

Reporting to Planning Committee Meeting to be held on: 31/03/2014	Electoral Ward Affected Riversway
Report submitted by: Assistant Director (City Planning Officer)	
Application Number: 06/2014/0069	

1 Summary

1.1 Land on Grafton Street 26/27 Fishergate Hill and 11/11A Grafton Street Preston

Erection of masjid/place of worship (Class D1), extension to car park following demolition of 11 Grafton Street, conversion of 11a Grafton Street to community room including the installation of mezzanine and the erection of boundary treatment (resubmission of planning application 06/2013/0396)

Type FU

Applicant Preston Muslim Cultural Centre

Agent Aamir Design Ltd

Case Officer CM

Parish

2 Decision recommended

APPROVAL with conditions

2.1 Conditions

1. Approved Plans
2. 3 year time limit
3. Materials
4. Access on to Fishergate Hill closed and gate to be locked permanently
5. Waste and Recycling
6. Sustainability
7. Further site investigations
8. Details of foul and surface water drainage
9. Provision of car park, including surfacing drainage and markings prior to first use
10. Implementation of the recommendations of the ecology report/survey
11. Submission of landscaping Scheme
12. Implementation of Landscaping Scheme
13. D1 restriction as a Masjid
14. No amplified calls to prayer or external speakers permitted
15. Obscure glazing in the Mehrab elevation prior to first use of the building
16. Reinstatement of the kerb/dropped crossing onto Fishergate Hill
17. Wheel washing
18. Vehicular access and egress signed prior to first use
19. Risk assessment and method statement relating to the impact of the demolition

works upon the Network Rail tunnel that crosses the site.

Informatives

1. Requirement to enter into agreement with the County Council as Highway Authority for works within the highway
2. Contract National Grid prior to commencement of works
3. Contact Network Rail prior to commencement of works
4. Contact United Utilities prior to commencement of works

3 Information

This application would normally fall within the Council's delegation scheme but has been called in to be determined by Planning Committee by Councillor Rollo due to a possible effect on the neighbouring residents.

3.1 Location

The application site is located on the south side of Fishergate Hill on the corner of Grafton Street. The Fishergate Hill frontage of the site is within the Fishergate Hill Conservation Area. The site is identified partly as a mixed use frontage and partly as existing primarily residential area on the Proposals Map of the Adopted Preston Local Plan and as residential on the Publication Local Plan Policies Map. Grafton Street is a predominantly residential area.

3.2 Proposal

The proposed development is for the erection of a Masjid/place of worship on the southern boundary of the site adjoining 19 Grafton Street. The existing buildings on the site already have permission for religious and community use by the applicants approved under planning permission 06/2008/0043. The previously approved Masjid within the site known as 11a Grafton Street would be used for community purposes and 11 Grafton Street, a former stables previously approved for community use, would be demolished. The existing building fronting onto Fishergate Hill would be retained as at present for tuition purposes.

The proposed Masjid and associated facilities would be mainly two storey, with single storey sections. The proposed Masjid would be constructed with a mixture of red facing brickwork and render. The building would be flat slate roofed with roof lights. The window frames would be UVPC and the door frames aluminium. An octagonal glazed lantern topped by a small dome would be elevated above the main roof to provide a focal point for the Masjid.

Vehicular access to the site would be from Grafton Street with two accesses providing an in-out arrangement. There would be a total of seventeen car parking spaces including two disabled spaces within the site. This includes existing parking provision on the Fishergate Hill frontage of the site. It is intended that the existing vehicular access onto Fishergate Hill would be permanently closed.

3.3 Supporting information from applicants

Planning, Design & Access Statement, including Crime Impact Statement
Heritage Statement
Renewable Energy Statement

Ecological Report/Bat Survey
Waste Management, refuse and Recycling Statement
Flood Risk Assessment
Travel Plan
Contamination Desk Top Study

3.4 **Relevant planning history**

06/2008/0043. Change of use from office and industrial premises to place of worship and community use (Class D1) including alterations to elevations and single storey extension to rear. Approved May 2008.

06/2011/0534 – Erection of masjid/place of worship, extension of car park following demolition of 11 Grafton Street, conversion of 11a Grafton Street to community room and boundary treatment. – Refused November 2011. Dismissed on Appeal.

06/2013/0396 - Erection of masjid/place of worship, extension of car park following demolition of 11 Grafton Street, conversion of 11a Grafton Street to community room and boundary treatment (resubmission of planning application 06/2011/0534). – Refused November 2011.

