

<b>Committee:</b> Development Committee	<b>Date:</b> 31 <sup>st</sup> August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Christina Gawne / Nasser Farooq	<b>Ref No:</b> PA/16/00901
	<b>Ward:</b> Canary Wharf

## 1. APPLICATION DETAILS

<b>Location:</b>	111-113 Mellish Street, London E14 8PJ
<b>Existing Use:</b>	Non-Residential Institution falling within Use Class D1 of the Use Classes order.
<b>Proposal:</b>	Retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1)
<b>Drawing and documents:</b>	Site location plan PA/MS_X00 (location plans) PA/MS_X01 (existing plans) PA/MS_X02 (existing elevations, north and east) PA/MS_X03 (existing elevations, south and west) Design Access and Impact Statement revision 04 dated 10 <sup>th</sup> April 2016 Travel Plan July 2016
<b>Applicant:</b>	Mr Abdul Malik on behalf of the Dockland Community Organisation (DCO)
<b>Ownership:</b>	London Borough of Tower Hamlets
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers the application for the retention of a single storey modular building for a temporary period for continued use as a community centre (non-residential institution – Class D1).
- 2.2. A total of 181 representations were received, 6 in objection including 1 petition with 17 signatures, and 173 in support, which includes 2 petitions with 78 signatures.
- 2.3. The objections can be summarised as concerns over: parking and community integration.
- 2.4. Representations have also been received from a local ward Councillor and another Councillor based in the adjoining Island Gardens ward. The representations raise a number of issues,

some of which are material to the determination of this application. The overall issues raised include:

- Noise from inside and outside of the building (in particular late night usage during Ramadan)
- Whether this is the most efficient use of the site
- The application does not define what temporary means
- The premises is a mosque as opposed to a community centre

2.5. The supporting comments generally state support for the Dockland Community Organisation and the services provided.

2.6. Given the sensitivities surrounding the site, it has been decided to refer the application to the Council's Development Committee for determination.

2.7. Officers are recommending a temporary permission which allows for the retention of an existing established Class D1 community use, and any amenity and local transport impacts would be suitably mitigated by the imposition of various conditions.

### **3. RECOMMENDATION**

3.1. That the Committee resolve to **GRANT** planning permission subject to conditions.

3.2. That the Corporate Director of Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **3.3. Conditions**

1. Development to be in accordance with approved plans
2. Temporary permission expiring on 23<sup>rd</sup> June 2018
3. Hours of operation between the hours of 09:00 and 22:00 Mondays to Saturdays, and 9:00 to 17:00 hours on Sundays and Bank Holidays except during Ramadan when extended hours of 9:00 to 00:30hrs are permitted.
4. No public address system, music system or noise generating equipment used in any part of the premises so as to be audible outside the premises or within adjoining premises.
5. The provision of 10 cycle parking spaces, which must be retained for the duration of the use hereby approved.
6. The maximum capacity for the uses hereby permitted shall be 160 persons at any one time.
7. Approval of a Management Plan:
  1. Means by which the applicants will avoid congregation of users outside the site; and
  2. Methods used to encourage users to enter and leave the site quietly and efficiently.

