

Committee: Strategic Development	Date: 28 August 2008	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/08/00881	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location:	Second Floor, 18-22 Damien Street, London E1 2HX
Existing Use:	Music studio complex (Use Class B1)
Proposal:	Change of use of second floor from music studios (Use Class B1) to educational facilities (Use Class D1) together with internal alterations
Drawing Nos:	<ul style="list-style-type: none"> • Drawing no. 1461-20 together with a location plan prepared to a scale of 1:1250 • Three site photographs • Planning Statement dated 2nd May 2008 • Design & Access Statement • Employment Statement • Annual Report (2006/2007) of the charity Esha 'Atul Islam • London Islamic School accounts report, dated 31 March 2007 • Ofsted report on the London Islamic School dated 26-27 February 2008
Applicant:	Esha'atul Islam
Owner:	Esha'atul Islam
Historic Building:	N/A
Conservation Area:	Ford Square

2. RECOMMENDATION

2.1 That the Committee resolve to **REFUSE** planning permission for the change of use of the second floor from a music studio complex (Use Class B1) to educational facilities (Use Class D1) as the proposal is contrary to the aims and objectives of the London Borough of Tower Hamlets Unitary Development Plan (1998), the Interim Planning Guidance (October 2007) and the London Plan (consolidated with alterations since 2004) for the reasons outlined below:

1. The proposal would result in the loss of recording studios for which a local need exists and the building is still capable of being put to such use. Furthermore, no suitable replacement of these facilities has been identified. As such, the proposal is contrary to saved policy ART2 of the Unitary Development Plan (1998), which seeks to resist the loss of arts and entertainment facilities.
2. The proposed change of use would result in the loss of a locally and historically significant music studio facility within the Borough, which provides essential facilities for numerous individuals and businesses both within the borough and in the London region. The loss of the studios would have a demonstrable effect on a creative industry cluster, contrary to policy CP12 of the Interim Planning Guidance (2007) and policy 3B.8 of the London Plan, which seeks to protect, identify and support creative industries and related industries and environments.
3. The proposed change of use would negatively impact upon a creative industry cluster and would result in the loss of numerous specialist employment opportunities within the

Borough. This is contrary to saved policy ST15 of the Unitary Development Plan (1998) which seeks to facilitate the expansion and diversification of the local economy by encouraging a range of economic activities, and policy CP11(c) of the Interim Planning Guidance (2007) which seeks to retain employment sites where there is a current or future demand for them as an employment use, particularly where they form a cluster of similar, supporting uses.

3. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 3.1 Further to the three points detailed in the above recommendation, the following issues have been considered with regard to the proposal:
1. Employment: It is evident that the employment benefits generated by the existing music studio complex, both directly and indirectly within the creative cluster of which it is a key part, exceed that of the application proposal;
 2. Amenity & Safety: Subject to conditions, it is not considered that the proposed use of the second floor would have any undue impacts upon amenity of nearby residents or other users of the building; and
 3. Highways: Subject to a legal agreement, it is not considered that the proposed usage would exacerbate existing traffic and parking problems in the area, as detailed by local residents within representations.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the change of use of the second floor of the three-storey building at 18-22 Damien Street from music studios (Use Class B1) to an educational institute (Use Class D1) which would be operated in association with the mosque, madrassa and cultural centre which is located at basement, ground and first floor level within 18-22 Damien Street.
- 4.2 The submitted plans show that the second floor is proposed to contain two classrooms, a computer room, science lab, staff room and dining area together with WC facilities and ablution areas.
- 4.3 The submitted design & access statement details that the school currently has a maximum capacity of 145 pupils (boys between the ages of 11-16), with 118 pupils presently in attendance. The proposed change of use of the second floor would increase the capacity of the school from 145 pupils to 175.