3.5 **Planning Policy Framework**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development plan comprises:

Central Lancashire Core Strategy

Policy 1 – Locating Growth
Policy 16 - Heritage Assets
Policy 17 – Design of New Buildings
Policy 22 – Biodiversity and Geodiversity
Policy 27 – Sustainable Resources and New Development
Policy 25 – Community Facilities
Policy 26 – Crime and Community Safety

Preston Local Plan

C1 – Development and Conservation Areas
C2 – Demolition of Listed Buildings or Buildings in Conservation Areas
C3 – Conservation Areas- Changes of Use
D1 – Design Criteria
D2 – The Local Context
H5 – Development Proposals in Primarily Existing Residential Areas
SS1 – Mixed Use Frontages
T19 – General Transport Considerations.

Other Material Considerations:

Publication Local Plan

AD1 (a) – Development within (or in close proximity to) the Residential Area

EN8 – Development and Heritage Assets

EN9 – Design of New Development

EN10 – Biodiversity and Nature Conservation

EN11 - Species Protection

ST1 – Parking Standards

ST2 – General Transport Considerations

3.6 Consultation responses

County Highways – No objection subject to a number of conditions relating to the site layout including the permanent closure of the existing access onto Fishergate Hill.

County Ecology – Consulted on previous applications and raised no objection but recommended conditions in accordance with the recommendations/mitigation measures set out in the applicant's ecology report.

Environment Agency – No objections.

United Utilities – No objection subject to a drainage condition.

Network Rail – Concerned that the works may cause potential disruption to the Network Rail tunnel that crosses the north corner of the site. Network Rail have no objection so long as the applicant provide details of a method statement relating to the demolition works and certified proof that the works will have no detrimental effect, which can be secured by condition.

Architectural Liaison officer – No objections. The revised application now addresses their previous concerns.

Environmental Health – No comments received to date.

Electricity North West – Refer to standard advice.

Four letters of support have been received outlining the need for this community facility.

Nineteen letters of objection have been received from the residents of neighbouring properties. The grounds of objection can be summarised as follows:

- Adverse impact from increased traffic and parking
- Exacerbate existing parking problems
- Pedestrian and highway safety
- Possible impact on wildlife
- Scale of building overwhelming and imposing on the local housing, does not fit sympathetically into its proposed new environment.
- Roof design and materials out of keeping with slate pitched roofs of adjoining

- residential properties.
- Siting and massing of proposed building
- Adverse impact on 19 Grafton Street from visual intrusion, overbearing, loss of light, noise and disturbance, external lighting
- Proximity to Gujarat Centre – visitor numbers
- General issues of noise and disturbance for neighbouring residents
- Effect on Fishergate Hill Conservation Area

3.7 **The Main Planning Issues**

The main issues in the determination of this application are:

Principle of proposal, effect on visual amenity/Fishergate Hill Conservation Area, residential amenity, traffic and highway safety, sustainability, contamination, waste management, ecology, flood risk and safety and security.

3.8 **Analysis**

Principle of proposal

The northern section of the site fronting Fishergate Hill, including the existing buildings within the site are identified as within a Mixed Use Frontage in the Adopted Preston Local Plan. Policy SS1 sets out a range of appropriate uses that would be located within such areas provided that such development does not result in an over concentration of any one use. Planning permission has already been granted within this part of the site for religious and community facilities. The southern section of the site is currently vacant land identified as within an existing residential area on the Proposals Map of the Preston Local Plan and the Publication Local Plan Policies Map. The proposed Masjid and associated parking facilities would be sited within this part of the site.

Core Strategy Policy 25 seeks to ensure that communities have sufficient facilities where there is a need and in locations that are acceptable and by all modes of transport.

Local Plan H5 and Publication Local Plan Policy AD1(a) seek to ensure that proposals are designed having regard to the amenities of neighbours as well as the amenities of future occupiers of the proposed development.

There is a demonstrated need and proposed use is considered compatible with residential uses and is therefore acceptable in a primarily residential area in a sustainable location. The application therefore complies with Local Plan Policy SS1, H5, Publication Local Plan Policy AD1(a) and Core Strategy Policy 25.