### 3.4. Informatives

1. Further temporary permissions on the site are unlikely to be considered favourably.

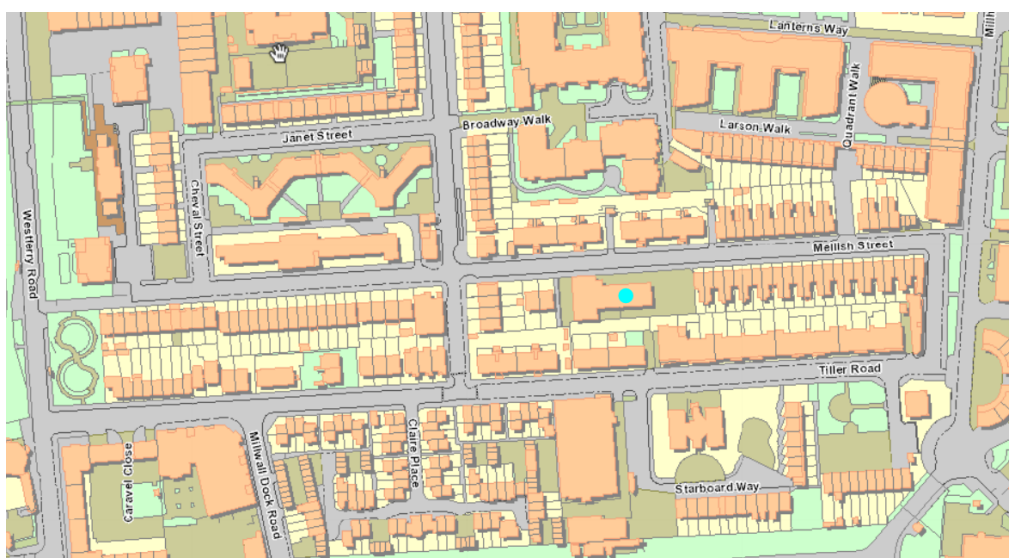
## 4. PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1. Retention of the single storey modular building for a temporary period for continued non-residential use as D1 (community centre). No physical changes are proposed to the existing building.

### Site and Surroundings

- 4.2. The application site is located on Mellish Street and has a PTAL rating of 1b, which is low. The application site is located within Flood Zones 2 and 3 but is not subject to any further designations.



- 4.3. The application site is located within a mostly residential area. The site is located close to Westferry Road and Crossharbour DLR station.



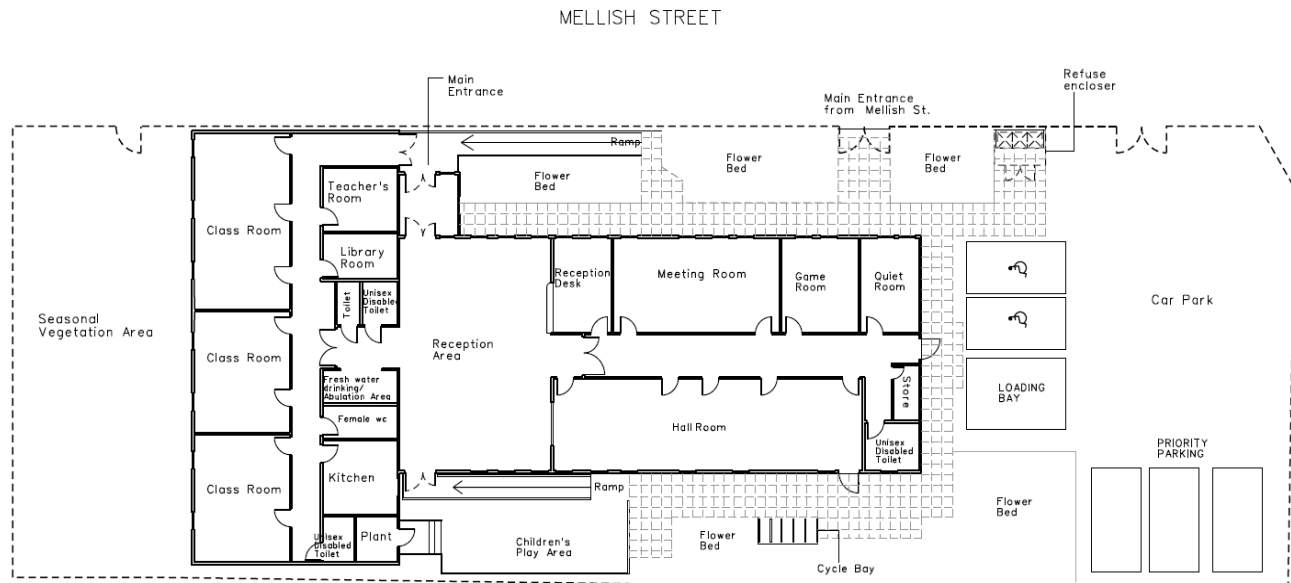
Aerial view showing application site shaded in blue.

- 4.4. The existing buildings on site are single storey prefabricated buildings with a small carpark to the west of the site. The existing floor plans show the buildings contain multiple classrooms, a reception area, kitchen, bathrooms, a meeting room and hall.

