

<b>APPLICATION NO</b>	<b>PA/2015/1207</b>
<b>APPLICANT</b>	Ahmadiyya Muslim Association
<b>DEVELOPMENT</b>	Planning permission to erect a purpose-built mosque to include sleeping quarters on upper floors for religious leader (including demolition of existing mosque)
<b>LOCATION</b>	53 Cliff Closes Road, Scunthorpe, DN15 7HT
<b>PARISH</b>	<b>Scunthorpe</b>
<b>WARD</b>	Town
<b>CASE OFFICER</b>	James Roberts
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest
<b>POLICIES</b>	

#### **National Planning Policy Framework:**

Paragraph 11 – states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 – at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 34 – developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 – plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 37 – planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 – housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 – a mixture of housing should be made available to meet the needs of different groups of people.

Paragraph 56 – good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 – Planning decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek or promote or reinforce local distinctiveness.

Paragraph 70 – local planning authorities should plan positively for community facilities (including places of worship).

#### **North Lincolnshire Local Plan:**

Policy H8 – Housing Design and Housing Mix

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy C5 – Churches, Prayer Houses and Other Places of Worship

Policy DS1 – General Requirements

Policy DS14 - Foul Sewage and Surface Water Drainage

#### **North Lincolnshire Core Strategy:**

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS22 – Community Facilities and Services

#### **CONSULTATIONS**

**Environmental Health:** No objections subject to conditions.

**Drainage:** No objections subject to an informative.

**Humberside Fire and Rescue:** No objections.

**Highways:** No objections subject to conditions.

## **PUBLICITY**

Neighbouring properties have been notified. Thirty-seven letters of objection have been received raising the following concerns:

- Insufficient car parking space will be provided and the proposal will exacerbate existing parking issues in the area.
- The site already causes highway-related issues.
- The proposal will be out of keeping with the character of the area.
- The scheme has previously been refused.
- The submitted information is misleading.
- The proposal will increase the hours of use at the site.
- The proposal is not necessary and the existing building should continue to be used.
- There are already mosques in the area that can be used.
- The proposal would result in disruption during the construction period.
- The use of the building will result in noise and disturbance.
- Insufficient information has been supplied.
- The proposal would reduce privacy and light levels at neighbouring properties.
- The proposal will restrict views.
- The site has poor links to public transport.
- This type of use is not appropriate in this area.

Two letters of support have been received stating the following:

- The mosque has never caused any problems and has been a good neighbour.
- The proposal would not be problematic.
- The restriction on overnight parking should be removed.

The applicants held a community consultation event prior to submission and invited all residents on Cliff Closes Road. Five residents attended and offered no objections to the proposals.

## **ASSESSMENT**

This application was deferred at the last meeting of the council's Planning Committee to allow members to visit the site prior to making a decision.

The application site comprises an existing mosque located at the end of Cliff Closes Road, Scunthorpe. The existing property was originally used as a residential dwelling, is single-storey and features a driveway (and associated parking area) to the front. The surrounding area is predominately residential in character.

The existing premises has been in use as a mosque since 2002 and is now rather dated and dilapidated with little opportunity for adaptation. The proposal is to create a new facility for the existing Ahmadiyya Muslim Association in a purpose-designed building.

Full planning permission is sought for the demolition of the existing mosque and subsequent erection of a purpose-built mosque to include living accommodation for the religious leader. The main details of the scheme are as follows:

- a proposed mosque split over three floors, including the basement, with a multi-use area, prayer room and living accommodation for a religious leader
- the proposed mosque to make reference to traditional Islamic design
- the development to utilise the existing access point off Cliff Closes Road with parking provision to the front of the mosque
- a total of 10 parking spaces would be provided within the site including 1 disabled space
- the applicants own the adjacent dwelling to the south of the site but no development is proposed at the adjacent site
- the overall useable area is increased from 343 square metres to 364 square metres with a more efficient layout improving the facilities and allowing a car park to be provided.

**The main issues in the determination of this planning application are the principle of development, and its impact on the character and appearance of the area, on neighbouring amenity and on highway safety efficiency.**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The application is already used as a mosque and the proposal would not result in a change of use at the site. Furthermore, there are no allocations at the site which restrict the proposed development. As a result it is considered that the principle of demolishing and remodelling the existing mosque, along with the associated living accommodation, is acceptable.

