

Report to Planning applications committee

Item

10 January 2019

Report of Head of planning services

Subject Application no 18/01402/VC - 286 Dereham Road,
Norwich, NR2 3UU

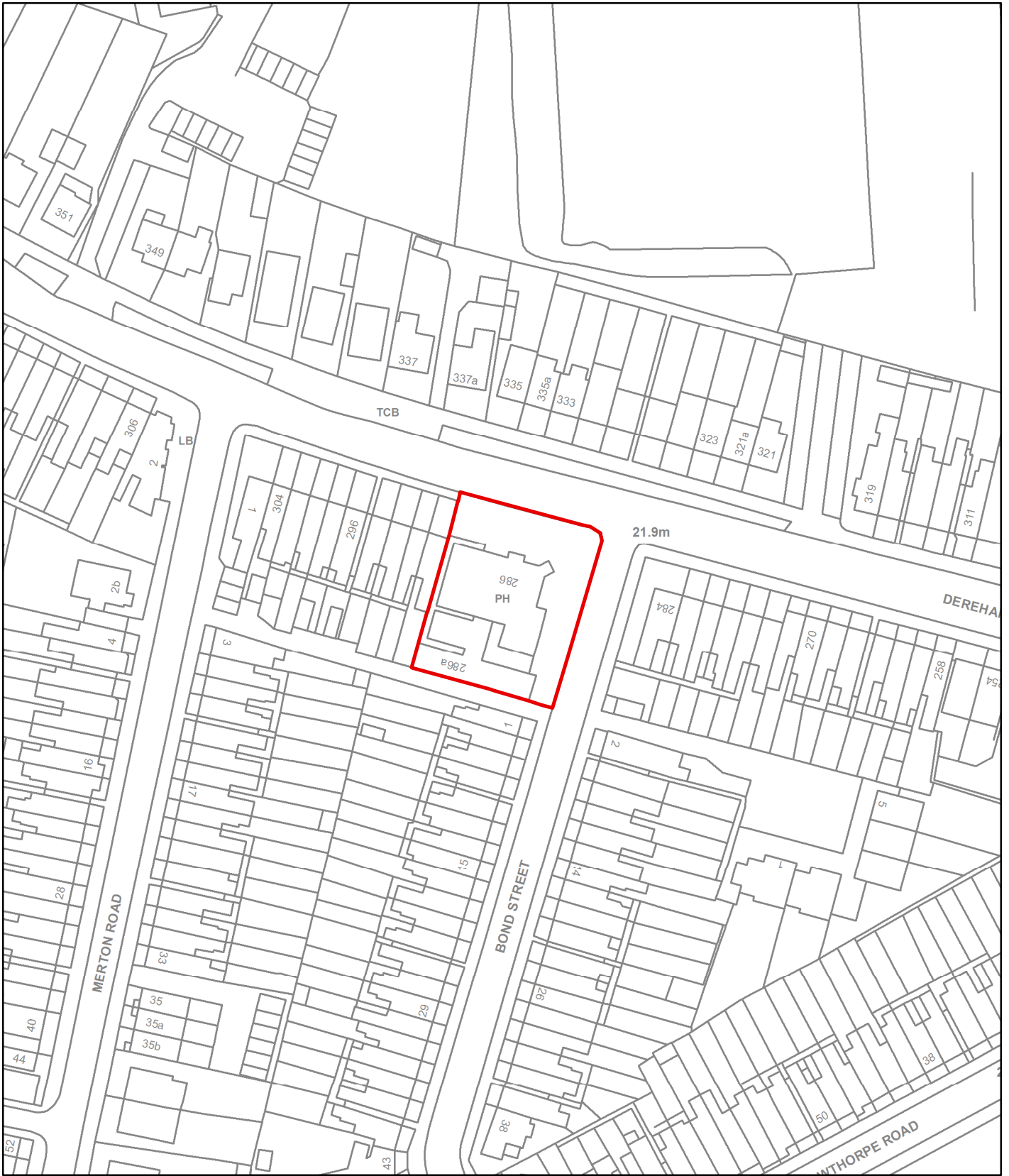
4(d)