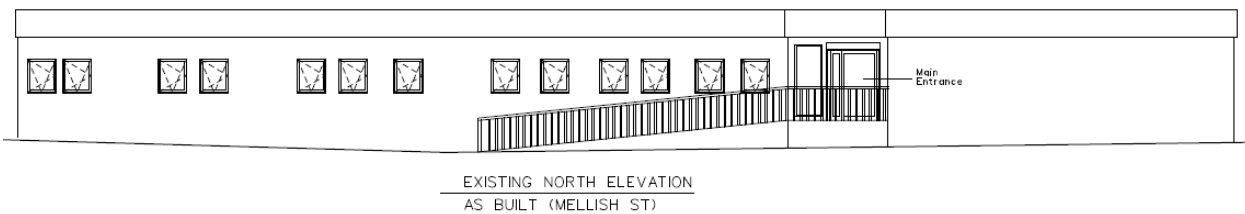


Photograph showing existing building

- 4.5. No internal/external changes are proposed within this application, therefore the current layout and elevations remain as consented previously. These are shown in the following plans.



Plan showing existing internal layout.



Plan showing existing north elevation

## 5. RELEVANT PLANNING HISTORY

- 5.1. In summary, the site was historically used as a nursery annexe to Seven Mills Primary School. However, following the transfer of the nursery to the main school building (which is located to the north west of the site on Malabar Street) the Council decided to dispose of the site. The intention was to dispose of the site with outline planning permission for residential development, however this did not happen. In 2005, permission was granted to allow the demolition of the school building to facilitate a single storey health centre. This had permission for a temporary period and in the subsequent years a number of applications have come forward to extend the temporary period. The first in 2007 for continued use as a health centre and the more recent (including the current application) for continued D1 non-residential use. The following list chronologically the relevant planning history with the most recent listed first.
- 5.2. PA/16/00308 – Withdrawn 10/03/2016  
Application for variation of condition no. 1 (temporary consent) and 4 (hours), of planning permission dated 07/06/2013, ref: PA/13/00902. This application was submitted by Canary Wharf College and was withdrawn due to the number of objections.
- 5.3. PA/14/01051 - Permit 23/07/2014  
Application for variation of condition no. 4 (hours of operation) and 7(capacity) of planning permission ref: PA/13/00902, dated 07/06/2013 which granted planning permission for the retention of a single storey modular building for a temporary period for continued non-residential use (use class D1) Amendments sought: 4 - Extended hours of 09:00 - 00:30 for a

30 day period during summer 7 - The maximum capacity for the uses extended to enable 160 persons at any one time for special occasions

- 5.4. PA/13/00902 - Permit 07/06/2013  
Retention of a single storey modular building for a temporary period for continued non-residential use (use class D1). Conditions 4 (Travel Plan), 5 (Cycle Parking) and 8 (Management Plan) were not discharged. This consent expired on 17/05/2016.
- 5.5. PA/07/02754 - Permit 27/02/2008  
Retention of single-storey health centre building for a temporary period of two years. This consent expired on 2<sup>nd</sup> January 2010.
- 5.6. PA/05/00110 – Permit 20/04/2005  
Demolition of former primary school building and replacement with temporary single storey health centre building.
- 5.7. PA/00/01629 – Permit 30/04/2001  
In outline, redevelopment by the erection of twelve 3 storey, 4 bedroom terraced houses.

### **Enforcement history**

- 5.1. ENF/15/00273 Breach of condition 3 and 4 of planning permission, ref: PA/14/01051  
*Officer comment: Relates to condition 3 - There shall be no public address system, music system or noise generating equipment used in any part of the premises so as to be audible outside the premises or within adjoining premises. Also relates to condition 4 - The use hereby permitted shall only take place between the hours of 09:00 and 22:00 Mondays to Saturdays, and 9:00 to 17:00 hours on Sundays and Bank Holidays except during Ramadan when extended hours of 9:00 to 00:30hrs are permitted.*  
*[Officer comment: the applicant has been sent warning letters advising them to comply with the above mentioned conditions]*
- 5.2. ENF/13/00559 Breach of condition 7 of PA/13/00902  
*Officer comment: Related to condition 7 - The maximum capacity for the uses hereby permitted shall be 50 persons at any one time.*  
*[Officer comment: the applicant was advised to amend the conditions and following the grant of planning permission PA/14/01051 dated 23/07/2014 the above mentioned investigation was closed]*

