

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 6 February 2019

Ward: Abbey

App No.: 171808/FUL

Address: Central Jamme Mosque, 18/18a Waylen Street, Reading

Proposal: Retrospective planning application for the demolition of a pre-existing extension and the construction of a two storey rear extension, and the erection of a boundary wall adjacent to the highway (amended description).

Applicant: Bangladesh Association of Greater Reading (charity number 1039747).

Date received: 6 December 2017

Minor Application PPA decision date: 4 July 2018 (ie. expired)

RECOMMENDATION:

Subject to the receipt of a satisfactory revised travel plan, **Delegate** to the Head of Planning, Development and Regulatory Services (HPDRS) to **GRANT** planning permission subject to the completion of a satisfactory s106 legal agreement with the following Heads of Terms:

- (i) **The site/premises shall be used as a D1 Mosque only** offering space for a combination of worship, training, education and meetings activities for a maximum of 200 people at any one time; and
- (ii) **The site/premises shall only operate in accordance with the approved travel plan.**

If the agreement is not completed by 15 February 2019, delegate to the HPDRS to **REFUSE** planning permission unless the HPDRS gives his permission to any extension of time to allow the signing of the agreement and permission to be issued.

Conditions to be adjusted/applied as follows (the Update Report will supply full condition wording):

1. AP1 approved plans
2. To have blocked up side openings in accordance with approved details no later than 1 March 2019.
3. To have reinstated the front boundary wall in full accordance with approved details no later than 1 March 2019.
4. To have implemented/completed the frontal landscaping scheme in full accordance with approved details no later than 1 March 2019.
5. To have installed the approved ventilation/extraction system in accordance with approved details no later than 1 March 2019.
6. To have implemented the frontal cycle parking in accordance with approved details no later than 1 March 2019.
7. Restrictive condition: basement ablutions area to be ancillary only
8. Restrictive condition: no amplified music
9. Restrictive condition: all windows/doors/openings shut during services

Informatives:

- Separate approval under the Building Regulations and Fire Safety Regulations is required.
- Terms and conditions
- Conditions precedent
- Positive and proactive requirement
- No parking permits to be issued

1. BACKGROUND AND UPDATE

- 1.1 This item was again deferred from consideration at your January meeting, principally because of a failure by the applicant to confirm the numbers that the mosque would be limited to. Members also wanted more information on the method of control of those numbers and a commitment from the applicant that the information presented to the Committee and proposed methods of control would be included, to ensure compliance, within a s106 legal agreement. A further meeting to discuss these points was held with the applicant and the Fire Officer on 17 January. Given the urgency for permission to be gained in order to carry out works before the provisions of the Enforcement Notice come into force, it was agreed that a capacity limit would need to be derived, which is appropriate in Planning, Building Control and Fire Safety terms.
- 1.2 All previous reports are appended to this report for information.

2 TRAFFIC AND PARKING

- 2.2 The report to your January meeting confirmed that the mosque was attracting a large number of visits and that this was not being managed at all, as evidenced by the mosque's over-reliance on the parking zones in the area. This parking situation is not sustainable or appropriate in terms of Policy CS24 or our parking standards.
- 2.3 At the 17 January meeting, using an estimation of the original capacity of the former Elim Church Hall and on the basis of the surveys by both the applicant and RBC Transport, it was agreed that the capacity limit for the mosque should be no more than 200 persons at any one time. This level corresponds with the current fire limit (see discussion below) and officers believe that providing travel to the mosque is managed sustainably, this would be a suitable level, although slightly above the former Elim Church.
- 2.4 In view of the need to make a decision on this matter given the impending compliance date of the Enforcement Notice (4 March 2019), officers have concluded that it is necessary for the capacity of the mosque and journeys to it are controlled via s106 legal agreement. Officers have carefully considered the pros and cons of an agreement over planning conditions, but mainly due to the fact that the mosque could operate over capacity 'behind closed doors' and the LPA wishes to maintain long-term legal control to curb any over-capacity - which would be almost impossible to monitor/police via condition - a s106 agreement is considered to be the only feasible option. The Council's Planning Solicitor concurs with this approach. Travel plans are usually controlled via s106 agreement in any event. These measures would control activity, disturbance and traffic at/to the site. Given the history of this activity, it may be necessary to proactively monitor this situation to ensure compliance with these obligations.

- 2.5 At the time of writing, the Highway Authority has considered a first travel plan from the applicant, but the intended modal shift away from the current high proportion of car journeys is not sufficient. The applicant has been asked to improve their commitment to sustainable journeying to the mosque and an update on this matter will be supplied in the Update Report.
- 2.6 The additional plans now supplied show six lockable cycle parking spaces within the landscaped area. This is a relatively low-level provision due to the need to also maintain safe fire egress in this area, but is nonetheless useful and welcomed. A condition is recommended to secure this.

3 FIRE SAFETY

- 3.2 Fire safety is not a material planning consideration, although officers are of the opinion that the fire limit and overall capacity of the building in planning disturbance/traffic generation terms should be the same figure and the applicant has agreed to this.
- 3.3 As the previous report to the January meeting sets out, the applicant has repeatedly failed to present an agreed fire safety limit with the Fire Authority and/or RBC Building Control. Depending on the retrofit measures that may or may not take place, the fire limit could be increased, hence the various limits cited in earlier reports. At present, the Fire Authority is content for the premises to be limited to 200 persons, based on the current ability of people to escape from the building in a fire event and, to achieve this level, the Fire Authority has advised that the first floor of the building is currently unsafe and should not be used. The Fire Authority wishes to remind the Committee that whatever capacity is set in Planning terms at this site, the Fire Limit will be controlled completely separately. The Fire Authority has also sought assurances that the applicant will be actively monitoring the occupancy of the building, which at this point does not appear to be taking place.

4 UPDATED CONDITIONS

- 4.1 Given that the deadline for compliance with the Enforcement Notice is fast approaching, the applicant has been asked to confirm various matters now, which were to have been the subject of further submissions. The applicant has supplied a full set of updated plans, which officers consider are acceptable. These clarify the methods of blocking up openings, full details of the replaced front boundary wall (which would be as good if not better than the wall which was removed), internal changes (although these are considered to primarily be of concern to the Fire Authority and RBC Building Control) and a landscaping scheme (mostly paving).
- 4.2 These details are suitable and the conditions will be updated and adjusted so that the conditions are restrictive: ie. no further submissions are required and that the works must be completed by 1 March 2019. There are some very detailed clarifications being sought and these will be reported to your meeting.

5 CONCLUSION

- 5.1 Your officers advise that pleasing progress has been made very recently on this application. Although the capacity has not been led by the fire limit (as had been

anticipated) the applicant is amenable to the level agreed by your officers and further, is prepared to commit to this in a legal agreement, controlling traffic at the same time. Conditions have been tightened up to ensure works are undertaken, as opposed to further submissions being made at a later date. Officers welcome these improvements.

- 5.2 Notwithstanding the above, it has taken many months to get to this point and officers are mindful of the need for the applicant to sign up to the legal agreement following your meeting - were you to agree the Recommendation - and comply with the conditions proposed to be applied. Further, at the time of writing, the current travel plan is not considered to be acceptable and officers suggest that you do not resolve to grant permission unless this firm commitment is received from the applicant.
- 5.3 Members will be aware of the enforcement appeal decision on this site, where the appeal Inspector did not support the extension (due to the harm he identified to the Conservation Area and the amenity of adjacent occupiers) to the building and ultimately dismissed the appeal and the decision letter is appended to this report for your information.

Case officer: Richard Eatough

APPENDIX 1: enforcement appeal decision, 18/18a Waylen Street, dated 4 April 2018

APPENDIX 2: previous reports to the committee on this planning application



Appeal Decision

Site visit made on 8 January 2018

by **Thomas Shields MA DipURP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 April 2018

Appeal Ref: APP/E0345/C/17/3178555

18-18A Waylen Street, Reading, RG1 7UR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is made by Mr Mohammed Mustack (Bangladesh Association of Greater Reading) against an enforcement notice issued by Reading Borough Council.
- The enforcement notice was issued on 12 May 2017.
- The breach of planning control as alleged in the notice is, without planning permission the:
 - (a) erection of a two storey rear extension on the Land in the approximate location shown cross hatched black on Plan 'B' attached hereto
 - (b) removal of a boundary wall adjacent to the highway in the approximate location marked 'X' to 'Y' on Plan 'B' and shown on Photograph 'C' attached hereto.
- The requirements of the notice are:
 - (a) Take down and remove from the Land the two storey rear extension in the approximate location shown cross hatched black on Plan 'B' attached hereto
AND
 - (b) Reinstall the front boundary wall in the location shown as 'X' - 'Y' on Plan 'B' attached hereto in the design and proportions of the original as shown in Photograph 'C' attached hereto
AND
 - (c) Make good any damage to the existing building as a result of the works carried out under (a) and (b) above and remove from the Land all building and other excess materials associated with the said works.
- The period for compliance with the requirements is 9 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a),(f),(g) of the Act.

