

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

26 November 2013

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

| Agenda item no | Reference no | Location | Proposal |
|----------------|--------------|---------------------------------------|---|
| 6.1 | PA/12/00133 | 18-22 Damien Street, London, E1 2HX | 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. |
| 6.3 | PA/13/00719 | 4 Crispin Place, London, E1 6DW | Change of use from restaurant and café (Use Class A3) to a drinking establishment (Use Class A4). |
| 6.4 | PA/13/02142 | Stepney Green Park, Stepney Way | Refurbishment of an existing sports pitch. Resurfacing of external 2G Synthetic Turf Pitch with a 3G surface, installation of ball-stop fencing to the pitch perimeter and replacement of existing pitch lighting with a modern artificial floodlighting system. |
| 6.5 | PA/13/02162 | Black Lion House, 45 Whitechapel Road | Change of use, refurbishment and extension to existing office building (Use Class B1), to provide 11, 537 square metre / 217 bed hotel (Use Class C1) including an additional 7th, 8th and 9th storey extension. Erection of a single storey office building measuring 29 sq.m (use class B1) and associated works, including associated highways and landscaping works |

| | |
|----------------------------|---|
| Agenda Item number: | 6.1 |
| Reference number: | PA/12/00133 |
| Location: | 18-22 Damien Street, London, E1 2HX |
| 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. |

1. CONSULTATION RESPOSNE

Transport for London (TfL)

- 1.1 TfL have confirmed that they agree with the approach taken.

2. LOCAL REPRESENTATION

- 2.1 Paragraph 7.4 of the main report sets out the number of signatories for each petition. It is noted that the paragraph contains a typographical error and should read as follows:

2 in favour: A petition dated 27 August 2012 contained 1131 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.

- 2.2 A further 2 letters of objection were received. The matters raised were already addressed within the main report.

The objector would also like a clause which specifies that if the development goes ahead the mosque provide a point of contact for the Resident's Association with whom we can liase to deal with any ASB issues that arise as a consequence of the increased capacity/congregation eg noise late at night. Although the report currently states that there is no link between the mosque and ASB in the area, the RA residents' experience is that even at its current size there is severe disruption to sleep during the whole of Ramadan, and that this year's Ramadan resulted in children and youths being left to wait until after midnight (making noise) on the surrounding streets while adults worshipped.

Officer comment: Officers have considered this issue and consider there is no justification to require such a clause as we have been presented with no evidence of the link between the use and the behaviour described above.

- 2.3 This brings the total number of representations received to 172 with 108 in favour and 65 against.

2.4 There is an error on Page 49 Condition 3 , this should read

Compliance with hours of operation: 06.00am – 11.30pm for the mosque only and 11.30pm - 6.00pm for the mosque only with a maximum of 75 patrons

2.5 Page 50 condition 28 should read:

Post completion testing to be carried out to demonstrate the mitigation required by condition 17 ensures accordance with Planning Standard 2 Noise of the MDD for air-borne noise which is L90 minus 10 dBA.

3. **RECOMMENDATION**

The Officers recommendation remains as set out in the committee report.

| | |
|----------------------------|---|
| Agenda Item number: | 6.3 |
| Reference number: | PA/113/00719 |
| Location: | 4 Crispin Place, London, E1 6DW |
| Proposal: | Change of use from restaurant and café (Use Class A3) to a drinking establishment (Use Class A4). |

1. LOCAL REPRESENTATION

1.1 Since the completion of the committee report nine additional letters of representation have been received. Two were from the St George's Residents Association, of the remaining seven, two of these were from residents who had not already objected prior to the completion of the committee report. In total the number of objections to the scheme is 43.

