

Committee: Development	Date: 14November 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Mary O'Shaughnessy	Ref No: PA/12/00133
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	18-22 Damien Street, London, E1 2HX
Existing Use:	Mosque and Madrassa (Secondary School) Use Class D1
Proposal:	Extension and alteration of the London Islamic School and Mosque comprising erection of an additional storey to the existing building, erection of a four storey extension and associated work to provide additional classrooms, additional male prayer area, new ladies prayer hall including ablutions facilities, including improvements to access in around the building.
Drawingand documents:	Drawings: P01 REVB, P02 REVF, P03 REVE, P04 REVE, P05 REVE, P06 REVD, P07 REVC, P08 REVC, P09, P10, P11, P12, P13, 09364-02, Illustrative View 1, Cavell Street, Illustrative View 2 Cavell Street, Illustrative View 2, Damien Street, Illustrative View 3, Damien Street. Documents: Design and Access Statement REVA, June 2012, prepared by Webb Gray. Transport Statement REV01, Reference: 12187, dated 18 May 2012, prepared by David Tucker Associates. Draft Travel Plan, prepared by David Tucker Associates. Energy Strategy REV1.0, dated August 2013, prepared by AJ Energy Consultants Limited. Daylight and Sunlight, Reference: 1173, dated 1 st July 2013, prepared by Waldrams Chartered Surveyors.
Applicant:	Esha'atul Islam Mosque/Bamfords Trust Plc
Ownership:	Esha'atul Islam Mosque/Bamfords Trust Plc
Historic Building:	Not applicable.
Conservation Area:	Directly to the south of Old Ford Square Conservation Area.

2. Executive Summary

- 2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013) as amended, the London Plan (2011) and the National Planning Policy Framework 2012, and have found that:
- 2.2. The main matters for consideration are the impacts of the proposal with regard to design, amenity, highways and equalities.
- 2.3. The scale of the proposed building is in keeping with the surrounding area and is considered acceptable for this reason. It is considered that the proposed Minaret which denotes the use of the building as a religious building would be an acceptable design feature subject to the control of materials via a condition. It is considered that the proposal would not adversely affect the character and appearance of the Ford Square Conservation Area located directly to the north. Subject to the use of high quality materials the design of the proposed extensions are considered acceptable and in keeping with the local context. In design terms the proposal is considered acceptable.
- 2.4. With regard to overlooking and privacy, through the use of conditions to secure the use of obscure glazing, direct overlooking would not be possible and residents would not be unduly impacted. With regard to daylight and sunlight it is acknowledged that two ground floor flats located at 54 Cavell Street would experience a material loss of daylight and sunlight. However, taking account of their current view across an open site, the urban context and the overall benefits of the proposal it is considered that the loss of daylight and sunlight for these two flats would not, on balance, merit a refusal of the application in this instance. Finally, with regard to noise impacts through conditions controlling the hours of operation, the maximum number of worshipers overnight and a condition to secure detailed noise insulation and post completion testing it is considered that on balance the proposal would not unduly impact on local residents with regard to noise and disturbance.
- 2.5. With regard to highways sufficient mitigation has now been agreed to ensure that the proposed extension would not have an unduly detrimental impact on highways safety and capacity with the local area.
- 2.6. An Equalities Assessment has been carried out and it is has been concluded that the proposal would comply with equalities legislation because due regard has been given to all groups with protected characteristics and where possible improvements have been sought.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission as set out in the description of development.
- 3.2. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.3. **Conditions**

Compliance:

1. Time Limit for implementation 3 years.
2. Compliance with plans.
3. Compliance with hours of operation 06:00 am – 11:30 pm on any day with no more than 75 persons allowed to use the Mosque between 11:30pm and 06:30 am.
4. Compliance with hours of operation 08:00 and to 05:30 pm for the secondary school.
5. Photovoltaic to be provided at roof level in accordance with energy strategy (LBTH Energy and Sustainability).
6. No window openings allowed on the facades facing the vent shaft (London Overground (LO)).
7. Development to be carried out in accordance with LO's document entitled 'Special Conditions for Outside Parties developing on or near the railway'.
8. A minimum of 3 metres must be maintained between the outer face of LO's vent shaft and the outer face of the development (LO).
9. No amplified calls to prayer, public address system or music system.
10. Compliance with Energy Strategy (Energy Officer).

Prior to Commencement

11. Construction Management Plan (LBTH Highways).
12. Construction Code of Practice.
13. Full details of demolition, design and construction methodology (LO).
14. Compliance with Network Rail assurance procedure for assets which are at risk (LO).
15. Full CFD analysis or Fire Safety Report (LO).
16. Background noise assessment over a 24 hour period to assess ground-borne noise and vibration from the LO to be carried out and full details of mitigation to be provided to ensure the proposed development would be in accordance with Planning Standard 2 Noise of the MDD for ground-borne noise which is 35dB LAmax.
17. Background noise assessment over a 24 hour period to assess air-borne noise from the proposed extensions of the Mosque to be carried out and full details of mitigation to be provided to ensure the proposed development would be in accordance with Planning Standard 2 Noise of the MDD for air-borne noise which is L90 minus 10 dBA.
18. Full details of safety during the construction of the development to ensure that debris/equipment cannot fall or be blown onto LO railway or associated structures (LO).
19. If cranes are required during construction full details of their base design, erection methodologies and operation methodologies will be required (LO).
20. Radio signal survey prior to the commencement of development and post completion survey of radio signals (LO).
21. Full details of maintenance regimes for facades of the proposed building which faces the vent shaft (LO).
22. Highway works to remove guard rails along Damien Street and replace with bollards – S278 (Highways).

Prior to commencement of rear extension and roof extension

23. Sample board of proposed materials including
 - Buff brick and red/brown brick samples including details of mortar and banding
 - Sample of Zinc Faced Aluminium for fourth storey extension
 - Drawings at scale 1:50 of proposed windows including full specification

and samples

24. Full details of amended design of Minaret at scale 1:50 showing details of brick gladding in keeping with the brick approved under condition 21 for the proposed extension.
25. Full details of specification of obscure glazing for all windows on the southern elevation and western elevation of the proposed extension which shall be retained in perpetuity.
26. Full details of women's entrance including lighting to ensure it is safe and secure

Prior to Occupation:

27. Post completion testing to be carried out to demonstrate the mitigation required by condition 14 ensures accordance with Planning Standard 2 Noise of the MDD for air-borne noise which is L90 minus 10 dBA.
28. Post completion testing to be carried out to demonstrate the mitigation required by condition 15 ensures accordance with Planning Standard 2 Noise of the MDD for air-borne noise which is L90 minus 10 dBA.
29. Secure by Design Statement (Secure by Design Officer).
30. Event Management Plan (LBTH Highways).
31. Travel Plan to ensure a 20% reduction in car trips (LBTH Highways).
32. Delivery and Servicing Plan (LBTH Highways).
33. Energy – full details of roof plan including details of photovoltaic siting and location (LBTH Energy).
34. Biodiversity enhancements – swift boxes (LBTH Biodiversity).

3.4. Informatives

1. Consultation with School Travel Plan Officer
2. Written consent required from LO for the demolition and construction techniques.
3. Precaution that nothing falls onto the railway either during or after construction.
4. Compliance with Party Wall Act 1996 as amended and LO advise that this may need to be invoked.

4. PROPOSAL AND LOCATION DETAILS

Proposal and Background

- 4.1. Old Ford Mosque and London Islamic School are currently located within a three storey building located on the western side of Damien Street. This application seeks to expand these facilities comprising erection of an additional storey to the existing building, erection of a four storey rear extension and associated work to provide additional classrooms, additional male prayer area, new ladies prayer hall including ablutions facilities, and including improvements to access around the building.

Site and Surroundings

- 4.2. The existing building is three storeys in height along Damien Street where the main entrance is currently located. The building façade comprises white render with some brick elements which is in keeping with the render buildings to the north which face onto Old Ford Square.
- 4.3. The rear plot which extends towards Cavell Street is currently used as a garden and has no buildings. However, it would appear that historically there would have been a structure here.

- 4.4. Directly to the north of the site is the boundary of the Ford Square Conservation Area which is a designated heritage asset. There are no listed buildings within the immediate vicinity.
- 4.5. Along, Damien Street the building heights vary from three to four storeys. Directly to the south is Damien Court (numbers 1-30) which is four storey residential building. Planning permission for two additional storeys was granted in 2012 (PA/12/00823) which is detailed in full within the planning history section of this report.
- 4.6. To the east of the site on the opposite side of Damien Street is a block known as numbers 24-52 Damien Street which is another four storey residential block.
- 4.7. Directly to the north of the site are three storey buildings which face onto Old Ford Square.
- 4.8. Moving to Cavell Street the buildings also range in height from three to five storeys.
- 4.9. 54 Cavell Street directly to the north of the application site is a four storey brick building. Planning permission for the change of use from commercial to live work units was granted in the 1990s (Reference: PA/97/00005 - see planning history section for full details). Planning permission has also been granted for an additional storey (References: PA/08/02411 and PA/11/00544 – see planning history for full details) which could still be implemented.
- 4.10. To the south of the application site there is a park known as Cavell Street Gardens.
- 4.11. On the western side of Cavell Street between the junction of Varden Street and Nelson Street the buildings range in height from four to five storeys. Further, to the south of Cavell Street adjacent to Commercial Road, there is a Holiday Inn located on the junction of Commercial Road and Cavell Street which rises to five storeys. Opposite is a terrace of two storey properties.
- 4.12. The Royal London Hospital is located to the north of the application site.