Decision

1. It is directed that the notice be varied in Section 6 by deleting the word "Nine" and substituting instead the word "Eleven".
2. Subject to the variation the appeal is dismissed, planning permission is refused and the enforcement notice is upheld.

Preliminary Matter

3. A planning application to retain the extension subject of this appeal has been submitted to the Council. It remains undetermined and hence is not material to my decision.

Appeal site and background

4. The appeal site, 18-18A Waylen Street, comprises two elements. The oldest and principal element is a Victorian 2 storey villa (originally detached) with

projecting front gable over a 2 storey bay. The frontage is typical of that era, having a more elaborate design and grandeur than the rest of the building, with stone surrounds to the front entrance and all windows, arched windows at first floor, horizontal banding, and brick detailing with contrasted colour strings.

5. A later two storey addition in brick with double timber entrance doors has a much simpler finish with no architectural or decorative embellishments. It appears likely it was constructed as part of the rear church hall development.
6. Planning permission (Ref: 00/01355/FUL) was granted in 2001 for a first floor extension to then existing church hall. However, the Council's evidence¹ indicates that instead of a first floor extension being added, the existing hall was demolished and a wholly new 2 storey extension was erected such that the planning permission was never implemented. Furthermore, the question of whether the development subject of the appeal was constructed lawfully was subject of a Lawful Development Certificate application (Ref: 170154/CLE) which was refused in 2017. That decision was not appealed and no appeal is made on ground (d) in this appeal.
7. Consequently, the 2 storey rear extension subject of this appeal commenced a 'new chapter' in the planning history of the site and must be considered on its own merit.

The appeal on ground (a)

Main Issues

8. I consider the main issues in this appeal are the effect on the character and appearance of the area and in particular the Russell Street/Castle Hill Conservation Area (CA) in relation to the removal of the front boundary wall, and the effect of the rear extension upon the living conditions of occupiers of adjoining properties with particular regard to their privacy and outlook.

Character and appearance of the area – boundary wall

9. The significance of the CA, a designated heritage asset, is in part comprised by the architectural and historic interest of the buildings within the traditional pattern and layout of streets in the area. Walls, some with railings, to separate buildings from the highway edge were traditional forms of enclosure. Many of these have now been replaced (as appears to have been the case here prior to its removal) or take different forms. Nonetheless, frontage enclosures remain an important part of the character and appearance of the street scene, and integral to the significance of the CA.
10. Consequently, the removal of the brick boundary wall at the appeal site, so that the whole of the site's frontage is now open to the highway boundary, is at odds with, and detracts from, the prevailing character and appearance of the street scene. It thus fails to preserve or enhance the character and appearance of the CA, thereby resulting in harm to its significance as a heritage asset.
11. In terms of paragraph 134 of the National Planning Policy Framework 2012 (NPPF) I consider the harm to be less than substantial, such that it should be weighed against any public benefits. In this regard no specific public benefits

¹ Council's Statement - Appendix 4

are advanced in support of the appeal and it is not argued that the boundary wall impaired access to or use of the building.

12. As such, I conclude find that the harm is not outweighed by public benefits. The removal of the boundary wall conflicts with NPPF paragraph 126 which sets out that heritage assets should be conserved in a manner appropriate to their significance. It also thereby conflicts with the requirements of Policies CS7 and CS33 of the Reading Borough Core Strategy (2008) (CS) which, taken together, seek to ensure that all development is of a high design quality that maintains and enhances the character and appearance of the area, including conservation areas.

Effect on living conditions of adjoining occupiers – rear extension

13. The 2 storey rear extension is substantial in width, height and depth; its footprint filling most of the rear curtilage. A narrow pathway runs alongside the dividing boundary fence with No. 16 Waylen Street. Along this elevation are tall windows and glazed doors into the main hall. Tall trellising above a dividing boundary wall separates the southern ground floor elevation windows from No. 20 Waylen Street.
14. With regard to outlook, I consider that the extension is excessively large. It is disproportionate and out of scale with the site's rear curtilage. Its height and massing close to the boundaries with Nos. 16 and 20 results in an intrusive and noticeably dominating presence which adversely and unacceptably affects the outlook of occupiers of those properties. It thereby results in significant harm to the living conditions of those occupiers.
15. It is argued that there is no significant difference between the appeal scheme and that of the approved 2001 scheme, or with the former church hall. However, contrary to the appellant's view, I consider that the appeal extension has a greater massing and dominance than both of those. The 2001 scheme, as approved, would also have been overly dominant. That notwithstanding, it was approved over 17 years ago, in the context of older and now replaced local and national planning policy, hence it does not set a benchmark against which to assess the appeal before me. The appeal scheme is a new chapter as previously described. Accordingly, I have determined this appeal, as I am required to do so, on its individual merit in the context of up-to-date Development Plan policies and material considerations.
16. The position of glazing in the side elevations allow overlooking of the rear gardens of Nos. 16 and 20 and into rear ground floor rooms at No. 16, thereby resulting in both a real and perceived loss of privacy for those occupiers. It would thus be harmful to their living conditions in conflict with Policy DM4 of the Reading Borough Sites and Detailed Policies Document (2012)
17. In this regard I have considered the imposition of planning conditions. Although the trellis to the boundary with No. 20, together with a significant increase in the height of the boundary fencing with No. 16, would to some extent mitigate overlooking, it would not overcome the perception of overlooking. It would also be poor in overall design terms given the context and character of those residential properties. Such a boundary treatment to No. 16 would need to be greater than 2m in height and would in itself be an inappropriately dominant and enclosing feature given No. 16's lower land level. Fixed obscure glazing would also not overcome the *perception* of being overlooked from the existing

windows and glazed doors. In any event, the mitigation of overlooking and loss of privacy would not overcome the harm I have found with regard to outlook.

Other Matters

18. The Council raised concerns regarding potential future uses within Use Class D1. Such concern could adequately be overcome by the imposition of a planning condition restricting the use solely to that as currently exists. Hence this issue does not weigh against allowing the appeal. Since the appeal is dismissed for other reasons there is no need for me to consider this matter further.
19. I acknowledge that there are social benefits of the development in providing a place of worship. Furthermore, although not specifically referred to by the parties, I have also had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, in respect of religion or belief and acknowledge the religious needs and freedoms of the users. The implication of the enforcement notice would be that the extension would need to be demolished. Nevertheless, to allow the appeal would be to condone the harm I have identified to the living conditions of occupiers of neighbouring properties, and which cannot be adequately mitigated. Consequently, I do not consider that the PSED outweighs the identified harm.

Conclusion on ground (a)

20. The removal of the front boundary wall results in harm to the character and appearance of the area and to the significance of the CA which is not outweighed by public benefits. Added to that harm, the 2 storey rear extension results in significant harm to the living conditions of occupiers of Nos. 16 and 20 Waylen Street with regard to their outlook and privacy. The development thereby conflicts with the aims and objectives of the Council's Development Plan policies. It also conflicts with paragraph 17 of the NPPF which sets out as a core principle that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
21. For all the above reasons, and having regard to all other matters raised, the appeal on ground (a) fails.

The appeal on ground (f)

22. The ground of appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary.
23. When a ground (f) appeal is made it is essential first to understand the purpose of the notice. Section 173(4) (a) and (b) of the Act provide that the purpose is either: (a) to remedy the breach of planning control that has occurred, or (b) to remedy any injury to amenity which has been caused by the breach.
24. The breach of planning control is the erection of the rear extension and the removal of the front boundary wall. The notice requires the complete removal of the rear extension, reinstatement of the boundary wall, and making good any damage caused. Hence, the purpose of the notice clearly falls within section 173(4)(a); to remedy the breach of planning control that has occurred. Given these factors it is therefore clear that the requirements go no further

than remedying the breach of planning control. Since they go no further than remedying the breach they cannot be excessive.

25. It is argued for the appellant that boundary fencing and obscure glazing would overcome the harm. However, that would not fully remedy the breach of planning control. Moreover, I have considered these matters in the ground (a) appeal.
26. Court judgments have established that in some circumstances consideration can also be given to any apparent "obvious alternative" remedy. In this regard the appellant refers to the approved 2001 scheme. However, for the reasons set out at paragraphs 6, 7 and 15 above, I do not consider it to be such an obvious alternative.
27. The appeal on ground (f) therefore fails.

The appeal on ground (g)

28. The ground of appeal is that the period of time for compliance with the notice, in this case 9 months, falls short of what should reasonably be allowed. The appellant seeks a period of 30 months.
29. Although the appellant refers to funding issues, no details of the charity's accounts or any existing or projected funds that might be required solely to achieve compliance with the notice have been provided. Consequently, I am unable to give this consideration much weight.
30. I see no reason why the requirements of the notice in respect of the rear extension could not be carried out within 9 months, even allowing for time to engage and schedule contractors. For practical reasons of access the front boundary wall would best be reinstated after all other works have been completed. Thus a further 2 months would be more reasonable in all the circumstances.
31. I consider an 11 month period is a reasonable period of time for compliance with the notice. It also allows sufficient time for any alternative scheme to be submitted as a part of a planning application as the appellant suggests might be the case.
32. I will therefore allow a period of 11 months. To this limited extent the appeal on ground (g) succeeds and I have varied the notice accordingly.

