

PLANNING COMMITTEE: 25th September 2018
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0496

LOCATION: 112 - 116 Abington Avenue

DESCRIPTION: Two storey side extension

WARD: Abington Ward

APPLICANT: Markazi Masjid
AGENT: ZS Partnership Ltd

REFERRED BY: Councillor Z Smith
REASON: Parking concerns

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed alterations and extensions are not considered to represent a significant increase in floorspace such that an unacceptable intensification of use or impact on adjacent amenity or existing parking conditions would result. The design and appearance are considered acceptable in view of the functional requirements of the premises. The proposal is considered to be in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

2 THE PROPOSAL

- 2.1 The application relates to a two-storey side extension towards the south eastern rear of the site. The ground floor includes an extension to the existing body wash/store with a replacement kitchen on the first floor.
- 2.2 Further internal works are proposed to the layout of the building to provide better wash and toilet facilities, with minor alteration to window openings. The existing kitchen is to be converted into a study for the Imam.

3 SITE DESCRIPTION

- 3.1 The site is located on the corner of Stimpson Avenue and Abington Avenue and has been occupied as centre of worship and religious instruction since the early 2000s. The building is two

storey with stairs at the rear. On the ground floor is the main prayer rooms and toilets and on the first floor is the kitchen, a smaller prayer room and classrooms.

- 3.2 The property has a car park that would accommodate around 20 cars, although it is noted that this is often not sufficient for the number of people who attend some of the larger gatherings.
- 3.3 The building is within a predominantly residential area, although to the rear of the site is a large building housing an electric substation and a parking area for the flats in Westleigh Close.

4 PLANNING HISTORY

- 4.1 N/2000/1266 - Change of use from garage/car showroom to place of worship/religious instruction (Class D1). Approved 24 January 2001.
- 4.2 N/2008/1263 - Proposed ground floor extension, internal alterations and external staircase, additional windows to roof and alterations and additional brick facade. Approved 21 August 2009.
- 4.3 N/2012/0057 - Erection of dome/tower and entrance canopy. Approved 02 March 2012.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies,

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 11 set out that the presumption in favour of sustainable development.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creating better places to work and live.

Paragraph 127 also addresses the importance of design and its impact on the quality and character of an area, as well as detailing that developments should create places that promote health and well-being, including a high standard of amenity for existing and future users.

Paragraph 109 details developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Paragraphs 170 and 180 requires planning to prevent new development from being put at unacceptable risk from or being adversely affected by air or noise pollution.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S1 – Distribution of development
Policy S10 – Sustainable development principles
Policy BN9 – Planning for pollution control

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

Policy E20 – new development (design)

5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NBC Public Protection** - have requested details of any external plant associated with the development.

6.2 **Anglian Water** - have been consulted on the application due to the potential contamination issues associated with the waste water. Their response has yet to be received and will be reported via the addendum.

6.3 **NCC Highways and Access** - does not believe this application will negatively affect the highway.

6.4 **Councillor Zoe Smith** - requested that the application be called to Planning Committee for determination due to the parking problems around the site.

6.5 **Northants Police** - have made recommendations regarding security of the building.

6.6 21 letters of objection were received raising the following concerns:

- Potential for more worshippers to attend causing further traffic chaos
- Noise when children are dropped off for classes and during celebrations such as Ramadan
- Concerns about dangerous parking in the area
- Building is not suitable as a mosque
- Loss of light to garden
- Air pollution issues from traffic
- Devaluation of property
- Concerns that the application has been dealt with in a secretive manner
- Concerns about breeches of previous planning permission
- Inadequate consultation

7 **APPRAISAL**

Principle of Development

7.1 The mosque has been established on this site for over 16 years. Whilst it is acknowledged that there are parking issues associated with the use, this proposal must be considered in terms of any additional harm that may result from the extension. The prayer facilities are not being extended as part of this proposal and therefore the capacity of the building is not to be materially increased.

7.2 The proposed extension is intended to provide a larger viewing area for visitors to pay their respects during funerals. Currently the body wash/store area is a very small room. During funerals,

worshippers wishing to pay their respects, filter through one door, past the body and out the next. Some funerals have large numbers of visitors and this can create a bottleneck and not allowing free flow of people. This could cause a potentially unsafe situation.