Relevant Planning History

Application Site – 18 – 22 Damien Street:

- 4.13. **ST/95/00149** – The LPA granted planning permission on the 22 February 1996 for the “*Erection of a conservatory (20m²) as a rest area for adjoining proposed recording studios, on existing flat roof (to rear of 19 Ford Square, E1).*”
- 4.14. **ST/95/00061** – The Local Planning Authority (LPA) granted planning permission on the 1 March 1996 for the “*Change of use and retention of part of the first floor as a mosque and madrassa use.*”
- 4.15. **PA/98/1288** – The LPA granted planning permission on the 16 August 1999 for the “*Change of use and retention of the basement, ground and first floor from showroom/warehouse/storage, light industrial to a Mosque, Madrassa and Cultural Centre.*”
- 4.16. **PA/02/00652** – The LPA granted planning permission on the 22 November 2002 for the “*Alterations to building elevations and the insertion of a main entrance at ground floor level.*”

- 4.17. **PA/08/00881** – The LPA granted planning permission on the 17 October 2008 for the *“Change of use of second floor from music studio complex (Use Class B1) to educational facilities (Use Class D1) together with internal alterations.”*
- 4.18. **PA/10/02130** – The LPA refused planning permission on the 17 January 2011 for the *“Four storey extension to London Islamic school, to provide additional classrooms, additional male prayer area, new ladies prayer hall including additional ablutions facilities, including improvements to access in and around the building.”*
- 4.19. **PA/11/01894** – The LPA granted planning permission on the 17 October 2011 for *“Alterations to the front elevation consisting of the removal of the existing windows and replacement with double glazed windows in smaller openings. Alterations to the facade consisting of the replacement of the brick appearance with Render.”*
- 54 – 54A Cavell Street and site formerly known as 13-15 Ford Square:
- 4.20. **PA/97/00005** – The LPA granted planning permission on the 27 August 1997 for the *“Change of use of premises to provide live and work units plus, if required, the introduction of A1 or A2 use on ground floor of the premises.”*
- 4.21. **PA/00/01918** – The LPA granted planning permission on the 06 September 2002 for *“Change of use and refurbishment of 54-54a Cavell Street to eight 'live-work' units and development of 13-15 Ford Square to provide six flats in a new three-storey building”.*
- 4.22. **PA/02/01844** – The LPA granted planning permission on the 16 January 2003 for *“Upgrading of existing telecommunications equipment by addition of 3 additional antennas on existing roof-top stub-tower.”*
- 4.23. **PA/08/02411** – The LPA granted planning permission on the 05 January 2009 for the *“Removal of existing telephone mast from roof level and erection of a single storey roof extension to create 1 x 2 bedroom flat.”*
- 4.24. **PA/11/00544** – Flat 2 - The LPA granted planning permission on the 3 May 2011 for the *“Use as a residential unit (Use Class C3).”*
- 4.25. **PA/11/02349** – The LPA granted planning permission on the 14 December 2011 for the *“Removal of existing telephone mast at roof level and erection of a single storey roof extension to create 1 x 2 bed flat. Application to replace extant permission ref PA/08/02411 dated 05 January 2009 in order to extend the time limit for implementation.”* This permission could still be implemented.
- Damien Court – 18 – 22 Damien Street:
- 4.26. **PA/12/00823** – The LPA granted planning permission on the 5 November 2012 for the *“Erection of two additional floors at roof level to create eight new duplex residential units to Damien Court as well as introduction of new lifts to serve the existing and new levels and general landscaping work.”*

5. POLICY FRAMEWORK

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items.
- 5.2. The following policies are relevant to the application:

- 5.3. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
Policy Statement – planning for schools development (August 2011)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2011 (London Plan 2011)**
- 3.1 Ensuring equal life chances for all
 - 3.2 Improving health and addressing health inequalities
 - 3.16 Protection and enhancement of social infrastructure
 - 3.18 Education facilities
 - 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable approach and construction
 - 5.4 Retrofitting
 - 5.7 Renewable energy
 - 5.9 Overheating and cooling
 - 5.13 Sustainable drainage
 - 6.1 Strategic approach
 - 6.3 Assessing effects of development on transport capacity
 - 6.5 Funding Crossrail and other strategically important transport infrastructure
 - 6.7 Better streets and surface transport
 - 6.9 Cycling
 - 6.10 Walking
 - 6.12 Road network capacity
 - 6.13 Parking
 - 7.1 Building London’s neighbourhoods and communities
 - 7.2 An inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.8 Heritage assets and archaeology
- 5.5. **The London Plan Spatial Development Strategy for Greater London Revised Early Minor Alterations Consistency with the National Planning Policy Framework – published 11 October 2013 (London Plan 2013).**
- 3.18 Education facilities – Supporting text amended
 - 5.7 Renewable energy – Supporting text amended
 - 5.13 Sustainable drainage– Supporting text amended
 - 6.1 Strategic approach– Supporting text amended
 - 6.5 Funding Crossrail and other strategically important transport infrastructure – Policy and supporting text amended
 - 6.9 Cycling– Supporting text amended and Table 6.3 Cycle parking standards amended
 - 6.13 Parking- Paragraph 6A.1in the parking addendum amended
 - 7.1 Building London’s neighbourhoods and communities– Supporting text amended
 - 7.3 Designing out crime
 - 7.8 Heritage assets and archaeology – Supporting text amended
- 5.6. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP03 Creating health and liveable neighbourhoods
 - SP07 Improving education and skills
 - SP08 Making connected Places
 - SP09 Creating Attractive and Safe Streets and Spaces

- SP10 Creating Distinct and Durable Places
- SP11 Working towards a zero-carbon borough

5.7. **Managing Development Document (adopted April 2013) (MDD)**

- DM8 Community infrastructure
- DM13 Sustainable drainage
- DM14 Managing waste
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM27 Heritage and the historic environment
- DM29 Achieving a zero-carbon borough and addressing climate change

5.8. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6. CONSULTATION RESPONSE

6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2. The following were consulted regarding the application:

Transport for London (TfL)

6.3. This development sites directly above London Overground's (LO) railway tunnel between Shadwell Station and Wapping Station and adjacent to a vent shaft for this tunnel. Correspondence dated 21st August 2012 referring to the impact of this development on LO's assets and operation has been sent separately by Simon Pope.

6.4. An additional 100 walking trips will be undertaken as a result of these proposals. Accordingly pedestrian desire lines within the locality should be identified and subsequently assessed with a pedestrian environment audit. Any deficiencies such as lack of dropped kerbs, lack of tactile paving or lack of appropriate pedestrian crossing facilities at junctions should also be highlighted so that an appropriate contribution can be set to address the deficiencies that are identified.

6.5. **[Officer Comment:** The borough highway officer after carrying out a detailed site visit considers that a Pedestrian Audit is not required in this instance. As outlined in their comments below specific areas for improvement of the footway along Damien Street would be secured. TfL have been advised of the borough's position and to date no further comments have been received.]]

6.6. London Plan policy 6.9 'Cycling' requires 1 space per 10 staff and 1 per 10 visitors. Based upon the peak demand of 900 people this would equate to a minimum

requirement of 90 spaces. Since TfL were initially consulted further discussion has taken place between TfL and the applicant with the conclusion that it is not possible to locate this number of spaces within the site. Nevertheless, an additional 11 spaces are now proposed and therefore the total provision equates to 33 spaces. This is now considered acceptable to TfL.

- 6.7. **[Officer Comment:** the proposed ground floor plan shows the provision of 21 Sheffield stands which provides parking for 42 cycles.]
- 6.8. To ensure full compliance with London Plan policy 6.7 'Better Streets and Surface Transport' and to promote inclusive accessibility to all users of the proposed development, an audit of the two closest bus stops is required and any schedule of works required to bring them up to current accessibility standards should be identified as per TfL Bus Priority Team Technical Advice Note BP1/06 available from TfL's website:
http://www.tfl.gov.uk/assets/downloads/businessandpartners/accessibile_bus_stop_design_guidance.pdf. Upon TfL's receipt of the audit, a capped contribution of £20,000 maybe requested to ensure full compliance with accessibility guidelines.
- 6.9. **[Officer Comment:**The borough highway officer does not consider that a bus stop audit is considered necessary in this instance. TfL have been advised of the borough's position and to date no further comments have been received.]

London Fire and Emergency Planning Authority

- 6.10. With regard to Town and Country Planning, the Fire Authority needs to consider Access and Water Supplies. It is noted that no information directly related to Fire Service Access and Water Supplies have been provided.
- 6.11. **[Officer Comment:** The applicant did not provide a specific document which related to Fire Service Access and Water Supplies. Notwithstanding, London Fire and Emergency Planning Authority were able to provide comments from assessing the application documents.]
- 6.12. Notwithstanding the above statement plan P10 would indicate that, if the existing water supplies are maintained, the provision of water supplies for the use of the Fire Service should be adequate. Moreover, the said plan would also indicate that Brigade access should not be problematic.

London Overground (LO)

- 6.13. This application follows an application made in 2011 for this site which LO previously commented on. Since this last application, the applicant has consulted with LO and accommodated certain safety requirements into the design of the proposal to mitigate many of LO's initial concerns.
- 6.14. The proposed redevelopment of this site is for the redevelopment of existing buildings and the additions of new buildings which will be located directly above LO's tunnels and front a vent shaft also owned by LO.
- 6.15. Whilst LO now supports this application in principle there are a number of conditions which LO would like to see included in any consent for this development to ensure the safe, efficient and economic operation of LO is maintained:

Conditions

- No window openings allowed on the facades facing the vent shaft.
- Development to be carried out in accordance with LO's document entitled 'Special Conditions for Outside Parties developing on or near the railway'.
- A minimum of 3 metres must be maintained between the outer face of LO's vent shaft and the outer face of the development.
- Full details of demolition, design and construction methodology
- Compliance with Network Rail assurance procedure for assets which are at risk
- Full CFD analysis or Fire Safety Report
- Background noise assessment over a 24 hour period to assess ground-borne noise and vibration from the LO to be carried out and full details of mitigation to be provided to ensure the proposed development would be in accordance with Planning Standard 2 Noise of the MDD for ground-borne noise which is 35dB LAmax.
- Post completion testing to be carried out to demonstrate the mitigation if necessary ensures accordance with Planning Standard 2 Noise of the MDD for ground-borne noise which is 35dB LAmax.
- Full details of safety during the construction of the development to ensure that debris/equipment cannot fall or be blown onto LO railway or associated structures.
- If cranes are required during construction full details of their base design, erection methodologies and operation methodologies will be required.
- Radio signal survey prior to the commencement of development and post completion survey of radio signals.
- Full details of maintenance regimes for facades of the proposed building which faces the vent shaft.

Informatives

- Written consent required from LO for the demolition and construction techniques.
- Precaution that nothing falls onto the railway either during or after construction.
- Compliance with Party Wall Act 1996 as amended and LO advise that this may need to be invoked.

6.16. [Officer Comment: All conditions and informatives requested would be attached.]

LBTH Biodiversity

- 6.17. There does not appear to be any adverse impact on biodiversity.
- 6.18. No soft landscaping is proposed, which is understandable in the very confined space. This does mean, however, that the current proposals would not provide any biodiversity enhancement. There are opportunities for biodiversity enhancements which could be incorporated into the building.
- 6.19. Apart from the minaret, the roof appears to be flat, and could therefore potentially support a green roof. The minaret, being taller than surrounding buildings, would be an ideal place to incorporate nest boxes for swifts. The applicant could be asked to consider these enhancements.
- 6.20. [Officer Comment: It is proposed to locate Photovoltaic (PV) at roof level which is being controlled via condition. As such, in this instance there is no potential for green roofs. A condition would be attached to secure the provision of swift boxes within the

minaret which the applicant has agreed to. The level of biodiversity enhancement is considered acceptable in this instance given the proposal would not have an adverse impact on biodiversity.]