Applicant's Supporting Statement

- 4.4 Within a supporting statement submitted by Esha'atul Islam (dated 11th August 2008), the applicant states that the Esha'atul Islam Mosque, Madrassa and Cultural Centre which currently occupy the application building, is a popular facility located in the centre of the local community it serves. In addition to its function as the London Islamic School, it provides social and cultural facilities to all ages. It is a registered charity which reports to the Charities Commission and is reliant upon voluntary contributions and donations. The vast majority of the current activities of Esha'atul Islam are contained within the basement, ground and first floors of 18-22 Damien Street. The basement and the ground floor provide an open area used as a Mosque for prayer, whilst the first floor contains school classrooms.
- 4.5 The applicant details that prayers occur five times daily on the ground floor and basement level, attracting some 500 people into the centre, rising to 1200 people on Fridays. Outside of these times, the same spaces are used as an open area for students, as accommodation to host temporary health and education classes, and, in the basement area, a younger children's (5-7 years) after school club and a part-time special education facility for over 16 year olds. The applicant details that these clubs are attended by over 120 pupils. An

organised programme of religious talks and readings takes place on the ground floor once a month which attracts between 500 and 700 attendees.

- 4.6 With specific regard to the proposed change of use of the second floor, the applicant states that the centre has expanded rapidly but has reached capacity in terms of accommodation. The use of the existing space has been maximised by a timetable that allows it to be shared by many different activities throughout the day and evening. However, this sharing of space is starting to compromise the quality and restrict the type of activities and, overall, reduce the effectiveness of the centre's work. The applicant specifies that the school currently has a waiting list and turns away 50 prospective pupils a year, local community members have been denied marriage guidance due to lack of suitable private space and the fact that there are no female toilet facilities restricts the use of the centre by women.
- 4.7 The proposed change of use of the second floor would provide approximately 400 sq.m. of additional space and allow the introduction of the facilities mentioned in paragraph 4.2, above. The proposal would add teaching facilities as mentioned above, and also allow the school's capacity to increase and employ an additional 13 full-time staff. The additional space will minimise the need for students to share the remainder of the building, and as a result, release space on the ground floor and basement for the expansion of other functions. This separation will also improve the security of the school. Classes for women will now be possible four times a week, as will marriage counselling, an expansion of the evening classes for children and teenagers, and facilities will also be provided for community elders.
- 4.8 The appellant's supporting statement concludes that there are few alternatives for Esha'atul Islam as the Centre needs to be located within the local community it serves. The possibility of securing space for community use is generally very difficult and the cost of land and premises has pushed beyond what a charitable organisation can realistically afford.

Site and Surroundings

- 4.9 The application site at 18-22 Damien Street consists of a three-storey purpose built factory building with basement level. The building is directly opposite is John's Place which consists of a block of Council owned residential flats, and adjacent to the south is Damien Court – a private block containing 30 residential units. The application site is partly within the Ford Square Conservation Area.
- 4.10 To the rear of the site (west) lies 54 Cavell Street, a four storey former industrial building containing live/work units, and an empty site which lies above the East London underground line.
- 4.11 The second floor of 18-22 Damien Street is currently occupied by Jamestown Studios, a music studio complex which consists of 23 individual recording studios, together with office, lounge, dining and refreshment areas. Of the 23 studios, 4 are located within the adjacent building at 19 Ford Square. However, access to these studios is obtained through 18-22 Damien Street.

Relevant Planning History

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

ST/88/00093 Planning permission was granted in March 1989 for the change of use of 16 Ford Square to residential use and the construction of a mosque, madrassa and cultural centre upon the vacant site at 46-52 Cavell Street. The latter element of this application was not implemented due to the physical constraints of the site being located above the East London Underground line.

ST/95/00149	Planning permission was granted in February 1996 for the erection of a conservatory at second floor level as a rest area for the adjoining recording studios.
ST/95/00061	Planning permission was granted on a temporary basis in March 1996 for the change of use and retention of part of the first floor as a mosque and madrassa.
PA/98/01288	Full planning permission was granted in August 1999 for the change of use and retention of the basement, ground and first floor from showroom/warehouse/storage and light industrial to a mosque, madrassa and cultural centre.
PA/02/00652	Planning permission was granted in November 2002 for alteration to building elevations and the insertion of a main entrance at ground floor level.
PA/06/01403	This application sought consent for the change of use of the second floor from music studios (Use Class B1) to educational institute (Use Class D1) including internal alterations. Following deferral from the Development Committee meeting of 2 nd May 2007, the application was heard at the Development Committee meeting of 3 rd July 2007 and carried an officer recommendation of refusal. Members resolved to approve the application. The owner of Jamestown Studios subsequently sought a Judicial Review of the decision. The decision was quashed by the High Court by virtue that the reasons for grant were not sufficiently robust. Costs of £10,000 were also awarded. Upon the decision being quashed, the applicant withdrew the application on 8 th May 2008.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Policies:	ST45	Education and training
	ST46	Encourage education and training provision at accessible locations
	ART2	Protection of arts and entertainment facilities
	EMP6	Employing local people
	T17	Parking standards

