

20/01817/FUL

Applicant Fazilat Foundation UK

Location 173 Loughborough Road West Bridgford Nottinghamshire NG2 7JS

Proposal Change of Use from Dental Surgery (Use Class D1) to A Place of Worship (Use Class D1)

Ward Lutterell

THE SITE AND SURROUNDINGS

1. This planning application relates to the property of No. 173 Loughborough Road, which is a vacant property last used as a dental practice. The property is located on the corner of Loughborough Road and Chaworth Road and was originally constructed as five bedroom dormer bungalow before its use was changed to a dental surgery in 2002, but the building still maintains the appearance of the dwelling within the street scene
2. The main building is located towards the rear of the site with hardstanding to the front and both sides. This hardstanding has been used as parking areas for the dental surgery over the period of its use.
3. The main vehicular access to the site is gained off Loughborough Road, however there are access points to a small area of hardstanding off Chaworth where two sets of dropped kerbs are located. These are longstanding/established access arrangements.
4. The site is located predominantly in a residential suburb but fronts on to Loughborough Road (A60) which is a main vehicular route in and out of the City of Nottingham from south to north and connects to the A52 to the south. In this particular location along Loughborough Road there are a number of commercial properties including an orthodontic centre (opposite to the west), Davisons Veterinary Care (60 metres south), Vertu Volkswagen (65 metres south), The Wolds Public House (270m to the south) and the Large Asda Superstore just beyond. However, Chaworth Road and Northwold Avenue are distinctly residential in character.
5. The site falls within floodzone 3 as defined on the Environment Agency flood risk maps.

DETAILS OF THE PROPOSAL

6. This is a full planning application for the material change of use of the premises (building and land) from a dental surgery (D1) to a place of worship (D1). The committee may note that these uses actually fall within the same use class as defined by the Use Classes Order and that ordinarily, the change of use to a use falling within the same use class would not be considered as "development" as defined by Section 55 of the TCPA 1990. However, when the Council granted planning permission for the conversion of the residential property to the dental surgery, permission was granted subject to a condition

which stated that; *“This permission shall be for the purposes applied for only and no other uses falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987...”* Therefore, planning permission is required to use this site for any purpose beyond that of a dental surgery.

7. It should be noted that whilst the applicant has indicated in the submission that the building would be used as a mosque, this is not a defined use within class D1 of the Use Classes Order. Rather the Use Classes Order D1 includes *“Any use not including a residential use for, or in connection with, public worship or religious instruction”*. The application should therefore be determined on the basis of a ‘place of worship’ which is not specific to any religion or faith.
8. The development proposes no external physical alterations to the building but proposes to reconfigure the internal arrangement to suit the applicant’s type of facility, in this instance a mosque. The building would have two main prayer rooms, associated washing facilities and both female and male library and reading rooms.
9. The proposed parking layout is intended to be altered. Due to concerns from the Highway Authority over the parking layout, a revised parking layout has been proposed by the applicant, detailed on a drawing showing the retention of 6 existing spaces off Chaworth Road and a further 8 spaces in the main hard surfaced area accessed off Loughborough Road.
10. The application is accompanied by a Design and Access Statement which provides information as to how the applicant intends to operate this place of worship if permission were to be granted. The applicant intends to operate this site as a mosque and carry out prayer services up to 5 times per day with each session lasting between 15 and 30 minutes. The applicant suggests that, due to the size of the building, up to 14 worshippers are likely to use the facility at any one time. On Fridays there would be 45 minute prayer meeting between 1:15pm and 2pm. Evening prayer during Ramadan would take place for 90 minutes and on two other occasion during the year (Eid) 90 minutes prayer would be undertaken. At section 19 of the application form the applicants explain that specific hours of use are proposed in relation to how this site would operate.
11. Following the receipt of initial Highway comments the applicant carried out a parking beat survey and the result of this have been submitted to support the application proposals.

SITE HISTORY

12. 97/01294/FUL - Demolition of existing bungalow; erect single storey building for use as physiotherapy clinic – Refused.
13. 0/01400/FUL - Insert two dormers on front elevation roofslope; form hip roof over existing conservatory – Approved.
14. 01/00413/FUL - Retain 1.8m front/side boundary fence - Approved
15. 02/01580/COU - Change of use to dental surgery – Approved

16. 12/0566/ADV - Double sided free standing signs (x2) (one to be internally illuminated) – Refused
17. 12/01424/ADV - Free-standing aluminium tray - monolith sign (internally illuminated) - Refused
18. 12/01539/CLUPRD - Application for Certificate of Proposed Lawful development for Change of use from dental surgery to D1 (place of worship) – Withdrawn.

REPRESENTATIONS

Ward Councillor(s)

19. One Ward Councillor (Cllr Gray) notes that at the time of writing his comment, Environmental Health have said they would not support the application and so as to support the community objects to this application on the grounds of concern over traffic and likelihood of disturbance.
20. One Ward Councillor (Cllr Begum) notes that the application is for change of use of the building and doesn't see it being a problem for residents as long as there are no plans for a bigger extension being built and it is used for local residents and children.