**Reason
for referral** Objections

| | |
|---------------------|--|
| Ward: | Wensum |
| Case officer | Maria Hammond - mariahammond@norwich.gov.uk |

| | | |
|--|---------|---------|
| Development proposal | | |
| Variation of the wording of condition 3 of permission 11/00071/U to allow use of the premises as a place of worship. | | |
| Representations – see further detail in report | | |
| Object | Comment | Support |
| 67 | 3 | 56 |

| | |
|-----------------------|------------------------------|
| Main issues | Key considerations |
| 1 | Principle of use for worship |
| 2 | Transport |
| 3 | Amenity |
| Expiry date | 15 January 2019 |
| Recommendation | Approve |



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Planning Application No 18/01402/VC

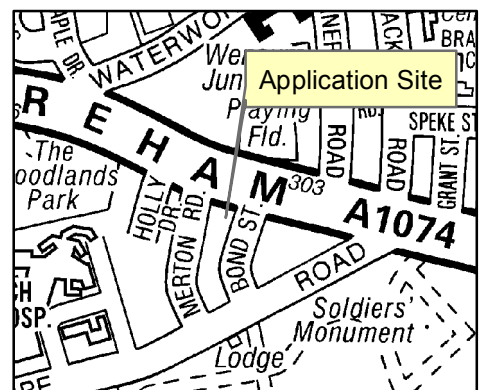
Site Address 286 Dereham Road

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site consists of the former Queen Charlotte pub at the corner of Dereham Road and Bond Street to the west of the city. It is a detached two storey, locally listed building with single storey extensions and outbuildings to the rear. In 2011, following closure of the pub, planning permission was granted for use as a community centre and it remains in this use.
2. Seventeen off street parking spaces exist along the Dereham Road and Bond Street frontages with cycle stands also provided. On street parking along the surrounding roads is not permit controlled and the area is otherwise residential, characterised by Victorian and later terraces.
3. Internally the building offers two large rooms of approximately 80 square metres each; one on each floor. Other smaller rooms and outbuildings provide ancillary spaces and uses.

Constraints

4. The building is locally listed and not in a defined centre.

Relevant planning history

5.

| Ref | Proposal | Decision | Date |
|------------|---|----------|------------|
| 11/00071/U | Change of use from public house (Use Class A4) to general use for community and charitable use (Use Class D1) with minor internal alterations. | Approved | 14/04/2011 |
| 11/01464/F | Render replacement works. | Approved | 26/10/2011 |
| 11/01471/F | Erection of single storey extension within rear courtyard to house additional toilet facilities. | Approved | 12/10/2011 |
| 12/00006/F | Extensions and alteration to the building including: 1. Extension of outbuilding to create office; 2. Extension of main building to create permanent retail area; 3. Retrospective application for replacement windows on rear elevation of main building with UPVc windows; and 4. Retrospective application for reinstatement of original front window of main building with UPVc window. | Approved | 11/04/2012 |
| 12/01257/U | Change of use of part of outbuilding to provide a retail area for sales of light refreshments to existing community centre. | Approved | 21/08/2012 |

| Ref | Proposal | Decision | Date |
|-------------|--|----------|------------|
| 12/02254/D | Details of condition 4 - amplified sound equipment, condition 6 - travel information and condition 9 - external lighting and security measures of planning permission 12/01257/U 'Change of use of part of outbuilding to provide a retail area for sales of light refreshments to existing community centre'. | Approved | 31/01/2013 |
| 16/00426/VC | Variation of condition 4 of previous permission 11/00071/U, to increase permitted opening hours to allow later opening up to 3 hours after sunset for a temporary period each year during Ramadan up until 2022. | Approved | 12/05/2016 |
| 16/00896/D | Details of Condition 9: Management Plan of previous permission 16/00426/VC. | Approved | 30/06/2016 |

The proposal

6. The use of the building as a community centre was approved in 2011 (11/00071/U) subject to a number of conditions including condition 3:

“The use of the premises hereby approved shall be limited to use only as a community centre, with ancillary creche, play group or day nursery and education use only and for no other use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification). For the avoidance of doubt, no use of the premises as a place of worship, clinic, health centre, art gallery, museum, library, law court or non-residential education and training centre shall take place without further permission being granted.

Reason:

To ensure that the use of the premises does not result in detriment to local amenities and living conditions and to ensure that any variation to the use proposed as part of the use hereby approved is subject to the control of and full assessment by the local planning authority.”

