

Planning Committee Report	
Planning Ref:	FUL/2019/0075
Site:	88 Paynes Lane
Ward:	St Michael's
Proposal:	Change of Use from Warehouse / Offices (B1) to Mosque, Community and Education Centre (D1) and minor external alterations
Case Officer:	Nigel Smith

SUMMARY

It has been demonstrated that no sequentially preferable sites are available for the use and as such the principle of the change of use is acceptable. Furthermore, subject to conditions the noise and highway impacts of the development will be acceptable.

BACKGROUND

The site is a roughly rectangular piece of land comprising an office building to the frontage with Paynes Lane with a warehouse behind. There is a service yard to the north of the warehouse building with vehicular access from Paynes Lane. There are also 9 parking spaces in front of the office building. The site is currently partially used for education purposes and the proposal is to regularise this and to expand the use to include worship and community uses for the local Swahili speaking Muslim population. The proposed hours of use are 8am – 9pm, as well as early morning and evening prayers.

KEY FACTS

Reason for report to committee:	Objections from 5 or more residents
Current lawful use of site:	Warehouse / Offices
Proposed use of site:	Mosque, Community and Education Centre (D1)
Proposed car parking spaces:	15
Anticipated number of users at any one time:	Up to 30 generally with 50 for Friday prayers

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal makes provision for necessary developer contributions.
- The proposal accords with Policies: CO1, JE3, DE1, AC2, AC3, AC4 and DS3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

Part retrospective change of use to mosque, community and educational use with hours of opening from 8am until 9pm plus early morning and late evening prayers. The purpose of the application is to provide a home for the local Swahili Muslim community, providing supplementary schooling and a community centre. Children's school classes currently operate on weekdays between 5pm -7pm and between 1000-1400 on weekends. The site will also be used between 0800-1600 on weekdays for community education and training sessions, and adult classes from 1900-2100 hours. Up to 30 users are anticipated to be present at any one time, apart from Friday midday prayers when up to 50 are expected. The centre will also be used for congregational prayers 5 times per day, with the earliest 0415 hours and the latest 2300 hours in summer.

SITE DESCRIPTION

The site is a roughly rectangular piece of land to the east of Paynes Lane in the Hillfields area of the City. The site has a two storey office block to the front of the site with parking spaces in front and a warehouse / industrial building behind. There is a service yard to the north of the industrial building accessed via Paynes Lane. There are terraced houses to the south and east of the site, a carpet retailer and industrial premises to the west of Paynes Lane and a commercial unit and car repair garage to the north.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Reference	Proposal description	Decision and date
FUL/2018/1513	Change of use from warehouse/offices to mosque, community and education use.	Refused (2018) due to insufficient information provided regarding: the noise impact arising from the use; and also lack of justification for reduced parking provision compared to standards.
FUL/2018/0521	Change of use from warehouse/offices to mosque, community and education use.	Withdrawn (2018).
S/1982/0652	Retention of buildings and continued use for industrial and office purposes.	Granted (1982).

POLICY

National Policy Guidance

The National Planning Policy Framework (NPPF), dated February 2019, sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy DE1: Ensuring High Quality Design

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy CO1: New and improved social, community uses

Policy JE3: Re-use of employment sites

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD 'Coventry Connected' (2019)

CONSULTATION

No objections subject to conditions have been received from:

- Highways
- Environmental Protection

Immediate neighbours and local councillors have been notified; a site notice was posted on 6th February 2019.

80 letters of objection have been received, raising the following material planning considerations:

- a) Additional traffic congestion in area and demand for on street parking
- b) The use is not suitable in a residential area
- c) It will lead to additional litter in the area
- d) Noise pollution

Two letters of support have been received, raising no material planning considerations:

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- e) There are already enough Mosques in the area and there is no need for another
- f) The site would be better used for other purposes such as retail, library, youth club or leisure centre

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are: principle of development; the impact upon neighbouring amenity; and highway considerations.

Principle of development

Policy CO1 states that a sequential assessment is required for social, community and leisure uses with a view to focusing such uses within or adjacent to designated centres. The applicant has provided information regarding the catchment of the facility and nearly all users live in the Hillfields area. An assessment has been made of Hillfields local centre and there are no available suitable buildings which could accommodate the use. Furthermore,

the scale of the proposal is such that an impact assessment is not required. Therefore the proposal complies with this aspect of Policy CO1 and the principle of development is accepted.

It is also worth mentioning that this assessment was accepted during the determination of the previous application at the site (FUL/2018/1513).