## **6. POLICY FRAMEWORK**

- 6.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 6.2. **Government Planning Policy Guidance/Statements**  
  
National Planning Policy Framework (March 2012) (NPPF)  
National Planning Practice Guidance (March 2014)
- 6.3. **The London Plan – Further Alterations 2016**  
  
3.1 Ensuring life chances for all  
6.9 Cycling  
6.13 Parking  
7.4 Local Character

#### 6.4. **Site Designations**

Flood risk zones 2 and 3.

#### 6.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

SP02: Urban Living for Everyone

SP03: Creating healthy and liveable neighbourhoods

SP05: Dealing with Waste

SP09: Creating Attractive and Safe Streets and Spaces

SP10: Creating Distinct and Durable Places

#### 6.6. **Managing Development Document (adopted April 2013) (MDD)**

DM8: Community Infrastructure

DM14: Waste

DM22: Parking

DM24: Place-sensitive design

DM25: Amenity

#### 6.7. **Other Relevant Documents**

None.

### **7. CONSULTATION RESPONSES**

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

7.2. The following were consulted regarding the application:

#### **Internal Consultees**

##### **Highways and Transportation**

7.3. Follow initial comments requesting further information, Transport and Highways visited the site on a Friday afternoon and advised that they believed most of the attendees came from the local community with an estimated 130 people in attendance. The car park is locked unless people with disability require access to the site and used for any loading and unloading purpose. The on-street parking facilities near the site did not seem stressed, there were a number of spaces still available even though there were parking bay suspensions at the time, and most did not seem to be affiliated with the site in question. There were no signs of conflict between drivers or between drivers and pedestrians. In light of this information, Transport and Highways have no objection to this proposal.

##### **Environmental Health Noise and Vibration**

7.4. No responses to this application.

#### **External Consultees**

7.5. None.



## **Public Representations**

- 7.6. A total of 328 planning notification letters were sent to nearby properties and persons who had made representations on the previous proposal. The application proposal was also publicised by way of a site notice posted on 10 June 2016.
- 7.7. A total of 179 representations were received and two petitions. In support, the Council received 175 individual letters and 1 petition containing 78 signatures. Against the Council received 4 in objection and 1 petition with 17 signatures). Two Councillors also made representations on this application. The representations are outlined below.
- 7.8. 1 objecting petition was received with 17 signatures. The accompanying letter cited the following reasons for objecting:
- The use of the structure appears to have exacerbated parking issues in the surrounding streets
  - Parking bays on site are not used solely in relation to the community use and are used after hours with an increasing number of cars parked on the street with the sole purpose of visiting the centre which is especially prevalent on Fridays
  - Increase in refuse in the area
  - The objectors are concerned continued temporary consents would in effect establish a permanent use and which would then follow a request to building a permanent mosque. The objectors made it clear they had no problem with a person's right to practice their religion, however it would need to be balance with a person's right to peaceful enjoyment of their property. A permanent mosque could have late night and early morning usage and consequential amenity impacts due to a lack of public transport.
- 7.9. 4 individual objections were also received; several of those received were also signatories on the above mentioned petition. These are summarised as follows:
- Current users did not comply with previous planning condition, do not permit late night usage in a residential area
  - Previous use of the site was as a school which was include to all the community, the current proposals are not.
  - Errors in the application i.e site was not acquired from LBTH
  - There is no award winning garden on site
  - Proposed use on site is of limited focus, encourage use of site to enable entire community centre
- 7.10. In addition, representations have been received from a local ward Councillor and another Councillor representing Island Gardens ward. The representations consider the main issue to be noise emanating from inside and outside of the building, the use of a PA system, the appropriateness of portacabins to hold noise inside the building, complaints received during Ramadan. The issues relating to noise are covered in the material planning section of this report.
- 7.11. The representations mention, that outside of schools and parks it is the only piece of publicly owned land on the Isle of Dogs but is only used by 18% of the community and that more efficient use of the site should be explored. However, it is considered this is more of a matter for the Council as a land owner and outside the scope of this application which considers the use and it's appropriateness.
- 7.12. Lastly, Councillors note the application does not seem to define what temporary means. It appears to make the use of the facility permanent which is not acceptable to the Councillors. This is noted and a temporary consent is recommended.