7. This condition has been applied on subsequent permissions which have made minor alterations to the site.
8. The application proposes varying the wording of this condition to explicitly include use as a place of worship. The following amended condition wording is proposed in the application:

“The use of the premises hereby approved shall be limited to use principally as a community centre, with ancillary creche, play group or day nursery, place of worship and education use only and for no other use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order (with or without modification). For the avoidance of doubt, no use of the premises as a clinic, health centre, art gallery, museum, library, law court or non-residential education and training centre shall take place without further permission being granted.”

9. The existing permissions for the site are also subject to a number of other conditions, including restrictions on opening times and the use of amplified sound. This application proposes retaining these conditions as existing.

Representations

10. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received during the consultation period citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

| Issues raised | Response |
|--|---|
| Unsociable hours of morning prayer before 7am. People and arriving and leaving close together, loud noise from car doors closing, building alarm, car alarms and also in warmer weather you hear noise from inside the building due to the windows being open. | See main issue 3 |
| The building is already being used as a place of worship. It's called 'Norwich Central Mosque'. | Noted. The name does not necessarily reflect the use in planning terms. |
| Parking on Bond Street is absolute chaos whenever this building is in use; cars double parked, side roads blocked, and no consideration is given to local residents. | See main issue 2 |
| I have zero faith in the planning process as the conditions of the original application are being flagrantly ignored, with zero interest from the council. | See main issue 1 |

11. Subsequent to the formal consultation process, an anonymous third party circulated a flyer in the local area entitled 'Does Norwich need a mosque here?'. This encouraged objections to the application on the basis of: congestion and parking; character of the area; and, disturbance.
12. The following responses were received subsequent to the circulation of that flyer and after the consultation period has closed:

| Object | Comment | Support |
|--------|---------|---------|
| 65 | 3 | 56 |

13. In addition, a number of representations were received which gave no reason for the objection or support, were anonymous or, regrettably, made defamatory or offensive comments. In accordance with the Council's policy, these shall not be taken into consideration.

14. The responses which can be taken into account raise the following issues, although it should be noted they were largely made on the misapprehension the application proposes use of the building as a mosque or a new building for a mosque:

| Issues raised | Response |
|--|---|
| Insufficient on-site parking | See main issue 2 |
| Parking havoc on a Friday lunchtime | See main issue 2 |
| Exacerbate existing on-street parking problems, including from use by staff and visitors to the Community Hospital | See main issue 2 |
| Highway safety | See main issue 2 |
| Existing traffic problems will be exacerbated | See main issue 2 |
| Inappropriate to residential area | See main issue 1 |
| Will change the character of the area | See main issue 1 |
| Noise and disturbance, including from calls to prayer, loud speakers, manoeuvring cars and prayer times at unsociable hours | See main issue 3 |
| Health considerations from increased traffic and disturbance at night | See main issue 3 |
| Woods in surrounding area provide a haven for wildlife | It is not considered wildlife would be any more affected than local residents. |
| Area is overcrowded | See main issues 1 and 3 |
| Viable employment land | The site is not and has not been in employment use. |
| Will affect culture and cohesion of area | See main issues 1 and 3 |
| Circumstances have not changed since the original decision | Noted. |
| No need for a mosque | Noted – comments have been received to the contrary – although it is not considered that there would be a need in planning terms to demonstrate there is a need for the use proposed. |
| It ruins the look of the area | No external changes are proposed to the building and it has not changed in appearance since its use as a pub. |
| Existing planning permission has been abused | See main issue 1 |
| Increase in crime and risk to personal safety | See main issue 2 |
| Vital cultural resource | Noted |
| There was more disturbance when the building was a pub and music venue and that was accepted | See main issue 3 |
| This is a thriving and busy community. Will bring diversity and encourage tolerance. It would be a gain for the immediate and greater Norwich community. | Noted. |

| Issues raised | Response |
|---|---|
| Good for building to have useful community purpose | Noted. |
| It is on a main road so access is straightforward, it is in walking distance from the city centre and there is a regular bus route along Dereham Road | See main issue 2 |
| Parking is only used for a short period, mainly on a Friday | See main issue 2 |
| Not enough mosques in Norwich, there is a need for a place for worshippers to practice their faith. Beneficial to have a place to worship and gather. Closure would be a big struggle for the Muslim community. | Noted – comments have been received to the contrary – although it is not considered that there would be a need in planning terms to demonstrate there is a need for the use proposed. |
| Calls for prayer can only be heard inside the building | See main issue 3 |
| Everyone has the right to worship freely | See Equality and Diversity Issues |
| Giving permission for worshipping in this community centre does not mean any change in the aims, scope or objectives of the NNMA activities | Noted. |
| Disturbance is no worse than the multitude of churches and cathedrals in the city | See main issue 3 |