Effect on visual amenity/character of Fishergate Hill Conservation Area

Local Plan Policy C1 and Publication Local Plan Policy EN8 state that development proposals affecting the setting of a conservation area will be permitted where they preserve or enhance the character and appearance of the Conservation Area. Policy C2 seeks to protect buildings from demolition within conservation areas which make a positive contribution to the character or appearance of the conservation area. Local Plan Policies D1, D2, H5, Central Lancashire Design Guide, Publication Local Plan Policy EN9 and Core Strategy Policy 17 seek to ensure that a high quality of design is secured that takes into account the local context and the surrounding area. Core Strategy Policy 16 seeks opportunities to enhance heritage assets and to safeguard heritage assets from inappropriate development. The Framework states that the desirability of new

development making a positive contribution to the character and local distinctiveness of the historic environment should be taken into account.

The previous applications were refused and one was subsequently dismissed by the Planning Inspectorate following an appeal due to concerns relating to the impact of the development on visual amenity and the street scene. In the Inspector's conclusions it was considered that the site cannot accommodate the various aspects of the proposal in a satisfactory manner and that the footprint and the scale of the building would be too large for the site. This application seeks to address these issues.

The site is partly within a conservation area and is adjacent to a residential area which is characterised by two storey terraced properties. The siting, scale and bulk have been reduced from the previous applications and as a result the proposed building would be less intrusive on the street scene. Although it would be dominant in relation to the terraced houses, particularly as the character of the area is to step down from the larger properties on Fishergate Hill to the residential properties on the surrounding streets, it is not considered that this dominance would be unacceptable. The orientation of the proposed building would not be traditional, but would not be of detrimental harm.

The proposal also includes the demolition of no.11 Grafton Street. No.11 is a traditional brick building sited at the back of pavement and forming part of the existing enclosure of the site fronting onto Grafton Street. This existing building adjoins the boundary of the Fishergate Hill Conservation Area and is considered to contribute to its historic setting. The demolition of the building is proposed to create car parking and manoeuvring provision within the site including a replacement 2.25m high brick wall and railings on the Grafton Street boundary. The demolition of the building to create an open area of parking would impact on the setting of the Fishergate Hill Conservation Area. However on balance it would not have an unacceptable detrimental effect on the street scene.

The application proposes the use of UVPC windows. The site is located outside of the conservation area boundary and although such windows are not a traditional in character they are considered acceptable in this instance.

On balance it is considered that the revised scheme would not be detrimental to the visual amenities of the area, street scene and setting of the Fishergate Hill Conservation Area. The proposal complies with Local Plan Policies C1, C2, D1, D2 and H5, Core Strategy Policies D16 and D17, Publication Local Plan Policy EN8, the Central Lancashire Design Supplementary Planning Document and The Framework.

Impact on residential amenity

Local Plan Policy H5 and Publication Local Plan Policy AD1(a) set out that within residential areas the most important consideration in assessing the acceptability will be the impact of the development proposal on residential amenity. Core Strategy Policy 17 seeks to ensure that new buildings are sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area. The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

One of the reasons for refusal of the previous schemes was the impact on the residents of no. 19 Grafton Street. The revised scheme would be located within 2.5metres of the

boundary with the adjoining terraced residential property, an increase from 1.2m as previously proposed. The applicant has lowered the roof height from 8m to 5m at the side closest to no. 19 Grafton Street, making this elevation single storey. This would overcome previous concerns relating to and its impact on the residents of no.19.

There would be a number of first floor windows on the proposed Masjid that would face towards the rear of no.19 Grafton Street. However, it is proposed that these would be obscure glazed. There would be potential overlooking from the external staircase towards the rear of no.19 although it is accepted that this staircase is intended for emergency purposes only.

A number of neighbouring residents have raised concerns relating to the impact of the proposal on amenity. However previous concerns have been addressed and it is considered that the proposal would not be unacceptably detrimental to the occupiers of no.19 Grafton Street. The proposed development complies with Local Plan Policy H5, Publication Local Plan Policy AD1(a), Core Strategy Policy 17 and The Framework in this regard.

Traffic and Highway Safety

Local Plan Policy T19 and Publication Local Plan Policies ST1 and ST2 state that development will be permitted provided that various criteria are met, including that road safety and the efficient, convenient movement of all highway users is not prejudiced and adequate parking provision is provided. The Framework sets out that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

The layout and access arrangements have been amended following submission of the application. The car park entrance and exit arrangement would allow for vehicles to exit the site back onto the part of Grafton Street which is not one way to allow people to travel back on to Fishergate Hill, without travelling into the residential side streets which are a one way system. In addition a revised Travel Plan and additional information has been submitted which provide more detail about how the uses would operate. There would be three main uses of the site, a tuition block, community use and the Masjid. These three main uses of the site would essentially operate at different times of the day. County Highways have acknowledged that there would be minimal overlap of the main uses and that the proposed off street parking provision is greater than currently provided for the existing mosque which currently operates without an unacceptable detrimental impact on highway capacity or safety.