- 7.13. 1 petition was received in support of the application from the 'Barkantine Women Group'.
- 7.14. The petition had 78 signatures and stated their women group had more than 80 members, included pensioners and elder women, Black and Minority Ethnic (BAME), and that this centre was the only one that was able to cater for their needs, which included evening prayers during Ramadan. Concerns were raised if the community centre was closed down they would have nowhere to go.
- 7.15. Another 148 supporting letters were received as a pro forma/petition. This is summarised below:
- Support application made by DCO. Support the work of DCO and partner organisations "...as it is addressing the need of minority and Black people as well as developing the multi-cultural community and cohesion by offering services for the local people."
  - Supporter is a regular user of the site and the wide variety of activities provided
  - The site was formerly derelict but has been regenerated with uses on site
  - Serves a wide number of multi-age and faith users
- 7.16. A further 27 supporting comments were also received. The majority of these stated the following:
- I am along with my family members supporters of the planning permission request by DCO as we would greatly benefit from using services provided by the organisation.
- 7.17. Other supporting comments are summarised below:
- Support local activity space for multiple groups and people
  - Support variety of uses on site
  - Support continued use of the site
  - Site fosters community cohesion
  - Pleased with how DCO use the site
  - Lease should be extended for a further 10 years

## **8. MATERIAL PLANNING CONSIDERATIONS**

### **Land Use**

- 8.1. The applicant seeks to retain the existing temporary buildings for use as D1 community centre. No specific timeframe has been sought by the applicants for the temporary use.
- 8.2. Policy 3.1 of the London Plan states that proposals should protect and enhance facilities and services that meet the needs of particular groups and communities.
- 8.3. The Core Strategy, Policy SP03, also supports the provision of high quality social and community facilities. Policy DM8 of the MDD also seeks to ensure that community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use.

- 8.4. Policy DM8 also states that new community facilities will only be supported outside of town centres where they are local in nature and scale and where a local need can be demonstrated. There are no specific policies regarding temporary uses.
- 8.5. The building has had temporary D1 consents, including the most recent granted under PA/13/00902 for a community centre, and previous consents including as a health care facility dating back to 2005. Previous to this, the site was used as a school which is also a D1 land use.
- 8.6. As such, the principle of the D1 use has been established and the proposed retention is supported by the above policies.
- 8.7. However, it should also be noted that whilst the site is not located within a Town Centre, the site has consistently maintained this D1 use and given the high number of supporting comments it is considered that a local need has been demonstrated in accordance with Policy DM8.
- 8.8. It is also noted that the current lease on the site, granted to the Docklands Community Organisation by LBTH Asset management expires 23<sup>rd</sup> June 2018. It therefore seems prudent to condition that this temporary D1 use also expires on the same day.
- 8.9. In summary, given the land use on site is not changing it is considered the proposal is acceptable, subject to other impacts as identified within this report.

### **Design**

- 8.10. Section 4 of Core Strategy Policy SP10 seeks 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.
- 8.11. Policy DM24 of the Managing Development Document (2013) seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by policy SP10 of the Adopted Core Strategy (2010) and policy 7.4 of the London Plan (2015).
- 8.12. The existing buildings are grey, single storey prefabricated buildings which are not proposed as permanent buildings for the site. These buildings have been on site since 2005 and are not adequate permanent structures. The buildings would not normally be acceptable as they are of no architectural quality and lack sensitivity to the character of the area. As such, officers consider the permanent retention of these buildings would be contrary to the above mentioned policies.
- 8.13. However as mentioned above, the current lease for the site will expire on 23<sup>rd</sup> June 2018 and given this short timeframe (approximate timeframe of 19 months) the retention of these buildings for a temporary period and consequential harm on local townscape is limited and acceptable on balance.

