

REFERENCE NO - 18/504734/FULL		
APPLICATION PROPOSAL The redevelopment of Maidstone Mosque with associated facilities including a residential flat, two retail units and ancillary accommodation (resubmission of 18/502567/FULL).		
ADDRESS 20-28 Mote Road Maidstone Kent ME15 6ES		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The site has an existing D1 use as a Mosque. • Proposal relates to a redevelopment of the site to replace old and unsightly buildings and to enable a more efficient use of the town centre site. • Proposed site frontage will reflect the character and appearance of the adjacent terraced buildings. • Site is sustainably located on edge of town centre and also near to many public car parks and public transport routes. • Provision of a modern community facility that is encouraged by local, national and government policies and guidance. • The overall number of worshippers is not expected to increase and an overall occupancy limit is to be imposed. • Significant weight should be attached to extant permission referenced 16/500411/FULL which permits a similar footprint of building and scale to the current proposal - 		
REASON FOR REFERRAL TO COMMITTEE Relates to an application where the Head of Planning and Development considers to be an exceptional case where there are wider issues of a public nature to consider.		
WARD High Street	PARISH/TOWN COUNCIL N/A	APPLICANT Dr Usmani AGENT Progetto Design LLP
TARGET DECISION DATE 02/11/18		PUBLICITY EXPIRY DATE 08/10/18

Relevant Planning History

79/1416

Extension to existing concrete slab to facilitate new portable buildings
Withdrawn Decision Date: 09.09.1979

79/1719

Extension of existing concrete slab to facilitate new portable building
Approved Decision Date: 20.11.1979

81/0809

Charity shop
Approved Decision Date: 13.07.1981

86/1646

Change of use to light industrial
Approved Decision Date: 24.03.1987

89/1687

Temporary change of use to offices and temporary provision of car parking area.
Approved Decision Date: 05.12.1989

89/1823

Erection of five storey office block with associated car parking.
Refused Decision Date: 14.12.1989

90/1648

Outline application for 11 flats and car parking.
Withdrawn Decision Date: 30.12.1991

16/500411/FULL

Redevelopment of Maidstone Mosque with associated classrooms, library, offices, kitchen along with the addition of 3 shops and 1 residential flat.

Approved Decision Date: 21.12.2016

18/502567/FULL

The redevelopment of Maidstone Mosque with associated facilities including a residential flat, two retail units and ancillary accommodation (resubmission of 16/500411/FULL).

Refused Decision Date: 02.08.2018

18/504816/DEMREQ

Prior Notification for the demolition of all buildings at 20-28 Mote Road.

Prior Approval Granted Decision Date: 16.10.2018

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located on the south side of Mote Road on the edge of the town centre, approximately 400m from the main shopping centre. Although also adjacent to a residential area, the area is of mixed character containing a range of commercial, retail and office uses.
- 1.02 Multi-storey office buildings are located immediately opposite the site, with the multi-storey car park for the Chequers shopping centre and Sainsbury's Supermarket and its associated surface level car park located beyond. There are also a number of other public car parks located in the vicinity of the site.
- 1.03 The site was formally occupied by terraced housing, which suffered bomb damage during the war and was replaced by the present buildings. Planning permission was granted in the 1980's for the use of the site for light industrial use and a temporary office use. The application site has subsequently been occupied by Maidstone Mosque for approximately 20 years with the premises previously used by a local charity organisation.
- 1.04 The buildings on the site have recently been demolished under the Demolition Notice approved under 18/504816. The demolished buildings were mostly single storey with a pre-fabricated appearance, largely in poor condition due to both their age and poor quality construction. The single storey building had a low pitched and tiled roof and also a stepped and ramped entrance on its front elevation. This was adjacent to a flat roofed single storey element that linked to the two storey building on the far western end of the site, which provided the residential accommodation for the Imam. The remainder of the site comprised numerous timber and brick structures in varying states of repair, with a temporary marquee located at the far southern end of the site.
- 1.05 The low height of the previous buildings on the site meant that they were out of scale and character with the higher surrounding terraced housing to both the west and east. The majority of the adjacent terraced houses are three storey, brick built buildings, such as Nos 18 and 30, the properties immediately to the east and west of the application site. However, Nos 1a and 3 Melville Road to the southwest of the site are two storeys. All the buildings in the surrounding residential roads are also a mix of two and three storey terraced and semi detached houses, interspersed with small shops and businesses.
- 1.06 The primary use of the previous building on the site was as a place of worship, but it also provided a range of community facilities, including Islamic education, an advice centre, counselling and educational lectures. The lawful use falls within Class

D1 (non residential institutions) of the Town & Country Planning (Use Classes) Order, 1987, as amended.

