

**LONDON BOROUGH OF TOWER HAMLETS**

**DEVELOPMENT COMMITTEE**

**16<sup>th</sup> January 2013 at 7.00pm**

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**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

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<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal</b>
7.1	PA/12/02685	Bancroft Green, Mantus Road, London E1	Installation of temporary building on Bancroft Green area for use as a mosque whilst building is being erected at 49 Braintree Street under planning permission PA/11/00987

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<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/12/02685
<b>Location:</b>	Bancroft Green, Mantus Road, London E1
<b>Proposal:</b>	Installation of temporary building on Bancroft Green area for use as a mosque whilst building is being erected at 49 Braintree Street under planning permission PA/11/00987

## 1.0 Conditions

- 1.1 The Officer Recommendation had sought to impose a condition which sought further details (to be submitted and approved) of the construction and funding arrangements for the redevelopment of the 49 Braintree Street development.. Condition 3 stated:

*“No works to begin until details of construction and funding arrangements which provide that one of the parties is obliged to carry out and itself complete the works of redevelopment of the 49 Braintree Street site for which planning permission was granted (ref. PA/11/00987 granted 5<sup>th</sup> September 2011) has been submitted to and formally approved in writing by the Council as the local planning authority. The arrangements shall include but not be limited to:*

- a) A copy of the building contract between Naz Construction Ltd (or other appropriately qualified contractor) and the BaitulAman Mosque & Cultural Centre*
- b) Quantity surveyor report regarding build costs*
- c) Details of credit facility being offered by Naz Construction (or any other suitably qualified creditor) and the repayment terms*

*Reason: To ensure that the mechanisms and arrangements are in place to provide the permanent facility within the 18 month temporary period hereby approved and to ensure the open space is reinstated on removal in accordance with policy OS7 of the adopted Unitary Development plan 1998 and policy OSN2 of the Interim Planning Guidance 2007 and policy SP04 of the Core Strategy and DM10 of the Managing Development DPD 2012 (post EiP Version).”*

Since the Committee report was published, the applicant has submitted the following documentation in relation to Condition 3 above:

- 1.2
- a) Cover letter dated 11<sup>th</sup> January 2013 from General Secretary of BaitulAman Mosque & Cultural Centre
  - b) Tender Contract between BaitulAman Mosque & Cultural Centre and Naz Construction Ltd, dated 21<sup>st</sup> September 2012
  - c) Bill of quantities for BaitulAman Mosque & Cultural Centre dated July 2012
  - d) ICD 2011 Intermediate Building Contract
  - e) Contract adjustments dated 10<sup>th</sup> January 2013
  - f) Letter dated 3<sup>rd</sup> January 2013 from Naz Construction Ltd
  - g) Donation form dated 26<sup>th</sup> September 2011

Details of each of the above documents are summarised below:

- 1.3 a) The letter summarises the fundraising efforts proposed (and undertaken to date)

1.4 in order to raise the funds to pay for the permanent building at 49 Braintree Street. It is also stated that the works will be completed within 18 months. In the event that construction is delayed the Mosque & Cultural Centre are in agreement to provide an undertaking that the site will be vacated within the 18 months.

1.5 b) The document is a contract between Naz Constructions and BaitulAman Mosque & Cultural Centre to carry out the construction of the Mosque & Cultural Centre at 49 Braintree Street.

1.6 c) The bill of quantities sets out an estimated build cost for the construction of the permanent facilities at 49 Braintree Street.

1.7 d) Draft Building Contract between Naz Constructions and BaitulAman Mosque & Cultural Centre.

1.8 e) Contract Adjustment; this provides a summary of the costs which omit the completion of some works to the ground first and second floors. This would allow the Mosque to open but continue to collect funds to pay for the remaining works to be completed at a later date.

f) The letter states that Naz Constructions have agreed to offer a credit facility to BaitulAman Mosque & Cultural Centre up to £200,000.

1.9 g) A copy of donation form pledging to donate £2000 towards the BaitulAman Mosque and Cultural Centre.

1.10 It is noted that although the submitted documents do not form part of the approved plans/documentation, they form part of background information used in the consideration of this application, as such the submitted information is considered to be sufficient to remove condition 3. The Recommendation and revised list of conditions for this application is set out below in full:

1.11 That the Committee resolve to **GRANT** planning permission subject to conditions and informatives.

1.12 That the Corporate director of Development and Renewal is delegated power to impose conditions and an informative on the planning permission to secure the following:

1.13

1. Time limit of 18 months;
2. Consent granted in accordance with Schedule of Drawings and Documents;
3. Removal of the temporary building and reinstatement of the open space to its original condition on expiry of permission or on completion of the permanent facility, whichever is the sooner, full details to be submitted and approved;
4. No amplified call to prayer;
5. Restriction on the number of persons using this facility (maximum 150 persons at any one time);
6. Hours of use: 05.00 – 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 22.30;
7. Doors and windows fixed shut when the premises in use before 08.00 and after 21.00;
8. Full details of refuse store and recycling provision;
9. Prior to the commencement of development and the use hereby approved, the following documents shall be submitted and approved:

- a) Management Plan (To include details of signage)
  - b) Travel Plan (To encourage sustainable modes of transport to and from the application site);
11. Prayer service to be carried out within the portacabin only; and
12. Details of mechanical ventilation.

### **Informative**

1. The applicant is advised that a renewal of consent for the use of the Public Open Space for a longer duration than 18 months is highly unlikely to be supported.”

### **ADDITIONAL REPRESENTATION**

A petition has been received on 20<sup>th</sup> December 2012, containing 148 signatures from residents in support of the proposal.

## **2.0**

### **2.1**

### **3.0 CORRECTION**

- 3.1 Paragraphs 8.10 and 8.31 of the committee report, stated the distance from the applicationsite to the approved mosque development at 49 Braintree Street was 54 metres, this was an inaccurate measurement and should have stated 130 metres. The corrections are set out below and the amended text highlighted for clarification:

“8.10 The proposed site is located **130** metres from the approved mosque development at 49 Braintree Street (planning ref PA/ PA/11/00987 dated 5<sup>th</sup> September 2011).”

“8.31 It is noted that the proposed site is located **130** metres from the existing mosque facility at 49 Braintree Street and the overwhelming number of attendees are local residents and travel by foot to the existing Mosque facilities.”

- 3.2 The typographical error does not alter the comments raised within the Committee Report or the merits against which the scheme was assessed.

### **4.0 RECOMMENDATION**

- 4.1 Officer’s recommendation remains unchanged.