LBTH Corporate Access Officer

- 6.21. It was requested that the following be addressed:
- a redesign of women's entrance to improve visibility
 - Reorganise the space/wall opposite the stairs in the women's entrance to provide sufficient space to manoeuvre around the door that exits the men's prayer hall
 - Shoe storage for women's entrance at ground floor
 - Access within ablution room in both male and female areas for someone in a wheelchair to wash their hands and feet.
- 6.22. **[Officer Comment:**A condition would be attached to ensure the women's entrance would be safe secure and accessible should planning permission be granted. The applicant considers that the space opposite the lift complies with Part M of the Building Regulations and as such allows sufficient space for manoeuvring. They have advised that shoe storage would be dealt with. Given this is an internal layout issue this would not merit inclusion as a condition or refusal of the planning application. The applicant has amended the layout to address the above matters. Finally accessible abulation facilities have been provided for both males and females.]

LBTH Crime Prevention Officer

- 6.23. My main concern is to ensure the right Secure by Design (SBD) standards are used so that the extension building is safe and secure for all the users.
- 6.24. The design shows a number of shapes that leave recesses and entrances that are set back, not very conducive to a safe and secure environment.
- 6.25. Having dealt with some problems at religious buildings in Tower Hamlets, it is often the case that security was not thought a priority when they were first built, mainly because they were not built with religious use in mind. I think it highly important that this building takes security seriously.
- 6.26. **[Officer Comment:** A condition will be attached to ensure that the proposed extension achieves SBD standards. With regard to the Women's entrance through the use of appropriate lighting and materials it will be possible to ensure that this is a well-designed and safe entrance. This would also be controlled via condition.]

LBTH Energy and Sustainability Officer

- 6.27. Initial comments noted that there were no details of the sustainability features and energy efficiency features in accordance with policy. This information was requested.
- 6.28. Following the receipt of an Energy and Sustainability Strategy the following comments were provided:
- 6.29. The Energy Strategy (August 2013) sets out the proposals to deliver CO2 emission reductions of 35.9% (~9tonnes/CO2/Yr). This is proposed through the integration of 24kWp photovoltaic array. The location of the array is shown in figure 4 and would comprise 190m2 of PV's.

- 6.30. The proposals would meet Policy DM29 requirements and should be secured through an appropriately worded Condition.
- 6.31. [Officer Comment: Compliance with the energy strategy and the provision of photovoltaic at roof level would be secured via condition as requested.]

LBTH Environmental Health – Noise and Vibration

- 6.32. The Hours of opening for School use would be 08:00 to 17:00hrs which is considered acceptable.
- 6.33. The Hours of opening for Mosque's use is listed as variable.
- 6.34. EH is not able to recommend planning permission without knowing the hours of operation of the Mosque, given this has the potential to cause noise nuisance to local residents during sensitive hours of sleep and rest.
- 6.35. [Officer Comment: The hours of operation of the Mosque have been confirmed as follows 6am to 11.30pm on any day. Outside of these hours no more than 75 persons may be present in the Mosque.]

LBTH Building Control

- 6.36. To date no comments have been received.

LBTH Parks and Open Spaces

- 6.37. To date no comments have been received.

LBTH Transportation and Highways

- 6.38. It is standard practice for Highways to consider the worst case impact of a proposed development. Thus, the comments on highways impact relate to the proposed expansion of the mosque operations during its 'peak' – Friday lunch time prayers. The anticipated increase in trips associated with the school is considered by Highways to likely have a minor impact on safety and efficient operation of the public highway.

Existing Highway Impact:

- 6.39. The current operation at the site on Friday lunch time prayers generates demand for on-street parking that exceeds the available supply. Survey results presented in the Transport Statement (TS) recorded the existing level of parking during Friday prayers between 12:30 and 14:15, the busiest period of operation at the site. The survey study area was agreed in advance by Highways and covers all on-street parking up to approximately 200m from the site.
- 6.40. The survey results indicate parking occupancy levels exceed 80% (the level at which Highways regard on-street parking as stressed) across the entire study area. The survey also recorded numerous instances of illegal parking close to the mosque, including cars parked on yellow line, over dropped kerbs, at bus stops and at ambulance bays. This has knock-on impacts for other users of the public highway: pedestrian routes are obstructed, sight lines and space at junctions are reduced-increasing the risk of accidents in these locations and congestion -and bus services are disrupted.

Forecast Highways Impact:

- 6.41. The development will increase demand for on-street car parking which Highways anticipate would add further to problems experienced and raised above.
- 6.42. The data presented in the TS for the increased school and Mosque forecasts an additional 20% car trips will be generated by Friday lunch time prayers. The applicant contends this is a “*negligible increase that will not have a material impact on the Highway network*” and that in any case, the demand for car trips “*will be suppressed through lack of parking availability*”.
- 6.43. While highways acknowledge the latter point may be a factor in reducing the number of trips made to the site by car overall, they do not accept that a 20% increase in car trips would have a negligible impact in an area already suffering parking stress at these times.
- 6.44. Highways wish to prevent existing problems from becoming worse. By generating demand for parking for an additional 40 vehicles where it has been shown to be extremely limited, Highways believe it is highly likely there would be an increase in the sort of unauthorised parking recorded in the survey. The outcome would exacerbate the existing problems mentioned above making the development non-compliant with DM20 of the Managing Development Document (MDD) and Core Strategy (CS) policy SP09.3.

Cycle Parking:

- 6.45. Highways regards cycle parking as an essential element of any strategy the occupiers implement to tackle the additional traffic congestion and parking stress caused by the increased capacity of the mosque.
- 6.46. The site currently has cycle parking for up to 20 cycles for the use of staff and visitors to the site. The submitted TS suggest use of this parking is low. Under the cycle parking standards set out in the MDD, the proposed development should provide dedicated cycle storage for a minimum of:
- D1 (place of worship): 15 cycles
 - D1 (school): 6 cycles
 - Total: 21 cycles
- 6.47. 22 new cycle parking spaces will be provided within the site in a safe and secure location which is welcomed and should be secured by a condition requiring them to be retained and maintained for the lifetime of the development.
- 6.48. However, it is unclear why the new cycle parking shown on the ground floor plan is annotated with ‘for TfL removal when required’. Highways consider these cycle stands should be permanent and seek clarification from the applicant over what was meant by this.
- 6.49. [**Officer Comment:** In order to provide access to the vent shaft the cycle stands may have to be removed.]

Pedestrian Flows:

- 6.50. Highways are concerned that the existing pedestrian facilities are not adequate for the anticipated number of people attending Friday prayers.
- 6.51. The width of the footway adjoining the site on Damien Street is not wide enough to accommodate the large number of people exiting the site at the end of Friday prayers. Highways have observed how this forces people onto the carriageway on Damien Street, placing them at increased risk of collision with vehicles.
- 6.52. To help reduce this risk and effectively manage the dispersal of the large amount of people at the end of prayers, a condition should be attached to any permission requiring approval of an Event Management Plan prior to occupation of the site. The Plan would set out how the site operators would manage the safe dispersal of worshippers from the site using the multiple site access on both Damien Street and Cavell Street.
- 6.53. The applicant should fund works to replace the guard railing on Damien Street opposite the site with bollards. The existing guard rail on footway along Damien Street restricts pedestrian movements and encourages congregation on Damien Street. Worshippers lean on the carriageway side of the railing. Removing the rail would improve permeability of pedestrians crossing Damien Street, while the bollards would prevent any unauthorised parking.
- 6.54. The applicant should fund installation of a raised table at the junction of Damien Street and Ford Square. Damien Street is a one-way (southbound) street and is generally lightly trafficked. However, Highways foresee a risk of turning movements conflicting with users of the site, particularly just after Friday lunch time prayers. There is little scope to widen footways so funding for a raised table at the junction of to slow traffic entering Damien Street is sought to mitigate this risk.
- 6.55. For clarification, Highways does not seek a PERS assessment for this application. Following a visit to the site and surrounding area, Highways consider the most critical issue relating to the pedestrian environment is the insufficient footway capacity on Damien Street.
- 6.56. For clarification, Highways does not seek a bus audit.
- 6.57. **[Officer Comment:** The applicant has agreed to an Event Management Plan which would be secured via condition. Furthermore, the removal of the existing guard railing and the installation of bollards would be secured via condition. However, in light of further information which has been received which is discussed below it was no longer considered that by the borough highway officer that a raised table would be required.]

Servicing:

- 6.58. The applicant has not supplied sufficient information for highways to assess the servicing arrangements. Highways indicated at the pre application stage that on street servicing at the expanded site would not be acceptable and asked for information on the likely number of service trips generated by the development. The applicant has not provided this information and addresses this issue briefly in the TS by asserting that service trips "*will not increase*". Highways are concerned that the applicant may not adhere to our advice and pursue an on-street servicing strategy. It

is essential that the applicant gives adequate information so we can fully assess the possible impacts.

- 6.59. **[Officer Comment:** A Delivery and Service Management Plan would be secured via condition.]

Refuse:

- 6.60. The submitted plans do not show any space for on-site refuse storage. It is not acceptable for bins to be stored on public highways in between collections. It should only be put out on the street at the expected time of collection. Highways expect the expansion of the site to allow for accommodation of refuse storage. Not enough information has been provided to allow us fully assess the potential impact.
- 6.61. They assume colleagues in Waste Management have been consulted.
- 6.62. **[Officer Comment:** Refuse and recycling storage facilities would be controlled via condition. Waste Management were consulted. To date no comments have been received.]

Travel Plan:

- 6.63. A Travel Plan for the school and mosque should be attached by condition to any planning permission and should be submitted for approval by Highways prior to occupation of the proposed development. The mosque travel plan should set out plans to incorporate results from the on-site worshipper travel surveys undertaken with the first six months of the increased capacity.
- 6.64. The applicant has submitted a draft Travel Plan which Highways does not support. It includes a target for a reduction in the proportion of congregation that travels to the mosque by car of 1% per year over five years (after occupation of the development). This fails to address Highways key concerns over the number of car trips generated by the development at Friday lunch time prayers. The applicant should commit to ensuring that there is no net increase in car trips at this time and reflect this in the Travel Plan targets. Highways also require a restriction on the maximum number of people allowed in the mosque should this target not be met after three years.
- 6.65. The travel survey to establish the baseline for modal split must be conducted prior to occupation. The travel plan commits the applicant to conducting a 'detailed travel survey' to establish baseline mode splits which is welcomed.
- 6.66. However to ensure the baseline related to the proposed car trips target is robust it must be based on the modal share of the existing operation. Highways requires commitment from the applicant that this survey will be taken before any expansion in capacity of prayer space and based on the size of the current operation.
- 6.67. The proposed Travel Plan actions are not likely to achieve the proposed targets. Highways recommend the applicant consider additional measures such as travel announcements to encourage non-car travel before or after services, a mosque car-share scheme and mosque mini-bus service.
- 6.68. **[Officer Comment:** The applicant has committed to reducing car travel by 20% and this would be secured through a bespoke worded Travel Plan condition.]

