

REPORT SUMMARY

REFERENCE NO - 16/500411/FULL			
APPLICATION PROPOSAL Redevelopment of Maidstone Mosque with associated classrooms, library, offices, kitchen along with the addition of 3 shops and 1 residential flat.			
ADDRESS 20-28 Mote Road Maidstone Kent ME15 6ES			
RECOMMENDATION APPROVE SUBJECT TO 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. 			
REASON FOR REFERRAL TO COMMITTEE			
CALLED IN			
WARD High Street	PARISH/TOWN COUNCIL	APPLICANT Maidstone Mosque AGENT Catalyst Regeneration Uk Ltd	
DECISION DUE DATE 16/05/16	PUBLICITY EXPIRY DATE 23/08/16	OFFICER SITE VISIT DATE VARIOUS	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
81/0809	Charity Shop.	Permitted.	13.07.81
86/1646	Change of use to light industrial.	Permitted.	24.03.87
89/1687	Temporary change of use to offices and temporary provision of car parking area.	Permitted.	05.12.89
89/1823	Erection of 5 storey office block with associated car parking.	Refused.	04.12.89
90/1648	Outline application for 11 flats and car parking.	Withdrawn.	30.12.91
ENF/12359	Erection of timber building.	Closed.	20.07.12

ENF/11257	Erection of Marquee. Case closed as not development, only erected on a temporary basis during summer months.	Closed.	19.07.10
-----------	--	---------	----------

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 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 in a predominantly residential area, Mote Road is an area of mixed character with the surrounding area containing a range of commercial, retail and office uses. 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 car park located beyond. There are a number of public car parks located in the vicinity of the site, including one in Mote Road itself.
- 1.2 The application site has been occupied by Maidstone Mosque for approximately 20 years and the premises were previously used by a local charity organisation. Planning permission was also granted in the 1980's for the use of the site for light industrial use and a temporary office use. The site was formally occupied by terraced housing, which suffered bomb damage during the war and was replaced by the present buildings. The present buildings are mostly single storey with a pre-fabricated appearance, which are mostly in poor condition due to both their age and poor quality construction. The single storey building has low pitched and tiled roof and also a stepped and ramped entrance on its front elevation. This is adjacent to a flat roofed single storey element that links to the two storey building on the far western end of the site, which comprises the residential accommodation for the head of the building. The remainder of the site comprises numerous timber and brick structures in varying states of repair, with the marquee located at the far southern end of the site.
- 1.3 All the existing buildings on the site are out of scale and character with the surrounding terraced housing to both the west and east. The majority of the adjacent terraced houses are three storey, brick built buildings. 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.
- 1.4 The primary use of the Mosque is as a place of worship, but is also provides a range of community facilities, including Islamic education, advice centre, counselling and lectures. The current lawful use falls within Class D1 (non residential institutions) of the Town & Country Planning (Use Classes) Order, 1987, as amended. An inspection of the premises revealed the lack of space, inconvenient internal layout and generally poor state of repair of the buildings. It makes poor use of the space, with no logical flow that creates many problems for its users. A temporary marquee at the rear of the premises provides additional space for special events, but it is not practical for use throughout the year.
- 1.5 There is minimal landscaping on the site. The ground levels are much higher on the adjacent 18 Mote Road and on 3 Melville Road to the rear. The land levels increase on 18 Mote Road from the north upwards to the south.

2.0 PROPOSAL

2.01 The proposal relates to the redevelopment of Maidstone Mosque. It is proposed to demolish the existing buildings and erect a new purpose built mosque of 3 storeys on the frontage, reducing to single storey at the rear. It will provide the following accommodation:

- Basement: male and female toilet and washroom areas;
- Ground floor: entrance area, 3 retail shops, ladies room with small kitchen and baby change area, site office and main prayer hall;
- First floor: 3 classrooms, office, multi purpose hall and kitchen (planned to be the centre of more communal activities for educational activities, social activities, dining hall etc.)
- Second floor: Library and 2 bedroom flat for the head of the building;

2.02 The proposal does provide for an increase in floorspace on the site, but this is to provide improved layout and improved facilities. There is to be no increase in available prayer space, in fact a reduction in prayer space is proposed. There is to be no increase in worshippers/visitors to the site and an overall occupancy limit to that which currently takes place on the site is proposed. This would equate to an upper occupancy limit of 550 people, based on the floorspace provision of the existing site (see Highways Officer comments below).

2.03 The proposed three storey design on the site frontage closely reflects the scale, height and proportions of the adjoining properties in Mote Road, which is the main public view. This three storey element will extend to the same depth as 30 Mote Road. There will be a significant increase in height from the current single storey building from 5.7m to 10.7m for the proposed building. This will give the proposed building the exact same ridge height as the adjacent no.30 Mote Road. The top storey of the building follows the same profile as no. 30 with the use of rooflights rather than dormers. External materials reflect the surrounding area with yellow brickwork, red soldier courses, stone cills, white sash windows and slate roofs.