Thomas Shields

INSPECTOR

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES READING BOROUGH COUNCIL PLANNING APPLICATIONS COMMITTEE: 9 January 2019	ITEM NO.
--	-----------------

Ward: Abbey

App No.: 171808/FUL

Address: Central Jamme Mosque, 18/18a Waylen Street, Reading

Proposal: Retrospective planning application for the demolition of a pre-existing extension and the construction of a two storey rear extension, and the erection of a boundary wall adjacent to the highway (amended description).

Applicant: Bangladesh Association of Greater Reading (charity number 1039747).

Date received: 6 December 2017

Minor Application PPA decision date: 4 July 2018 (ie. expired)

RECOMMENDATION

GRANT planning permission with conditions as set out in the attached report.

Deletion of condition 6:

6. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the premises shall be used as a D1 Mosque offering space for a combination of worship, training, education and meetings activities for a maximum of 300 people only and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Control under the planning permission to be for a maximum of 110 persons at any one time. Mechanism for this control to be set out in the Update Report.

Additional condition: provision of cycle parking (to be advised).

6 BACKGROUND AND UPDATE

6.2 As can be seen from the main Agenda report to your 27 June 2018 meeting, officers were on balance prepared to recommend the granting of permission, subject to the applicant having responded to a number of outstanding matters by the time of the committee meeting. However, progress was not made and the update report latterly recommended deferral of consideration of the application. The previous reports are appended to this report for information.

6.3 At the meeting, members agreed with the recommendation for deferral, but also requested a member site visit. This subsequently took place on 12 July. On 19 July a meeting was set up with the applicant, the Fire Authority, RBC Building Control and RBC Planning and Transport officers, in an effort to set out the strategy for dealing with the outstanding matters. It was agreed at that meeting that - exceptionally - a capacity level for the building as a whole should be set

which held for planning disturbance purposes, traffic control issues and fire safety and that the same limit should as far as possible be used for all disciplines. This report now discusses the progressed reached since June/July on these matters.

7 TRAFFIC AND PARKING

- 7.2 Whilst the site is in an accessible location, the mosque is a major travel attractor, sited within a dense residential area. The mosque, as extended, is currently accommodating in the region of 300+ persons per peak service and these frequently occur in the daytime.
- 7.3 The major reason for the deferral of the application was that it was unclear to the Highway Authority how much more intensive this retrospective use was over the previous (Elim Church) use and how the applicant was proposing to manage the use, so as to encourage sustainable journeys to the site. As agreed at the July officer meeting, travel survey information has been submitted, but this was not received until November.
- 7.4 Furthermore, the Transport Development Control Manager has independently surveyed the church and surrounding parking areas now on two occasions: on a Friday lunchtime (14/12/18) and the following Monday lunchtime (17/12/18). It was noted that the vast majority of the Controlled Parking Zones (CPZs) in the Waylen Street/Baker Street, Trinity Place area were fully in use with only six parking spaces available on the Friday and none available on the Monday. These CPZs are for residents, but allow some short-stay parking in the daytime.
- 7.5 It is however cautioned that now is not the best time of year to undertake any survey of this kind given that there will be people parking in these areas to undertake quick visits into town for Christmas shopping. However if we take this as a reference, the Highway Authority would not support any increase in the building's capacity given that there is currently insufficient capacity in the CPZs to accommodate the demand.
- 7.6 The applicant has resisted repeated requests for the actual or estimated historic capacity of the Elim Church, as officers do not have this information. Transport Strategy advises that given the observed on-street parking demand it is essential that this data is obtained so that impact can be fully assessed. The historic lapsed permission (from 2001) was not objected to by the Highway Authority at that time given that it was confirmed that the capacity was not being increased over the Elim Church (parking was also a concern for that application).
- 7.7 Without knowing a capacity, the Highway Authority is unable to determine what level of car parking would be required but the surveys that have been submitted by the applicant indicate that 38% of attendees come by car and they have requested a capacity for the mosque of 350 persons, which would equate to a need for 133 parking spaces. This is likely to be significantly in excess of the Council's parking standards but does identify that there will be a significant demand which is currently not proposed to be managed/met. Without this information being submitted, Transport Strategy advises that they would have no option but to strongly recommend refusal on the grounds of lack of information (failure to demonstrate that there would not be parking pressures and therefore harm to the purpose of the Council's parking and sustainable transport policies and objectives).

7.8 Officers have discussed the situation with the Transport Development Control Manager and warned the applicant that the pursuit of a capacity of 300+ persons in this building was not going to be supportable in planning terms. However, officers have now received confirmation from the applicant that the building would be limited to no more than 110 persons at any one time. The Highway Authority accepts that this level is likely to be much more akin to the previous situation which existed at the Elim Church (the pre-2001 situation) and on the basis of achieving suitable control to maintain such a level, is content to withdraw their objection.

7.9 Condition 10 of the attached report advises that a travel plan shall be submitted and this is considered to be an on-going necessary requirement. The details of this will also need to be discussed further with other officers including Transport Strategy and a fuller explanation of this will be set out in the Update Report. The travel plan is required to promote alternative modes of travel, reducing the number of vehicle movements travelling to the site where there is limited parking availability.

7.10 The limited space on site and in particular the front yard area, which is a congregating/fire escape area, means that there is limited opportunity for cycle parking in this instance. However, with no-on-site car parking, encouraging alternative transport modes is important. This matter will need to be considered further and the Update Report will set out what is considered appropriate.

7.11 Subject to detailed discussions on control mechanisms, officers are now content to advise that the proposal, at a maximum of 110 person capacity and with a travel plan, is in principle compliant with the Council's transport policies.

8 PLANNING POLICY UPDATE

8.2 Members will be aware that since this application was originally reported, some planning policy changes have taken place.

8.3 The Revised NPPF was issued on 24 July 2018 but officers do not advise of any changes in policy direction or emphasis pertinent to this application. The Local Plan has since progressed through the local plan inquiry (September-October 2018). Some weight is able to be applied to these policies, but these are not anticipated to be adopted until 2019. Officers advise that the principal policies and themes pertinent to the consideration of this application (impact on the historic environment; impact on neighbour amenity; impact of traffic generation) are largely proposed to reflect/roll forward the current adopted policies of the Development Plan.

9 FIRE SAFETY

4.1 At the member site visit on 12 July, members were clearly concerned about the current fire safety situation in the building and the building is being regularly used by some 300 or more people in the absence of a Fire Safety Strategy agreed by the Fire Authority. Whilst the Committee is aware that fire safety issues are not usually a material planning consideration, officers advise that in the particular circumstances of this use, it would make sense for all forms of control to refer to the same number of persons.

- 4.2 In short and despite attempts by the applicant to get the Fire Authority/RBC Building Control to be supportive of a capacity of 370 persons, to date, some five months on from the officer meeting, the maximum number of persons that appears to be able to be safely accommodated, given the constraints of the building, appears to be only 110 persons. At the time of writing, however, even this level has not been confirmed as suitable/safe by the Fire Authority or Building Control, however, it would seem that this capacity could be achieved within the existing confines/layout of the building. This has so far been compromised by a number of factors including the width of the side passageway; the swing of doors; the construction of stairs; and the layout of the existing main hallways in the frontal building. If further responses are received on this matter from the Fire Authority or Building Control, you will be advised, but officers consider that in planning terms at least, 110 persons is likely to be a reasonable estimation of the capacity of the former Elim Church and can be accepted on this basis as a control for this retrospective proposal. Such a capacity would also seem to allow suitable noise/disturbance and parking issues.

10 EQUALITIES AND DISABLED ACCESS ISSUES

- 5.1 Paragraphs 6.31 and 6.32 of the attached report discuss these issues. For clarity, where paragraph 6.31 mentions 'gender', this should more accurately refer to 'sex'. Paragraph 6.32 notes that the mezzanine level may only be being used for women only and this may raise disabled access issues. Particularly given the reduced capacity now agreed, the applicant has been asked to confirm their policy on the use of the building for women and disabled people.

11 CONCLUSION

- 6.1 A number of months have elapsed since this application was originally reported to your meeting. Members will also recall that the requirements of the Enforcement Notice (re-instatement of the front boundary wall and demolition of the extension) comes into effect on 4 March 2019, so time is running out. Whilst there has still been no formal confirmation of a safe fire level for the building, officers have had to decide whether this retrospective application should be refused, or whether officers seek to approve a capacity level which would appear to be acceptable, in the absence of any other information. This is not an ideal situation, but with the alternative being the refusal of permission and with no fall-back position for the applicant to avoid the likelihood of demolition of the extension, officers recommend that on balance, this is a reasonable and proportionate response and recommend that subject to confirmation on the detailed mechanisms/condition for control of the capacity and cycle parking, planning permission should be granted.