- 1.07 The current application is submitted as the previous building provided a lack of internal space, inconvenient internal layout and was generally in a poor state of repair. The previous building made poor use of the space, with no logical flow that created many problems for its users. A temporary marquee at the rear of the premises provided additional space for special events, but was not practical for use throughout the year.
- 1.08 There is minimal landscaping on the site. The ground levels are much higher on the adjacent site at 18 Mote Road and on 3 Melville Road to the rear. The land levels increase on 18 Mote Road from the front to the rear of the site.

2. PROPOSAL

- 2.01 The proposal relates to the redevelopment of Maidstone Mosque and would be designed and constructed in similar scale and proportion to the extant application (referenced 16/500411/FULL) which was approved by, the Planning Committee.
- 2.02 The proposed mosque is 2 storeys high plus roof space accommodation on the Mote Road frontage, reducing to a single storey at the rear. The building will provide the following accommodation:
- Ground floor: 2 retail units, male and female entrances, men's wudu (ritual washing performed by Muslims before prayer) area, reception office and office store. Prayer hall.
 - Upper ground floor: 3 classroom areas, office, boys' WC, women's wudu area, women's prayer hall and overflow prayer hall.
 - Second floor: Library and 3 bedroom flat for the Imam.
- 2.03 The proposed building scale on the site frontage closely reflects the scale, height and proportions of the adjoining properties in Mote Road, which is the main public view. The front part of the building will extend to the same depth as the neighbouring property at 30 Mote Road.
- 2.04 There would be an increase in height from the original single storey building on the site from 5.7m to a roof ridge height of 10.7m for the proposed building. This will give the proposed building the same ridge height as the adjacent residential buildings at 18 and 30 Mote Road. The ridge height of the building follows the same profile as no. 30 Mote Road with the use of rooflights rather than dormers.
- 2.05 External materials reflect the surrounding area with yellow brickwork to the front, red soldier courses, stone cills, white sash windows and slate roofs. The rear of the building would have red brickwork on the main element, and insulated render for the central portion of the building (between main hall and front terrace), PPC aluminium windows to main hall and glazed wall. UPVC windows for domestic scale windows to the apartment and side windows, Green (sedum) roof to the stepped down perimeter areas of roof, GRP to flat roofs at the rear of the terrace portion of the building and around the dome and a glazed dome.
- 2.06 The current two storey building that has been demolished adjoined No.18 Mote Road. A pedestrian access is to be provided along this boundary with gates on the frontage. This will also allow access to the rear bin storage area. It will also allow for secondary exit points from the prayer hall in case of emergencies and also on busy days in the Muslim calendar when there are a greater number of visitors.
- 2.07 The main building entrances are on the site frontage in Mote Road through two sets of double doors at either end of the building. These main entrances will normally be used as they allow access to the lobby and then to the ritual washing area that is visited before going into worship.

- 2.08 To the rear of the site the proposed building will be two storeys in height, with this part of the building containing a multi purpose hall. This will have a flat roof, which is proposed to be a green roof with flat glass roof lights.
- 2.09 The lower rear part of the proposed building will extend across the width of the rear of the frontage building, but as it extends to the rear of the site narrows in depth allowing the building to make the best use of the site. Unlike the front of the building, the rear part of the building does not extend across the whole width of the site but is set in at the sides with a roof that steps down progressively from the front to the rear.
- 2.10 The higher ground level at 18 Mote Road results in only the second storey of the rear extension being visible over the boundary fence. The proposed windows facing the rear elevations of Nos. 18 (to the east) would comprise fenestration to the men's entrance hall area which is shown as being obscure glazed using angled bricks, a boys WC at upper ground floor area and an en-suite and bathroom on the top floor. There are also two fire escape doors shown at ground/first floor level and three windows to the prayer hall which are shown to be obscure glazed using angled bricks set in the two storey element of the building.
- 2.11 The proposed windows facing No 30 (to the west) would comprise a bathroom window at ground floor level and a fire door and window at upper ground floor on the stairwell. There are also two windows to the prayer hall which are shown to be obscure glazed using angled bricks at ground/first floor level set in the two storey element of the building. The windows on the east (side) elevation can be obscure glazed by condition as they service a toilet area and circulation space. No 1a Melville Road has one window at ground floor level and one at first floor on the flank wall of the property.
- 2.12 The southern (rear) windows facing the side elevation of 1a and 3 Melville Road and their garden areas would be approximately 21 metres and 24 metres respectively to the closest boundaries of the properties. This would be equal to the distances of the adjacent properties to the application site and, as such, would be considered a sufficient distance for any impact in terms of overlooking to be minimised.
- 2.13 A single storey element of the proposal is sited at the southernmost part of the site but set in from the side boundaries (including 1a Melville Road) by approximately 2.5 metres to the west, 3.0 metres to the east (adjoining the boundary of No 30) and between 1.2 metres and 2.5 metres from the garden boundary with No 1 Melville Road. It would have a width of 12.5 metres with a maximum depth of 7.0 metres and would be lower than the previously approved application in some places. It would have a flat roof that is proposed to be a grass roof. Due to the difference in levels between the application site and the adjacent properties, only the top of the green flat roof would be visible above the existing fence line from 3 Melville Road.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 SP1, SP4, EMP1, DM1, DM2, DM5, DM9, DM17, DM23, DM29.