## **Visual amenity/impact on neighbouring uses**

Both national and local policy and guidance aim to ensure that new developments should respect, and where appropriate enhance, the character of the locality within which they are situated. It is accepted that the proposed building within the site would mark a departure from the established design features in the area and that the scheme would provide a clear contrast with the residential properties that neighbour the site. However, the NPPF makes it clear that local planning authorities should not seek to stifle architectural innovation and that developers should not necessarily have to conform to existing development styles. It is also noted that mosques incorporating Islamic architectural styles are not uncommon occurrences across the country, including in areas where traditional, residential styles predominate. With these factors in mind, given the limited scale of the proposal, and the fact that full details of external materials could be controlled via condition, it is considered that the impact of the scheme on the visual characteristics of the area is acceptable.

The proposed mosque would be located approximately 12 metres from the nearest residential property to the west. It is accepted that the proposed building would exceed the height of the existing building within the site. However, the use of a subterranean, lower ground floor level would ensure that the overall difference in height would not be significant. Furthermore, the orientation with the nearest residential dwellings (the mosque would be located to the west of these) would ensure that the proposal would only impact on light levels in the late afternoon. As a result it is considered that the proposal would not have an unacceptable impact on neighbouring properties in terms of overshadowing.

The proposed mosque has been designed to ensure that no upper floor windows face directly towards any neighbouring property other than that owned by the applicants. On this basis it is considered that the scheme would not unacceptably impact on privacy.

It is accepted that neighbouring properties may experience a degree of noise and disturbance during the construction process. However, in line with the comments from the council's Environmental Health team, a suitable condition could be imposed limiting construction hours. Subject to such a condition it is considered that an appropriate balance could be struck between the encouragement of development and the protection of residential amenity.

It is acknowledged that some visitors to the proposed mosque will travel by car and that at certain times visits to the site will be concentrated. However, the site is already used as a mosque and it is not envisaged that the proposal would result in a significant intensification of visitors above and beyond the existing provision. It is therefore considered that the scheme would not result in a significant increase in noise or other associated pollution.

## **Highways**

The council's Highways team has raised no objection to the proposed development subject to conditions. The applicants have confirmed that the number of attendees at the mosque has not risen dramatically and that the overall internal floor space would not be significantly greater than the existing arrangements. It is therefore considered that the proposal would not generate significantly more traffic than the current arrangements. On this basis, it is considered that the proposed mosque would not create any additional congestion or highway safety issues on the local highway network.

There is currently a restriction in place on the hours during which attendees can park at the site. Given that adequate provision for car parking would be provided within the site, and that no such condition has been required by Environmental Health, it is not considered necessary to replicate that condition in this instance.

The proposal would result in the replacement of the existing mosque and it is not envisaged that the proposed facilities would result in a significant intensification of the use of the site and any highways implications would be negligible. It is also understood that some of the attendees at the mosque come from the surrounding area and tend to visit on foot. In light of these factors, and given the comments received from the council's Highways team, it is considered that the proposed development would maintain the safe and free flow of traffic within the site and on the adjacent highway network.

## **Other issues**

The following issues, raised by objectors, have not been addressed in the above report:

- The scheme has previously been *refused – an application for a mosque at a different site has been refused. The circumstances in that case were site specific and of little relevance to the current proposal.*
- The submitted information is misleading – *the submitted information has been scrutinised and a site visit carried out. It is considered that sufficient information has been provided to allow for an accurate assessment to be carried out.*
- The proposal is not necessary and the existing building should continue to be used – *the necessity of the development is peripheral to the main planning issues of this case.*
- There are already mosques in the area that can be used – *the necessity of the development is peripheral to the main planning issues of this case.*
- Insufficient information has been supplied – *the submitted information has been scrutinised and a site visit carried out. It is considered that sufficient information has been provided to allow for an accurate assessment to be carried out.*
- The proposal will restrict views – *case law dictates that the effect of a development on private views is not a material planning consideration.*

## **Conclusion**

It is concluded that the proposed development would not be detrimental to the character of the site or locality, would not harm the living conditions of any neighbouring occupier and would not be of detriment to highway safety or efficiency. It is considered that the scheme sufficiently accords with adopted planning policy and guidance subject to conditions.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

### **Reason**

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: CP-7228.1.32, CP-7228.1.32 Rev B, CP-7228.1.34 Rev B, CP-7228.1.35 Rev B, CP-7228.1.36 Rev B, CP-7228.1.37 Rev B, CP-7228.1.38 Rev B, CP-7228.1.39 Rev A and CP-7228.1.40 Rev A.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

7am to 7pm Monday to Friday

7am to 1pm on Saturdays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

In the interests of residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

4.