Conclusion:

- 6.69. Highway objects to the application to increase the capacity of the mosque. The survey data on car parking close to the site and the anticipated increase in vehicle trips during Friday prayers demonstrates that there is insufficient spare capacity for car parking. Given the existing conditions around the site, Highways anticipates that this will further degrade pedestrian amenity, increase risk of road traffic accidents, increase local traffic congestion and disrupt bus services. The applicant has not proposed sufficient mitigation to give Highways comfort around our concerns. Highways cannot support the application in its present form.
- 6.70. If the Planner is minded to grant permission, the following should be secured (further details above):
- Condition requiring a Travel Plan
 - Condition requiring Event Management Plan
 - Condition requiring cycle parking retained and maintained for this purpose only for the lifetime of the development
 - Funding of public realm improvements (s278 or s106)
- 6.71. **[Officer Comment:** The applicant sought to address these comments and following discussion provided further information to demonstrate that the creation of two new entrances (women's entrance along Damien Street and a new Cavell Street entrance) would disperse pedestrians use of the site. Furthermore, they agreed to the conditions requested by Highways. The only matter they did not agree with was the raised table and this was because they considered that the dispersal of patrons would reduce the level of impact along Damien Street and thus a raised table would no longer be required.]
- 6.72. The borough highway officer reviewed the further information. They advised that if the distribution of people entering and exiting the site follows the distribution between Cavell Street and Damien Street described by the applicant, then the pressure on Damien Street would be reduced and Highways do not require the raised table on the junction of Damien Street and Ford Square. This is of course to be reinforced by an Event Management Plan, secured by condition, which they note the applicant has agreed to.
- 6.73. In terms of managing growth in car trips associated with the development, they note also that the applicant has agreed to a condition requiring a Travel Plan with requirements to reduce car trips by 20% (or a suitable form of words that commits the applicant to working to ensure the development generates no increase in car trips). This should be explicitly outlined in the condition.
- 6.74. In conclusion having considered the agreed measures and conditions to mitigate the issues outlined in Highways' comments on the scheme, they remove their objections.
- 6.75. **[Officer Comment:** The conditions as requested would be attached should planning permission be granted.]

7. LOCAL REPRESENTATION

- 7.1. A total of 339 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 and in the local press.

- 7.2. A total of 171 representations were received. 108 in favour and 63 against.
- 7.3. A total of 3 petitions were received.
- 7.4. 2 in favour: A petition dated 27 August 2012 contained 728 signatures. A petition dated 19 August 2013 contained 938 signatures. It is noted that many people signed both petitions which responded to the two separate consultation periods.
- 7.5. 1 against containing 20 signatures.
- 7.6. The first consultation was carried out in August 2012 and a second consultation was carried out following the receipt of amended drawings in August 2013.
- 7.7. The following matters were raised which are material to the determination of the application.

Summary of letters of support:

- 7.8. There is a need for the facilities the organisation provides.
- 7.9. There is an urgent need for improved prayer facilities given existing facilities are cramped.
- 7.10. The school needs extra space to expand and there is demand for spaces with 100 applicants applying for 30 spaces per year group.
- 7.11. The new women's prayer hall would benefit local women and could be used to hold women's group sessions to discuss current issues and a space to seek advice and guidance. There is currently a lack of women's prayer facilities.
- 7.12. It would help local youth by encouraging education.
- 7.13. Would create job opportunities for locals.
- 7.14. Would attract new business to the area.
- 7.15. Would improve the look and feel of the site.
- 7.16. Their youth services and outreach programmes benefit the local community.

Summary of letters of objection:

Land Use:

- 7.17. A play area for the expanded school should be provided.

[Officer Comment: This is an existing school without any outdoor space. Given the constrained site nature the provision of play space on site is not feasible. It is noted that the final decision as to the acceptability of the teaching facilities at the school is the responsibility of the Department of Education.]

- 7.18. The use of Ford Square, by the school for play affects the ability of local residents to use this public space.

[Officer Comment: Within the area there are two parks Cavell Street Gardens and Old Ford Square. These are both public open spaces and can be used by members of the public and any schools within the area.]

- 7.19. Against the London Square Preservation Act 1931.

[Officer Comment: The management of the Ford Square is the responsibility of the Borough Parks Department. The submitted planning application does not include Ford Square as part of the site and does not propose any works to Ford Square. It is not considered that the status of Ford Square as a London Square protected by the above act would be affected given there are no proposals to alter the square. As advised, all members of public including school children may use the public open space and its use is not restricted.]

Design:

- 7.20. The proposed design is not appropriate for its location and surroundings and is overbearing and conspicuous along Cavell Street.
- 7.21. The building is not in keeping with the heights of surrounding buildings when you consider the height of the minaret.
- 7.22. The proposed materials are not in keeping with the local area.
- 7.23. The character of Ford Square would be altered by the design of the proposals and no impact assessment has been carried out.
- 7.24. **[Officer Comment:** The application was accompanied by detailed drawings and a Design and Access Statement which accords with statutory requirements and the Council's Local List. Officers consider that sufficient information has been submitted to assess the impact of the proposed development on the adjacent Conservation Area. A full assessment of the design is contained within the main body of the report.]

Amenity:

- 7.25. During Ramadan noisy crowds gather in Ford Square until the early hours causing noise disturbance.
- 7.26. **[Officer Comment:** Ford Square is a public space and does not form part of this application. Any issues regarding Anti-Social Behaviour (ASB) within Ford Square would be dealt with by the police using their powers. Furthermore, environment health legislation would deal with noise and disturbance complaints.]
- 7.27. Concern about increased sense of enclosure.

[Officer Comment: The amenity section of this report contains a full discussion of the assessment of the above matters.]

- 7.28. Plans inaccurate and label 54 Cavell Street as Commercial.

[Officer Comment: Officers are aware that the majority of the live/work units are now solely used as residential albeit only one flat has regularised this in planning terms by applying for a Certificate of Lawfulness of Existing Use as residential. The applicant has subsequently taken account of resident's representations in their assessment of

daylight and sunlight using the plans of the building provided by occupants of 54 Cavell Street.]

- 7.29. Insufficient information submitted to assess noise and no hours of operation proposed. Concern about noise and disturbance from the number of people which would be using the enlarged Mosque.

[Officer Comment: Given no new plant is proposed a noise report would not be required in this instance. However, the Environmental Health Officer has been consulted and they have raised concern about the lack of a condition controlling the hours of operation. Such a condition is now proposed and would seek to limit the impact of patrons exiting and entering the Mosque between 11:30 pm and 6:00 am by limiting the number of patrons to 75.]

- 7.30. Residents are concerned about impact of noise during night time prayers. The hours of operation should be restricted to daytime hours.

[Officer Comment: The hours of operation condition seeks to limit the impact of the development at night time by limiting the number of people who can prayer within the Mosque between 11:30 pm and 06:00 am to 75. Furthermore, the windows proposed to the new extension would be non-opening which would further limit noise impacts from within the building. Finally, a condition to seek details of the measures to prevent the transmission of noise from the building would be attached should planning permission be granted.]

- 7.31. Concern about impact of noise from 'call to prayer'.

[Officer Comment: A condition would restrict the use of any amplification for a 'call for prayer'.]

- 7.32. Concern about noise during construction.

[Officer Comment: Noise during construction is controlled by environmental health legislation and construction work is only permitted between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays with no work on Sundays and Bank Holidays. Furthermore, a construction management plan would be secured via condition which would seek to limit the impact of construction traffic.]

- 7.33. Rights to light

[Officer Comment: Rights of light is a civil matter.]

- 7.34. Litter and rubbish left on the streets and not removed.

[Officer Comment: The Tower Hamlets Street Care Team are responsible for street cleaning and the Waste Management Team are responsible for waste collection. Both provide various methods of contact should there be an issue within an area. From a review of the representations received it is not considered that there is a direct link between the cleansing problems within the area and the existing Mosque. Notwithstanding, details of refuse storage have been requested and would be controlled via condition. This would ensure that any waste associated within the Mosque would be stored within the site until collection day.]

- 7.35. Loss of privacy resulting in feeling unsafe

[Officer Comment: Full consideration has been given to overlooking, loss of privacy and perceived impacts of overlooking and loss of privacy as discussed within the amenity section of this report. The separation distance would be approximately 14 metres which in this urban location would be considered acceptable. However, given the use of the proposed extension as a public building and the surrounding residential uses it is considered that obscure glazing should be introduced to the west and south facing Mosque windows to prevent direct overlooking and loss of privacy. By merit, of the use of obscure glazing, there would be no direct overlooking and feelings of being overlooked and feeling unsafe would be addressed.]

Loss of daylight and sunlight:

- 7.36. The impact on residents of 54 Cavell Street with regard to daylight and sunlight would not accord with BRE Guidance.
- 7.37. It is not considered that the amended plans which set back the fourth storey would make a material difference to the levels of daylight and sunlight reaching the worst affected windows/rooms at 54 Cavell Street.
- 7.38. Residents of 54 Cavell Street commissioned SP Planning to carry out a review of the applicants Daylight and Sunlight Report. They submitted a letter dated 21 August 2012 which reviewed the submitted scheme and sent a further letter dated 28 August 2013 which reviewed the amended scheme.
- 7.39. They note that the *“key consideration is the effect on the bedrooms and living/kitchen/dining rooms in the ground and first floor flats of 54 Cavell Street.”* SP Planning conclude that with regard to Vertical Sky Component (VSC) that *“it is evident ... that the amendments to the scheme would result in VSC levels at ground and first south-facing windows that are not materially different to those previously reported”* by the applicants. As such, they consider that the reduction in light available from the sky would be noticeable.
- 7.40. With regard to daylight distribution tests they now understand that this assessment is based on reasonably accurate drawings of the internal layouts of the ground and first floor flats in 54 Cavell Street. However, the results indicate that for the bedroom and living/kitchen/dinner at ground floor level they would fail the BRE test in this respect too.
- 7.41. The applicant’s report suggests that adequate levels of natural sunlight will be maintained post-development. However, the proposal would have serve effects on the sunlight availability during winter months (September to March) particularly at ground floor level.
- 7.42. SP Planning conclude on behalf of the residents of 54 Cavell Street that *“the slight setting back of the top floor of the proposed development would not make a material difference to the levels of sunlight reaching the worst-affected windows/rooms at 54 Cavell Street ... for this reason... [they] conclude that the proposal would result in unacceptable loss of daylight and sunlight to nearby residential properties and would have an unacceptable effect on residents living conditions.”*

[Officer Comment: The applicant has taken on board the representations of the residents of 54 Cavell Street and used the layout plans they provided in their amended Daylight and Sunlight Report. A full discussion on the impact of the proposal with regard to daylight and sunlight is contained within the amenity section of this report.]