Supplementary Planning Documents Maidstone Landscape Character Assessment 2012.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 162 responses have been received objecting to the proposal. There were 17 letters of objection that are not available to view on the council's website due to inappropriate comments made. I have included these letters in the total as some of the content related to planning matters. The objections raised have been set out below:
- Parking is a major problem
 - Traffic issues are cause for concern
 - Negative visual impact
 - Poor external appearance
 - Close proximity to neighbouring properties
 - Scale, siting and appearance out of keeping with locality
 - Inappropriate location for development
 - Loss of amenity for neighbouring properties
 - Overbearance
 - Inconvenience of construction traffic
 - Neighbouring properties would be devalued
 - Use not suited to a residential area.
 - Users congregate/overspill onto pavement outside Mosque.
 - Will result in more litter.
 - Out of town venue would be better.
- 4.02 Two representations were received from local residents raising no objections to the development.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

MBC - Landscape:

No objections subject to conditions relating to landscaping on the site.

KCC - Biodiversity:

No objections subject to conditions covering biodiversity enhancement and informative should bats be discovered on site.

Southern Water

No objections subject to informatives relating to the need for a formal application for connection to the public sewerage system, and suitable provision for the disposal of surface water.

Kent Police:

No objections subject to a condition specifying the need for the applicant to meet with crime prevention officers to ensure the proposed development complies with Secured by Design specifications before the submission of a Building Regulations application for the site.

KCC Highways

No objection subject to a condition relating to a construction method statement, and an informative that all necessary highway approvals and consents where required are obtained.

MBC - Environmental Health

No objection subject to conditions relating to the following:

- Restrictions on times of use of associated shops;
- Hours of working (demolition/construction);
- Internal/external sound levels – residential;
- Plant and ducting systems;

- Rating level – day (plant and equipment noise);
- Rating level – night (plant and equipment noise);
- Air quality assessment;
- External lighting;
- Code of construction practice (major sites).

They also requested that the following informatives be imposed:

- Noise and Vibration transmission between properties;
- Construction;
- Asbestos;
- Health and Safety.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Visual impact
- Design
- Residential amenity
- Highways
- Landscaping

Principle of development

- 6.02 Policy SP1 (Maidstone urban area) states that the main focus for new development should be Maidstone's urban area as it is the largest and most sustainable location. Policy SP4 (Maidstone town centre) describes the vision for the town centre including the provision of attractions for all ages including new shopping, service-sector based businesses, leisure, tourism, and cultural facilities.
- 6.03 SP23 (Sustainable transport) encourages development which would have a positive impact in terms of sustainable travel, and DM1 (Principles of good design) encourages development providing it responds positively to the local character of the area, particularly in terms of bulk, massing, height and site coverage. Development is also required to respect the amenities of neighbouring properties, and sensitively incorporate landscaping features on the site.
- 6.04 DM2 (Sustainable design) encourages development in sustainable locations using appropriate materials and reduced energy resulting in high quality development. DM5 (Development on brownfield land) encourages development proposals which make efficient and effective use of the land.
- 6.05 DM29 (Leisure and community uses in the town centre) encourage these uses within the town centre providing they do not have a significant impact on local amenity, including noise and hours of operation. In addition, the development should establish an active street frontage.
- 6.06 In this instance, the application site already has a lawful Class D1 community use as a place of worship. The proposal seeks to replace the outdated buildings with purpose built facilities that make more efficient use of the available space and would be an improvement to the existing facilities. The proposal would improve the character and appearance of the application site and the local built environment generally with the creation of a much improved street frontage to match the adjacent buildings.
- 6.07 Although the proposal includes an increase in floorspace, there is no increase in numbers of worshippers/visitors to the site with an overall occupancy limit

proposed. This would equate to a limit of 550 people, based on the floorspace provision of the existing site.