- 7.3 The proposed extension is intended to allow easier passage as visitors pass by the body viewing area and through to the second door to exit the area. A separate area forms the body wash/store, where the bodies are received and prepared, keeping the two elements separate.
- 7.4 The proposed first floor kitchen is intended to replace the existing much smaller kitchen. At times of celebration cooked food is reheated on site. The existing kitchen is of a similar size to many domestic kitchens with a standard sized cooker and sink. The proposed kitchen would allow for more circulation space during cooking. It is not intended to be used for preparing meals from scratch, but from a health and safety perspective, it does allow a safer environment and easy access to the emergency exit.

Design

- 7.5 The proposed extension, which measures 5m deep, 8.3m wide and 6m high, is indicated to be finished in materials to match the existing with brickwork and a tiled roof. Due to its location away from the main frontage, it is not considered that the proposal would appear prominent.
- 7.6 It is considered that the proposed design is acceptable and would be in keeping with the existing building and its surrounding. As there would be slight amendments to the window positions in the northwest elevation onto Abington Avenue, a condition is recommended to require further details of the proposed windows to be submitted.

Noise and Pollution

- 7.7 As bodies may be stored on the premises, the Environmental Health Officers have raised concerns about noise from any extraction system or waste arising from the processes.
- 7.8 The existing building has a number of extraction fans on the roof and there are no plans to change the existing system. However, a condition is recommended requiring full details of any new external plant to be installed to be submitted to the Council for prior approval.
- 7.9 The processes carried out are not expected to result in pollution from waste and this can be controlled through other legislation. Anglian Water have been consulted on this application and their comments are awaited and will be reported via the addendum.

Highway Implications

- 7.10 The proposed extension does not intrude into the car park area and so parking will not be reduced as a result of this proposal. Whilst there may be concerns from local residents about the number of people attending the mosque and parking in the local streets, this alone would not be justification for refusing this proposal.
- 7.11 The LHA has been consulted on the application and sought further information on the use of the extension and the potential for intensification of the use. They confirmed that the proposal would not negatively affect the highway and have raised no objection.

Impact on local residents

- 7.12 Many of the concerns expressed by the representations received relate to parking issues on the site and surrounding streets. As previously expressed, the proposal is unlikely to result in any significant increase in activities on the site in terms of frequency or numbers attending. This is a popular mosque and given the history of the site, it would be not be reasonable to impose restrictions on the level of activities.

- 7.13 Some of the comments have related to dangerous parking. This is a police matter, rather than something that can be enforced through the planning system.
- 7.14 In terms of breaches of conditions relating to the activities on the site, details of the suspected breach have not been supplied, but the conditions on the earlier two applications have been reviewed and there are no evidence that conditions have been breached.
- 7.15 In terms of the impact on the neighbouring properties, it is considered that the proposal will not result in a loss of privacy or overlooking on any of the residential properties in the area.
- 7.16 The adjacent terrace of properties, in particular nos. 116, 118 and 120 have limited outlook due to the existing mosque and the substation at the rear of the gardens. These are the most affected properties. However, given the orientation the proposal, it is not considered to result in significant harm in terms of loss of sunlight from the morning to lunchtime sun. Any overshadowing impact would more likely to be resulted from the existing building rather than the proposed extension.
- 7.17 In respect of no.116, the closest property, the side windows on the outrigger are towards the front of the plot and therefore light is still gained through the open area towards the front of the mosque. This will then allow the afternoon sun to reach the side and to a certain extent the rear of 116 Abington Avenue. It is therefore considered that the extension would not result in significant harm in terms of daylight and sunlight to no. 116 and therefore complies with Policy E20 of the Northampton Local Plan.

8 CONCLUSION

- 8.1 The proposed alterations and extensions are not considered to represent a significant increase in floorspace such that an unacceptable intensification of use or impact on adjacent amenity or existing parking conditions would result. The design and appearance are considered acceptable in view of the functional requirements of the premises and the proposal is considered to be in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy, Policy E20 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.