Highways:

- 7.43. Congestion on Cavell Street is over capacity because of recent developments including the following: Royal London Hospital Extension, new bus routes, Holiday Inn hotel and existing Islamic School. Local residents, business, deliveries and visitors are currently not able to find parking spaces. Any increase in capacity cannot be supported.
- 7.44. Concern about the increase in numbers of people using the Mosque and the school on traffic congestion.
- 7.45. Existing problem with double parking in the area on Fridays.
- 7.46. Increase in pedestrians coming to and from the Mosque and increase in congregation of people on the public highway. Footway too narrow along Cavell Street.

[Officer Comment: The above concerns about highways impacts are addressed within the highways section of this report.]

- 7.47. It is considered that local parking restrictions are neither observed nor enforced.
- 7.48. **[Officer Comment:** Any illegal parking on the public highway is controlled by separate legislation and the Council Parking Services Team, are responsible for enforcing parking controls. This is carried out by Civil Enforcement Officers and CCTV.]
- 7.49. Concern submitted Transport Assessment is out of date and does not fully assess the current situation.

[Officer Comment: The Highways Officer has reviewed the submitted Transport Assessment and carried out a site visit and has advised that the Transport Assessment is acceptable and assesses the existing situation.]

- 7.50. Were Barts and the London NHS Trust consulted? Has consideration been given to the impact of increased congestion on the path of ambulances?

[Officer Comment: They were not consulted directly about the application. This would accord with statutory requirements and the Council's Statement of Community Involvement. In assessing the application the Highway's Officer fully considered the impact of the proposal and concluded that subject to conditions that the impact on the local highway network would be acceptable. This includes consideration of all users of the public highway including ambulances.]

- 7.51. Cavell Street residents commissioned Paul Mew Associates who are Traffic Consultants to submit an objection on their behalf. This document was passed to the Borough Highway Officer for review as part of their assessment of the proposals.
- 7.52. The parking survey within the applicants Transport Statement (TS) demonstrates that there is parking stress within the area as witnessed by local residents.
- 7.53. From their review of the applicants Transport Statement (TS) they have observed that there were instances of illegal parking and there also appears to be an

enforcement issue as for some motorists parking illegally on single yellow lines or over dropped kerbs is clearly not a sufficient deterrent.

[Officer Comment: Any illegal parking on the public highway is controlled by separate legislation and the Council Parking Services Team, are responsible for enforcing parking controls. This is carried out by Civil Enforcement Officers and CCTV.]

- 7.54. It is noted that illegal parking at Cavell Street junction with Stepney Way is the main cause of congestion on Cavell Street opposite the Royal London Hospital entrance as it makes the turning into/out of Stepney Way very difficult for buses and other larger vehicles.
- 7.55. They were concerned that the applicants parking survey was carried out before the completion of the 133 bed Holiday Inn at the junction Cavell Street and Commercial Road. They commissioned a fresh parking survey which covered the same area surveyed by the applicants Transport Consultants. Their survey was carried out at 08:30, 12:30, 14:30 and 18:30 which extend the timeframes surveyed by the applicants.
- 7.56. They found that parking stress was at 92% at 08:30, 93% at 12:30, 87% at 14:30 and 89% at 18:30. The results at 12:30 and 14:30 largely corroborate with those undertaken by the applicant.
- 7.57. In summary they are concerned that the intensification of the use of the Mosque and School will give rise to an increase in traffic movements and demand for parking in an area where congestion problems have been witnessed and where high parking stresses have been surveyed. Furthermore, the applicant has not submitted any evidence to demonstrate that the traffic impact of the development would be mitigated.

[Officer Comment: The submitted report has been fully reviewed by planning officers and the borough highway officers. Mitigation has been sought which would be secured via condition to mitigate against the impact of the proposed extension. The Highways section of this report fully discusses these matters.]

- 7.58. Residents consider the Transport Statement should not be relied upon.

[Officer Comment: The borough highway officer has advised that the scope of the submitted Transport Statement is acceptable. Furthermore, it is noted that the results of residents own parking survey collaborates the applicants Transport Statement.]

- 7.59. Impact on London Overground Infrastructure.

[Officer Comment: London Overground (LO) objected to a previous application. Their concerns have now been addressed through detailed dialogue between the applicant and LO. Subject to conditions LO do not object to the proposals. Their comments are discussed in full above.]

Energy:

- 7.60. Energy effects has not been given adequate consideration

[Officer Comment: The applicant has now submitted an Energy and Sustainability Report which has been reviewed by the Energy Officer and found satisfactory subject to conditions. This matter is fully discussed within the energy section of this report.]

Biodiversity:

- 7.61. Affect microclimate of southern elevation of 54 Cavell Street and devalue quality, amenity and use of existing public open space to the south.

[Officer Comment: The Biodiversity Officer has advised in his comments that the proposal would not result in an adverse impact on biodiversity. Furthermore, the Daylight and Sunlight Report assessed the impact of overshadowing of the proposed building on this public open space and demonstrated it accords with BRE Guidance.]

- 7.62. Impact on trees

[Officer Comment: There are no trees on the site. It is noted that there are trees within Cavell Street Gardens however they are not located directly adjacent to the development site. As such, it is not considered that the construction works would impact on the trees given their distance from the extension.]

Other:

- 7.63. Loss of view of the park.

[Officer Comment: This is not considered capable of being a material consideration in the determination of this application.]

- 7.64. Residents do not consider sufficient consultation has been carried out with local residents and note that they attempted to organise a meeting with the applicants but their request was declined.

[Officer Comment: Since the submission of the application two consultations have been carried out as set out at paragraph 7.6 above. This is in line with statutory consultation and the Council's Statement of Community Involvement. It is noted that whilst public consultation carried out by the applicant is desirable it is not required.]

- 7.65. Residents are concerned about the timing of the second consultation period held in August 2013.

[Officer Comment: The consultation carried out as set out at paragraph 7.6 above is in accordance with statutory requirements and the Council's Statement of Community Involvement. Any representations received have been taken into account.]

- 7.66. Anti-social behaviour and vandalism associated with the school and Mosque.

[Officer Comment: Local residents consider there are issues with regard to students and patrons of the local Mosque and instances of anti-social behaviour (ASB) within the vicinity. However, there is no evidence of a direct link. Furthermore, it is noted that local residents have brought to our attention that one of the services the Mosque provides is an outreach programme for young people to address issues. Notwithstanding, the local police have been consulted in order to understand if there are issues with ASB within the local area and their response will be reported in an update report.]

7.67. Concern about impact on value of property.

[Officer Comment: This is not considered capable of being a material consideration in the determination of this application.]

7.68. Social cohesion in the area would be negatively impacted by further expansion of the Mosque.

[Officer Comment: This matter has been fully considered in the Equities Assessment attached at Appendix 1. It is evident from an analysis of the local representations that the proposal has raised tension within the local community which evidences that there is an impact on social cohesion. A full discussion of equalities is discussed within the equalities section of this report.]

7.69. Gender equality issues in the community given the school caters to educating young men.

[Officer Comment: This matter has been fully considered in the Equities Assessment attached at Appendix 1. A full discussion of equalities is discussed within the equalities section of this report.]

7.70. Concern that the planning application is likely to be approved because there is a majority of Muslims on the committee who may feel pressured by the Mosque Elders and without due regard to the facts of the matter.

[Officer Comment: Members of the planning committee conduct themselves in a professional manner in accordance with the Code of Conduct. All planning applications are considered taking account of material planning considerations and adopted planning policy. There would be no difference because the application is for a religious use a Mosque in this instance.]

7.71. Illegal trading

[Officer Comment:The proposals do not include any on-street trading. Furthermore, any instances of illegal trading would be covered by separate legislation.]

7.72. Have English Heritage been consulted?

[Officer Comment: In line with statutory requirements it was not necessary to consult English Heritage about this application.]

7.73. Description of development – The proposal is labelled as an extension when in fact it is a new building.

[Officer Comment: It is considered that the description of development accurately reflects the proposal.]

7.74. Insufficient information submitted and drawings misleading

[Officer Comment: It is considered that the submitted drawings and documents provided are sufficient to allow the application to be assessed. It is noted that the drawings are to a stated scale and show adjacent properties where relevant.]

7.75. There is an unauthorised extension to the original building with a window opening onto a neighbouring yard.

[**Officer Comment:** From a review of the statutory planning register it would not appear that planning permission was ever granted for a rear extension. No formal complaints have been submitted to the Planning Enforcement Team regarding the extension. During an officers site visit residents advised that the extension had been in situ for more than four years. As such, it would appear that the extension would now be immune from enforcement action. The matter concerning the window opening outward onto a yard would be a party wall issue which is a civil matter.]

8. MATERIAL PLANNING CONSIDERATIONS

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

- § Land Use
- § Design
- § Amenity
- § Highways
- § Energy
- § Biodiversity
- § Human Rights
- § Equalities

Land Use

Principle of Community Use Extension:

- 8.2. The application site is located in an area outside of town centre being to the north of Watney Market District Centre and to the south of Whitechapel District Centre. Policy SP01 (5) seeks to promote areas outside and at the edge of town centres as places that support and assist in the creation of sustainable communities by promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale. Furthermore, Policy SP03 (5) seeks to provide high quality social and community facilities in accessible locations in order that local people can easily use them.
- 8.3. Policy DM8 of the MDD seeks at part 1 to protect existing health, leisure and community facilities. Part 4 of the policy advises that extensions to existing facilities located outside of town centres will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 8.4. The proposal is for the extension of the existing Community Facility which is used as a Mosque in order to address the need of the local community. There has been a Mosque operating from this site for several years and it is an important community facility. The size of the Mosque is not sufficient to meet the needs of the local community especially during Friday prayer time and this is the reason for the proposed extension.
- 8.5. The Mosque is located outside of a town centre and full consideration has been given to the need for expansion. The applicant has demonstrated that there is a local need for the expansion of the Mosque in this location because the current facilities are not sufficient. Furthermore, it is considered that the extension is in keeping with the scale of surrounding development which will be fully discussed in the design section of this report. Full consideration of amenity impacts of the development will be considered

later in this report. Finally, the existing Mosque which serves a local need is located within an accessible location. Highway impacts will be considered fully later in this report.

Principle of Secondary School Extension:

8.6. The proposal also includes the extension of the existing Secondary School.

8.7. The NPPF states that:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- § *give great weight to the need to create, expand or alter schools;*
- § *and work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

8.8. Policy 3.18 of the London Plan supports proposals which enhance education and skills provision including change of use to educational purposes. It continues to state that:

“Proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.”