No external lighting shall be installed until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the local planning authority. The assessment shall include:

- identification of sensitive receptors likely to be impacted upon by light nuisance;
- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Reason

In the interests of residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

5.

The development hereby approved shall not be brought into use until the existing vehicular access to the site has first been improved within highway limits in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Reason

In the interests of vehicular and pedestrian safety and to accord with policy T2 of the North Lincolnshire Local Plan.

6.

The proposed new mosque shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall thereafter be retained.

**Reason**

In the interests of vehicular and pedestrian safety and to accord with policy T2 of the North Lincolnshire Local Plan.

7.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

**Reason**

In the interests of vehicular and pedestrian safety and to accord with policy T2 of the North Lincolnshire Local Plan.

8.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

**Reason**

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

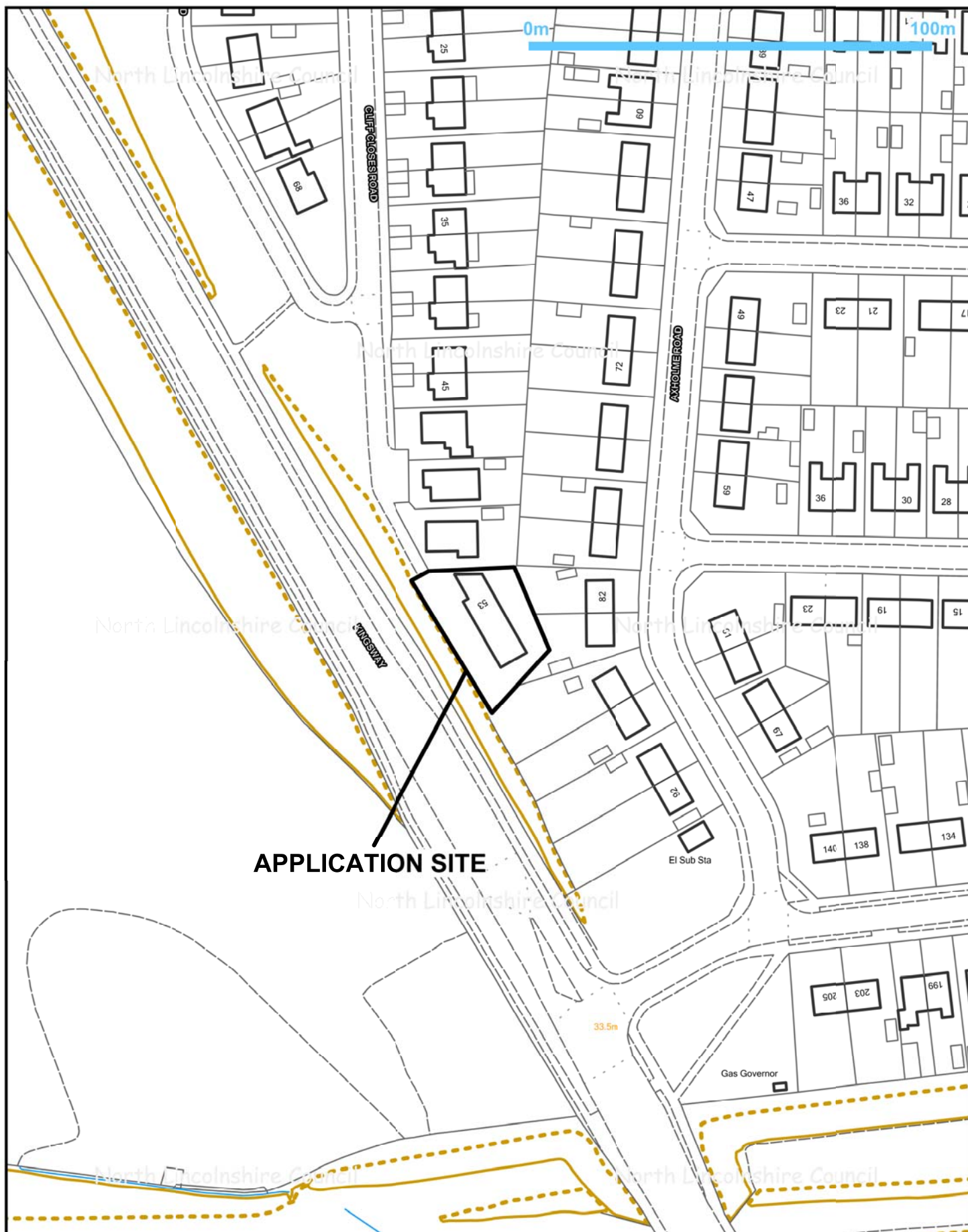
The premises shall be used as a mosque with ancillary accommodation and for no other purpose, including any other purpose within Class D1 of the Town and Country Planning (Use Classes Order) 1987 as amended.