Case officer: Richard Eatough

UPDATE REPORT:

**BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 9 January 2019**

ITEM NO. 9

Ward: Abbey
App No.: 171808/FUL
Address: Central Jamme Mosque, 18/18a Waylen Street, Reading
Proposal: Retrospective planning application for the demolition of a pre-existing extension and the construction of a two storey rear extension, and the erection of a boundary wall adjacent to the highway (amended description). Applicant: Bangladesh Association of Greater Reading (charity number 1039747).

RECOMMENDATION AMENDED TO:

DEFER for further information.

1. REASON FOR DEFERRAL

- 1.1 The Main Agenda report discusses various matters which officers had hoped would be confirmed/resolved by the time of your meeting. These primarily concern the mechanism to control the capacity of the mosque, but also the control of the travel plan and the detailed wording of conditions. Unfortunately, it has become clear that these matters have still not been addressed to officers' satisfaction and in the circumstances, it is recommended that that Members again defer this Item to allow officers to continue to work with the applicant and relevant consultees.

Case Officer: Richard Eatough

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO.

PLANNING APPLICATIONS COMMITTEE: 27 June 2018

Ward: Abbey

App No.: 171808/FUL

Address: Central Jamme Mosque, 18/18a Waylen Street, Reading

Proposal: Retrospective planning application for the demolition of a pre-existing extension and the construction of a two storey rear extension, and the erection of a boundary wall adjacent to the highway (amended description).

Applicant: Bangladesh Association of Greater Reading (charity number 1039747).

Date received: 6 December 2017

Minor Application PPA decision date: 4 July 2018

RECOMMENDATION: GRANT retrospective planning permission.

Conditions to include:

1. AP1 Approved plans.
2. No later than three months from the date of this planning permission, details of the measures to block up of windows and substitution of glazed doors for solid doors, as shown on the approved plans in Condition 1, shall have been submitted to the Local Planning Authority. The details for the windows shall include all materials and plans and sections of not less than 1:20 scale showing how the works will be carried out. The details for the doors will show full specifications of the doors to be used. The above works shall be undertaken in full not later than three months following written approval of the details by the Local Planning Authority. The development shall be retained in accordance with the approved details thereafter.
Reason: to ensure that the unauthorised development is regularised in terms of the harm caused to privacy/overlooking of neighbouring properties, in accordance with Policy DM4.
3. No later than three months from the date of this planning permission, detailed scaled elevations and plans shall have been submitted to the Local Planning Authority, which shall show a the reinstatement of the front boundary wall which has been demolished. These details shall be based on the wall as shown in the approved plans approved by Condition 1 above. Following approval, the wall shall be completed no later than three months following approval of the approval of the details.
Reason: to provide a suitable means of enclosure, in the interests of the streetscene and the Conservation Area, in accordance with policies CS7 and CS33.
4. No later than three months from the date of this planning permission, a scheme for hard and soft landscaping scheme for the area enclosed to the front of the site, shall have been submitted to the Local Planning Authority. The scheme should include hard landscaping details and full details of cycle parking and bin storage provision. The approved landscaping works as described above shall be carried out in full compliance with the approved scheme no later than three months following

approval of the approval of the details and the development retained with such facilities thereafter.

Reason: to ensure that the unauthorised development is regularised in terms of the harm caused to the streetscene and to ensure that a suitable level of cycle parking and servicing is provided in accordance with policies CS7, CS24 and CS33.

5. No later than four weeks from the date of this planning permission, the extract/ventilation systems shall have been installed in accordance with the approved plans and specifications and thereafter the extract/ventilation systems shall be permanently retained and maintained in accordance with the approved specifications. Thereafter, the specific sound level of the plant/equipment hereby approved, $LA_{eqr,T}$ as measured at a point 1 metre external to sensitive facades, shall be at least 10dB below the existing background sound level, $LA_{90,T}$ when all plant/equipment (or any part of it) is in operation. The noise rating level of the plant/equipment hereby approved, $LA_{eqr,T}$ (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to sensitive facades, shall not exceed the existing background sound level, $LA_{90,T}$ when all plant/equipment (or any part of it) is in operation.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

6. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the premises shall be used as a D1 Mosque offering space for a combination of worship, training, education and meetings activities for a maximum of 300 people only and for no other purpose (including any other purpose in the same Use Class of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
7. Basement ablutions area to remain ancillary only.
8. No amplified music at the premises at any time.
9. All openings (windows, doors) shut during services.
10. Submission of a travel plan.

Informatives

- The provisions of the extant Enforcement Notice continue to apply.
- Separate approval under the Building Regulations and Fire Safety Regulations is required.
- Terms and conditions
- Conditions precedent
- Positive and proactive requirement
- No parking permits to be issued

1. INTRODUCTION

- 1.1 The application site consists of Nos. 18/18a Waylen Street, just to the west of central Reading. It is situated within a street of predominantly large terraced Victorian residential properties and within the Russell Street/Castle Hill Conservation Area.
- 2.2 The site is long and narrow and generally flat. It accommodates a frontal building which has two distinct elements and was formerly the Elim Family Church and a house. Little is known about the history of the buildings and there is no detailed information on this site in the relevant Conservation Area Appraisal. But the right-hand side (northerly) building probably started off as a handsome 1840s-1860s Italianate style villa in its own relatively generous garden. It has some nice decorative features, including exposed rafters at the eaves, coloured string courses, stone window surrounds and arched windows. The building that then abuts it, 18a, appears (according to historic maps) to have been added at roughly the same time as the rear church hall, so given the style and the fact that it would appear to be of cavity wall construction, somewhere between 1930-1950.
- 2.3 The site has been the home of the Central Jamme Mosque (also known as the Central Jamme Masjid) for around the last 20 years. The application site area measures some 400 sq.m in area.



2. PROPOSAL

- 2.1 The planning application primarily seeks to retain a large, two storey extension which replaced an earlier extension. The application also includes other related works which consist of filling in and adjusting various openings on both flank ground floor elevations of the extension and the rebuilding of a front boundary wall, which

may have been removed in order to facilitate the building works which have taken place.

2.2 The development currently on site does not benefit from a valid planning permission. Your officers have been encouraging the applicant/owner to submit a planning application to attempt to regularise the planning situation for a number of years. An Enforcement Notice was eventually served on the owners in May 2017. This application was submitted in response to that Notice.

2.3 This application is being referred to your meeting for a number of reasons.

- There has recently been an Enforcement appeal decision and this is a large structure which the appeal Inspector considers is not acceptable;
- it is a non-residential assembly and leisure use in a residential conservation area; and
- a similar proposal in 2001 was also reported to the Planning Applications Committee and at that time, the Committee granted the planning permission.

2.4 Religious buildings are not chargeable for the Community Infrastructure Levy (CIL) under the Council's adopted CIL Charging Schedule.

2.5 Supporting documents submitted with the application include:

- Planning and Design and Access Statement
- Heritage Statement
- Acoustic report
- BREEAM Pre-estimator

3. PLANNING HISTORY

3.1 Relevant planning history is as follows:

00/01355/FUL (later planning reference: 990726)	First floor rear extension and internal alterations to existing Mosque and part change of use of four bedroom house to offices	PERMISSION 7/3/2001. LAPSED.
140288/PREAPP	Pre-application advice for proposed amendments.	Advice supplied 30/4/2014.
170154/CLE	1st Floor rear extension and internal alterations to existing Mosque.	CERTIFICATE REFUSED 13/4/2017
E0345/C/17/3178555	Enforcement Notice served 12/5/2017. Enforcement appeal received, concerning: Without planning permission, the erection of a two storey rear extension and removal of a boundary wall.	APPEAL DISMISSED 4/4/2018, planning permission refused, Enforcement Notice upheld, subject to minor variation concerning compliance period.

4. CONSULTATIONS

(i) Statutory:

None.

(ii) Non-statutory:

RBC Transport Strategy has raised the following concerns:

- Clarification is required as to how the increase in floor space has affected congregation numbers.
- Proposed mode of transport split would be required as to how attendees travel to the Mosque. This could be achieved by undertaking surveys from the existing attendees.
- It would appear that the demolition of the boundary wall has caused damage to the public highway. *Officer comment: this matter has been passed to RBC Environment and Neighbourhood Services to assess separately.*
- The Mosque is situated in a CPZ area, there are shared user bays directly outside the mosque; surveys of shared user bays is required to ascertain use of bays during hours the mosque is at its busiest i.e. Friday prayer times.

RBC Environmental Protection has raised issues with noise from the congregation and the plant noise and has proposed detailed condition wording. Full discussion is provided in the Appraisal below.

RBC Building Control advises that there is no Building Regulations approval for the works which have been undertaken, although a Building Regulations application was submitted in 2012 and is still a live application. Building Control's principal concerns are means of escape in the event of a fire.