- 6.08 The additional lobbies, changing areas, classrooms etc. will provide additional space to prevent overspill from the building on important days of the Muslim calendar when visitor numbers are greater than normal general use. Normally, there are approximately 200 visitors at the majority of prayer times, with Fridays being the busiest day. The provision of classrooms etc. will enable much greater use of this town centre community facility to be made during the week and outside of prayer times. This accords with the local, national and government policies and guidance, which encourages community facilities/uses in the town centre.
- 6.09 Policy DM17 of the Local Plan seeks to provide town centre uses, such as retail, within existing centres or on the edge of existing centres. The proposal includes the creation of 2 shop units on the ground floor frontage. These shops are ancillary to the Mosque use. They will be closely linked to the main use of the site by selling clothing, books and other items related to the Islam religion. As the site is on the edge of the town centre in a mixed use area, there are already numerous shops and businesses located nearby and this retail proposal would be acceptable. The site is sustainably located with a number of public car parks within easy walking distance and the provision of 2 retail units is considered to accord with policy DM17.
- 6.10 Policy DM9 of the Local Plan encourages the provision of residential premises above shops and businesses to provide a sense of place and vitality and mix of uses advocated by the NPPF. It also provides security. The existing building includes a two storey dwelling and this will be provided again as a two bedroom flat above the Mosque. As a result, it does not involve intensification of the residential use or a loss of housing. As existing, the dwelling will be occupied by the Imam, with integral access to the rest of the building, significantly improving both security and the functioning of the building.
- 6.11 The demolition of the existing buildings and the redevelopment of the Mosque with a new building comprising the Mosque, classrooms, library, ancillary offices, 2 shops and 1 residential flat is considered to be acceptable in principle. The site is sustainably located on the edge of the town centre, has an existing D1 use and is supported by policies DM9, DM17 and DM33 of the Maidstone Local Plan.

Visual Impact

- 6.12 The buildings on the site were out of scale and character with the surrounding buildings which are higher with the buildings making inefficient use of the land in this sustainable location. The buildings were poorly constructed, of an unattractive design and appearance and in a poor state of repair. The materials of the now demolished buildings and the ramped entrance were all out of keeping with the surrounding area.
- 6.13 In addition, there is an extant planning permission (referenced 16/500411/FULL) for the construction of a Mosque and ancillary facilities of similar proportions on this application site and this carries great weight in the determination of this application.
- 6.14 The proposal was the subject of pre-application discussions and the proposed building has been carefully designed to reflect the scale, height and proportions of the adjoining residential properties in Mote Road. Although the proposal would involve an increase in height, this would ensure the building is comparable in height to the buildings on either side and would enhance the street scene. The development also restores the site frontage to its pre-war appearance, prior to the loss of the original terraced buildings through bomb damage. The building would be made of more traditional materials found on many of the adjacent buildings, including brick and slate.

- 6.15 The previous building had a poor relationship to the street, being more set back with hidden entrances with an inactive façade providing poor natural surveillance. However, the proposed continuous built frontage would introduce a more cohesive Mote Road frontage. The development would provide a stronger sense of enclosure to the street and, would be an appropriate scale, introducing a more active ground floor frontage at street level with prominent entrances and shopfronts providing natural surveillance.
- 6.16 Mote Road has a number of mixed uses, including office sites on the opposite side of the road that include multi storey buildings. There is also a residential-led mixed use development to include a minimum of 2,000 square metres of office floorspace under policy RMX1(6) of the Local Plan, immediately opposite the Mosque, on the corner of Mote Road/Wat Tyler Way and Romney Place. Development of sites to a greater height than currently exists on each side of Mote Road will assist in providing a sense of enclosure to the street scene and also provide the much needed active frontages to this part of Mote Road.
- 6.17 The design of the proposed development is considered to work in conjunction with the surrounding land levels as the height of the buildings reduce as they project further into the site. The properties in Melville Road are at a higher level and, combined with the lowering height of the proposal as it projects to the rear (south) of the site, it will have a reduced visual impact from the south than when viewed from the north on Mote Road. Indeed, from 3 Melville Road, only the top of the flat roof of the rear single storey building will be visible and this is would largely comprise a green roof. This assists greatly with the proposal blending in with the residential properties to the rear of the site, whilst not appearing out of place with the taller buildings on Mote Road.
- 6.18 The use of green roofs to the rear of the development will assist in reducing visual impact (especially when compared to the existing roofscape on the site) and will increase the sustainability of the scheme by reducing water run-off from the roofs and enhancing biodiversity in this built up area.
- 6.19 The boundaries of the site will contain a mixture of hard and soft landscaping that will provide a visual buffer to the adjacent gardens. These elements, combined with the raised land levels of the properties to the south, will ensure that the proposal will provide an improvement to the visual appearance of the site.