8.9. The policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use. Finally the policy encourages co-location of services between schools to maximise land use.

8.10. Part 2, of strategic policy SP07 of the Core Strategy (2010) (CS), seeks to increase the provision of both primary and secondary education facilities to meet an increasing population.

8.11. Part 3 of the policy supports co-location and clustering of services as well as the encouragement of the use of schools after hours.

8.12. DM18 of the MDD sets out criteria for the assessment of new schools and states *“for existing schools, there is no net loss of school play space.”*

8.13. The proposal is for the extension of an existing secondary school with the aim of improving facilities. It is clear that policy direction seeks to promote the expansion of existing and creation of new educational facilities. However, given the principle of a secondary school in this location has been established the main matter for consideration is the principle of the extension in land use terms. With regard to policy DM18 (iii) which provides advice for the extension of existing schools the proposals would not result in the net loss of existing school play space. As such, in land use terms the principle of an extension of the secondary school is considered acceptable and accords with policy.

8.14. To conclude, in land use terms, the principle of extending the existing community use is considered acceptable given there is a local need. Full consideration of design, amenity and highways will be considered later in the report and will also demonstrate

compliance with policy. Furthermore, the principle of the extension of an existing educational use accords with policy which encourages the expansion of existing educational uses.

Design

- 8.15. Chapter 7 of the LP places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.16. Strategic policy SP10 of the CS and policies DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.17. The proposal includes the erection of an additional storey along Damien Street which would be set back from the front elevation. The existing building is three storeys in height and with the additional storey the building would be four storeys in height. The design of the extension would incorporate glazing with zinc rolled cladding.
- 8.18. The pattern of development along Damien Street is characterised by residential blocks between three and four storeys that are set back from the highway with landscaping surrounding the developments.
- 8.19. Directly to the south is Damien Court which is four storey residential building with planning permission granted for two additional storeys in 2012 (PA/12/00823) which is detailed in full within the planning history section of this report. To the east of the site on the opposite side of Damien Street is number 24-52 which is another four storey residential block. Directly to the north of the site are three storey buildings which face onto Old Ford Square.
- 8.20. The design of the proposed additional storey along Damien Street is considered acceptable. The use of lightweight materials is considered acceptable in the context of the host building and Damien Street. The extension is set back at fourth floor level and reads as a subservient addition to the host building. Furthermore, increasing the height of the building to four storeys would be in keeping with the scale of development along Damien Street.
- 8.21. To the rear of the exiting building and extending towards Cavell Street it is proposed to erect a four storey extension with the fourth storey set back. The extension would incorporate contrasting masonry panels with curtain wall glazing. The top floor would be similar to the additional storey along Damien Street and reads as a lightweight structure because of the use of glazing and zinc.
- 8.22. The proposed massing of the extension is in keeping with the scale of development along Cavell Street which varies in height from three to five storeys. Of importance is the fact the massing is in keeping with number 54 Cavell Street which is a four storey building albeit with permission for an additional storey. In conclusion the massing of the proposed four storey extension is considered acceptable.
- 8.23. The use of brick is welcome and would be in keeping with 54 Cavell Street which is a brick building. To ensure the use of high quality materials the submission of brick samples would be secured via condition. With regard to the windows the use of large

window forms is considered acceptable however full details of windows would also be secured via condition. Material samples and details would also be secured for the fourth storey.

- 8.24. The design also incorporates a Minaret this would be the highest part of the development. The proposed Minaret would rise about the existing building line and would be visible from around the area. Given, this is a Mosque; the incorporation of a Minaret which distinguishes this as a place as worship and a community building is considered acceptable. It is currently proposed to use Glass Reinforced Plastic (GRP). However, officers are concerned the minaret is not in keeping with the quality of the design of the extension. As such, it has been agreed that the minaret would have brick cladding in keeping with the extension. This would ensure the minaret is in keeping with the appearance of the existing building. This would be controlled via condition.
- 8.25. The application site is not located within a Conservation Area; however, Old Ford Conservation Area sits directly to the north. The proposed extensions are in keeping within the local area and would not affect the setting of the Conservation Area. The main effects to consider would be views of the minaret from the conservation area. Through the use of a condition the materials to be used for the minaret will be controlled. This will ensure that this will be in keeping with the host building. The minaret will be taller and would be visible in the wider area. However, given this denotes a religious use and community building it is not considered that the proposals would affect the character and appearance of the Old Ford Conservation Area.
- 8.26. In conclusion, it is considered that the bulk, scale and massing of the extensions are in keeping with the pattern of development within the local area. Furthermore, the proposed materials are considered acceptable within the local context given the use of brick subject to conditions to ensure a high quality finish is considered acceptable. As such, the proposals accord with policy in design terms.

Amenity

- 8.27. Part 4 a and b of policy SP10 of the CS, and policy DM25 of the MDD seek to protect, and where possible improve, the amenity of surrounding existing and future residents. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy, an increase in overlooking, increased sense of enclosure or result in a material deterioration of daylight and sunlight conditions.
- 8.28. The application site is bounded by the following residential properties:
- Damien Court – 21 Damien Street
 - 22-52 Damien Street
 - 16-19 Ford Square
 - 54 Cavell Street
 - 39-45 Cavell Street
 - 37-49 Cavell Street
 - 1-21 Wilson Court
 - 2-50 Clark Street

Daylight, Sunlight and Overshadowing:

- 8.29. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).
- 8.30. In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), Daylight Distribution Contours (DDC) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the DDC test may also be taken into account.
- 8.31. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.32. In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.33. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March"*.
- 8.34. A Daylight and Sunlight Report (prepared by Waldrams and dated 10 July 2012) has been submitted as part of the application documents. Following the submission of amended plans an updated Daylight and Sunlight Report (prepared by Waldrams and dated 1 July 2013) has been submitted.
- 8.35. Local residents also instructed SJ Planning to submit representations on their behalf outlining why they considered the proposals would have a material impact on daylighting levels of local residents. This report is summarised within the consultation response section of the report.
- 8.36. Antsley Horne were commissioned on behalf of the Council to review the submitted Daylight and Sunlight Report along with neighbour's representations and provide advice regarding the impact of the proposed development on the daylight and sunlight levels of surrounding residents.
- 8.37. The Applicants Daylight and Sunlight Report covers the following residential properties in the vicinity of the site including the relevant areas of the following properties: -
- Cavell House, 39-45 Cavell House (first floor and above).
 - 37a and 49 Cavell Street (first floor and above).
 - 1-21 Wilton Court.
 - 21 Ford Square.
 - 2-50 Clark Street.
 - 24-52 Damien Street.
 - 1-3 Damien Street.

- 17-18 Ford Square.
- 54 Cavell Street.

8.38. All of the above have been tested for daylight. For sunlight, the orientation of these properties meant it was only necessary to test windows to the south elevation of 1-21 Wilton Court, certain windows to 21 Damien Street, 2-50 Clark Street, 1-30 Damien Court and windows to the south elevations of 16-19 Ford Square and 54 Cavell Street. They also tested overshadowing to Cavell Street Gardens to the south of the proposed four storey extension.

Daylight:

8.39. The following properties were tested with regard to Daylight and would comply with BRE Guidance:

- Cavell House, 39-45 Cavell House (first floor and above).
- 1-21 Wilton Court.
- 21 Ford Square.
- 2-50 Clark Street.

37a and 49 Cavell Street:

8.40. The results for 37a and 49 Cavell Street (first floor and above) confirm that two windows would not be strictly in accordance with the recommendations of the BRE Guide for VSC. These windows are located at first floor level most directly opposite the proposed extension, but Anstey Horne have advised that these results are sufficiently close to the BRE guidelines not to be of particular concern. To conclude, it is not considered that there would be a sufficiently material impact on the daylighting standards to merit refusal of the scheme.

24-52 Damien Street:

8.41. 24-52 Damien Street will be opposite the new fourth floor to the existing Mosque on Damien Street. The results confirm that the VSC results to windows at first floor level would not meet the targets within the BRE Guidance. However, the windows in question are set below deep overhangs which cause their existing VSC to be very low compared to the upper floors. A small reduction in VSC results to these windows therefore translates into disproportionately large percentage reductions which are beyond the recommendations of the BRE Guide. This is a phenomena recognised by the BRE Guide, albeit the example the Guide refers to is the effect of balconies above windows to existing buildings. The results for the floors above where windows are not undershot give a clear indication that the results at first floor level would be acceptable were it not for the presence of the deep overhang. It is therefore considered that these results are acceptable and the accord with BRE Guidance.

1-30 Damien Court:

8.42. 1-30 Damien Court is located directly to the south of the application site. The applicant tested a group of windows at ground floor level which would not comply with BRE Guidance. However, from investigation during the site visit and a review of the statutory planning register it has been established that these windows serve non-habitable rooms such as entrance to the flats and a bathroom which do not normally require testing. The results confirm that all other VSC and Daylight Distribution results would comply with BRE Guidance.

16-19 Ford Square:

8.43. 16-19 Ford Square is located directly to the north of the application site. All of the windows except one would comply with the targets within the BRE Guide. Whilst, it

was not possible to view the window from the rear, it could be assumed from the location of the window within the elevation that it serves a staircase. However, it was not possible to confirm this. Notwithstanding, given only one window which is likely to serve a non-habitable room does not accord with BRE Guidance it is not considered that this would merit refusal of the scheme.

54 Cavell Street:

- 8.44. 54 Cavell Street is located to the north of the proposed rear extension. Whilst, the permitted use of the majority of the flats is live/work for the purposes of this assessment it has been assumed that all of the flats are in residential use. It is noted that Flat 2 located at ground floor level and directly facing the application site has been granted a Lawful Development Certificate for the use of the flat as residential.
- 8.45. It is noted that the applicant updated their modelling and analysis of 54 Cavell Street following receipt of a letter from SJ Planning which included room layouts for 54 Cavell Street.
- 8.46. Officers carried out a site visit with Antsley Horne on the 4 April 2013 and residents provided access to flat 1 and 2 at ground floor level of 54 Cavell Street which faces directly onto the proposed rear extension.
- 8.47. Firstly, examining the existing conditions, the results confirm that all windows tested except those at ground and first floor level on the east elevation would have VSC values in excess of the BRE target of 27%.
- 8.48. As a result of the proposed extension only windows at ground and first floor level to the south elevation would not meet the recommendations in the BRE Guide in the proposed conditions (ie less than 27% VSC and less than 0.8 times their existing value).
- 8.49. It is noted that there at first floor level which faces west, which doesn't accord with BRE Guidance. However, given this window serves a room with five windows, four of which accord with BRE Guidance for both VSC and NSL, Anstey Horne have confirmed that given the room as a whole would continue to enjoy very good access to daylight this would be acceptable.
- 8.50. All the rooms tested to 54 Cavell Street currently have good access to direct sky light and those with windows to the south and west elevations have DDC results to almost their entire area. The results from the Daylight and Sunlight Report confirm that only the south facing single aspect bedrooms and LKDs at ground and first floor level would have any loss in their existing DDC as a result of the proposed extension.