Consultation responses

15. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Highways (local)

16. No objection on highway grounds.
17. In many ways a public house with music events shares similarities with a place of worship in that it can attract bursts of traffic at off peak times. The premises have a limited number of parking spaces on site, the majority of additional parking is found on adjacent streets.
18. The local area is not within a Controlled Parking Zone and parking is unrestricted, although there are waiting restrictions at junctions which are sufficient. There are no plans to install a CPZ in this area for the foreseeable future as there has not been popular support for such restrictions.
19. It is essential that the premises has a robust travel plan to ensure that visitors try to reduce car traffic and parking. Ideally there would be car sharing, and use of walking, cycling and local bus services.

Assessment of planning considerations

Relevant development plan policies

20. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment

21. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM18 Promoting and supporting centres
 - DM22 Planning for and safeguarding community facilities
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

22. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF7 Ensuring the vitality of town centres
 - NPPF8 Promoting healthy and safe communities
 - NPPF9 Promoting sustainable transport
 - NPPF15 Conserving and enhancing the natural environment

Case Assessment

23. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

24. Key policies and NPPF paragraphs – DM18, DM22, NPPF sections 7 and 8

25. The existing condition concerning the use of the premises was applied for the reasons outlined in paragraph 6 above and because the application was for a D1 use. The D1 use class includes a range of non-residential institution uses, many of which would represent a different character of use with different impacts to the community centre and charitable use that was specifically proposed. Given the circumstances of the site in a residential area with limited off-street parking, the impacts of other D1 uses would require careful consideration here so it was considered necessary for this condition to restrict the use to a community centre so

any change to another D1 use would require consideration through a planning application. Other D1 uses include places of worship.

26. The application for community centre use was made by the Norwich and Norfolk Muslim Association. It was understood at the time of the application that the community use of the building by the Association would inherently involve some acts of worship taking place here. Officers made their recommendation to the Planning Committee to approve the application on this understanding and worded condition 3 accordingly.
27. The Association have occupied the premises since 2012 and continue to do so. There has been no change in the nature of their use over this period and this application does not propose any changes to the nature of activities going forward. The centre provides social and educational activities for the local Muslim community, including weekly Arabic and religious education lessons and regular family gatherings. There are also spaces for spontaneous gatherings and refreshments and games are provided. Five daily prayers are a feature of Islam and therefore it has always been understood that acts of prayer and worship would take place when prayer times coincide with other activities within the building. The only regular event which is specifically for worship is the main Friday prayer that occurs around lunchtime.
28. The application proposes varying the wording of the condition to remove what the applicant interprets to be a restriction on the use of the premises for prayer activities and confirm that this is permitted as an ancillary use. The applicant considers the wording "no use of the premises as a place of worship" can be interpreted to prohibit any prayer activity here and they consider this has created some confusion and objections locally from neighbours who consider these activities to represent a breach of condition.
29. The Council has received complaints to this effect in the past and after appropriate investigation these concluded that the use of the premises remained as a community centre, any worship was strictly ancillary to this, and no breach of condition had taken place.
30. The application proposes amending the wording of the condition to retain the principal use as a community centre. As this is already permitted, the principle of this does not need to be reconsidered.
31. The addition of a place of worship to the permitted uses should be considered with regard to Policy DM22. This policy permits and encourages new and enhanced community facilities where they contribute positively to the well-being and social cohesion of local communities. Preference is given to locations within or adjacent to centres.
32. As this is an existing facility which is proposed to be enhanced, it is not necessary to consider the location. However it should be noted that whilst it is not within a defined centre, it is in a sustainable location well-served by public transport.
33. With regards the contribution it would make to the well-being and social cohesion of local communities, the representations received offer diverse views on this point, but include identification of a need for this facility by the Muslim community. It must be considered that any permission would be for use as a place of worship by any

religion and is not specific to either the Norwich and Norfolk Muslim Association (NNMA) or Islam more generally. Places of worship are key community facilities which offer significant opportunities to support the well-being and social cohesion of communities. With particular reference to the NNMA's use of the building, they provide open days for the local community and frequently host school visits to promote integration with the local community and understanding of Islam.