Design

- 6.20 As stated earlier, the proposed development is intended to provide an improved layout and facilities for the users of this place of worship and community facility. After a committee resolution planning permission was approved in December 2016 for the redevelopment of the Mosque (16/500411/full) of similar proportions. Since the earlier approval the design changes set out below have been made by the applicant
- 6.21 Relocation of the wudu and washroom facilities from the basement (basement incorporated into the previous scheme but now removed from the current proposal), this would remove the need for problematic drainage pumping. This would also change the circulation space to reduce overlapping of areas of pre-wudu cleansing and post-wudu cleansing.
- 6.22 Remove the zig-zag facades from the building footprint as it was considered prohibitively expensive. This was helped by the mosque committee proposing to re-align the Mosque and make more efficient use of the site. The plan form has now been simplified providing improvements to the circulation space and facilities, and resulting in a more cost effective project.

- 6.23 Provide retail units that can operate independently of the mosque. This necessitated enlarging the retail units and reducing their number down from three to two.
- 6.24 In terms of the elevation alterations, the development proposal would result in a building which would have a reduced height when compared with both the recently determined planning applications, referenced 16/500411/FULL (Granted) and 18/502567/FULL (Refused).
- 6.25 As mentioned above, the bulk and massing of the building has been reduced, with the size of the proposal smaller than both the approved proposal and the refused scheme in some areas. Balcony areas and open fire escapes have been removed to reduce the potential for harm to residential amenity. As such, it is considered that the proposed development would now accord with policy DM1.

Sustainability

- 6.26 This new development would be a substantial improvement on the efficiency of the existing buildings, which are currently out-dated and in poor repair.

Neighbour amenity

- 6.27 The potential impact on neighbour amenity needs to be considered in terms of noise and disturbance and loss of privacy, overlooking and outlook.

- Noise and disturbance

- 6.28 The impact of the Mosque on the amenities of local residents needs to be considered in terms of level of activity, number of people, time of day, noise and general disturbance resulting from arrivals and departures.
- 6.29 The mosque holds 5 prayer meetings per day at varying times dependent on the timing of sunrise and sunset.
- 6.30 In making an assessment in terms of noise and disturbance the starting point is that there has historically been a mosque on this site and there is an extant permission on this site referenced 16/500411/FULL which allows for the redevelopment of Maidstone Mosque. This extant permission includes associated classrooms, library, offices, kitchen along with the addition of 3 shops and 1 residential flat. The current proposal does not involve an intensification of use in terms of the numbers of worshipers (approx. 200 for Friday midday prayers), and as a result the noise and disturbance is unlikely to be increased.
- 6.31 Whilst the first prayer meeting of the day is at sunrise, the application site is located in a town centre location on a busy road, opposite Maidstone bus station and a large supermarket that opens at 7am. In this location a significant amount of early morning activity would be expected including deliveries to commercial premises.
- 6.32 Whilst the amount of prayer space available would remain around the same in the new building, extra space available elsewhere in the building would improve the operation of the building. The multi-purpose hall, classrooms, library and lobby areas would provide additional space to prevent worshippers over-spilling outside the building on days where there are a larger number of visitors, which would be an improvement in terms of potential noise and disturbance. The improved internal layout would also result in the internal building circulation flowing in a logical order with emergency exit points which would result in a more coherent layout.
- 6.33 Much of the improvements to the facilities are to the ancillary activities, including education classes, lectures and counselling. These activities will take place later in the day, outside of worship times and are less likely to have an impact on amenity.