**Reason**

To enable the local planning authority to maintain a measure of control over the future use of the site in the interests of the residential amenities of the area.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2015/1207			
Drawn by: Sue Barden	Date: 16/12/2015	Scale @A4 1:1270	
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# PA/2015/1207 Propsoed sections Not to scale

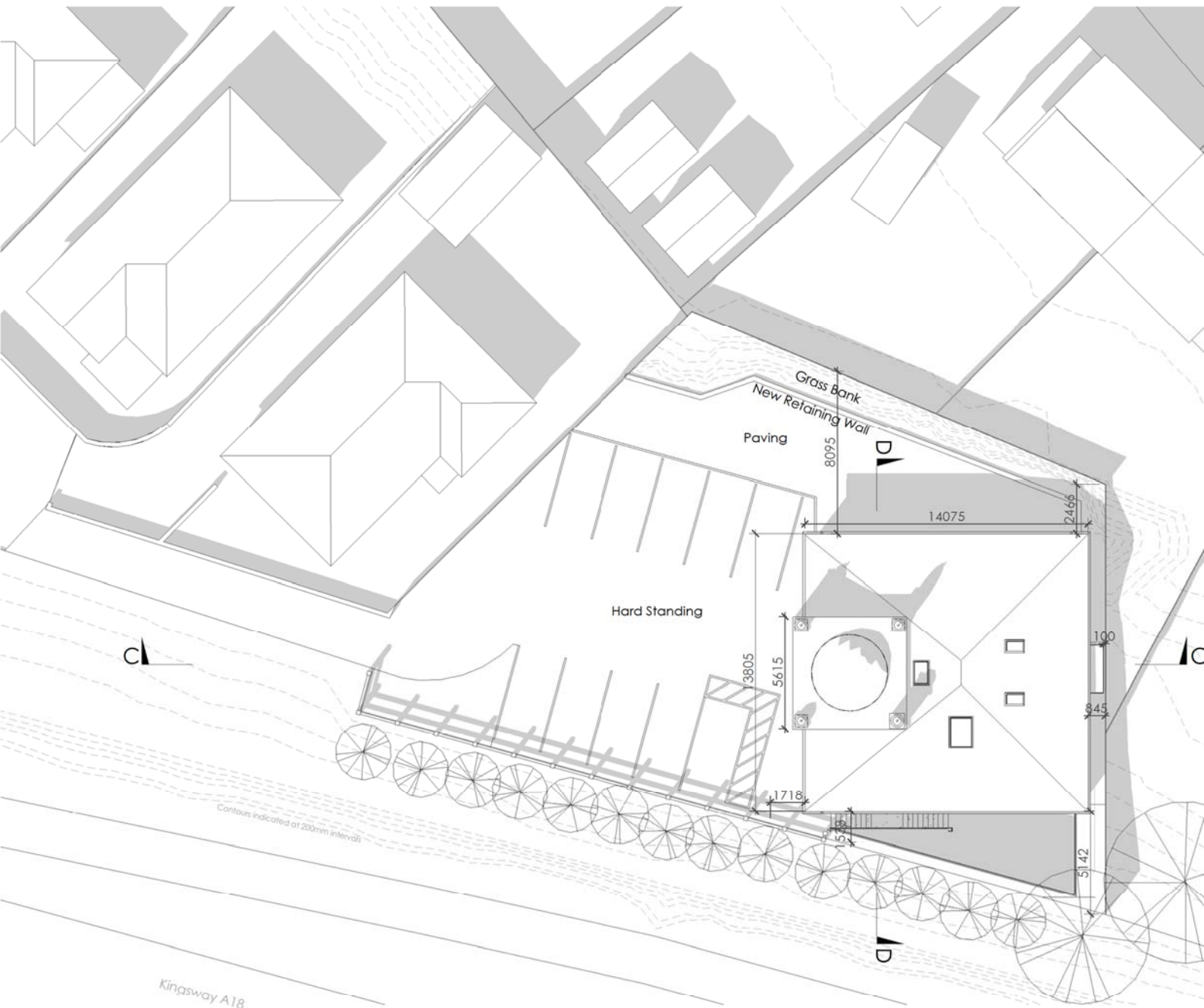


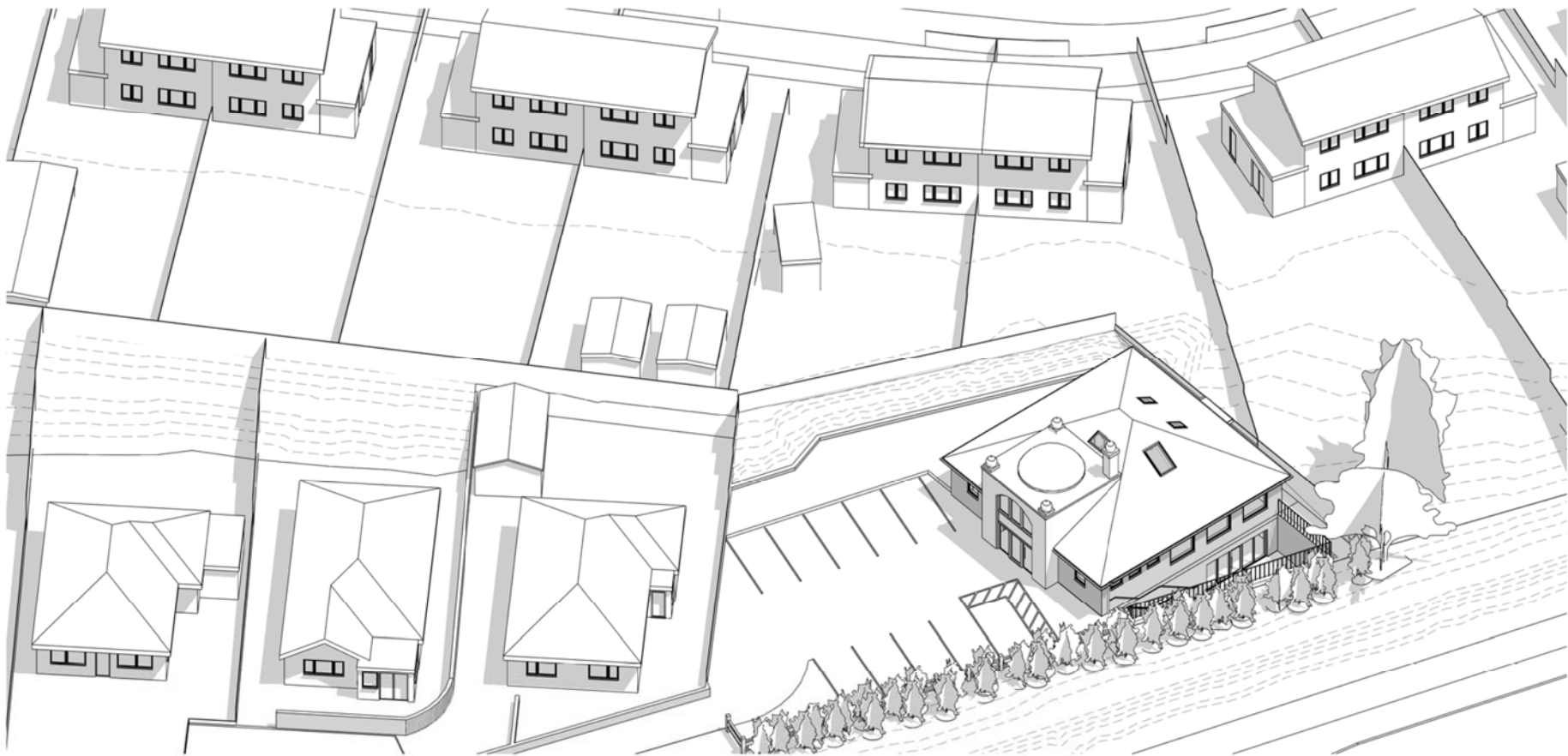
Section C-C as Proposed



Section D-D as Proposed

# PA/2015/1207 Proposed Layout - Not to scale





Overhead View From North West as Proposed



Perspective View from South West as Proposed

PA/2015/1207 Propsoed Elevations -  
Not to scale