34. The application seeks only to include worship in the permitted uses of an existing building already in community use. Places of worship, especially on street corners, are characteristic of the Victorian development outside the city centre and it is not considered the scale and intensity of the use would either change or detrimentally affect the character of the area. The proposal is therefore considered acceptable in accordance with Policy DM22.
35. Whilst the applicant has proposed wording which would list 'place of worship' as an ancillary use, having discussed this with them it is considered the balance between community and worship uses is more equal. It is therefore proposed to amend the wording of the condition as follows (amendments from original underlined):

The use of the premises hereby approved shall be limited to use only as a community centre and place of worship, with ancillary creche, play group or day nursery and education use only and for no other use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification). For the avoidance of doubt, no use of the premises as a clinic, health centre, art gallery, museum, library, law court or non-residential education and training centre shall take place without further permission being granted.

36. It would remain the case that sole use of the premises as a place of worship would require a further planning application. Representations have been made on the misunderstanding that the application is for sole use as a mosque. This is not the case, the extant permitted use as a community centre will continue with worship as an integral and complementary activity and any new permission will not be solely for Islamic worship.

Main issue 2: Transport

37. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
38. Many of the objections received have focussed on the highway and parking impacts of the proposal. The centre benefits from 17 parking spaces on site and the surrounding roads are not subject to permit restrictions. In addition, it is within 100 metres of a bus stop with a frequent service to and from the city centre and beyond.
39. It is appreciated that Bond Street is relatively narrow and cars park on both sides, partly on the pavement. At busy times this will mean that spaces to park and also pass are limited. Merton Road is restricted to access only and therefore only residents and their visitors should park here. Some representations have observed that on street parking in the area of the site is also used by staff and visitors to the Community hospital which is permissible as this is not a controlled parking zone.

40. The Friday lunchtime prayer attracts the largest attendance and a site visit at this time observed that the on-site parking was fully occupied as was much of the closest on street parking, but there was no significant congestion around the site and or conflict between users. This event lasts for approximately one hour, once a week and other events are generally less frequent and less well attended, other than during the month of Ramadan.
41. Accordingly, there is no objection to the proposal on highway grounds. The existing permissions require compliance with a travel information plan and it is considered appropriate to require this to be updated to encourage use of transport other than private car.

Main issue 3: Amenity

42. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180
43. The application site is in a densely developed residential area which is sensitive to intense, loud and disruptive uses (although it is noted the premises was formerly a pub and music venue). Accordingly, the original permission for the community centre is subject to a number of conditions to mitigate unacceptable amenity impacts, including opening times from 07:00 to 23:00 (with a later exception for Ramadan), no use of external amplified sound and compliance with agreed sound equipment within the building, including a requirement for doors and windows to remain closed when it is in use.
44. Objections to the proposal raise concerns about the amenity impacts from use of the building as a mosque, including broadcasting of calls to prayer and holding prayers five times a day from dawn to dusk. This is not proposed.
45. The proposal is to retain the existing conditions, compliance with which will mean there are no greater sound impacts than existing or amenity impacts at unsociable hours. Previous alleged breaches of conditions have been investigated appropriately and during the course of this application the applicant has been reminded of the requirement to comply with these conditions. It is also noted the centre has recently installed air conditioning to ensure there is no need for windows or doors to be open when amplified sound is in use.
46. The previous permission which allows for later opening during Ramadan is subject to a plan to manage the amenity and transport impacts of this busier period and it shall also be necessary to require this to be updated by condition in conjunction with the updated travel plan.
47. Some representations consider the proposal would result in greater incidences of crime and threats to personal security, however these are unsubstantiated and the centre has CCTV cameras on the Bond Street and Dereham Road frontages which should help deter crime. As noted in the assessment above, places of worship have the opportunity to promote social cohesion and integration and the NNMA undertake work to do so.
48. The proposal to vary the condition to include a place of worship as part of the permitted use is therefore not considered to result in any significant additional amenity impacts over and above the existing use, subject to re-imposing the existing conditions managing opening times and use of amplified sound.