Interim Planning Guidance for the purposes of Development Control

Policies:	CP11	Protection of sites in employment use
	CP12	Creative and cultural industries and tourism
	CP27	High quality social and community facilities to support growth
	CP29	Improving education and skills
	SCF1	Social and community facilities

Supplementary Planning Guidance/Documents

Planning for Equality and Diversity in London (London Plan)

Spatial Development Strategy for Greater London (London Plan – consolidated with amendments since 2004)

	3A.24	Education facilities
	3B.8	Creative industries
	3C.22	Improving conditions for cycling
	3C.23	Parking strategy
	3A.17	Addressing the needs of London’s diverse population
	3A.18	Protection and enhancement of social infrastructure and community facilities

Community Plan The following Community Plan objectives relate to the application:

A better place for creating and sharing prosperity

A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Environmental Health

6.3 No objections raised with regard to the proposal. The Environmental Health officer did, however, detail that complaints have been received since July 2007 with regard to noise nuisance from the Mosque.

LBTH Education

6.4 No comment.

LBTH Arts and Events

6.5 Concerns are raised with regard to the proposal's impact upon the local cultural industries. [Music] Studio provision is generally in short supply in the Borough. The London Plan recognises that the creative industries are a core part of London's economy and LBTH echo that on a local scale. Given the relatively high unemployment amongst our youth in the Borough, LBTH Arts and Events would, wherever possible, support the retention of such music facilities as Jamestown Studios as part of the local infrastructure necessary to support young people into the music industry. It would be very difficult to relocate such facilities locally.

LBTH Highways

6.6 The applicant has not indicated the provision of any cycle facilities. Cycle storage at 1 stand per 10 pupils or staff members should be provided, this would equate to a total of 20 stands and the applicant should ensure that each bike has been allocated the minimum required area of 2m x 0.5m plus 0.5m manoeuvring space and has the minimum required stand of 1.20m x 0.7. Sheffield Style stands are recommended.

LBTH Building Control

6.7 No objections raised.

7. LOCAL REPRESENTATION

7.1 A total of 969 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 in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: **375** Objecting: **87** (161 letters of objection to previous app. PA/06/1403 have also been submitted) Supporting: **287**

No of petitions received: 1 in support containing 667 signatories

7.2 The following local groups/societies made representations:

In objection:

- Sidney Estate South Tenants Association
- London Metropolitan University

In support:

- Shahporan Masjid & Islamic Centre Trust
- Bangladesh Welfare Association

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

In objection:

- The loss of a high quality, purpose built music studio complex which has attracted and supported countless national and international musicians
- The closure of a purpose-built studio complex would be disastrous for the numerous musicians, composers and producers who depend on the facilities at Jamestown to earn their living. A number of musicians have made representations on the grounds that the studios provide essential facilities that they could not or afford or access otherwise, and provide a community hub for musicians, producers and DJ's to interact
- London Metropolitan University have objected on the grounds that they collaborate with Jamestown Studios and sixth form schools in the Borough to provide introductory training to creative media production
- The business and the livelihood of many clients and subcontractors rely on the unique and affordable facilities
- The facilities support musicians who provide music tuition in several local comprehensive schools including Mulberry School and Bow Boys School
- The studio facilities support and encourage local artists, particularly due to its affordability
- The presence of the music studio provides diversity to the neighbourhood
- Numerous local businesses depend on the music studios and would not survive without it
- The music studios are a vital economic and creative presence in Tower Hamlets
- The students of the existing school create noise nuisance and anti social behaviour which would be exacerbated by the expansion of the school
- The users of the music studios provide custom to a number of local shops, bars and restaurants
- The complex is not just used by musicians, but also other industries such as multimedia, internet, software/games, podcasting and radio
- The expansion of the school would exacerbate the existing parking problems in the area