With regard to Policy JE3, which seeks to retain employment uses for employment purposes, the site is not a high quality employment site due to its proximity with adjacent terraced houses immediately to the south and east of the site. Furthermore, the site has not been in employment use for around 3 years now.

Neighbouring amenity

The use of the site between 8am and 9pm (plus early and late prayers) has the potential to result in noise and disturbance to adjoining neighbours. This could be from internal noise or from noise from comings and goings to and from the site. As such, Environmental Protection previously recommended a noise assessment and management plan be submitted for approval prior to determination. An assessment has been provided with this application, which explains that the existing building envelope is inadequate without mitigation being provided. However, if a suspended ceiling and wall insulation are installed in the male prayer hall (which is the room located closest to adjacent properties to the south of the site) then the noise level will be reduced to an acceptable level.

Environmental Protection accept the results of the assessment and recommend conditions to ensure that: the additional insulation is installed; the measures contained in the Noise Management Plan are implemented; and that no amplified voices are permitted on the site.

There have been a large number of objections to the application, regarding potential for noise pollution and the use not being suitable in a residential area. However, the site has historically been used for warehouse / office purposes and there is a car repair garage adjacent and a carpet warehouse and industrial units to the west of Paynes Lane at this point, therefore the area is in mixed use and to describe it as a residential area is not accurate. It is also interesting to note that none of the objections are from addresses in Britannia Street or Wren Street, which would be most affected as they adjoin the site to the south and east. One objection was from a property on Paynes Lane.

Highway considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the

provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

Highways recommended refusal of the previous application due to a lack of information to justify less on-site parking than required in the adopted parking standards. There are 15 parking spaces proposed on site with 9 at the front and 6 in what is currently the service yard. As the site has a floor area of around 1000 sq m the parking standards would require a substantial amount of parking (for instance a place of worship requires 1 space per 10 sqm). However, a Transport Statement has been submitted with this application, which explains that a maximum of 25% of trips to the site are by car (with the vast majority on foot). As the peak demand for the facility would be Friday prayers, when 50 people are expected, this equates to a peak demand for 13 parking spaces. As 15 spaces are proposed, this will be sufficient to accommodate the demand generated by this particular use.

Highways recommend conditions to secure the proposed car and cycle parking. I also recommend a condition restricting the use to this particular use in order to prevent another D1 use commencing on the site and causing highway problems.

Equality implications

Both ladies and men's community / prayer areas are located on the ground floor of the building so are easily accessible for all.

Other

There is no reason why the proposal will lead to increased litter in the area. In any event, there will be a waste bin located within the site / building.

The only external alteration will be the replacement of a roller shutter door on the northern side elevation of the building, with a new mainly glazed entrance doorway. This will not be visible from public vantage points and would have a neutral impact upon the character of the area.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity or highway safety, subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies CO1, JE3, DE1, AC2, AC3, AC4 and DS3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents: location plan; block plan; 786-03; 786-04

Reason: *For the avoidance of doubt and in the interests of proper planning.*

3. The use shall not commence unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: *To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.*

4. The use shall not commence unless and until cycle parking facilities have been provided and made available for use in accordance with details to be submitted and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times unless alternative measures have been approved by the local planning authority.

Reason: *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies HW1 and DS3 & AC1, AC3 of the Coventry Local Plan 2016.*

5. No amplified voices are permitted within the site (either inside or outside the building)

Reason: *In order to protect the amenity of residents, in accordance with Policy CO1 of the Coventry Development Plan 2016.*

6. Prior to the commencement of use, the additional insulation measures and suspended ceiling outlined in section 8 of the submitted noise report (prepared by Blue Acoustics reference NS229/3 dated 25.11.2018) shall be installed and thereafter retained.

Reason: *In order to protect the amenity of residents, in accordance with Policy CO1 of the Coventry Development Plan 2016.*

7. The use shall be operated in accordance with the measures outlined in the submitted noise management plan

Reason: *In order to protect the amenity of residents, in accordance with Policy CO1 of the Coventry Development Plan 2016.*

8. No person shall use and no activity shall take place in the buildings before 0800 or after 2100 hours on any day except for use for prayer at the prayer times listed in the submitted design and access statement (prepared by Sapphire Building Design Consultancy dated January 2018)

Reason: *In order to protect the amenity of residents, in accordance with Policy CO1 of the Coventry Development Plan 2016.*

9. The site shall be used for Mosque, Community and Education Centre use only and for no other purpose, including any other purpose within class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: *To prevent another use which could have a much higher car parking demand,*

which could result in highway safety and amenity problems, in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.