2.04 The current two storey building that is to be demolished currently adjoins no.18 Mote Road. A pedestrian accessway is to be provided along this boundary with gates on the frontage. This will also allow access to the 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. The main entrances are on the site frontage through two sets of double doors on either end of the building, which will normally be used as it allows access to the lobby and then to the ablutions area that is visited before going into worship.

2.05 To the rear of the three storey building, it proposed to construct a two storey section, which contains the multi purpose hall. This will have a flat roof, which is proposed to be a green roof with flat glass roof lights. It will extend along the width of the rear of the three storey building, but as it extends out it narrows in depth. This allows the building to make the best use of the site and also for the prayer hall to face Qiblah. The angled side elevations also increases the distance of the two storey element from the site boundaries as it extends further to the rear (south) of the site. The higher land levels at 18 Mote Road, results in only the second storey of the rear extension being visible over the fence line. The windows angled towards the rear elevation of 18 Mote Road are to be obscure glazed. The building has been designed with a stepped elevation to ensure that many of the windows face away from the adjacent property to the west (no.18). The angled southeast elevation minimises

overlooking of no.30 Mote Road, but some views would still be possible. There is no window at second floor level on the rear (south) elevation of the building as this contains the stairwells and prevents any overlooking towards nos. 1a and 3 Melville Road. The following windows face towards No. 18 and also no.30 and will be obscure glazed to avoid overlooking:

- 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.

2.06 A single storey element of the proposal has a width of 7.4 metres with a maximum depth of 4 metres and contains the main prayer hall. It is again angled to both make to face southeast/east or Qiblah. This will also have a flat roof that is proposed to be a grass roof with flat glass roof lights. Due to the difference in levels between the application site and the adjacent properties, only the top of the green flat roof will be visible above the existing fence line from 3 Melville Road.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.06	0.06	0
Approximate Ridge Height (m)	5.7m & 9.3m	10.7m	+5m (max)
Approximate Eaves Height (m)	3.4m & 5.9m	7.7m	+4.3m (max)
Approximate Depth (m)	Varying depth	Varying depth	
Approximate Width (m)	21.2m	21.2m	0
No. of Storeys	1 & 2 storeys	3 storeys	+1
Gross Floor Area	509.6 sq.m	930 sq.m	+420.4 sq.m
Parking Spaces	0	0	0
Cycle Spaces	0	8	+8
No. of Residential Units	1	1	1

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: Maidstone Borough-Wide Local Plan 2000: T13, R1, ENV6, H21, CF3.
 Draft Maidstone Borough Local Plan, Regulation 19, Feb 2016: SP1, SP4, EMP1(1), DM1, DM2, DM5, DM9, DM17, 24, DM27, DM33.
 Supplementary Planning Documents:

5.0 LOCAL REPRESENTATIONS

5.01 A number of representations have been received both objecting to and in support of the application. Overall, 20 local residents have objected to the proposal. There were two letters of objection that have been removed from the system due to the inappropriate comments made and I have not included these letters in the total as they did not relate to planning matters. The objections raised have been set out below:

- Traffic and congestion from 200 worshippers.

- Parking problems – streets clogged, cars reversing from site frontage onto Main Road.
- Additional facilities would add to problem of parking and traffic throughout the week.
- Insufficient parking to cope with additional custom.
- Illegal parking on paths is a danger to pedestrians.
- It is dangerous for pedestrians crossing road to access site.
- Would more parking permits be issued to owners of shops – already an oversubscribed scheme?
- More shops not required, enough facilities in surrounding area.
- Already shops on Mote Rd, Post Office in Kingsley Rd and Sainsbury's off of Wat Tyler Way are only a minute walk away.
- Only 5 mins walk from town centre so don't need shops.
- Overlooking and loss of privacy to surrounding gardens, including Melville Rd.
- Properties in Mote Road, Melville Road and Kingsley Road will be overshadowed and sunlight blocked.
- Overdevelopment of site - takes up too much of site and back garden land.
- Side exit will increase noise and disturbance to 18 Mote Road.
- Removal of 2 storey house will expose side elevation of 18 Mote Road and a window.
- Excavation of basement could cause possible damage to footings of 18 Mote Rd.
- Consideration should be given to possible subsidence and settlement cracks to properties on both sides.
- Noise pollution at prayer time, will increase with larger building.
- Noise from classrooms and offices.
- 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.

5.02 Approximately 150 letters of support have been received in relation to the proposal. These letters raised the following issues:

- Present premises do not provide good facilities and can no longer serve the needs of the modern muslim community.
- Wish is to properly accommodate those already attending worship.
- Will prevent overspill outside when larger numbers visiting.
- There are a number of worshippers and children who live locally that walk in.
- Public car park nearby for parking – ample parking in area.
- The redevelopment will provide a modern community facility, where people of all faiths will be welcome, and can promote better understanding and strengthen good community relations.
- Will add to urban regeneration of area.
- Will improve appearance – current buildings do not fit in with streetscape.