- 6.34 The mosque was located in a converted and outdated building, in addition to the issues outlined earlier about internal layout and circulation, the building was not fit for purpose in relation to sound insulation. The proposal provides an opportunity to provide a modern, fit for purpose building built to current standards that will reduce the possibility of airborne and impact noise causing disturbance to neighbours.
- 6.35 The proposal has been considered by the council's Environmental Services team. Environmental Services have raised no objection to the proposal subject to a condition restricting the hours of use of the proposed shop to preserve residential amenity.
- Privacy, overlooking and outlook
- 6.36 The submitted drawings demonstrate that the current scheme has been reduced in size from both the original approved scheme and the subsequently refused scheme. These changes are demonstrated on plan and on the elevations by red and green dotted lines.
- 6.37 In terms of privacy, overlooking and outlook, the windows on the rear of the three storey section are approximately 22 metres away from 1a Melville Road that is located at the rear of the site. The windows at second floor level to the Iman's flat, are approximately 21 metres from 1a Melville Road. These separation distances are considered sufficient to maintain adequate privacy, and in terms of overlooking and outlook, would be acceptable.
- 6.38 The windows in the east (side) elevation are to the prayer hall and would be obscured by decorative brickwork. A planning condition is recommended to ensure that the window to the women's wudu area on the first floor and the toilet window on the ground floor are fitted with obscured glazing.
- 6.39 The fire escape stairs are now partially internal and the fire door on the east elevation would be fixed shut and used in emergencies only. The flat roof which could previously be accessed via the living room door of the Iman's flat would now be inaccessible as the patio doors would be replaced with windows. The fire exit from the library would be via the main staircase and the fire exit from the residential unit would be accessed internally via the living room rather than the patio doors. These amendments would help to ensure that the flat roof would not be used for recreation purposes. A condition is recommended to prohibit the use of the roof for recreational purposes.
- 6.40 In terms of neighbour outlook, the plant room on the second floor has been re-located and the bulk of the building has been set back from the boundary with No 30. The bulk and massing of the scheme has been reduced from the earlier refused permission and would now be considered an acceptable form of development. A condition is recommended to seek further landscaping to increase privacy levels.
- 6.41 Policy DM9 of the local plan encourages living above shops and businesses in all suitable premises in the town centre. This arrangement provides a sense of life and occupation, it creates a sense of place and vitality, a mix of uses advocated by NPPF and provides security. The proposed residential flat for the Imam is replacing the on-site accommodation that was contained in a two storey property that has now been demolished.
- Highways**
- 6.42 The proposal needs to be considered in relation to parking and the potential impact on the highway network.

- 6.43 The Mosque originally had space on the frontage to provide two off street car parking spaces; with no proper turning area accessing the space required reversing onto or from the main road.
- 6.44 The extant permission (16/500411/FULL) granted the redevelopment of the Mosque and associated facilities with no off street parking as the site was in a sustainable location, and was intending to utilise the site by updating and modernising the space without increasing its congregation.
- 6.45 Government advice encourages minimal car parking provision in order to encourage more sustainable means of transport. Policy DM21 encourages mitigation methods to avoid a negative impact on the locality due to excessive use of the car for travel.
- 6.46 The proposal has no on site parking. With the location in the town centre and opposite Maidstone Bus Station and with various public car parks nearby the lack of onsite parking is considered acceptable. The Integrated Transport Strategy 2011-2031 formed the basis for our Local Plan. The main objectives of it related to the reduction in demand for travel, to change travel behaviour, promote modal shift and improve network efficiency.
- 6.47 The overall number of visitors to the site is not expected to increase from the previous use of the site and as a result the overall impact on the local highway network will not change. In line with policy DM29 the proposal includes the incorporation of classrooms for use for education, community use, counselling and a library. These uses would enable the building to be used at other times in the week as a community facility, making the best and most efficient use of a town centre site.
- 6.48 These ancillary uses are likely to reduce the impact on the local highway network as it would be more likely that the arrival and departure times from the building are staggered with linked trips to use these facilities or others accessible on foot in the town centre. Many worshippers also live locally and so can walk to the site.
- 6.49 The 2 shop units proposed would not result in an adverse impact in terms of highway safety. The town centre location and nearby car parks and alternative travel modes would ensure that no parking provision would be required for these units. There is a loading bay immediately to the west of the site that would allow small scale deliveries to the shops.
- 6.50 There is a small supermarket a few doors along from the Mosque that similarly has no parking of its own, but relies either on people walking or using nearby public car parks.
- 6.51 The Highways Officer has assessed the development including the site location and the existing use. The Highways officer has advised that they have no objection to the proposal subject to conditions restricting occupancy, submission of a construction management plan and for the provision and retention of cycle parking.

Landscaping and biodiversity

- 6.52 The majority of the site was occupied by buildings and the marquee with no existing landscaping.
- 6.53 The proposed scheme provides an opportunity where possible to 'green' the site in this urban location. The current proposal includes a green roof and some shrubbery along the southern boundary of the site.

- 6.54 The introduction of a green roof and additional landscaping would improve the biodiversity of the site. Landscaping conditions are recommended to seek further details of landscaping and to ensure that it is maintained.