9 CONDITIONS

1. The development hereby permitted shall 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: Location Plan, ZL-3578/1, ZL-3578/2 Rev A, ZL-3578/3, ZL-3578/3-BR Rev A, ZL-3578/4 Rev A, ZL-3578/5 Rev B, ZL-3578/5-BR Rev B, ZL-3578/6 Rev B and ZL-3578/7 Rev B.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Full details of the proposed external facing materials shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

4. A scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the sources of noise on the site whether from fixed plant or equipment or noise generated within the building and the provisions to be made for its control and the approved scheme shall be implemented prior to the commencement of the use of the building hereby permitted and retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and vibration amenity in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. Notwithstanding the details as submitted, full proposed elevational details of the northwest side elevation and southwest front elevation including new window details and specification shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

10 BACKGROUND PAPERS

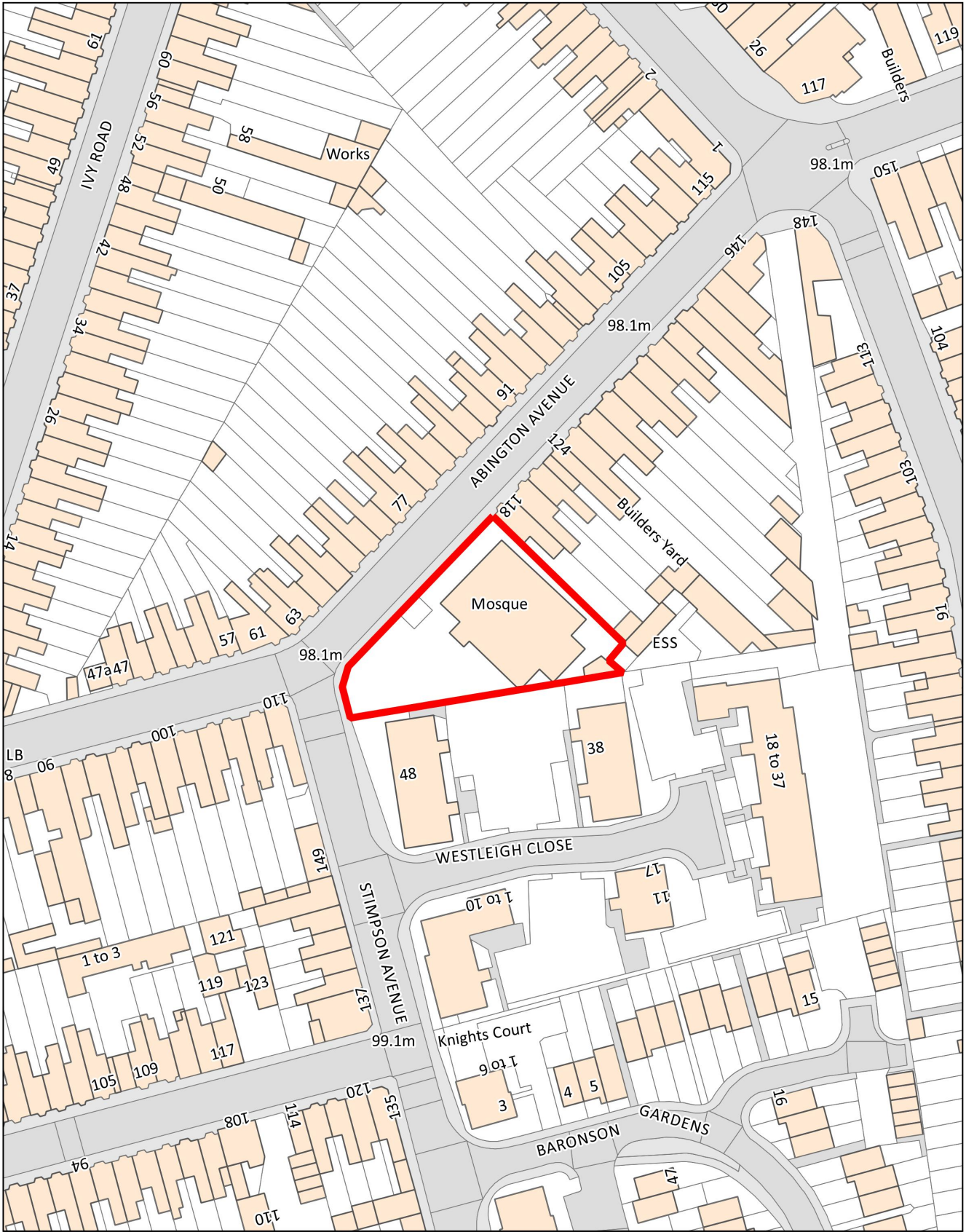
- 10.1 Planning Application N/2018/0496.

11 LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



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Date: 05-07-2018

Scale: 1:1.000

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