First Floor Level Flats:

- 8.51. At first floor level there are two flats. Flat 3 is a two bedroom dual aspect flat with windows facing south on the development site and east onto Cavell Street. Both a bedroom and LKD face south onto the Development site.
- 8.52. The first floor bedroom has two windows each with a VSC of approximately 32.5% in the existing conditions. These windows would have VSCs of 23.25% and 23.0% respectively in the proposed conditions representing 0.71 and 0.7 of their existing values. As a result of the amendments the VSC would increase to 23.81 and 23.59 respectively representing 0.73 and 0.72 of its exiting VSC value.
- 8.53. The first floor LKD is also served by a large window. It has a VSC of 31.73% in the existing conditions and would be 21.21% in the proposed conditions representing

0.67 of its existing value. As a result of the amendments the VSC would increase to 21.86 representing 0.69 of its exiting VSC value.

- 8.54. The first floor bedroom to flat 1 and LKD would retain 0.86 and 0.9 of their existing daylight areas respectively and with the amendments this would increase to 0.90 and 0.92 respectively so the recommendations of the BRE Guide would be met. These rooms would meet the recommendations in the BRE Guide for DDC and continue to have access to direct skylight to a large majority of their area despite both being over 5m deep. As such, when you consider both the VSC and DDC results it is considered that overall the first floor bedroom and LKD comply with BRE Guidance.

Ground Floor Level Flats:

- 8.55. At ground floor level there are two flats both of which are dual aspect.
- 8.56. Flat one comprises a two bedroom flat. One bedroom faces south and overlooks the proposed development. The other rooms face onto Cavell Street.
- 8.57. The ground floor bedroom of flat one has two windows whose VSCs would be just over 29% in the existing conditions and 17.88% and 17.6% respectively with the extension as proposed. They would retain 0.61 and 0.60 of their existing VSC values compared to the BRE target of 0.8.
- 8.58. The applicant has amended the proposals and set back the fourth floor level with the aim of reducing the level of impact. As a result of these amendments the VSC for the ground floor bedroom would increase to 18.58% and 18.32% respectively with the amended extension as proposed. They would retain 0.63 and 0.63 of their existing VSC values compared to the BRE target of 0.8.
- 8.59. Flat 2, is a dual aspect flat with rooms facing south and east. The living/kitchen/dining room (LKD) faces south on the development site.
- 8.60. The ground floor LKD is served by one large window which has a VSC of just over 28% in the existing condition and would be 15.74% in the proposed conditions representing 0.55 of its existing VSC value. As a result of the amendments the VSC would increase to 16.39 representing 0.58 of its exiting VSC value.
- 8.61. The VSC values for the ground and first floor windows to the south elevation would not be unusual for urban locations, but because the rooms they serve currently enjoy an unobstructed view to the south, the reduction in light available from the sky would be of a level that the BRE Guide says would be noticeable.
- 8.62. The BRE Guide states that the total amount of sky light and its distribution within the building are important so the VSC results should not be considered in isolation and it is necessary to examine the DDC results for the rooms in question.
- 8.63. The bedroom of flat one at ground floor level would retain 0.61 of its existing daylight areas compared to a BRE target of 0.8. Anstley Horne note that the BRE Guide specifically mentions that daylight to bedrooms is less important than to living rooms.
- 8.64. The LKD of Flat 2 at ground floor level would retain 0.73 of its existing daylight areas compared to the BRE target of 0.8. The DDC results to the LKD would encroach on the kitchen worktop which is an area where the BRE Guide indicates that the loss of direct skylight would be noticeable. On the east side of the room, although the area where DDC would be lost is not particularly deep, the area of DDC which would be lost would encroach on kitchen work tops which are arranged in an 'L' shape against

the walls in the north east corner of the room. Paragraph 2.2.9 of the BRE Guide mentions that as well of the loss of skyline being noticeable to the occupants of a room if it is reduced to less than 0.8 times its former value, this will also be true if the no sky line encroaches on key areas such as kitchen sinks and work tops.

- 8.65. To summarise, the VSC results for the ground floor bedroom and LKD do not accord with the BRE Guide and are such that the BRE Guide indicates the occupants of the building will notice the loss of skylight. Furthermore, the DDC results confirm that they would not accord with BRE Guidance.
- 8.66. Before drawing final considerations it is important to also consider the impact with regard to Sunlight. Both the bedroom and LKD would continue to have total Annual Probable Sunlight Hours (ASPH) well in excess of the BRE target of 25%, but would have their winter APSH reduced from their current very high figures to 3% and 2% respectively (compared to the BRE target of 5%). Although this sort of level of winter sun is not unusual in urban locations, because the south elevation of 54 Cavell Street currently enjoys a very open aspect to the south and consequently high existing levels of sun, the change will be noticeable to the occupants as would be the case for the daylight to these rooms.
- 8.67. Anstey Horne have emphasised the fact that the BRE Guidance itself states that its numerical guidelines should be interpreted flexibly, and this is particularly important in circumstances where an existing building enjoys unusually good access to sunlight and daylight in the existing condition as is the case with the south elevation of 54 Cavell Street. But the guide's tests for existing buildings are comparative, and undoubtedly there will be a noticeable change in the current amenity enjoyed by the ground floor rooms in particular. They stated that *"If LBTH conclude that the loss of sunlight and daylight (especially to the ground floor LKD) is such that the proposed extension to the Mosque should be amended to improve the situation, it is our opinion that this could be done by altering the north west corner of the extension adjacent to Cavell Street and/or altering the upper floors of the extension directly opposite the rear of 54 Cavell Street. This would also improve the situation for the ground floor bedroom both in terms of sunlight and daylight and the rooms at first floor level would retain a greater proportion of their existing VSC values as a consequence."*
- 8.68. The applicant has amended the proposed fourth floor of the rear extension and set this back by approximately 3 metres. The applicant has provided an updated Daylight and Sunlight Report which demonstrates that VSC results for the ground floor flats indicate a marginal improvement.
- 8.69. It is evident that any form of development to the south of ground floor windows of 54 Cavell Street would result in an impact on the daylight and sunlight levels currently enjoyed because of the open aspect of the site. It is acknowledged that both these flats would experience a material impact with regard to daylight and sunlight and they would notice the difference.
- 8.70. In assessing this application consideration also needs to be given to overall level of impact of the scheme. Aside from these two flats the majority of local residents would not be unduly impacted with regard to daylight and sunlight.
- 8.71. Consideration is also given to the urban context of Tower Hamlets. This is a dense urban area and it is acknowledged that the BRE Guidance was developed with suburban and rural areas in mind. Taking account of this whilst the level of Daylight Loss will be noticeable the remaining level of VSC and DDC must be taken into

account. Officers consider that the remaining level of VSC which ranges between 16.39% and 18.58% for these two rooms is not an usual level of daylight for this area.

- 8.72. Consideration is also given to the fact that both flats are dual aspect. However, for flat two which has west facing windows it is acknowledged that these windows have limited outlook. For flat one the east facing windows look onto Cavell Street and given they are ground floor level window directly on the street the limitation of these windows are also acknowledged.
- 8.73. Consideration has also been given to the amendments the applicant has made to endeavour to improve the scheme. Firstly, it is noted that this is much improved over the refused application scheme (PA/10/02013). Given the siting of the building has now been set back the level of impact with regard to daylight has reduced. Secondly, the amendments to this scheme by setting back the fourth storey have marginally reduced the level of impact.
- 8.74. To conclude, whilst the ground floor level flats do not accord with BRE guidance and would experience a loss of daylight and sunlight taking account, of their current open aspect, the urban setting of area, the amendments made and the scale of impact on other residents in this instance on balance it is considered that the failure to these two rooms would not merit refusal of the overall scheme.

Sunlight:

- 8.75. The following properties were tested with regard to Sunlight and would comply with BRE Guidance:
- 1-21 Wilton Court.
 - 21 Ford Square.
 - 2-50 Clark Street.
 - 1-30 Damien Court.
 - 16-19 Ford Square.

Overshadowing:

- 8.76. The only area in the vicinity of the site which would require testing for overshadowing in accordance with the BRE Guide is Cavell Gardens situated to the south of the proposed extension to the Mosque.
- 8.77. The results of overshadowing analysis of this area confirms that it currently receives levels of sun which easily satisfy the targets in the BRE Guide and would be unaffected by the proposed Mosque extension so that the recommendations of the BRE Guide are satisfied.

Privacy, overlooking, sense of enclosure:

- 8.78. The main residents to consider with regard to privacy, overlooking and sense of enclosure are the residents of 54 Cavell Street.
- 8.79. Residents have raised concerns about direct overlooking and lack of privacy because of the large windows along the northern elevation of the mosque. There are also windows along the west elevation of the extension which could cause potential overlooking.

- 8.80. The separation distance between the southern elevation of 54 Cavell Street and the northern elevation of the proposed extension would be approximately 14 metres. Taking account of residents' concerns and the different way in which both buildings would be used it is considered that all of the windows along the northern and western elevation of the proposed extension will be required to have obscure glazing to prevent overlooking. The type of obscure glazing would be secured via condition and its retention in perpetuity would also be controlled via condition.
- 8.81. With regard to sense of enclosure, given the building is now set back three metres from the LO vent shaft it is considered that the impact with regard to sense of enclosure would be reduced. By merit of the separation distance of approximately 14 metres it is not considered in this instance that there would be an unduly detrimental impact with regard to sense of enclosure.
- 8.82. With regard to residents on the opposite side of Cavell Street (to the west) the proposed building follows existing street lines and there would be a separation distance of approximately 13 metres. Given the building follows existing street lines this level of separation is considered acceptable.

Noise and disturbance:

- 8.83. From review of representations local residents consider that there is currently an impact with regard to noise and disturbance from the exiting Mosque. The issue is twofold and relates to noise from people exiting and entering the Mosque late at night and noise from services disturbing residents late at night especially during the summer when windows are open.
- 8.84. The Environmental Health Officer considers that a condition would be required to control the hours of operation of the Mosque. A condition has been proposed which would mean the Mosque could open from 6am to 11:30 pm on any day. The Mosque may also open from 11:30 pm to 06:00am for night time prayers however the number of worshipers would be limited to 75. This would ensure that large numbers of people would not be causing noise disturbance late at night.
- 8.85. The proposed extension is prohibited from having any windows opening which face on the LO vent shaft. This would also assist however with noise disturbance. However, in order to ensure the proposed extension would ensure that noise from the Mosque would not be audible over exiting background noise levels a further condition would be attached to secure this.
- 8.86. Noise and disturbance during construction would be controlled via Environmental Health Legislation which would limit construction hours between 08:00 am to 06:00 pm Monday to Friday and between 08:00 am and 01:00 pm on Saturdays with no work allowed on Sundays and Bank Holidays.
- 8.87. In conclusion subject to conditions it is not considered that there would be an unduly detrimental impact with regard to noise and disturbance during construction or when the use is operating.