Objections received from local residents refer to parking problems within the area. However County Highways have raised no objections and are satisfied that the proposal would not have an unacceptable impact on the highway network. Objections making reference to another mosque in Preston are not material to the consideration of this application.

On the basis of the above, County Highways have raised no objection to the proposal subject to a number of highway conditions. These conditions include the permanent closure of the existing access onto Fishergate Hill, including the reinstatement of the footway. The latest layout plan indicates two parking spaces adjoining the Fishergate Hill access and the notation that the existing gates would be permanently locked shut. County Highways consider it essential that the access should be permanently closed and the footway

reinstated to prevent its future use. The two accesses onto Grafton Street would enable emergency access and remove the need for the access directly onto Fishergate Hill, even for emergency use. The reinstatement would also include works to the boundary wall and reinstatement of the footway at the applicant's expense. On this basis the revised application complies to Publication Local Plan Policy ST1 and ST2, Local Plan Policy T19 and The Framework.

Ecology

Core Strategy Policy 22, Publication Local Plan EN10 and EN11 and The Framework seek to conserve, protect, and enhance the biological and geological assets of the area. An ecology report has been submitted and a bat survey has been undertaken in relation to the existing buildings on the site. This found no evidence of roosting bats within buildings. In considering the previous application County Ecology raised no objections but recommended that conditions be attached in accordance with the recommendations of the applicant's Ecology Report and mitigation measures. It is recommended that these conditions be attached to this permission and subject to compliance with these conditions, the proposal therefore would not conflict with the provisions of Core Strategy Policy 22, Publication Local Plan Policies EN10 and EN11 and The Framework.

Waste and recycling

A waste management, refuse and recycling statement has been submitted with the application. It is considered that these details are acceptable and there would be adequate space within the site for the storage of refuse and recycling bins.

Sustainability

Core Strategy Policy 27 seeks to achieve high levels of sustainability within developments, particularly with reference to new build proposals. The applicant has submitted a Renewable Energy Statement. In relation to the development, schemes for non-residential buildings above 500 sq metres, are required to achieve the Building Research Establishment's Environmental Assessment Method (BREEAM) - 'Very Good' rating. The proposed development is above the 500 sq metre threshold and the applicant has stated the target is to achieve a 'Very Good' rating. On this basis the proposal would not conflict with Policy 27.

Contamination

The Framework seeks to ensure that the application site is fit for purpose and appropriate mitigation measures taken if required. Potentially polluting development will not be permitted within or close to sensitive uses such as residential. The application site is previously developed land and the applicant has submitted an Environmental Desktop Report which states there are no contaminants requiring remediation and/or precautions to be taken for the proposed development. To date the Environment Agency have made no comments, but previously they concluded that the investigation is probably insufficient to establish possible pollutants at depth on the site. As such the Environment Agency requested that a condition be attached requiring a further detailed site investigation. Environmental Health Officers have yet to comment, but previously they raised no objection subject to the submission of the site investigation. Subject to compliance with a condition requiring the submission of further site investigation reports, the proposal would not conflict

with the provisions of The Framework in relation to contamination.

Flood Risk

Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding.

The applicant has submitted a Flood Risk Assessment which identifies that the site is on the edge of flood zones 1 and 2, with the boundary cutting across the southern boundary of the site. The Flood Risk Assessment concludes that the location of the application site is considered to be at 'low risk' of flooding. The Environment Agency have raised no objections. The proposal complies with Core Strategy Policy 29.

Safety and Security

Core Strategy Policy 26 aims to reduce levels of crime by encouraging the inclusion of secured design principles in new developments.

A Crime Impact Statement has been submitted with the application. The Architectural Liaison Officer has raised no objections to the proposed development. The application provides sufficient provisions to make the site safe and secure, in accordance with Core Strategy Policy 26.

3.9 Value Added to the Development

Acceptable as submitted.

3.10 Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The re-submission has addressed the issues raised during the consideration of the previous application and is considered not to have an unacceptable detrimental impact on residential amenity the, Conservation Area or highway safety. There is already approval for religious and community use of part of the site and it is considered that the use of the overall site as an extension of the existing religious and community use is acceptable in principle and complies with the relevant policies. There are no material considerations that outweigh this finding.

3.11 Recommendation

Approve with Conditions

2014-0069