5.03 The comments raised have been dealt with in the main appraisal of the development.

6.0 CONSULTATIONS

Environmental Health Officer

6.01 A noise assessment was submitted as part of the application. The EHO commented that *“the site is an urban area, and traffic noise is a potential problem for this site, plus there is potential for noise generation from the proposed shops etc. so an acoustic assessment should be required as condition of any permission granted. It is recommended that the applicant adheres to the standards set out in Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” - as amended in 2004 and 2010, in order to reduce the transmission of airborne and impact noise between the separate units in this development and other dwellings. In order to preserve local residents’ amenity I also consider that there should be a condition restricting the hours of use of the proposed shops. Additionally, the site is within a known air quality hotspot in the Maidstone Town Air Quality Management Area, and I consider the site position warrants an air quality assessment condition applied to any permission granted. There is no indication of land contamination based on information from the contaminated land database and historic maps databases and there is no indication of any significant chance of high radon concentrations. The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity. Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. The parts of the building being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor. RECOMMENDATIONS: No objection, subject to the comments above plus conditions and informatives below”.*

6.02 The EHO requested the following conditions, which have been set out in full in section 10, Recommendation:

- 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).

6.03 The EHO also requested that the following informatives be imposed and they are also set out in full in the Recommendation, section 10 of the report:

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

KCC Highways Officer

6.04 The Highways Officer comments that *“I have read the Transport Statement submitted. Of particular note are paragraphs 4.13 and 4.14 on page 27 which indicate that the total number of people on site is not expected to change from the maximum of 550 people. This appears to be reflected in the drawings submitted which can be summarised as follows:*

*Existing site – Masjid – 316sq.m for 430 people and Marquee 88sq.m for 120 people
overspill
Total – 404 sq.m for 550 people. This all equates to a ratio of 1 person/0.73sq.m.*

Proposed site comprises:

*Main Prayer Hall – 91sq.m for 136 occupancy/prayer mats – 0.67sq.m/person
Multipurpose Hall (level two) – 108sq.m for 140 prayer mats – 0.77sq.m/person
Overspill Prayer Hall – 62sq.m. @ 0.73sq.m/person equates to 85 people
Total – 261sq.m for 361 people – 0.72sq.m/person overall*

Indeed in terms of prayer space available there appears to be a significant reduction.

On the basis of the information submitted, it is not considered that this authority would be able to sustainably object to this application when considering the context of the NPPF and the existing use currently in place. Should this application be approved this may be opportunity to set a maximum occupancy by condition that does not restrict that which currently takes place and this would also satisfy this application.

It is also considered that the following should apply by condition, should this application be approved:-

- Due to the location of the site a construction management plan should be submitted prior to commencement for approval. It is recommended that this work is undertaken following appointment of a main contractor, designed to minimise disruption to neighbours and the adjacent strategic roads and footway.*
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.”*

- 6.05 The Highways Officer also recommends that informatives be imposed relating to obtaining all necessary highway approvals and consents, that the limits of highway boundaries are clearly established and to ensure the position of the highway boundary. These informatives are set out in the Recommendation, section 10 of the report.

Southern Water

- 6.06 Southern Water recommended the imposition of a condition requiring the submission of foul and surface sewerage details prior to the commencement of the development. It was requested that several informatives be imposed in relation to providing the appropriate consents for connection to the public sewerage system and to provide grease traps on all kitchen drains. The requested conditions and informatives have been included in the officer recommendations.

Upper Medway Drainage Board

- 6.07 Upper Medway Drainage Board raised no comment.

Landscape Officer

- 6.08 The Landscape Officer commented that “whilst there are a couple of trees to the southwest of the site they would not fulfil the criteria for the making of Tree Preservation Order and, as such, would not be considered as a constraint to the development proposal. I therefore raise no objection on arboricultural grounds

subject to landscape conditions”. Landscaping conditions been imposed within the recommendations section, along with a condition relating to details for the planting specification on the proposed green roofs.

7.0 BACKGROUND PAPERS AND PLANS

7.01 The application comprises the following documents:

- Drawing No. 1787-01: Location Plan - Existing;
- Drawing No. 1787-01 Rev.A: Site Plan/Location Plan (Proposed Site Plan Scale 1:200);
- Drawing No. 1787-02: Existing Elevation (front);
- Drawing No. 1783-03: Existing Site Plan;
- Drawing No. 1787-04: Existing Elevation (rear);
- Drawing No. 1787-05: Existing Elevation (facing 30 Mote Road);
- Drawing No. 1787-06: Existing Elevation (facing 16 Mote Road);
- Drawing No. 1787-02: Level Zero Plan (proposed floor plan);
- Drawing No. 1787-03: Level One (proposed floor plan);
- Drawing No. 1787-04 Rev.B: Level Two (proposed floor plan);
- Drawing No. 1787-05 Rev.A: Level Three (proposed floor plan);
- Drawing No. 1787-06: Key to Elevations;
- Drawing No. 1787-07 Rev.B: Elevation No.1 (proposed);
- Drawing No. 1787-08 Rev.A: Elevation No.2 (proposed);
- Drawing No. 1787-09 Rev.B: Elevation No.3 (proposed);
- Drawing No. 1787-10 Rev.A: Elevation No.4 (proposed);
- Drawing No. 1787-11: Elevation 6 and Section A-A (proposed);
- Package of 3D coloured plans;
- Design and Access Statement;
- Topographic Survey Plan – Existing Floorspace calculations;
- Planning Application Form
- Noise Assessment.
- Transportation Statement.