In support:

- The additional space will allow extended educational and community facilities to be provided, particularly to local women, children and the elderly
- The proposal would benefit the local community in a far greater manner
- Local women would benefit greatly from the counselling and community services provided by the enlarged centre
- The centre would increase cohesion with the local youth population and provide rehabilitation facilities for young offenders
- The increased capacity of the school is greatly needed, as is the enhancement and expansion of the educational facilities, particularly a science lab and dining area
- The expansion of the school would create employment
- Education should be given priority over a private music company
- Currently, many local children have to travel long distances to school
- The music studios create noise to the disturbance of daily prayers at the adjacent Cultural Centre and lessons at the London Islamic School
- The music studio facility is a barrier to community cohesion because of the noise disturbance

- The studio use conflicts with the school use; the music studios are used at antisocial hours, free movement within the building is restricted and users of the studios smoke and litter outside the premises. Drug use is also evident
- The expansion of the London Islamic School will provide custom for local businesses

7.4 The following issues were raised in representations, but they are not material to the determination of the application:

- The proposed fire escape is not sufficient for the proposed use (OFFICER COMMENT: Details relating to means of escape are controlled through Building Control legislation)
- A number of landlord and tenant issues were raised within representations, particularly with regard to land ownership matters and the music studios being located within the premises three years prior to the school and Cultural Centre. Landlord and tenant issues are not material planning considerations, and should not form the basis of any planning decision

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Employment
3. Amenity & Safety
4. Highways

Land Use

8.2 The application proposes the change of use of the second floor of 18-22 Damien Street from a music studio complex (Use Class B1) to educational facilities (Use Class D1). Development Plan policies support the promotion of both creative industries and education and community facilities. The relevant policies are analysed below.

Supporting policy framework for proposal

- 8.3 With regard to the proposed expansion of the London Islamic School and the associated Cultural Centre, saved policy ST45 of the UDP (1998) seeks to ensure that sufficient buildings are available to meet all existing and future educational needs arising in the Borough. Saved policy ST46 of the UDP encourages educational and training provision at locations which are accessible to the Borough's residents. In light of the proposed expansion of the school and the additional community benefits that the proposal would reap, it is considered that the proposal is in line with saved policies ST45 and ST46.
- 8.4 Policy CP29 of the Interim Planning Guidance (2007) seeks to improve education and skills within the Borough through educational and training initiatives and adequate education facilities. Again, the proposed increase in the school's capacity would assist in educational improvement within Tower Hamlets and therefore be supported by this policy. It should also be noted that the existing music studio complex works in partnership with local educational institutes to provide music tuition and experience in music industry careers.
- 8.5 The proposal conforms with policy SCF1 of the Interim Planning Guidance (2007), as it is considered that the proposal continues to ensure that community facilities have a high level of accessibility.
- 8.6 The application is also supported by London Plan (Consolidated with Alterations since 2004) policy 3A.24, which states that boroughs should develop policies which reflect the demands for pre-school, school and community learning facilities, and should ensure adequate provision in partnership with the local education authority, local strategic partnerships and

users. The policy also requires boroughs to take into account, inter alia, the potential for expansion of the existing provision and the proximity to homes and workplaces, whilst also achieving full use of schools in the evenings and at weekends.