Berkshire Archaeology advises that there are no archaeological issues with the application. Given the scale of the extension and the previous impacts on site, Berkshire Archaeology would not have recommended that any archaeological investigations would have been required prior to construction.

Public consultation

Letters were sent to the following addresses in Waylen Street in December 2017:
16, 19 (Flats 1-4), 20, 23, 25. No letters received.

5. RELEVANT POLICY AND GUIDANCE

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework (NPPF) - among them the 'presumption in favour of sustainable development'.

5.2 The following local and national planning policy and guidance is relevant to this application:

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

The Reading Borough Local Development Framework: Core Strategy (2008, as amended, 2015)

CS1 Sustainable Construction and Design

CS3 Social Inclusion and Diversity

CS4 Accessibility and the Intensity of Development

CS5 Inclusive Access

CS7 Design and the Public Realm
CS17 Protecting the Existing Housing Stock
CS20 Implementation of the Reading Transport Strategy
CS22 Transport Assessments
CS23 Sustainable Travel and Travel Plans
CS24 Car/Cycle Parking
CS31 Additional and Existing Community Facilities
CS33 Protection and Enhancement of the Historic Environment
CS34 Pollution and Water Resources

The Reading Borough Local Development Framework: Sites and Detailed Policies Document (2012, as amended, 2015)

SD1 Presumption in Favour of Sustainable Development
DM4 Safeguarding Amenity
DM12 Access, Traffic and highway-Related Matters
DM19 Air Quality

Supplementary Planning Documents
Revised Parking Standards and Design (2011)
Sustainable Design and Construction (2011)

Other documents: Russell Street/Castle Hill Conservation Area Appraisal (2004)

6. APPRAISAL

6.1 The main issues are:

- a) Principle of the use
- b) Noise and disturbance
- c) Rear extension: design and impact on neighbours
- d) Loss of the wall and impact on the Conservation Area
- e) Transport
- f) Equalities and disabled access issues

a) Principle of the use

6.2 The former Elim Church hall, which was to the rear of the site and then included the front (left) building in an L-shape, appears to be present on old maps going back as far as WWII, therefore the principle of a D1 Place of Worship use on this site is accepted as being established. The hall to the Elim church, which was known to have been single storey with a vaulted ceiling and pitched roof and which covered the majority of the rear of the site, is likely to have been in the region of 200 square metres in size and therefore capable of potentially accommodating a large number of people, for which there were no planning restrictions. Therefore, although essentially a non-conforming use in a residential area, it is accepted that this has been a long-established situation.

6.3 At this point it is worth noting that the Planning Applications Committee approved a similar proposal (against an officer recommendation to refuse permission) to that which is now under consideration, in 2001. However, as indicated in the Planning

History section above, that permission was not implemented and lapsed. The appeal Inspector considered that the appeal should be considered on its own merit, leading officers to advise that no weight should be given to the earlier permission. However, references will be made to that permission where relevant and the differences between the two schemes will feature in this assessment as a comparison.

- 6.4 At the time of the original planning application's consideration in 2000/1, the Committee Report indicates that the site then consisted of a house at the front of the site and church hall to the rear. The report agreed to the change of use of the house to become part of the mosque and retention of part of it as, almost, a self-contained flat on the first floor. The current plans (as built) show an office, bedroom and shower-room for the Imam and then a walk along a landing to the main kitchen/dining area of the mosque. Officers suspect that whilst these internal changes may have taken place, perhaps 10-15 years ago, this was not of itself an implementation of the 2001 planning permission. RBC Council Tax has advised that this building ceased to pay Council Tax in May 2000. Whilst the new layout would be technically contrary to Policy CS17 (which seeks to retain dwellings), officers consider that there would continue to be an ancillary residential function/presence associated with the mosque and the situation in practice is unlikely to be greatly different from that which was considered suitable in the 2001 permission and may of itself become immune from enforcement in any event. Officers therefore consider that in this case, although a separate residential unit is technically lost, a residential purpose is maintained.
- 6.5 It is also noted that the proposal involves improvements to an existing community facility and there is support for this in principle in policies CS31 and CS3 and for this in a generally sustainable location in terms of Policy CS4. On the basis of the above, officers advise that the principle of an extension of the mosque is acceptable, subject to the issues identified below.

b) Noise and disturbance

- 6.6 The application site is in a residential street near Central Reading. Waylen Street is a Victorian street which is characterised by narrow terraced townhouses of a variety of similar styles, typically 2 and 3 storeys. The application site is different, featuring a large villa with what appears to be a large 2½ storey side extension and the whole is then a detached structure, rather than being adjoined to other buildings. This is a dense, residential part of the Conservation Area and officers consider that the opportunity for disturbance from the use, if not suitably controlled, is potentially severe. Policy DM4 seeks to ensure that development will not cause a significant detrimental impact to the living environment of existing residential properties through, *inter alia*, noise and disturbance. As discussed above, the issues raised in this application need to be considered on their individual planning merits.
- 6.7 The current situation on site is that the large rear extension is considered to be 'substantially complete' although there are multiple areas where concluding and - as this report will go on to explain - remedial works are necessary. Although it is noted that the current extension does not have a planning permission or thus no planning controls on its use, there are no recorded complaints to Planning Enforcement over the use of the site/extension. This is likely due to the fact that whilst there will at times be large numbers in the congregations, the prayer services are quiet and often, largely silent. However, the size of the

congregations, the fact that a PA system is used and that a central air conditioning system is being installed and may (or may not) already be operational; are all areas to consider for control via conditions.

- 6.8 The application includes a noise survey report which assessed the PA noise, break-out noise and noise from the air conditioning plant equipment. This concluded that in all cases, the use of the mosque, as extended did not give rise to amenity concerns. The Council's Environmental Protection (EP) Team advises that the noise assessment has been carried out satisfactorily. Their only recommendation is to ensure that the air conditioning plant is supplied with the necessary acoustic enclosure, as advised in the report, in order to protect the amenity to the nearest noise-sensitive receptor (in this case, the nearest habitable room window at No. 16 Waylen Street). This condition is set out in full in the Recommendation. However, your officers consider that further conditions are required.
- 6.9 Given the wide range of uses which can be covered by the D1 Use Class and various combinations of disturbance, traffic, etc. which such uses can create, whenever granting new planning permissions involving D1, the LPA will normally seek to restrict the use to that which is being applied for. Whilst the D1 use itself is lawful, Members may recall the principle established in the *Harbidge case*, that where the local planning authority is faced with an unauthorised use to which it does not in itself take exception but is aware that a change could take place in its operation it must take enforcement action or seek to suitably control it. Otherwise, if there has been no application for planning permission, there is the risk of uncontrolled, undesirable change. This supports your officers' position that whilst there is no in principle concern for the presence of an extension for mosque purposes, this cannot take place in a completely uncontrolled fashion. Therefore a condition is recommended that this be a D1 mosque only. Officers have also considered the need for a capacity restriction. The Council's Building Control section advises that given the floorspace now provided, some 700 persons could be present on site at any one time. The applicant at the time of the enforcement appeal stated that it was unlikely than more than 300 persons could use the accommodation. In the absence of any other information (for example a fire limit on the premises), officers advise that a capacity of 300 could be covered by the condition which seeks to control the D1 use. This is considered to be a reasonable approach, given the residential area, the instances of disturbance which could be caused through the operation of the mosque itself and any related comings and goings and the increase in floorspace over the previous situation with the Elim Church hall.
- 6.10 Consideration has also been given to the ancillary uses of these premises. Mosques, like many religious buildings or assembly and leisure-type uses, come in various shapes and sizes and their associated functions vary. It is notable that this mosque has been operating for some time now (possibly 20 years) in the community and with relatively few issues of disturbance during that time. This is likely to be because there is no amplified music and the mosque is quiet, with an extensive library, so this is a place which tends to be for serene prayer, rather than loud religious services. Such services occur at all hours and more so during Ramadan (16 May - 14 June this year) and officers have checked with the EP team as to whether any complaints have been received recently and there have been none. At the time of writing, officers are not suggesting the need for an hours of use condition on the site, given that the site has an established use for D1 at all hours and no disturbance appears to have been recorded.