8.0 APPRAISAL

Principle of Development

8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough Wide Local Plan 2000. The emerging Local Plan, Maidstone Borough Local Plan Publication (Regulation 19) February 2016, is currently at examination stage and so its policies also now carry significant weight.

8.02 Policy CF3 seeks to prevent the loss of community facilities, unless an appropriate replacement facility is provided. Policy DM33 of the emerging Local Plan also allows for community (class D1) uses in the town centre, where there will be no significant impact on local amenity and where the proposal establishes or retains an ‘active frontage’ to the street. In this instance, the application site already has a lawful Class D1 community use and the proposal seeks to replace the outdated buildings with purpose built facilities that make more efficient use of the available space and that improve the character and appearance of the built environment. There will be no loss of the community facilities on this site, but an improvement to the existing

facilities and the creation of a much improved street frontage to match the adjacent buildings.

- 8.03 Overall, the proposal does provide for an increase in floorspace on the site, but this is to provide improved layout and improved facilities. There is to be no increase in available prayer space, in fact a reduction in prayer space is proposed. There is to be no increase in numbers of worshippers/visitors to the site and an overall occupancy limit to that which currently takes place on the site is proposed. This would equate to an upper occupancy limit of 550 people, based on the floorspace provision of the existing site. 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. Normally, there is 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.
- 8.04 Policy R1 permits retail development in the urban area where it will not threaten the economic vitality and viability of established retail centres, where it will not raise any highway objections, where there is a choice of transport modes and where it will not adversely impact upon residential amenities. Policy DM17 of the emerging 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 3 small 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 3 small retail units is considered to accord with policy R1 and the emerging policy DM17.
- 8.05 Policy H21 of the Local Plan allows for the conversion or redevelopment of dwellings to self contained flats where the intensified use of the site would not harm the amenity, character or appearance of the surrounding area. Policy DM9 of the emerging 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 NPPF. It also provides security. The proposal includes the redevelopment of the existing two storey dwelling on the site to 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 head of the building, with integral access to the rest of the building, significantly improving both security and the functioning of the building.
- 8.06 The principle of the demolition of the existing buildings and the redevelopment of the Mosque with a new building comprising the Mosque, classrooms, library, ancillary offices and 3 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 CF3, R1 and H21 of the adopted Local Plan and policies DM9, DM17 and DM33 of the emerging Local Plan.

Visual Impact

- 8.07 The existing buildings on the site are considered to be out of scale and character with the surrounding buildings. They are poorly constructed, of an unattractive design and appearance and in a poor state of repair. The materials of the existing building and the ramped entrance are all out of keeping with the surrounding area. The proposal was the subject of pre-application discussions and the building was carefully designed to reflect the scale, height and proportions of the adjoining residential properties in Mote Road. Although the proposal involves an increase in height of approximately 5 metres above the existing building, this will ensure the building is comparable in height to the buildings on either side and this enhances the street scene. It also restores the site frontage to its pre-war appearance, prior to the loss of the original terraced buildings through bomb damage. The building will be made of more traditional materials found on many of the adjacent buildings, including brick and slate.
- 8.08 The proposed continuous built frontage introduces a cohesive element into a currently discordant streetscene. It provides a stronger sense of enclosure to the street and is an appropriate scale for its context and introduces a more active ground floor frontage at street level with prominent entrances and shopfronts providing natural surveillance. The current building has a poor relationship to the street, being more set back with hidden entrances with an inactive façade providing poor natural surveillance.
- 8.09 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 B1 office allocation under policy EMP1(1) of the emerging Local Plan, immediately opposite the Mosque, on the corner of Mote Road/Wat Tyler Way and Romney Place. This seeks to create frontage blocks on Mote Road in order to create active frontages and it will not be allowed to exceed 9 storeys in height. 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 streetscene and also provide the much needed active frontages to this part of Mote Road.
- 8.10 The design of the proposed works 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 much 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 to be 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.
- 8.11 The use of green roofs on the two storey and single storey rear projections will assist in reducing visual impact (especially compared to the exiting roofscape on the site) and increase the sustainability of the scheme by reducing water run-off from the roofs and enhancing biodiversity. 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 visual impact of the proposal is actually an improvement over the current appearance of the site.