Other Matters

- 6.55 The CIL Charging schedule sets out that charitable uses are exempt from being charged the CIL. The development proposal would fall into this category.

7. CONCLUSION

- 7.01 There is already an extant permission for a similar proposal (referenced 18/504734/FULL), and this carries significant weight in the assessment and determination of the current application.
- 7.02 The application site is in a sustainable and accessible town centre location that is opposite Maidstone Bus Station and accessible on foot to several train stations.
- 7.03 The proposal will replace the original converted building that did not make efficient use of this site and was not fit for purpose in many ways including internal layout and circulation and noise insulation as part of the building structure. The proposal will provide a purpose built facility that makes best use of the site with community facilities attached to the place of worship.
- 7.04 The proposal has been designed to fit in with the adjacent buildings in terms of scale and visual appearance with retail uses at ground floor level. The building has been designed to minimise potential impact on neighbouring residents including in terms of privacy and outlook. The proposal provides an opportunity to introduce landscaping and a green roof onto the site improving its visual appearance.
- 7.05 The proposal will not increase the number of people using the site and the development will not have an adverse impact on the operation of the local highway network.
- 7.06 The officer recommendation is to grant planning permission subject to planning conditions.

8. RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

07 Sep 2018	Design & Access Statement
07 Sep 2018	D & A Statement Appendix 1 - Planning Condition Matrix
07 Sep 2018	D & A Statement Appendix 2 - Transport Statement
07 Sep 2018	Application Form
07 Sep 2018	1787-01 Site Location Plan
07 Sep 2018	EX10 Rev A Longitudinal Site Section
07 Sep 2018	PL25 Longitudinal Site Elevations
30 Oct 2018	(PL) 01 Rev B Proposed Site Plans
30 Oct 2018	(PL) 13 Rev D Second Floor Plan
30 Oct 2018	(PL) 14 Rev D Roof Plan
30 Oct 2018	(PL) 21 Rev C Front Elevations
30 Oct 2018	(PL) 21 Rev C Front Elevations
30 Oct 2018	(PL) 22 Rev D West Elevations

30 Oct 2018	(PL) 23 Rev D	East Elevations
30 Oct 2018	(PL) 31 Rev B	Sections A-A
30 Oct 2018	(PL) 32 Rev B	Sections B-B
30 Oct 2018	(PL) 34 Rev B	Sections D-D
14 Nov 2018	Noise report	
14 Nov 2018	PL24 Rev D	South elevation
14 Nov 2018	PL11 Rev F	Lower Ground Floor Plan
14 Nov 2018	PL12 Rev F	First (Upper Ground) Floor Plan

Reason: To ensure the quality of development is maintained and to prevent harm to amenity.

- 3) The development hereby approved shall not commence above slab level until samples of the materials to be used in the construction of the external surfaces of the building and hard surfaces and hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development.
- 4) Prior to the first occupation of either the a) residential unit, b) the retail unit and c) use of the mosque on site, cycle parking shall be in place associated with the relevant use that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the details including the design and appearance and materials of the structure. The approved facilities shall be retained and maintained thereafter for the storage of bicycles.
Reason: To ensure that facilities are available for the parking of bicycles in the interests of highway safety and to encourage the use of sustainable modes of transport and access to the site by means other than private motor car in accordance with Government Guidance in the National Planning Policy Framework.
- 5) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan. [The landscape scheme shall specifically address the need to landscape the boundaries of the site
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;
Reason: To ensure a satisfactory setting and external appearance to the development.
- 7) The development hereby approved shall not commence above slab level until details of the proposed planting for the green roofs have been submitted to and approved by the local planning authority. The submitted details shall set out an appropriate planting mix and a management Report programme for its future maintenance. The approved details shall be in place prior to first occupation and the development shall thereafter be undertaken in accordance with the subsequently approved details.
Reason: To ensure a satisfactory appearance to the site and in the interests of biodiversity.