Highways

- 8.88. The NPPF and Policy 6.1 of the London Plan 2011 and London Plan 2013 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

- 8.89. Policy SP09 of the CS and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development doesn't have an unduly detrimental impact on road safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment. Policy seeks to achieve this by ensuring development is appropriately located depending on its type and scale with developments generating a higher number of trips to be located in town centres and/or other areas well served by public transport.
- 8.90. Policy SP03 (5) seeks to provide high quality social and community facilities in accessible locations in order that local people can easily use them. Finally, policy SP07 of the CS states that secondary schools should be located in highly accessible locations and integrated into secondary and main movement routes.
- 8.91. The site has an excellent public transport accessibility level (PTAL) of 6a (1 being poor and 6 being excellent).
- 8.92. The applicant has submitted a Transport Statement prepared by David Tucker which has been reviewed by the Borough Highway Officer and TfL. Local residents have also commissioned their own review of the Transport Statement which included a parking survey which has also been considered.
- 8.93. It is noted that it is standard practice for the borough highway officer to consider the worst case impact of a proposed development. Thus, the comments on highways impact relate to the proposed expansion of the mosque operations during its 'peak' – Friday lunch time prayers.

Forecast Highways Impact:

- 8.94. The Transport Statement (TS) included parking surveys and they illustrate that there is currently parking stress within the vicinity of the site. The surveys were carried out during Friday prayer time which is considered to be the peak use of the Mosque. It is noted that survey's submitted by local residents are in keeping with these results.
- 8.95. The development would increase demand for on-street car parking which Highways anticipate would add further to parking stress and congestion of the highway if no mitigation is sought.
- 8.96. The data presented in the TS for the increased school and Mosque forecasts an additional 20% car trips would be generated by Friday lunch time prayers.
- 8.97. The borough highway officer did not accept the Transport Statement's conclusion that a 20% increase in car trips would have a negligible impact in an area already suffering parking stress at these times.
- 8.98. The borough highway officer has sought to prevent existing problems worsening through the use of a detailed Travel Plan condition which would be worded to ensure that the travel patterns of users of the Mosque would alter to reduce car use. The applicant has agreed to commit to ensuring that there is no net increase in car trips at this time and reflect this in the Travel Plan targets which would be controlled via condition.
- 8.99. It is acknowledged that there is parking stress within this area. It is accepted that parking stress can act as a deterrent to people driving to their destination given the

lack of spaces. However, this cannot be relied on as the sole mode of reducing reliance on travel by car. As such, it is considered through the applicants commitment to no net increase in car trips which would be secured via a Travel Plan would mitigate the impact of the enlargement of the existing Mosque and School and on balance the level of impact on the capacity of the local highway would not be sufficiently detrimental to merit refusal of the planning application.

- 8.100. The anticipated increase in trips associated with the school is considered by Highways to likely have a minor impact on safety and efficient operation of the public highway. A Travel Plan would also be secured for the School which would also seek to reduce reliance on travel by car.

Cycle Parking:

- 8.101. The level of cycle parking proposed accords with Local Plan policy which is welcome and would be secured via condition requiring them to be retained and maintained for the lifetime of the development.

Pedestrian Flows:

- 8.102. Highways are concerned that the existing pedestrian facilities are not adequate for the anticipated number of people attending Friday prayers.
- 8.103. The width of the footway adjoining the site on Damien Street is not wide enough to accommodate the large number of people exiting the site at the end of Friday prayers. Highways have observed how this forces people onto the carriageway on Damien Street, placing them at increased risk of collision with vehicles.
- 8.104. To help reduce this risk and effectively manage the dispersal of the large amount of people at the end of prayers, a condition would be attached requiring approval of an Event Management Plan prior to occupation of the site. The Plan would set out how the site operators would manage the safe dispersal of worshippers from the site using the multiple site access on both Damien Street and Cavell Street.
- 8.105. The applicant should fund works to replace the guard railing on Damien Street opposite the site with bollards. Removing the rail would improve permeability of pedestrians crossing Damien Street, while the bollards would prevent any unauthorised parking. The applicant has agreed to this and it would be secured via a highway improvements condition.
- 8.106. The borough highway officer also sought funding for the installation of a raised table. However, further information from the applicant with regard to the impact of the new entrance on Cavell Street and the new Women's entrance would disperse pedestrians along Damien Street and Cavell Street has demonstrated that the proposed extension would relieve pressure on the footway along Damien Street and the borough highway officer agrees that funding for a raised table is not required.

Servicing:

- 8.107. The applicant has not provided details of servicing and notes that it would continue as existing. The lack of this information is not sufficient to merit refusal of the application given this matter is often controlled via condition and could also be controlled via condition in this instance. The borough highway officer agrees with this approach.

Refuse:

- 8.108. The submitted plans do not show details for on-site refuse storage and this matter would be controlled via condition which is an acceptable approach. It is noted that refuse would need to be stored internally and only put out on the street at the expected time of collection.

Travel Plan:

- 8.109. A Travel Plan for the school and mosque should be attached by condition to any planning permission and should be submitted for approval by Highways prior to occupation of the proposed development. The applicant has agreed to this condition and to ensuring there would be no net increase of car travel above existing numbers.

Conclusion:

- 8.110. The main effects of the proposed expansion would be an increase in vehicle trips to the site during Friday Prayers at which time it is evident there is not sufficient capacity for parking close to the site. If no mitigation was sought this would further degrade pedestrian amenity, increase risk of road traffic accidents, increase local traffic congestion and disrupt bus services. The applicant has now proposed sufficient mitigation to give the borough highway officer comfort around their concerns as follows:
- Condition requiring a Travel Plan,
 - Condition requiring Event Management Plan,
 - Condition requiring cycle parking retained and maintained for this purpose only for the lifetime of the development,
 - Funding of public realm improvements,
 - Full details of servicing, and;
 - Full details of refuse.
- 8.111. Highways now support the application.
- 8.112. With regard to TfL their comments requested a pedestrian audit and a bus audit. However, taking advice from the borough highway officer it was not considered that this further work was required. This was because the borough highway officer instead identified key improvements which could be carried out directly opposite the Mosque.
- 8.113. Subject to the mitigation above being secured by condition it is considered that the impact of the proposed extension would not be such that it would adversely affect the capacity and safety of the surrounding highway network.

Energy

- 8.114. Climate change policies are set out in Chapter 5 of the London Plan 2011 and Early Alterations 2013. Strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.115. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
 - § Supply Energy Efficiently (Be Clean); and
 - § Use Renewable Energy (Be Green).

- 8.116. The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.117. Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.118. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating.
- 8.119. The Energy Strategy (August 2013) sets out the proposals seek to deliver CO2 emission reductions of 35.9%. This is proposed through the integration of a photovoltaic array to be sited at roof level.
- 8.120. Given the the application was submitted prior to the first of October 2013, it would not be reasonable to apply the changes in targets within the policy. As such, the proposals would accord with Policy DM29 requirements and the details would be secured through an appropriate worded Condition.

Biodiversity

- 8.121. Policy 7.19 of the London Plan 2011, strategic policy SP04 of the CS and DM11 of the MDD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINC's or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.122. The Borough Biodiversity Officer has advised that there does not appear to be any adverse impact on biodiversity.
- 8.123. Given, the constrained nature of the site there is limited potential for soft landscaping. However, it is considered that there are opportunities for biodiversity enhancement which could be incorporated into the building.
- 8.124. The Borough Biodiversity Officer has suggested that there is potential for incorporation of nest boxes for swifts within the Minaret as well as potential for a green roof.
- 8.125. Given, the siting of photovoltaics at roof level the potential for a green roof may be limited. Furthermore, depending on the detailed design of the Minaret it may be difficult to incorporate nest boxes. As such, it is suggested that a condition be attached to secure the provision of biodiversity enhancements where possible.

Human Rights

- 8.126. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-
- 8.127. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- § Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - § Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - § Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.128. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.129. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 8.130. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.131. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.132. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.133. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions to be entered into.

Equalities

- 8.134. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.135. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.136. The proposal is for the extension of an existing Mosque and boys Madrassa Secondary School which will improve provision of prayer facilities for men and women within the local area and improve the existing school facilities and expand their intake.
- 8.137. Given the evidence that came to light when assessing the representations received an Equalities Assessment was carried out for the proposal which is attached at appendix 1.
- 8.138. With regard to religion or belief, age, pregnancy and maternity having given the evidence due regard it is considered there would be a neutral impact for the reasons set out within the Equalities Assessment attached at Appendix 1.
- 8.139. With regard to gender reassignment, sexual orientation, marriage and civil partnerships having given the evidence due regard it is considered there would be an adverse impact for these groups for the reasons set out within the Equalities Assessment attached at Appendix 1.
- 8.140. With regard to race, disability and gender having given the evidence due regard it is considered there would be a positive impact for these groups for the reasons set out within the Equalities Assessment attached at Appendix 1.
- 8.141. The proposal is for the extension of the existing Mosque and Madrassa Secondary School and would only be used by members of the Muslim community who would benefit from the expansion because it would address a local need for such facilities.
- 8.142. However, other non-Muslim groups within the community would not benefit directly from the proposals and there is a perception that they would experience an Adverse Effect.
- 8.143. Through the use of conditions which limit the hours of operation and the number of people that can use the Mosque overnight local concerns about noise and disturbance can be addressed. Furthermore, there could be a condition preventing the Mosque having an amplified call for prayer.
- 8.144. Concerns about overlooking have also been addressed through the introduction of obscure glazing and its retention could be secured in perpetuity via condition.

8.145. Due regard has been given to the impact the proposals would have on all groups with protected characteristics. It is acknowledged that not all groups would experience a positive or neutral impact. However, through the use of conditions the impacts can be lessened. Consideration has also been given to the fact that this is an existing Mosque within the community and many of the perceived impacts are currently experienced. It is acknowledged that the proposal would improve impacts with regard to gender by the introduction of a women's prayer hall. It has been concluded that the proposal would comply with equalities legislation given due regard has been given to all groups with protected characteristics and where possible improvements have been sought.

9. CONCLUSION

9.1. All other relevant policies and considerations have been taken into account. The recommendation to grant Planning permission should be supported for the reasons set out in this report.