Residential Amenity

- 8.12 The impact of the use of the Mosque on the amenities of local residents in terms of level of activity, number of people, time of day, noise and general disturbance resulting from arrivals and departures will be an important determining factor in any planning application. It must be noted that there is an existing and lawful use as a mosque and so the existing level of activity must be compared to the proposed to assess whether there is likely to be an increase in noise and disturbance. Overall, no increase is proposed to the number of worshippers and so there should be no increase in noise and disturbance.
- 8.13 The existing pattern of use involves 5 prayer meetings per day at varying times dependent on sunrise and sunset. The first prayer meeting of the day at sunrise is likely to have the greatest potential for causing disturbance to local residents whereas meetings later in the day are less likely to be a problem. It is estimated that the midday prayer meeting on Fridays may normally attract up to 200 worshippers. It is understood that the level of activity at the new mosque is unlikely to be significantly higher as the number of worshippers will be about the same as at present. Overall, there is no increase in the amount of prayer space available, in fact, there is a slight decrease and, therefore, it is considered that the noise and disturbance from the use is unlikely to increase. The multi-purpose hall, classrooms, library and lobby areas will provide additional space to prevent worshippers overspilling outside the building on days where there is a larger number of visitors. Overspilling has previously been an issue on important days in the muslim calendar. The improved internal layout will also assist in prevent overspilling in the future as the building flows in a logical order and has emergency exit points.
- 8.14 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. The EHO has suggested a noise condition to protect residential amenity. Again, it must be noted that the mosque is an existing use in an outdated building, which has no sound insulation. The proposal provides an opportunity to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings. The EHO also requested a condition be imposed on the hours of use of the proposed shop to preserve residential amenity. These shops will be serving the specialised needs to the visitors to the mosque, so footfall will be much lower than normally expected for other A1 retail units.
- 8.15 In terms of privacy and overlooking, the windows on the rear of the three storey section are approximately 22 metres away from the rear of 1a Melville Road. At approximately 20 metres distance, the rear of 16 and 18 Mote Road are actually closer to 1a Melville Road than the new building. There are no windows at second floor level on the rear (south) elevation of the proposed two storey section as this contains the stairwells and prevents any overlooking towards nos. 1a and 3 Melville Road. The main windows in the two storey building are along its side elevations. The angled side elevations increases the distance of the two storey element from the site boundaries as it extends further to the rear (south) of the site. The higher land levels at 18 Mote Road, results in only the second storey of the rear extension being visible over the fence line. The windows angled towards the rear elevation of 18 Mote Road are to be obscure glazed and a condition has been imposed to ensure that this is undertaken and retained. The building has been designed with a stepped elevation to ensure that many of the windows face away from the adjacent property to the west (no.18). The following windows face towards No. 18 and will be requested to be obscured glazed by condition 19 to avoid overlooking:

- 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.

- 8.16 The southeast elevation has also been angled to ensure also ensures only oblique views would be visible of the adjacent properties. However, it is considered that some overlooking would still be caused to the adjacent properties, including 30 and 32 Mote Road. Those on Kingsley Road are a much greater distance away and are unlikely to suffer a loss of privacy. The provision of obscure glazing to all the first floor windows of the multi purpose hall will ensure no loss of privacy to any of the properties located to the east and southeast of the site. The use of the room as a hall only requires it to have natural daylight, no views out are required as would be the case for a dwelling. Therefore, 'the proposed four first floor 'multi purpose hall' windows that face south east' will also be requested to be obscured glazed by condition 19.
- 8.17 A single storey element of the proposal contains the main prayer hall and is angled to face southeast/east or towards Qiblah. This will also have a flat roof that is proposed to be a grass roof with flat glass roof lights. Due to the difference in levels between the application site and the adjacent properties, only the top of the green flat roof will be visible above the existing fence line from 3 Melville Road and there will be no loss of privacy as a result of this part of the scheme.
- 8.18 The orientation of the rear of the site to the south, combined with the angled design and reducing height of the buildings, will ensure a minimal loss of sunlight and daylight to the adjacent properties. The change in land levels will ensure that no.18 to the west will still receive morning sunlight into its rear garden with no impact during the rest of the day. The angled design of the two storey section of the proposal provides an increasing gap from the boundary with No.30 as it extends out from the main building ensuring that this property still benefits from sunlight in the late afternoon. It will be unaffected during the morning and early afternoon due to the orientation. The flat roof design also assists in this and improves the outlook from the rear windows of the surrounding dwellings. The nearest properties in Melville Road are located to the south/south west of the site and so will not suffer any loss of sunlight.
- 8.19 Policy DM9 of the emerging plan permits living above shops and businesses in all suitable premises in town centre as it provides a sense of life and occupation and creases a sense of place and *vitality and mix of uses advocated by NPPF and it also provides security*. The proposed residential flat for the head of the building is replacing the existing on-site accommodation that is currently contained in the two storey building on the western side of the site. It provides a two bedroom unit that will provide security for the building and also easy access for the head of the building to the on-site facilities, including the library for preparing lectures etc. The windows that serve the flat on the rear elevation of the building are 22 metres away from 1a Melville Road. No balcony is proposed for the windows serving the residential flat. Overall, it is considered that the windows in the rear elevation of building that serve the residential flat will not result in any unacceptable loss of privacy to adjacent properties. The windows in the rear elevations of nos. 16 & 18 Mote Road are actually closer to 1a Melville Road than those on the proposed flat. The proposal involves the replacement of just one 2-bedroom unit with another 2-bedroom unit and so residential activity on the site will not increase.