- 8.7 Policy 3A.17 of the London Plan seeks to ensure that the needs of diverse groups are identified. The policy states that the spatial needs of these groups are met wherever possible, both through general policies for development and specific policies relating to the provision of social infrastructure including healthcare and social care, safety and security, policing facilities, the public realm, playspace and open space, inclusive design and local distinctiveness, community engagement, access to employment/skills development opportunities, and the provision of suitable space for Small and Medium-sized Enterprises. Existing facilities that meet the needs of particular groups should be protected, and where shortfalls have been identified, policies should seek measures to address them proactively. This policy should have particular relevance to the additional guidance set out in the 'Planning for equality and diversity in London' SPG which accompanies the London Plan. This guidance has particular reference to the existing disparities experienced by London's older people, children, women and black, Asian and minority ethnic groups. The document aims to ensure an inclusive London that builds upon its diversity. In the case of this application, it is considered that this policy is relevant in the case of the London Islamic School/Cultural Centre.
- 8.8 Policy CP27 of the Interim Planning Guidance (2007) builds upon policy 3A.17 of the London Plan, and supports the provision of high quality social and community facilities. The policy specifically supports the multiple use of social and community facilities, particularly the use of schools after hours, for a mix of sporting, social, cultural and recreation uses, provided there are no adverse impacts on the amenity of residents. Again, the proposed change of use is supported by this policy.

Supporting policy framework for the retention of the music studio complex

- 8.9 With regard to the retention of the music studio facilities, saved policy ART2 of the UDP (1998) seeks to resist the loss of arts and entertainment facilities within the Borough. It states that planning permission will not normally be given for development which involves the loss of arts and entertainment facilities, without suitable replacement, where a local need still exists and the building is still capable of being put to such use. The preamble to the policy also states that "arts facilities should not be seen as only those designed for public consumption, provision also needs to be made for production (e.g. artists studios, theatre company workshops or recording studios), for both professionals and amateurs.
- 8.10 Policy CP12 of the Interim Planning Guidance (2007) recognises that the creative and cultural industries are a key sector of London's economy and particularly in Tower Hamlets. The policy states that the Council will support new, and seek to retain and protect existing, creative and cultural industries, entertainment and tourism related uses, facilities and services for arts and culture and facilities that support these industries in inappropriate, accessible locations. The policy also states that the loss of creative and cultural facilities, in the Central Activities Zone, town centres, areas of regeneration or clusters of creative and cultural industries in the City Fringe, will be resisted.
- 8.11 The retention of the music studios is also supported by saved policy ST15 of the UDP (1998), which seeks to facilitate the expansion and diversification of the local economy by encouraging a wide range of economic activities at suitable locations and the availability of a skilled local labour force.
- 8.12 Policy CP11 of the Interim Planning Guidance (2007) seeks to protect sites allocated for employment uses. Of particular relevance is criteria c), which states that the Council will seek to retain other employment sites where there is current or future demand for them as an employment use, particularly where they form a cluster of similar, supporting uses.

8.13 Policy 3B.8 of the London Plan (Consolidated with Alterations since 2004) recognises that the creative industries are a core part of London's economy. The preamble states that the key creative industries in London include design, publishing, music, fashion, new media, film and broadcasting. It is also recognised that creative enterprises often group together in networks that provide modes of communication, knowledge exchange, business support and learning, but often lack organisational and administrative structures for sustainable growth. They also provide opportunities for reducing overheads through shared resources, and small and medium enterprises (SMEs) and sole traders are heavily represented. The preamble adds that the factors that influence clusters include the availability of low cost workspace. The policy itself states that DPD policies should identify and support the development of clusters of creative industries and related activities and environments, and existing clusters should be protected.