- 8) The two retail shop units hereby approved shall only be used for retail purposes (Planning Use Class A1) ancillary to the Mosque and for no other purpose;
Reason: To safeguard the character, appearance and functioning of the surrounding area.
- 9) The two retail shop units hereby approved shall only be open for customer use between 0700 hours to 2200 hours Monday to Friday, 1000 hours to 16:00 hours on Saturdays and Sundays with no use on Bank Holiday Mondays.
Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.
- 10) The building hereby permitted shall only be used as a place of worship and shall not be used for any other purpose including any other use within Use Class D1 of the Use Classes Order 1987 (England) (as amended) and any other use permitted within the Town and Country Planning (General Permitted Development) Order (as amended).
Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.
- 11) No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday. [In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary for safety reasons to conduct works during a road closure, outside the hours specified in this condition].
Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.
- 12) The development hereby approved shall not commence above slab level until a scheme to demonstrate that the internal noise levels within the residential unit will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings – Code of Practice, has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of the use and be retained thereafter.
Reason: In the interests of the amenities and living environment of the prospective occupiers of the residential flat.
- 13) Any plant (including ventilation, refrigeration and air conditioning) or ducting system that has been installed shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
Reason: In the interests of the amenities and living environment of the prospective occupiers of the residential flat.
- 14) Prior to first use of any plant (including ventilation, refrigeration and air conditioning) or ducting system noise insulation shall be in place to ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233:2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- 15) The rating level of noise emitted (day time) from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90,T during the day time period. For the purpose of the assessment the Authority will accept 07:00 – 23:00 hours as covering the day time period.

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- 16) The rating level of noise emitted (night time) from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90,T during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period.

Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.

- 17) The development hereby approved shall not commence above slab level until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In the interests of the amenities and living environment of the prospective occupiers of the residential flat and preventing poor air quality on the development and the surrounding area.

- 18) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- 19) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003), unless previously agreed in writing by the Local Planning Authority. The code shall include:

- An indicative programme for carrying out the works;
- Measures to minimise the production of dust on the site;

- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Maximum noise levels expected 1 metre from the affecting façade of any residential unit adjacent to the site(s);
- Design and provision of site hoardings;
- Management of traffic visiting the site(s) including temporary parking or holding areas;
- Provision of off road parking for all site operatives;
- Measures to prevent the transfer of mud and extraneous material onto the public highway;
- Measures to manage the production of waste and to maximise the re-use of materials;
- Measures to minimise the potential for pollution of groundwater and surface water;
- The location and design of site office(s) and storage compounds;
- The location of temporary vehicle access points to the site(s) during the construction works;
- The arrangements for public consultation and liaison during the construction works.

Reason: In the interests of the amenities and living environment of the neighbouring properties and to safeguard the character of the surrounding area.

20. Prior to first occupation of the building hereby approved the following windows shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such thereafter:
The proposed first floor 'kitchen' window that faces north west.
The proposed first floor 'multi-purpose hall' window that faces north west.
The proposed first floor 'stairwell' window that faces north west.
The proposed four first floor 'multi-purpose hall' windows that face south east.
Reason: To safeguard the privacy of existing occupiers.
21. Prior to the commencement of the development, details of satisfactory facilities for the storage of refuse on the site shall be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the building and maintained thereafter.
Reason: To safeguard the amenities of the occupiers of the neighbouring residential properties.
22. No development shall take place until full details of the original site levels and the finished floor levels of the buildings hereby permitted and details of the existing site levels have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To safeguard the residential amenity of existing and prospective occupiers and to safeguard the character, appearance and functioning of the surrounding area.
23. The building hereby permitted including the place of worship and ancillary uses shall not exceed a maximum occupancy of 550 people at any one time.
Reason: To safeguard the users of the mosque and the residential amenity of existing and prospective occupiers and to safeguard the functioning of the surrounding area.
24. The development hereby approved shall not commence above slab level until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure suitable provision is made for the disposal of foul and surface water.

25. The development hereby approved shall not commence above slab level until details of appropriate measures to enhance biodiversity, including the planting and management of a green roof, and enhancing the nature conservation value of the site have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to occupation of the development and maintained as such thereafter.

Reason: In the interests of nature conservation and biodiversity

26. The flat roof areas of the development hereby permitted shall not be used as balcony, roof garden or similar amenity areas at any time.

Reason: To prevent overlooking of adjoining properties and to protect the privacy of the occupiers.

27. The development hereby permitted shall incorporate measures to minimise the risk of crime in accordance with the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED). No development above DPC level shall take place until such details shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and retained thereafter.

Reason: To secure crime prevention and safety of the area

INFORMATIVES

- 1) The applicant is reminded that broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 2) The applicants attention is drawn to the Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010.
- 3) The applicant is reminded that Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (As amended). Planning permission for development does not provide a defense against prosecution under this legislation or substitute for the need to obtain a bat license if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England.
- 4) The applicant is advised that provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.
- 5) The applicant is advised to contact Southern Water to discuss their requirements in relation to the public sewerage system:
Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire
SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Case Officer: Jocelyn Miller