- 8.20 The proposal will involve the demolition of the existing two storey dwelling on the western side of the site. As this building is a more modern addition, built after the original construction of 18 Mote Road, the structure should be capable of being removed with no damage to no.18. The applicant will need to ensure that neither of the adjacent properties suffer any damage as a result of the proposed building works, which is the case for all construction activities. The Party Wall Act deals with these issues. The occupier of no.18 has stated that there is a window hidden behind the side wall of the existing dwelling. However, as this has been bricked up for over 50 years, it will have served a non-habitable room such as a stairwell. It is up to the owner of this property, whether it is re-instated as a window (obscure glazed or otherwise) or if it remains bricked up as it has been since the current two structure building on the application site was built after the war. It is not considered to raise a privacy issue for the proposed side windows in the three storey section of the mosque, especially as these windows serve one classroom and a stairwell at first floor and a kitchen on the second/top storey, which are clearly not habitable rooms.

Highways

- 8.21 The context of the consideration of this application is the existing D1 use of the site as a Mosque. The Mosque currently has one informal parking space in front of the two storey building but it has no proper turning area. It is noted that a number of the residential properties along the Mote Road frontages park in front of the dwellings. The new proposal provides for no on site provision to improve safety and as its edge of town centre location ensures that it has easy access to a number of sustainable transport options and also to numerous public car parks. It does provide cycle parking. Local, national and government advice encourages minimal provision so as to encourage alternative means of transport. Policy T13 of the Local Plan seeks to ensure minimal provision, but this is relaxed in town centre sites. Paragraph 6.66 of the Local Plan states council will seek to adopt reduced parking for locations which have good access to means of travel other than the private car. Emerging policy DM27 on parking standards adopts an even more flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car, consistent with the NPPF. This development is very accessible, with excellent availability of public transport and public car parks and cycle parking on site.
- 8.22 As highlighted by the Highway Officers comments, the proposal will actually result in a reduction in the amount of prayer space available, whilst providing more space for essential/supporting facilities for visitors, including changing rooms and showers etc. The provision of classrooms and a library will enable the educational and counselling needs of the congregation to be more comfortably met, providing a more supportive and cohesive community facility, whilst not increasing overall capacity at prayer times. There is actually a reduction proposed in actual prayer space. It also provides disabled toilets and baby change facilities to enable the young, old and disabled to be properly catered for. The proposal seeks to improve its facilities to enable it to meet the wider need of its congregation rather than increase the overall capacity of the building at prayer times. As the total number of people on site is not expected to change from the maximum of 550 people, use has been made of this opportunity to impose a condition to permanently set this as the maximum occupancy of the building. Therefore, the number of visitors to the site is not expected to increase during prayer times nor is the traffic generated by the proposal.
- 8.23 Although the overall number of visitors at any one time may not increase, what is likely to increase is the utilisation of the building in the week for other community uses, such as education, counselling and visits to the library or the Islamic shops.

The planning policies of the adopted and emerging Local Plan (policy CF3 and DM33 respectively) encourage community uses, particularly where they provide a positive contribution to diversification, vibrancy, vitality and providing an active frontage. The proposal enables 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, rather than the building only being used during times of worship. All the proposed additional activities are ancillary to the main use.