Accordingly it is not considered there would be any additional or unacceptable health impacts.

Compliance with other relevant development plan policies

49. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

| Requirement | Relevant policy | Compliance |
|--------------------------|------------------------|-------------------|
| Cycle storage | DM31 | As existing |
| Car parking provision | DM31 | As existing |
| Refuse Storage/servicing | DM31 | As existing |

Equalities and diversity issues

50. As an application to include place of worship as one of the permitted uses of a building, any permission granted would permit any religion, or even a range of religions, to use it and it has been assessed accordingly.
51. The proposal has been assessed with regard to the Equality Act 2010, which identifies religion as a protected characteristic, and Article 9 of the Human Rights Act 1998 which protects the freedom of thought, conscience and religion.

Local finance considerations

52. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
53. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
54. In this case local finance considerations are not considered to be material to the case.

Conclusion

55. This application proposes amending an existing condition which allows for use of the site as a community centre to include use as a place of worship. This is proposed in order to give the NNMA assurance that any worship which takes place is an authorised activity. It is not intended to make any change from the existing use of the building, intensify the use or use the building solely as a place of worship.

56. The proposal is considered as an enhancement of an existing community facility which would positively contribute to the well-being and social cohesion of the local community. Whilst it is appreciated that this is a densely developed residential area, it is proposed to continue to operate the centre in accordance with the existing conditions which manage its use and impacts. Accordingly it is not considered that explicitly allowing worship use would result in any significant additional amenity impacts.
57. At peak times, the on-site parking is insufficient to accommodate all visitors and it is appreciated that the on street parking around the site is intensively used by residents and other visitors. The proposal is, however, not considered to unacceptably exacerbate this or result in any detrimental highway impacts. An updated travel information for users of the centre will help promote visits by means other than private car.
58. As well as varying the wording of the use condition to allow use as a community centre and place of worship, it is necessary to re-state all previous conditions from the original permission, as also amended by subsequent permissions.
59. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 18/01402/VC - 286 Dereham Road Norwich NR2 3UU and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. The use of the premises hereby approved shall be limited to use only as a community centre and place of worship, with ancillary creche, play group or day nursery and education use only and for no other use (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (with or without modification). For the avoidance of doubt, no use of the premises as a clinic, health centre, art gallery, museum, library, law court or non-residential education and training centre shall take place without further permission being granted.
3. The use of the premises which form the subject of this permission and which are outlined in red on the location plan shall not take place between the hours of 2300 hours and 0700hours on any day, except during the Ramadan period when the use shall cease not later than 3 hours after sunset, or 23:00 whichever is the later.
4. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building.
5. No installation of any amplified sound equipment shall take place within the application premises unless details of the maximum noise levels, expressed in dB LAeq (5 minute) and measured at a point 2 metres from any loudspeaker forming part of the amplification system, together with details of any noise limiting devices, such as a microphone controlled sealed noise limiting device, have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the maximum noise levels from any amplified sound equipment within the premises shall not exceed those approved at any time. No amplified music shall

be played on the premises unless the doors and windows to the premises remain closed.

6. No use shall take place other than in accordance with the hereby approved travel plan dated March 2016.
7. No external lighting or security measures, including CCTV if required, shall be used or installed on the premises unless in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority. Any measures as approved and installed shall be retained thereafter.
8. No fixed plant or machinery shall be installed on the site unless in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority.
9. Within three months of the date of this permission:
 - (a) provision shall be made for travel information to be publicised to staff and potential future users of the premises; and
 - (b) the details of this provision, including the different methods to be used for publicity and the frequency of review shall be submitted to and approved in writing by the local planning authority; and
 - (c) the travel information shall be made available in accordance with the provision as agreed.

This information shall include details of the public transport routes and services available within half a mile walking distance of the site, cycle parking provision and facilities for cyclists on site and any other measures which would support and encourage access to the site by means other than the private car.

10. Within three months of the date of this permission, an up to date management plan shall be submitted to and agreed by the local planning authority to include measures to minimise impacts upon the surrounding area, in particular in terms of noise and car parking. The use shall be operated in accordance with the approved management plan thereafter.

Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.