### **Residential amenity**

- 8.14. Policy DM25 of the Managing Development Document (2013) seeks to protect the amenity of neighbouring residents and building occupiers from the impacts of new development in accordance with policy SP10 of the Adopted Core Strategy (2010). These policies require development to not result in an unacceptable loss of daylight, sunlight, outlook or privacy in addition to not resulting in unacceptable levels of noise during the construction and life of the development.

- 8.15. The surrounding area is largely residential with a mixture of building heights. To the north of the site, on the opposite side of Mellish St, is a three storey residential block. On either side of the application site are 2 storey typical terrace dwellings. To the south, the residential buildings accessed by Tiller Road, are higher at 4 storeys.
- 8.16. In comparison to the surrounding area, the proposed retained buildings are much lower in height at 1 storey and are not considered to raise concerns regarding overshadowing or increased sense of enclosure. It should also be noted that either side of the buildings are open areas, the west of which is used as open space/vegetation and the west used as temporary car parking. The buildings are located approximately 20m away from the residential properties of Tiller Road.
- 8.17. It is therefore not considered that the proposal will unduly impact surrounding residential amenity through scale, siting or massing.
- 8.18. However, whilst the sites use will continue to remain within Use Class D1, the resulting impact from a community centre use (including prayers) is different from school or health centre uses which tend to operate with less flexibility in terms of hours and number of children/users. With regards to potential noise impacts, it is important to assess the impact and consider whether overall with the imposition of conditions the resulting impact can be suitably controlled in order to protect residential amenity.
- 8.19. The applicant has not definitely stated the number of users, instead suggesting a maximum of 150 people on Fridays only and between 25-30 people at any time during the rest of the week. The reference to Friday primarily relates to the premises facilitating the Friday afternoon prayers for predominantly Muslim users of the facility.
- 8.20. A condition restricting the number of end users to 50 was imposed within the 2013 consent; however this was primarily due to a lack of information regarding the actual use. When further information was provided under PA/14/01051, a maximum of 160 persons at any time was agreed and conditioned. It is considered that there has not been a material change in circumstances to consider a different restriction on the number of people and as such, a condition is recommended to restrict the number of people to 160 at any given time.
- 8.21. The proposed hours of operation are Monday to Friday: 09:00 to 22:00, Saturday: 09:00 to 22:00 and Sunday and Bank holidays: 09:00 to 17:00.
- 8.22. The above hours are the same as the consented hours under PA/13/00902. However, it is also important to recognise the amended hours of operation from application PA/14/01051 which allowed for extended hour during Ramadan of 09:00 to 00:30hrs.
- 8.23. Ramadan is a month within the Islamic Calendar where a greater commitment is shown to perform evening prayers in congregation. The Islamic Calendar is approximately 10 days shorter than the Gregorian calendar, and as such, Ramadan will vary each year. The approximate days for 2017 and 2018 are listed below.
- 2017 – between 27<sup>th</sup> May to 25<sup>th</sup> June
  - 2018 – between 16<sup>th</sup> May to 14<sup>th</sup> June
- 8.24. With the evening prayer being after sunset, Ramadan in the next few years will continue to fall within some of the longest days of the year and as such, the evening prayers will commence after 10pm.

- 8.25. Given the surrounding area is residential, due consideration needs to be given over to the impact of these hours on residential amenity. During the warmer evenings, more windows are expected to be open and more likelihood for noise from the use to be able to affect local residents.
- 8.26. In 2014, officers are aware of complaints to Environmental Health around noise leaving the premises and adversely affecting a local resident to the rear of the site. This was investigated at the time and it was concluded that the main source of noise was from the nearby Docklands Sailing Club.
- 8.27. In addition, a late night site visit also took place during Ramadan (in 2014) which revealed there was a steady flow of people from Westferry Road towards Glengall Quay, during the late night and found the area to be fairly tranquil with noise not audible from Mellish Street nor Tiller Road to the rear. However, noise was audible from the grassed area separating the site from Alexander House; however it was no louder than from the surrounding residential properties.
- 8.28. Whilst the late night site visit was in 2014, there does not appear to be a material change in circumstance to consider the conditions imposed previously no longer address the amenity concerns arising from the proposal
- 8.29. As such, the following hours of operation will be secured via condition:
- Monday to Friday: 09:00 to 22:00
  - Saturday: 09:00 to 22:00
  - Sunday and Bank holidays: 09:00 to 17:00
  - Ramadan: 09:00 to 00:30.
- 8.30. It is also considered necessary to re-apply the following noise condition 'There shall be no public address system, music system or noise generating equipment used in any part of the premises so as to be audible outside the premises or within adjoining premises.' to further preserve residential amenity.
- 8.31. In summary, it is considered that the proposal meets policy DM25 subject to the hours of operation and noise conditions.