- 8.24 The 3 shop units proposed are very small and will be low key retail units ancillary to the use of the Mosque. They will meet the needs of the existing visitors to the Mosque selling items such as Islamic clothing, books etc. The town centre location and easy access to car parks and alternative travel modes ensures that no parking provision is required for these units. The proposed units are not large enough to generate any large scale deliveries, but there is a loading bay immediately to the west of the site that would allow for the small scale deliveries associated with the use. 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 public car parks. Many worshippers live locally and so can walk to the community facility. Those that live outside the town centre can use the public car parks.
- 8.25 The Highways Officer concluded that *“on the basis of the information submitted, it is not considered that this authority would be able to sustainably object to this application when considering the context of the NPPF and the existing use currently in place. Should this application be approved this may be opportunity to set a maximum occupancy by condition that does not restrict that which currently takes place and this would also satisfy this application”*. As stated earlier, the total occupancy of the building is not proposed to change and so the suggested condition has been included in the recommendation and is agreed to by the applicant.
- 8.26 The Highway Officer suggested that, due to the location of the site, a construction management plan should be submitted prior to commencement for approval. It is recommended that this work is undertaken following appointment of a main contractor, designed to minimise disruption to neighbours and the adjacent strategic roads and footway. This requirement has been imposed as a condition. A condition has also been imposed to require the provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- 8.27 Concerns have been raised by residents regarding increased pressure for on-street parking. However, as the overall capacity of the building is not increasing, it is considered that this is not a sustainable objection to the proposal, especially considering the existing use of the site and the proximity to public car parks and alternative modes of transport. This edge of town centre location is a mixed use area, where there is the potential for conflict between users to arise. In considering such proposals, paragraph 18.8 of the emerging Local Plan advises that community centres and other D1 uses within town centre will add to its diversity and will extend both its appeal and periods of activity throughout the day. It is considered that the proposal will provide a positive contribution to diversification and improve existing facilities for the users of the Mosque, providing not just a place of worship but education, advice centre, counselling and lectures – essentially a hub for the local muslim community. The community use can be walked to by many of its visitors, with the remainder having a choice of public car parks. The site has been used for as a mosque for over 20 years, but the building is now in need of serious update and improvements to provide more modern facilities. It is considered that due to the overall capacity of the building not increasing, this can be undertaken with no

adverse impacts on highway issues, including traffic generation and on street parking.

Landscaping

- 8.28 There is no existing landscaping or biodiversity on the site. The proposed landscaping is provided by a mix of hard and soft landscaping. Tree and shrub planting is proposed along both the side boundaries of the site and the proposed green roofs will also introduce a substantial element of additional planting. Views towards the site from the east, south and west will be substantially improved as a result of the removal of the existing buildings and their replacement with the proposed green roofs. Landscaping conditions have been imposed, requesting full details of the planting scheme, including the green roofs. The Landscape Officer raised no objection on arboricultural grounds, subject to landscape conditions as required by policy ENV6 of the Local Plan.

Other Matters

- 8.29 Southern Water raises no objection to the proposal subject to various conditions and informatives relating to foul and surface water disposal. In particular, detailed designs for the drainage for the basement will ensure that these facilities will not be flooded if any surcharge of the sewerage system occurs.

9.0 CONCLUSION

- 9.01 Policy CF3 of the adopted Local Plan states that the loss of community facilities is not permitted unless a replacement facility is provided. Policy DM33 of the emerging Local Plan states that proposals for D1 uses in the town centre will be permitted, where it will not have a significant impact on local amenity, inc. as a result of noise and hours of operation, and where it establishes or retains an active frontage to the street. The mosque use is an established one and the overall levels of worship at the centre are not expected to increase with a slight reduction proposed in prayer space. The mosque itself is an existing use and the current building has no noise insulation. As a result, it is considered that the new building will provide improved insulation properties and there will not be an adverse increase in noise and disturbance to neighbouring properties. The improvement of existing facilities to improve the provision of education etc. will be undertaken outside of prayer times during the day and so will not cause an increase in overall visitor levels. The EHO has raised no objections to the proposal, subject to the imposition of conditions relating to noise and air quality. Any plant and machinery used for the building will also be subject to noise conditions.
- 9.02 The emerging local plan advises in paragraph 18.8 that community centres and other D1 uses within town centre will add to its diversity and will extend both its appeal and periods of activity throughout the day. Overall, it is considered that the proposal will provide a positive contribution to diversification and improve existing facilities for the users of the Mosque, providing not just a place of worship but education, advice centre, counselling and lectures – essentially a hub for the local muslim community. The site has been used for these purposes for over 20 years and the building is now in need of serious update and improvements to provide more modern and up to date facilities. The layout of the existing building allows for some ancillary uses, such as lectures and social events, but the building is outdated and does not provide any purpose built space for such uses.

- 9.03 Policy DM1 of the emerging Local Plan states that proposals which create high quality design will be permitted, particularly where it responds positively to local character and provides improvements or uplifts an area of poor environmental quality. The building has been well designed to reflect the character and appearance of the surrounding area and it basically restores a 'lost' frontage. It will provide a sense of enclosure to this part of Mote Road and will greatly improve the visual appearance of the site and the area through the use of good design and materials. Where some of the first floor windows are considered to raise issues of overlooking, these windows have been conditioned to be obscure glazed. The functioning of the 'multi-purpose hall' is not in any way impaired by the use of obscure glazing, but it will ensure no loss of privacy to the adjacent properties, in particular, 18 and 30 Mote Road. The orientation of the site and the design and layout of the building ensures that there will be no unacceptable loss of sunlight to the adjacent properties.
- 9.04 KCC Highways Engineer has raised no objection to the proposal. The town centre location ensures that the site is sustainable with good access to parking and alternative modes of transport. A condition has been imposed to restrict the use to what currently takes place with a maximum occupancy condition of 550.
- 9.05 Overall, the proposal is considered to accord with the adopted and emerging local plan policies. It provides for the continuation of an established community use, but will enable the improvement to the buildings and the facilities to be undertaken. The uses of the building will benefit greatly from the replacement of the outdated building with modern facilities. The replacement of the building will also greatly improve the character and appearance of the surrounding area by restoring the frontage of the site to match the adjacent terraced buildings. It is considered that the privacy of the surrounding properties can be protected by the use of obscure glazing and that any activities, noise and disturbance will not be increased above that which currently takes place as part of the existing use of the site as a mosque. This proposal creates the opportunity to provide more control over the currently unregulated use through the imposition of planning conditions.