Land Use Analysis

- 8.14 From the applicant's supporting statement detailed above at paragraphs 4.4 to 4.8, it is evident that the expansion of the London Islamic School and the associated Cultural Centre, together with the community services that will be intensified by virtue of the expansion is in line with a number of policies within the Unitary Development Plan, Interim Planning Guidance and the London Plan.
- 8.15 The owner of the music studio complex (Jamestown Studios), has submitted a number of documents in support of their retention. In summary, the owner, Mr K Brainard, states the following:
- Jamestown Studios is internationally renowned and has attracted and nurtured a number of globally successful artists
 - The existing building was originally purpose built for industrial usage, therefore ideally suited for recording studio usage
 - There are no comparable music studio facilities within the Borough. The Richmix Centre, which was previously suggested by Members as an alternative destination for users of Jamestown, has only 1 recording studio, which is not available for commercial hire. Jamestown has 23 studios (OFFICER COMMENT: This has been verified by Council investigations within the previous application ref/ PA/06/01403)
 - Jamestown Studios is currently engaged with London Metropolitan University and Tower Hamlets 6th Form Schools to establish partnerships
 - Mr Brainard has submitted a report detailing the usage of Jamestown Studios within the month of May 2008. The list is comprised of musicians, composers, producers, recording engineers and DJs. The studios were directly hired by 48 people, who in turn worked with another 189 people within the studios, which equates a total of 237 people using the studios within May 2008. As such, the closure of Jamestown Studios would prevent over 200 people a month from finding affordable premises, which would almost certainly not be within the Borough
 - Of the 48 musicians who directly hired the Music Studios in the month of May 2008, 15 were residents of Tower Hamlets
 - Jamestown Studios allows musicians of different cultures and ethnic backgrounds to interact and collaborate. A list of the ethnic groups and nationalities of the users of the studios in May 2008 has also been supplied. This includes North American, Asian, African, Afro-Caribbean and European
 - Mr Brainard has also submitted a report produced by the Department for Culture, Media and Sport (DCMS), entitled 'Creative Economy Programme' and dated February 2008, which highlights that Britain's creative industries are increasingly vital, with two million being employed within the sector which contribute £60 billion a year, or 7.3% of the British economy. The DCMS also highlight that the creative sector has grown at twice the rate of the economy of the economy as a whole in the last decade
- In addition, an independent feasibility study undertaken by Tarn & Tarn has been submitted by Mr Brainard, which details that relocation of the music studio complex is likely to take

approximately 8 months, at a cost of £600,000. This is assuming a rent-free period during the fit-out.

- 8.16 From the information submitted by Mr Brainard and from the content of the representations received by the Council, it is evident that substantial demand exists for the music studio complex, which is the only facility of its type in the Borough. The loss of Jamestown Studios would have a demonstrable impact upon the creative industry cluster which it is evidently a key part of.
- 8.17 The London Islamic School and associated Cultural Centre provide numerous educational and community benefits, and it is acknowledged that the expansion of this facility would increase these. However, this would be to the detriment of an established creative industry cluster which relies upon the presence of the music studio complex, and would result in the loss of the numerous specialist employment opportunities for individuals and businesses within the Borough and beyond.

Land Use Conclusions

- 8.18 It is recognised that there is policy support for the retention of the music studio facilities and also the proposed expansion of the school and associated Cultural Centre. As such, it is necessary to weigh the benefits of each case. Such an approach accords with the general approach to making a planning decision in which competing factors must be weighed against each other. An approach which treats these policies as providing guidelines as opposed to rigid criteria sits more comfortably within the wider policy matrix in which the decision has to be taken.
- 8.19 The proposed change of use would result in the extinction of such recording studio usage in the Borough. However, the school and cultural centre would still exist if this permission were not granted, albeit in a smaller form. Overall, the permanent loss of this established creative industry cluster would reduce the mixed-use character of Tower Hamlets and its economic diversity by eradicating a use that is not found elsewhere in the Borough. This is contrary to central government's sustainable community policies. Alternatively, the refusal of this proposal would not result in the loss of the school and cultural centre, only a limit of its size. The retention of the music studios would therefore allow these two important uses to continue to exist and benefit their respective users. Furthermore, it is considered that the two uses are capable of co-existing in the same building.
- 8.20 In light of the above, it is evident that there is a strong local need for the music studio complex and the building at 18-22 Damien Street remains capable of remaining in such use. Furthermore, no suitable replacement of these facilities, or an alternative site, has been identified. As such the proposal would result in the loss of a valuable and significant music studio facility and is therefore contrary to saved policy ART2 of the Unitary Development Plan (1998) which seeks to resist the loss of arts and entertainment facilities.
- 8.21 From the above representations and land use analysis, it has been demonstrated that the music studio complex forms part of a creative industry cluster consisting of numerous individuals and businesses both within the Borough and the London region, upon which the loss of the studios would have a demonstrable effect. The loss of the music studios would therefore be contrary to policy CP12 of the Interim Planning Guidance (2007) and policy 3B.8 of the London Plan (Consolidated with Alterations since 2004), which seek to protect, identify and support creative industries and related industries and environments.
- 8.22 Further to the above, the negative impact upon the creative industry cluster would result in the loss of numerous specialist employment opportunities within the Borough, such as musicians, composers, producers, technicians, music teachers/tutors, web programmers and sound engineers, who all rely on the presence of the music studios to support their career in this creative industry. As such, the proposal is contrary to saved policy ST15 of the Unitary

Development Plan (1998) which seeks to facilitate the expansion and diversification of the local economy by encouraging a range of economic activities, and policy CP11(c) of the Interim Planning Guidance (2007) which seeks to retain employment sites where there is a current or future demand for them as an employment use, particularly where they form a cluster of similar supporting uses.