### **Transport and Highways**

- 8.32. Policy SP09 of the Core Strategy seeks to implement a street hierarchy that puts pedestrians first and promotes streets, both as links for movement and places in their own right, to ensure a strategic, accessible and safe street network across the borough.
- 8.33. Along with noise, car parking was one of the main concerns raised during the consultation exercise.
- 8.34. The application site provides 11 off street car parking spaces and 10 cycle spaces. The provision and retention of the cycle spaces will be secured via condition.
- 8.35. The most recent temporary permission on the site, PA/13/00902 which was amended by PA/14/01051, applied three conditions relevant to this. These were:

Condition 5 – Travel Plan

Condition 6 – Cycle spaces

Condition 8 – Management Plan

- 8.36. Conditions 5 and 8 were not discharged.
- 8.37. Initial comments from the Transportation and Highways Team objected to the scheme based on a lack of information, specifically regarding the number of users on site, the modal split and the times of use.
- 8.38. However, the above objection was removed following a visit to the site by a Transportation and Highways officer. Their amended comments are reported in Section 7 above
- 8.39. As such, it is not appropriate to reapply the former Travel Plan condition as there is no objection from Highways. However, it is considered the former Management Plan condition should be included to seek further details of how the site is accessed and vacated to limit impacts on the area. This is considered necessary as it likely whilst noise from the building could be addressed by conditions restricting the noise, the management plan would also help
- 8.40. In summary, subject to conditions, the proposal is acceptable in highways terms.

#### **Flood risk**

- 8.41. Given the use on site is not changing, and the proposed retained buildings are temporary, it is not considered that the flood risk on site, or to future users and the surrounding area, will increase as a result of the proposal.

#### **Other matters raised in consultation**

- 8.42. Objectors have commented that there were errors in the application. Officers are satisfied that sufficient information has been provided within the application in order to be able to make an informed recommendation to the committee.
- 8.43. Concerns have been raised over whether the premises should be more inclusive, or whether the site should revert back to a school, which would be beneficial for a wider cross section of the local community. These are wider issues for the Council as a land owner to take into account when considering who to lease the premises to. The Council as the local planning authority (LPA) must consider the planning merits of the development that has been applied for taking into account the provisions of the development plan and any other material considerations. The LPA cannot seek to influence how the owner or occupier should use the site when determining the application.
- 8.44. The substantial support for the continued use of the premises are noted, and to some extent outline the importance of the proposed community use and help to demonstrate a local need. However as a material planning consideration they are not considered to be decisive in coming to a recommendation on this application.

### **9.0 HUMAN RIGHTS CONSIDERATIONS**

- 9.1. In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 9.2. 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 Conventions 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 the 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's interest (Convention Article 8); and
- Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole"

- 9.3. 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.
- 9.4. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.5. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7. 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.
- 9.8. 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.

## **EQUALITIES**

- 9.9. 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-
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.10. 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.
- 9.11. From the representations received there is a suggestion the proposal benefits a particular group of people and should perhaps be more inclusive as a facility- particular given the site is owned by the Council. However, the ownership and leasing arrangements are outside the scope of planning.
- 9.12. There is also an issue of community cohesion with potentially conflicting requirements with regards to rights of individuals to exercise their religious belief and rights of others to enjoy peace within their homes. These have been fully considered within this report and in recommending planning permission be granted, it is stressed that officers have sought to achieve both, with the imposition of conditions primarily designed to protect residential amenity.