10.0 RECOMMENDATION – GRANT 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:
- Drawing No. 1787-01: Location Plan - Existing;
 - Drawing No. 1787-01 Rev.A: Site Plan/Location Plan (Proposed Site Plan Scale 1:200);
 - Drawing No. 1787-02: Existing Elevation (front);
 - Drawing No. 1783-03: Existing Site Plan;
 - Drawing No. 1787-04: Existing Elevation (rear);
 - Drawing No. 1787-05: Existing Elevation (facing 30 Mote Road);
 - Drawing No. 1787-06: Existing Elevation (facing 16 Mote Road);
 - Drawing No. 1787-02: Level Zero Plan (proposed floor plan);
 - Drawing No. 1787-03: Level One (proposed floor plan);

Planning Committee Report

- Drawing No. 1787-04 Rev.A: Level Two (proposed floor plan);
- Drawing No. 1787-05 Rev.A: Level Three (proposed floor plan);
- Drawing No. 1787-06: Key to Elevations;
- Drawing No. 1787-07 Rev.B: Elevation No.1 (proposed);
- Drawing No. 1787-08 Rev.A: Elevation No.2 (proposed);
- Drawing No. 1787-09 Rev.A: Elevation No.3 (proposed);
- Drawing No. 1787-10 Rev.A: Elevation No.4 (proposed);
- Drawing No. 1787-11: Elevation 6 and Section A-A (proposed);

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

- (3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building and hard surfaces and hereby permitted 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) The development shall not commence until full details of the bicycle parking as shown to be provided on the approved plans (drawing no. 1787-01: Location and Site Plan), including details of design and appearance and materials of the structure, have been submitted to and approved in writing by the Local Planning Authority. The bicycle parking shall be provided on site in accordance with the details approved prior to the first occupation of the residential flat and shops hereby permitted and 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) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, using indigenous species. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines. The details shall include all trees and hedgerows to be retained on the site and additional proposed planting.

Reason: No such details have been submitted and to ensure a satisfactory setting and external 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 shall not commence 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

Planning Committee Report

programme for its future maintenance. 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 three retail shop units shown on the approved plans shall only be used for retail purposes ancillary to the Mosque and for no other purposes;

Reason: In the interests of the amenities and living environment of the prospective occupiers of the residential flat above and exiting adjacent residents and to safeguard the character, appearance and functioning of the surrounding area.

- (9) The use hereby permitted for the three shop units shall only be carried out between the hours of 07:00 to 22:00 hours Monday to Friday, 10:00 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 use hereby permitted shall be restricted to a place of worship and no other use, whether falling within Use Class D1 of the Use Classes Order 1987 (England) (as amended) or not, shall be carried out from the premises.

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

- (11) No demolition/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 railway possession or road closure, outside the hours specified in this condition].

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

- (12) Prior to the commencement of the development hereby approved, 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, shall be 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 occupation of the premises and be retained thereafter.

Reason: In the interests of the amenities and living environment of the prospective occupiers of the residential flat.

- (13) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall 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 not 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.

- (14) The rating level of noise emitted 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.

- (15) The rating level of noise emitted 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.

- (16) The development shall not be commenced 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.

- (17) No lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority. Any lighting scheme will then be carried out in accordance with the approved details and be retained thereafter.

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

- (18) 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.
- (19) Before the development hereby permitted is first occupied, 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:

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.

- (20) 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 LPA and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter.

Planning Committee Report

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

- (21) The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- (22) No development shall take place until full details of the finished 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 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) Prior to the commencement of the development, details of the proposed means of foul and surface water sewerage disposal shall be 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.

INFORMATIVES

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Attention is drawn to the Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Planning Committee Report

Prior to use, the Environmental Health Department should be contacted to ensure compliance with the Health and Safety at Work etc. Act 1974 and all relevant statutes.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by the Kent County Council (KCC) whilst some are owned by third part owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-afer/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The applicant is advised by Southern Water that a wastewater grease trap should be provided on the kitchen waste pipes or drain installed and maintained by the owner or operator of the premises.

Detailed design of the proposed drainage system should take into account the possibility of the surcharging of the public sewerage system in order to protect the development from potential flooding (particularly for the proposed basement).

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk.

Due to the changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

Case Officer: Diane Chaplin

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.