Employment

- 8.23 Both the applicant and the owner of the music studio complex have submitted information with regard to the employment generated by the proposed change of use of the music studios to educational facilities. Within the submitted Employment Statement, the applicant's agent details that the school presently employs 13 full time staff including one self employed member, and 14 part time staff. The additional space created by the proposal is envisaged to create 13 additional full time posts, consisting of a mixture of skilled and qualified teachers and technicians, as well as management and staffing posts. Jamestown Music Studios employs 4 full-time and 6 part-time members of staff.
- 8.24 The Council have assessed the submitted employment information alongside the submitted London Islamic School accounts report (dated 31 March 2007), and have found a number of discrepancies, namely:
- The submitted accounts are for the seven months ended 31 March 2007 and are un-audited
 - The Charity Commission website details that the accounts for Esha'atul Islam for 2006 and 2007 are overdue
 - The owner of Jamestown studios has provided the Council with a copy of a letter from the Charity Commission dated 13 June 2007, which states that the income of the London Islamic School has not been declared within the Esha'atul Islam accounts
 - The National Insurance contributions detailed within the accounts are seemingly low; an employers contribution is 12.8% of wages in excess of £100 a week, which on a minimum wage would accrue to approximately £700 per employee per annum. For 27 employees on minimum wage, this would equate to £18,900 per annum. However, the submitted accounts detail that only £3,860 was paid for the year ending 2006
- 8.25 Within a letter from the applicant's agent dated 23rd June 2008, it is detailed that: "13 staff work full time defined as over 20 hours a week including one self-employed person with gross wages and re-numeration paid totalling £135,983 based upon their monthly rates paid at present (times twelve). This gives an average full time gross salary of £10,460.30". The applicant's agent also details that the average wage of the part-time members of staff totals £5,447.00 per annum, and that the current academic year fees 2008-09 are £1,900 per pupil, and with 118 pupils presently in attendance, pupil donations of £229,000 are expected. However, without any audited accounts, these figures cannot be verified.
- 8.26 In light of the above, it is considered that the submitted existing and proposed employment figures cannot be given weight in determining this application. It is unclear whether the figures are incorrect, whether staff are being paid below the minimum wage, or the declared number of staff is exaggerated. Notwithstanding this, it is evident that the employment benefits generated by the music studio complex, both directly and indirectly, exceed that of the application proposal, and there will be demonstrable harm caused to numerous specialist employment opportunities within the Borough. As such, it is not considered that employment benefits claimed by the applicant could support a reason for approving this application.

Amenity & Safety

- 8.27 The Council's Environmental Health department, upon consultation, stated that they have received complaints with regard to noise disturbance from the Mosque at 18-22 Damien Street since July 2007. Nevertheless, with the attachment of appropriate noise attenuation conditions, it is not considered that the proposed use of the second floor would exacerbate

amenity problems significantly. As such, it is not considered that an objection on the grounds of existing or potential loss of amenity to users or adjacent/nearby residential occupiers could be substantiated in this instance.

Highways

- 8.28 A number of letters of objection have been received with regard to the existing parking and traffic related problems created by the school and Cultural Centre, and how the proposal would exacerbate these. Such issues are controlled by the existing measures exercised by the Council's Parking Services department. It is also considered that the Council's ability to attach a condition requiring the applicant to enter into a s106 car-free agreement preventing any employees of the facility from applying for an on-street parking permit would address the concerns expressed by surrounding residents. As such, it is considered that a refusal of permission on these grounds would be difficult to substantiate.

Conclusions

- 8.29 All other relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.