- 6.11 Attendant issues of sound attenuation, control, air-conditioning etc. need to be properly and comprehensively controlled and given the potential for noise and disturbance arising from the use in the future officers recommend conditions that any other uses, including the basement ablutions area, remain ancillary; and there should be no amplified music or external speakers. Also, the noise report has considered amplified speech. Clearly, if any windows or doors are open, this will be detrimental to neighbours. Therefore Officers suggest a condition requiring that these remain shut during all services.
- 6.12 With the range of noise-related conditions discussed above, adopted planning policies (CS34, Pollution and Water Resources, DM4, Safeguarding Amenity and DM12, Access, Traffic and Highway-Related Matters) are considered to be complied with.

c) Rear extension: design and impact on neighbours

- 6.13 The rear extension which has been constructed is unauthorised. In your officers' opinion, the applicant/owner oversaw the construction of this structure and was fully aware of the differences between what was constructed and the 2001 planning permission. There are significant variations in what has been built and the planning permission 00/01355/FUL, i.e. the new floor plans are significantly shorter, the roof shape is higher and angles are different and this affects long lengths of roof, and openings on both flank elevations are very different.
- 6.14 The applicant's submitted DAS is relatively poor and is essentially a re-working of points made in their statement for the enforcement appeal, so as a consequence it is not comprehensive. The statement and conclusions made in the Inspector's appeal decision letter are important material considerations to be taken into account in the determination of this application for retrospective planning permission. Importantly, the Inspector states that the two storey rear extension which is on site presents a 'new chapter' in the planning history of the site and must thus be assessed on its individual planning merits. The Inspector remarks that '...with regard to outlook, I consider that the extension is excessively large'. He found that it is disproportionate and out of scale with the site's rear curtilage and the height and massing close to the boundaries with Nos. 16 and 20 results in an intrusive and noticeably dominating presence which adversely and unacceptably affects the outlooks of both properties, causing them significant harm. He did not seek to reduce it in size, he decided that it should be removed, as the extant Notice requires.
- 6.15 However, at this point, it is worth noting why the Notice asked for the wholesale removal of the extension. In short, it is because that was the only option open to your officers. The use could not be stopped, it is established. The Notice could not have asked for the extension to have been reduced back down to some agreed reference point, because there was none. Therefore the Notice concentrated on seeking the removal of the extension and the reinstatement of the front wall (discussion below) and was upheld. With the appeal now having been dismissed, it is up to the Local Planning Authority to look afresh at the development and decide whether this planning application - which was on-going at the time of the Inspector's decision - is now capable of approval. There are two main issues to consider in design terms: whether the design and its impact on the Conservation Area is suitable; and the impact on neighbouring properties.

Design and impact on the Conservation Area

- 6.16 The design consists of a large rearward extension to the frontal buildings and is made up of a wide and long single-storey prayer hall, covering the majority of the site, with a first floor set in from the flank elevations. This is achieved with lean-to roofs on the sides and a simple pitch roof of similar angles at the ridge. The first floor is a smaller galleried/mezzanine space providing a smaller prayer hall, reached by internal staircases from the front and rear. The extension is similar in appearance to that approved in 2001. As can be seen from the photo below, immediate impacts on Waylen Street are extremely limited, given the narrow views possible and the fact that the first floor bulk is set in, behind the frontal buildings. Whilst views from within conservation areas are also important, in this case, the main public view from the rear is a private car park, accessed off Russell Street and the photo below shows this. The stepped gable-end wall is presented immediately on the boundary with the car park, but this was also the intention of the 2001 permission. (The word 'intention' is used because the approved plans in that planning permission included significant errors, as the length of that extension was in fact some five metres longer than the site itself and therefore not capable of construction within the application site in any event).
- 6.17 The design is in a sympathetic style, with brick and slate roofs and reconstituted stone window surrounds in arches and decorative brick details. This is a generally pleasant blend of materials which reflect the majority of the conservation area, whilst signalling the purpose of the building as a mosque. Windows would be adjusted on the flank elevations so as to block them up in a sympathetic style.

Impact on neighbouring properties

- 6.18 The coloured-up section plan (not to scale) at the end of this report attempts to show how the various designs relate to each other. In the background is the Elim Church Hall. In green is the bulk approved in 2001 and in blue is the bulk as built. Officers are aware that the original Elim Church Hall had side-facing windows at close proximity to the neighbouring properties. Some of these may have been obscure glazed. However, the size of the openings in the unauthorised extension, particularly given the ground level change to No. 16, produces an overbearing and overlooking presence, of much greater intensity. The retrospective application initially applied to retain these openings 'as built' but given the appeal decision, these are now proposed to be infilled.
- 6.19 There is a slightly elevated floor level at No. 18 over No. 16 and there is a habitable side/rear room in No. 16 (a dining room) with a side-facing bay window and a large patio this side. In the appeal, the Local Planning Authority's statement offered that in order to be acceptable, the structure either needed to be adjusted (by removing the offending openings) or else be completely removed. The Inspector took the latter, more severe route. Officers have consistently sought to regularise the situation and have not intentionally sought the wholesale removal of the extension and this was the advice given in the pre-application response in 2014, when the extension by that point was erected and weathertight.
- 6.20 It is difficult to accurately present to the Committee the difference in massing between the 2001 permission and what has been built, due to the original plans not being scalable, but officers estimate that the variance in dimensions appears to be under a metre (save for the overall length of the structure, which as discussed above, is significantly shorter such that it now fits on the site). The structure is indeed bulky when viewed from the properties either side, but not dissimilar in

shape and form/massing to the 2001 permission. Officers' primary concern has been for the impact of the side windows.

- 6.21 On the South elevation (towards the garden of No. 20) high-level arched windows are currently situated on the boundary. The applicant's original contention was that the former Elim Church Hall presented itself to this neighbour in a similar manner. However, this is not an acceptable situation in terms of overlooking/presence to a residential garden and at officers' suggestion, the plans now show these high-level arched windows to be carefully bricked up, with a half-brick 'reveal', to provide some relief to this elevation. In terms of the massing, the building runs for 15 metres (the length of the garden) at single storey only - some 3 metres in height - and then the lean-to roof to the first floor gallery and then up to the ridge. There are no side-facing windows in the first floor, but the gallery level is served by four large rooflights facing south, although the roof angle means that these are not particularly noticeable. The extension is to the north of No. 20's garden, so there is no overshadowing concern, although it is accepted that there will be a degree of overbearing.
- 6.22 On the north elevation towards No. 16, the development currently has a number of openings and officers have advised that given the change in ground levels and the slight lay-off to that boundary (about a metre), actual and perceived overlooking to this property is unacceptable and the appeal Inspector agreed. Regarding light levels to No. 16, officers have assessed the light angles with specific reference to the side-facing bay window, which faces south. It appears that the extension as constructed obstructs the light angle from the window-pane of the bay window at around 40 degrees. The Inspector has attached significant harm to this. It is therefore accepted that in terms of location, height and massing of the development, it is visually dominant and overbearing on this property.
- 6.23 Officers consider that there are various matters to consider against this position. Firstly, is the fact that there is a separation distance to No. 16 and this is unusual in this street. Secondly, the bay window is to the side and this is not common. Presumably this was built around the same time as the original No. 18, so at that point, it would have enjoyed an outlook over No. 18's garden. However, the opportunity for doing so would already have been lost by at least WWII, by the time the original Elim Church Hall was constructed.
- 6.24 Officers also consider that the changes are not dissimilar to the situation which existed from the 1940s to approximately 2010 and the changes which have been made as deviations from the 2001 permission, whilst significant, are not considered so harmful as to warrant any draconian measures, such as seeking to reduce the bulk of what has been built; but it is up to the Committee to come to their own conclusions on this. Officers accept the sizeable bulk which has been created, but with the adjustments to remove lateral overlooking, officers are not advising, in this circumstance that any reduction in bulk should be required. As with the South elevation, there are no first floor windows, save for four further rooflights, which afford no overlooking.

d) Loss of the wall and impact on the Conservation Area

- 6.25 The most obvious concern in terms of the public realm and the Conservation area has been the complete removal of the front boundary wall. Planning permission should have been applied for to remove this wall, as it was over one metre in height adjacent to the Highway. As can be seen from the Google Streetview photo

below, the brick wall was a fairly plain but pleasant and sympathetic boundary treatment within the Conservation Area and such features generally make a positive contribution to streetscene, as in this case. The original building form was a grand house in the street, with its character slightly altered by the addition of 18a to its left; nevertheless, it should be framed by a suitable curtilage (physical boundary). It is accepted that the wall which was removed was non-original.

- 6.26 The Conservation Area Appraisal laments the loss of boundary treatments in this part of the Conservation Area and it is true that in various locations, such boundaries have unfortunately been lost. But as can be seen from the later Streetview photo below (September 2016), the loss of the wall is clearly harmful to the character of the street, through creation of a wide, open frontage, which is neither sympathetic to the character of the building or the streetscene. The building appears to be missing its enclosure (curtilage) to the street edge and this is uncharacteristic of the Conservation Area and the Inspector agreed that there was no convincing reasons for its removal which would outweigh the harm to the Conservation Area and conflict with Policy CS33.
- 6.27 In requiring a suitable replacement, the Enforcement Notice proposed that the boundary wall should be reinstated. Ideally, however, the wall should be a dwarf wall with railings, reflecting the character of No. 18, which was probably one of the grander houses in the street. Sadly, there are relatively few examples of walls and railings in Waylen Street. No. 37 has a very low dwarf wall and railings with Fleurs-de-lys spear-tops. This may have been the style of curtilage at the property. A couple of other properties also have dwarf walls but with simpler 'bow and spear' tops. Officers therefore advise that on the basis that the original style of curtilage is not clear, the proposed plans (as amended) which show a simple reinstatement of the brick wall, are supportable.
- 6.28 Given that the changes do not involve the front of the building itself and the extension has a minimal impact on the streetscene, there is no requirement to provide mitigating landscaping. However, the front courtyard area is small and during the works, a paving scheme has been constructed, to a generally satisfactory standard. However, the re-provision of the wall would be on an area where the applicant has inserted a linear French drain adjacent to the back of the pavement and this would need to be removed. Sustainable drainage to this area would then need to be re-provided. Accordingly a landscaping scheme condition is recommended, to adjust this area.