The content of the additional objections are summarised below:

- The Brick Lane Cumulative Impact zone was in draft form when the committee report was written, this was formally adopted on 1st November 2013. Does this now change the Council's position?
(Officer response: An update on the licensing policy is found below)
- What is Environmental Health's position on the control of hours for use of the external terraces?
(Officer response: The initial comments made by the Environmental Health team recommended that the external terrace areas should be closed at 9pm, however during the course of the application a noise report was submitted along with a commitment from the applicant that the northern terrace would be closed from 8pm and there would be a building management strategy in place to minimise noise disturbance. Subject to these being secured by condition environmental health concur with the findings of the noise report that there would be no significant noise and disturbance to neighbouring residents.)
- Deliveries and refuse collection will change as part of this use which is likely to impact negatively on residents.
(Officer response: There is a condition restricting hours of deliveries and loading to ensure there is no significant impact upon the amenities of surrounding residents)
- Due to the acoustics of the market the sound of people using the terrace areas is exacerbated and the open entrances around the market.
(Officer response: A noise survey has been carried out at the site and has been compared to other similar drinking establishments to assess what impact the change from an A3 to an A4 use would have on surrounding sensitive noise receptors and was found to have an acceptable impact. This has been verified by the Council's Environmental Protection team).
- It is noted that a condition restricts the hours of use of the northern terrace but there are no restrictions on the use of eastern terrace. The same condition should apply.
(Officer response: The eastern terrace is within the market area and a greater distance from the residential properties, as such it is not considered appropriate to require this terrace to close at 8pm. The terrace would have to close at 11pm Monday to Saturday and 10pm on Sundays, in line with the existing A3 use and the other units within the market.)

2 **Cumulative Impact Zone**

- 2.1 The Council have adopted a 'Cumulative Impact Zone' around Brick Lane, which this site falls within. This zone has been adopted under provisions within the Licencing Act 2003, there is no corresponding restriction under the planning legislation.
- 2.2 The implication for a property situated within the Cumulative Impact Zone is that when an application for a new licence or a variation of an existing licence and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.
- 2.3 In this case, the property already has a license for serving alcohol and for opening from 10am – 11pm Monday to Friday and 10am – 10pm on Sundays. Given the existing license, and that this policy has no direct link to the requirements of the Local Planning Authority in determining planning applications, the adoption of the Cumulative Impact Zone does not change the recommendation on this application.

3. **RECOMMENDATION**

The Officers recommendation remains as set out in the committee report.

| | |
|----------------------------|--|
| Agenda Item number: | 6.4 |
| Reference number: | PA/13/02142 |
| Location: | Stepney Green Park, Stepney Way |
| Proposal: | Refurbishment of an existing sports pitch. Resurfacing of external 2G Synthetic Turf Pitch with a 3G surface, installation of ball-stop fencing to the pitch perimeter and replacement of existing pitch lighting with a modern artificial floodlighting system. |

1. LOCAL REPRESENTATION

- 1.1 Two further objection letters were received bringing the total number of objection letters received to 104. The matters raised were already addressed within the main report.
- 1.2 Following publication of the committee report, 46 objectors have withdrawn their opposition citing planned improvement works to other hockey facilities in the borough.

2. DESIGN & HERITAGE / CONDITIONS

- 2.1 Condition 3 in paragraph 3.2 of the main report specifies that the proposed perimeter fencing is to be painted black. The reason for imposition of the condition is explained in paragraph 8.15 of the report.
- 2.2 Further discussions have taken place with the applicant and it is now considered that the originally proposed green colour, matching the colour of existing fencing to the sports pitch, would be acceptable and appropriately blend in with the colour of surrounding vegetation. As such, condition 3 should be deleted in its entirety as it is not necessary to make the development acceptable in planning terms.

3. RECOMMENDATION

The Officers recommendation remains as set out in the committee report.

| | |
|----------------------------|---|
| Agenda Item number: | 6.5 |
| Reference number: | PA/13/02162 |
| Location: | Black Lion House, 45 Whitechapel Road |
| Proposal: | Change of use, refurbishment and extension to existing office building (Use Class B1), to provide 11, 537 square metre / 217 bed hotel (Use Class C1) including an additional 7th, 8th and 9th storey extension. Erection of a single storey office building measuring 29 sq.m (use class B1) and associated works, including associated highways and landscaping works |

1.0 PLANNING OBLIGATIONS

- 1.1 Following the publication of the officer's report, the applicant agreed to the inclusion of construction and end phase apprenticeships in the Section 106 agreement. A total of 10 apprenticeships have been secured, five within the construction phase and five in the end phase. The provision of these apprenticeships is in accordance with the Planning Obligations Supplementary Planning Document (2012).

2 RECOMMENDATION

The Officers recommendation remains as set out in the committee report.