### **FINANCIAL CONSIDERATIONS**

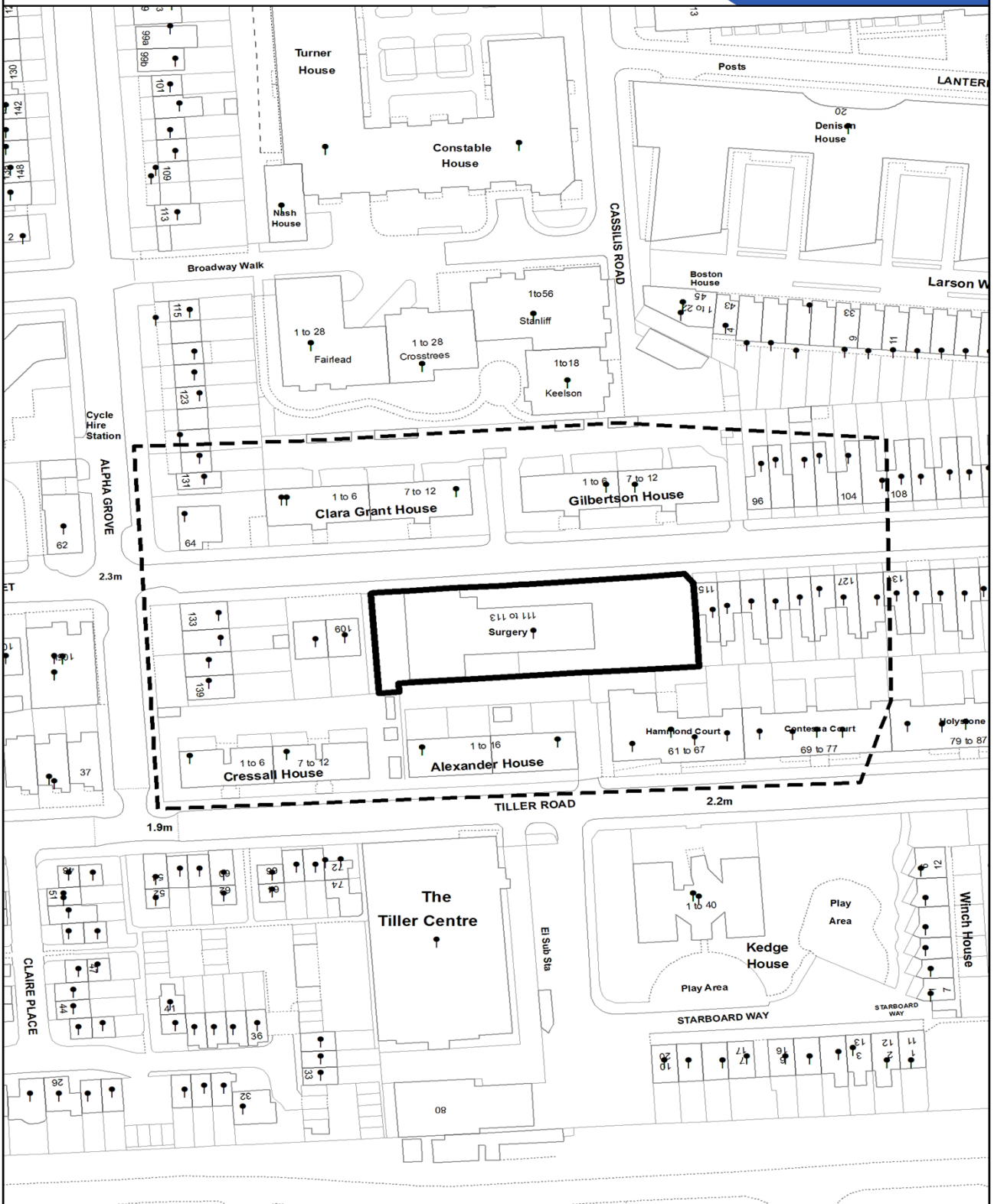
- 9.13. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.
- 9.14. The proposed development does not require a S106 legal agreement, does not result in any new homes (or New Homes Bonus) and is exempt from CIL.







### **10 CONCLUSION**

10.1 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.



Planning Application Site Map  
PA/16/00901



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings		

40 m

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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