Streetview photo 2012



Streetview photo 2016

e) Transport

- 6.29 The site is in a sustainable location near the bus route (red route) on Oxford Road and within walking distance of the town centre. Uses such as this can have a wide draw, but the presence of the parking zone is likely to mean that most visitors will need to use the public car parks, such as Chatham Street. It is likely that visitors tend to access the mosque via public transport or by foot.
- 6.30 At the time of writing, the applicant has declined the Highway Authority's requests for further information, citing that they consider that there is no significant difference over the 2001 approval. However, it is material consideration that the 2001 approval has no weight, as confirmed by the appeal Inspector. Officers have no response to these thoughts from the Highway Authority at this time, but advise that subject to conditions for a travel plan and to provide cycle parking (there is currently none), the proposal is considered to be generally acceptable in transport terms and complies with Policy CS4.

f) Equalities and disabled access issues

- 6.31 As Members are aware, in determining this application, the Committee is required to have regard to its obligations under the Equality Act 2010. The key equality protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. The application raises concerns in terms both in terms of disability and gender discrimination. The issue is the first floor mezzanine/gallery level.
- 6.32 The 2001 permission required the inclusion of a lift to the mezzanine level, via a condition. Whilst at various points, the applicant/owner has claimed to be building in compliance with that planning permission, none of the necessary pre-commencement conditions were discharged, including the condition for a lift. Further, it appears that this level of the mosque may be for the use of women only. However, consultation with the Council's Policy Manager indicates that in instances where there is conflict between the workings of a religious organisation and the Equalities Act, the Act shall not take precedence. Nonetheless, the applicant has been asked to provide further clarification on how their policy on gender and disability matters is organised on the premises and this will be explained at your meeting, then officers will advise further. For the moment, however, officers have not identified a conflict with policies CS3 or CS5 or the Act.

Other matters

- 6.33 The construction quality of the extension appears to be generally reasonable, although inspections from RBC Building Control are on-going. The development does not therefore currently benefit from either Building Regulations approval or fire safety approval. Although these are not planning considerations, an informative reminding the owners of this is advised. Berkshire Archaeology's response is noted and nothing further is recommended.
- 6.34 The application has been submitted with a BREEAM Pre-estimator which proposes a low level to be achieved of 30%/'Pass'. This is a Minor level development, but officers consider that Part L of the Building Regulations must be achieved. A relevant condition is therefore recommended. This is considered to be a reasonable requirement and should not prove overly onerous, although it may involve retrofitting as necessary.

7. CONCLUSION

- 7.1 This planning application has been submitted as a result of the serving of a Planning Enforcement Notice. In its original form, the application was not considered to be acceptable and has since been adjusted following the decision to uphold the Notice.
- 7.2 The Inspector afforded no significance to the 2001 approval, but it is noted in the report above where relevant and Members will need to consider whether they wish to adopt a consistency of approach on the relevant matters, for instance, in considering matters of bulk and massing.
- 7.3 The serving of the Notice was, unfortunately, the last resort, officers having thoroughly exhausted all efforts at trying to reason with the owners and urging them to submit a retrospective application, which officers have continually advised that if the correct information is supplied, they would like to be able to support.

- 7.4 Officers are prepared, on balance and for the reasons above, to recommend the granting of retrospective planning permission, but with a range of carefully-worded planning conditions.
- 7.5 Were you to agree to grant permission, this becomes a situation where the planning conditions could be enforced in the normal manner, via a Breach of Condition Notice (BCN). Were you to refuse permission, the applicant could reapply and secure full compliance with any further approval and undertake such necessary works before the Enforcement Notice deadline of March 2019. Otherwise, the Notice takes Effect, which means that the Local Planning Authority would then be able to apply to the Courts for an Injunction to seek compliance with the Notice requiring that the extension be demolished in totality and the wall rebuilt.

Case Officer: Richard Eatough

Plans:

786/WA/SK - 100 B PROPOSED GROUND FLOOR PLAN IN CONTEXT

786/WA/PP - 100 BASEMENT GENERAL ARRANGEMENT PLAN (received 8/3/18)

786/WA/PP - 100 PROPOSED GROUND FLOOR PLAN AMENDMENTS (received x)

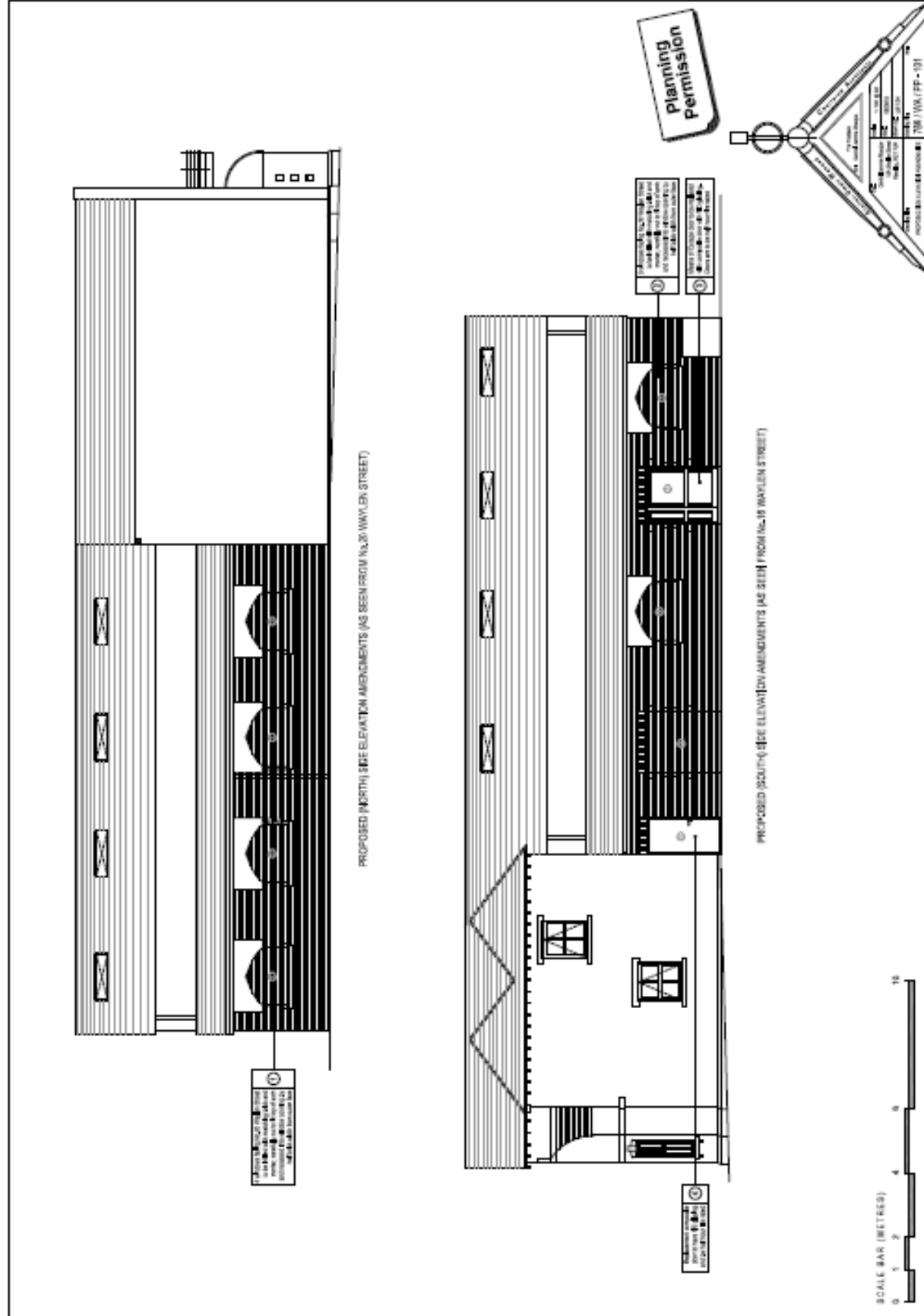
786/WA TI - 541 C WORKING DRAWING: PROPOSED 1ST FLR. PLAN FOR PHASE 3 (received x)

786/WA/TI - 543 C WORKING DRAWING: SECTION Y-Y FOR PHASE 3 [and Rear Elevation] (received 16/10/17)

