that the vast majority of existing mosque users come from the local community and arrive on foot. There is no reason to assume this would change if the mosque relocates, and even if the proposed mosque becomes an extension to the existing arches mosque, the increased users would still be likely to come from the local area and arrive on foot. Thus it is not expected that there would be any harm to amenity in terms of increased vehicular noise and activity in the vicinity of the site.

8.25 Furthermore, it is expected that the mosque would only operate at maximum capacity for Friday prayers and twice yearly at Eid. On balance, even as an extension to an existing mosque, it is not considered the proposal would have a detrimental impact upon the amenity of neighbours.

8.26 Transport Impacts

8.27 The site is located only some 130m from Westferry DLR and has a Public Transport Accessibility Level (PTAL) of 5, indicating good access to public transport.

8.28 CS policy SP09 and IPG policies DEV16, DEV17, DEV18 and DEV19 (2007) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.

8.29 Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.

8.30 The application has been submitted with a survey demonstrating that the majority of people using the existing mosque in the arches walk to the site.

8.31 Traffic impact

8.32 The Council's Highways Officer has 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 arrive on foot. The proposed mosque would serve the local community and it is expected users would continue to arrive on foot.

8.33 A Travel Plan and Construction Management Plan can be conditioned to ensure the highway network is not unduly disrupted during construction of use of the proposed facility

8.34 Given this, it is not expected that the proposal would have a detrimental impact on the flow of local traffic. Furthermore, the previous application was not refused due to the potential impact on the surrounding highway network, and it would be unreasonable to introduce it as a reason now.

8.35 Car parking

8.36 The site is located within an area of good public transport accessibility and it is entirely appropriate to provide no car parking. A disabled car parking bay could not easily be provided and its non-provision is not a reason to refuse the application by. The non-provision of car parking complies with CS policy SP09 and IPG policy DEV19.

8.37 Cycle parking

8.38 According to the submitted survey no-one cycles to the existing mosque. Thus the provision of cycle parking wholly in line with IPG policy DEV16, some 20 spaces, would be excessive. Furthermore, given the constrained size of the site, a balance must be struck between developing the site and maintaining a sense of openness. It is considered delivery of an appropriate level of cycle parking can be dealt with by way of condition.

8.39 Servicing/deliveries

No details of servicing arrangements have been supplied. However, it is not considered that the servicing needs of the proposed mosque/community centre are likely to be heavy, and arrangements are likely to be similar to those used currently for the existing community centre.

8.40 **Other planning matters**

8.41 Flood risk

8.42 The site is located within flood zone 3. The previous application was refused for the sole reason that the submitted Flood Risk Assessment (FRA) did not adequately demonstrate that the proposal would pose no increased floor risk. This application has been accompanied by a FRA produced by Ambiental, dated July 2010, which the Environment

Agency were consulted on.

- 8.43 Amongst the measures taken to prevent flood risk are setting the ground floors of the proposed building at or above 5.0m above Ordnance Datum and inclusion of a green roof. The Environment Agency has no objections to the scheme, subject to a condition, which will be included on the decision notice.
- 8.44 Subject to the relevant condition, the proposal complies with advice given in Planning Policy Statement 25: Development and Flood Risk, London Plan policies 4A.12 and 4A.13, saved policy U2 of the adopted Unitary Development Plan and policy DEV21 of the Council's Interim Planning Guidance and is considered acceptable.
- 8.45 Trees
- 8.46 Saved UDP policy DEV15 and IPG policy DEV13 seek the retention or replacement of mature trees with amenity value.
- 8.47 The proposal would result in the loss of 8 lime trees. However, none of the trees are protected and the main line of 8 trees facing Gill Street would be retained. It is suggested that a tree survey is conditioned to ensure no retained trees are harmed during construction work.
- 8.48 On balance, given the trees with the most amenity value would be retained, it is not considered the loss of the cluster of trees towards the centre of the site provides sufficient justification to refuse the application and the trees Complies with the aims of saved UDP policy DEV15 and IPG policy DEV13.
- 8.49 **Conclusions**
- 8.50 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.