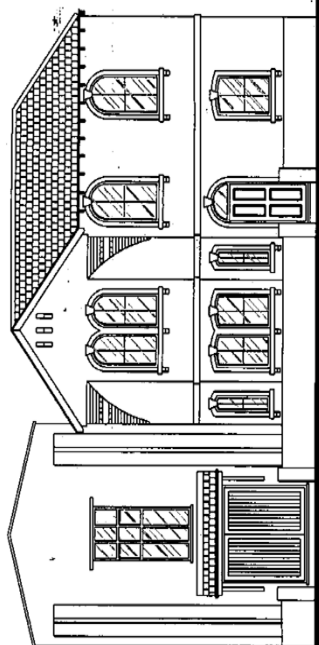
786/WA/PP - 101 PROPOSED SIDE ELEVATION AMENDMENTS (received x)



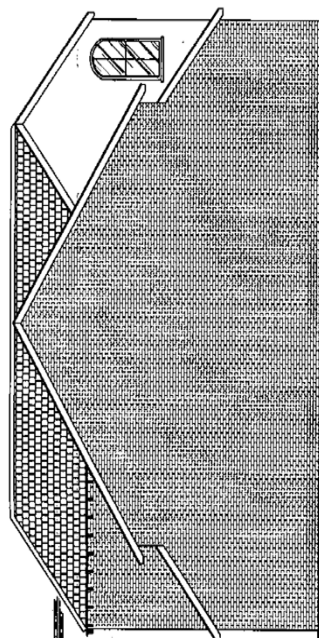
Site in current view from Waylen Street. Unauthorised extension is just visible in the red circle. Front boundary wall is missing.



Revision: Date: No: 1



FRONT ELEVATION (prop).



REAR ELEVATION (prop).

READING BOROUGH COUNCIL			
PLANNING PERMISSION			
PH	DEC	PH	
- 1 NOV 2000			
LS	HS	SS	

The KEEN Partnership
Culham House, 122 Castle Street
Reading, Berks RG1 7RJ

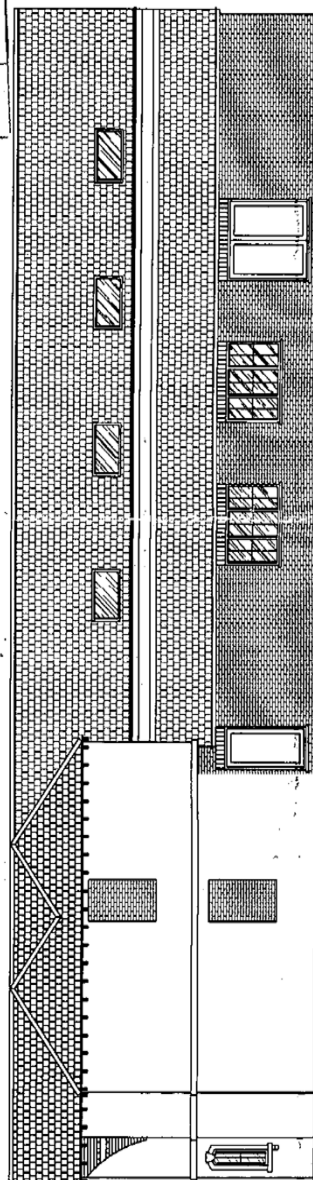
Client: **M. SAOOD ESQ.**

Site Title:
**Central Jamme Mosque,
18A Waylen Street,
Reading.**

Drawing Title:
PROP. ELEVATIONS.

Scale:
1/100.
Date:
July, 2000.
Drawn by:
P.J.M.
Drawing No.:
7242-00-04.

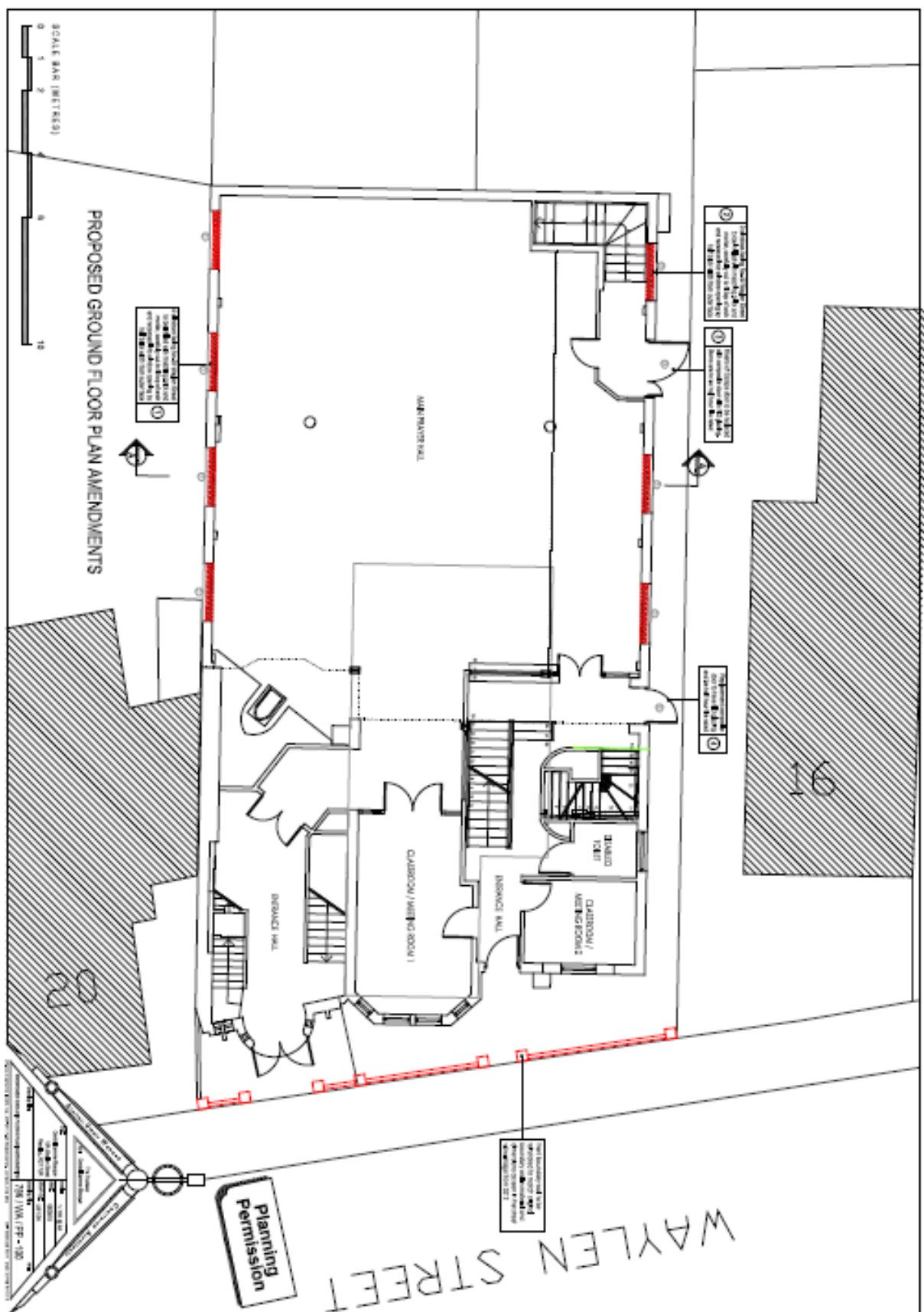
Sheet:
A3
Total:
1/100.
Date:
July, 2000.
Drawn by:
P.J.M.
Drawing No.:
7242-00-04.



SIDE ELEVATION (prop).

Sheet:
A3
Total:
1/100.
Date:
July, 2000.
Drawn by:
P.J.M.
Drawing No.:
7242-00-04.

Sheet:
A3
Total:
1/100.
Date:
July, 2000.
Drawn by:
P.J.M.
Drawing No.:
7242-00-04.



Comparison section plan (not to scale, officer estimates, for information):
 Black outline: original Elim Church hall
 Green outline: 2001 planning permission
 Blue outline: current planning application



UPDATE REPORT:

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES**READING BOROUGH COUNCIL****ITEM NO. 8****PLANNING APPLICATIONS COMMITTEE: 27 June 2018****Ward:** Abbey**App No.:** 171808/FUL**Address:** Central Jamme Mosque, 18/18a Waylen Street, Reading**Proposal:** Retrospective planning application for the demolition of a pre-existing extension and the construction of a two storey rear extension, and the erection of a boundary wall adjacent to the highway (amended description)**RECOMMENDATION AMENDED TO:****DEFER for further information.****1. REASON FOR DEFERRAL**

- 1.1 The Main Agenda report discusses various matters which were still outstanding and officers had hoped would be resolved by the time of your meeting. However, it has become clear that these matters have not been addressed to officers' satisfaction and in the circumstances, it is recommended that that Members defer this Item to allow officers to continue to work with the applicant and relevant consultees.

Case Officer: Richard Eatough