Statutory and Other Consultees

21. Nottinghamshire County Council as Highway Authority having reviewed the application note the proposed parking provision and layout at the site and that there is a traffic controlled pedestrian junction adjacent to the site. It is also noted that the Loughborough Road/Chaworth Road junction is protected by zig-zig pavement markings and double yellow lines preventing inappropriate parking impacting the safe operation of the junction and crossing.
22. They comment that when considering the application, the Authority has to consider the impact the change of use could create, and whether it would be considered to be severe and that the application is for a D1 use, and as such, if granted would allow any place of worship use falling under this classification to be permitted.
23. The Highway Authority state that, whilst they agree the building itself will restrict the number of attendees, the building could easily facilitate a larger number of people than 14.
24. The Highway Authority have interrogated the TRICS database forecast for the level of traffic the existing dental surgery could generate. The assessment considers weekday hourly arrival and departure movement to enable peak hour impacts to be assessed.
25. The assessment of the best available data showed that dependent upon the place of worship (which religion was being practiced) trips can vary significantly, ranging from 0 trips during an hour period up to 54 for a building area of 180 m2. Taking a worst-case scenario and based on information available to the Highway Authority, the site has the potential to generate a parking demand for 37 parking spaces.

26. The Authority note however that specifically considering the context of the site, the building clearly has a finite person capacity, some visitors will travel to the site in the same vehicle and some visitors are also likely to walk to the site, appreciating the residential location it is situated in. Therefore, it is considered that on balance, a severe traffic impact is unlikely to be created, with development related traffic disbursing quickly on the highway network.
27. In respect of parking provision in general the Highway Authority states that the primary purpose of the public highway is to convey vehicles and as such is should not be used to supply parking for developments as they should cater for such provision internally. However, it is also noted that over provision will not support the focus of encouraging the use of sustainable modes. Therefore, the Highway Authority would consider some overspill parking, if this were infrequent, safe and would not create a detriment to other users of the highway or create stress on local parking demand that would be considered to represent a severe impact.
28. The Highways Authority have concerns for the ability for the Loughborough Road car park to provide 10 adequately sized spaces. Furthermore, as the parking demand for a place of worship has been found to generate a possible 37 cars (worst-case scenario) a parking beat survey is requested as well as further information relating to the occupants' operations with respect to various calendar events. As further information was requested, at this point, the Highway Authority recommended that the application was deferred to enable the applicant to provide such information.
29. Following the receipt of an amended car parking layout and a parking beat survey, revised comments were provided by the Highway Authority.
30. Having reviewed the revised information, in respect of weekday peak hour traffic impact, having considered the site context and the building clearly having a finite person capacity, with some visitors traveling to the site in the same vehicle and some walking to the site, it is considered that on balance, a severe traffic impact is unlikely to be created, with the development related traffic disbursing quickly on the highway network.
31. In relation to parking provision, based on the information provided by the applicant (Parking Beat Survey) it is concluded that there is likely to be up to 100 parking spaces available to act as overspill parking on residential streets within an acceptable walking distance should infrequent demand be created. Therefore, they do not consider that a severe impact would be created should some overspill parking occur.
32. The Authority note that there is sufficient disabled parking and cycle storage provision proposed.
33. The Highway Authority have reviewed the latest 5 years' worth of recorded road traffic accident data and comment that no significant trends or patterns are apparent in the local area that would raise concern regarding the development site exacerbating an existing accident issue.

34. In summary, based on the information provided in support of the planning application, it is considered that the proposed development will not result in a severe impact to the safe operation of the highway network, as defined in the NPPF, and therefore there are no highway objections subject to four conditions. One condition would require the parking provision be laid out in accordance with the submitted details, another requiring the access arrangement and low-level wall at the site be retained. A third condition would require the submission of a Travel Plan and the fourth condition would require on going monitoring of the and reporting of the Travel Plan going forward.
35. Rushcliffe Borough Council Environmental Health Officer having reviewed the Planning Statement raised concerns that the use would have a detrimental impact on the occupiers of neighbouring properties. The Officer notes that the building is located within a predominantly residential area and the applicant advises that prayers will be held 5 times a day. Prayer times can be throughout the day and night, therefore due to the close proximity of residential dwellings the use of the building throughout the day and night is likely to cause disturbance. The Officer also notes the applicant has not provided any details of the sound insulation properties of the building, the proposed use of the car parking area, also whether there will be any audible call for prayer at certain prayer times. Therefore, based on this application in its submitted format the officer would not be able to support this change of use.
36. Following consideration of further information, the officer notes the proximity of the application site to the nearest neighbours at 173a Loughborough and 85 Chaworth Road and that the existing use as a dental surgery involves visits during the daytime. The officer states that due to the daytime noise levels associated with Loughborough Road, the daytime use of the carpark would not increase existing background noise levels and therefore the current use is suitable for daytime activities. The officer notes that the proposed use of the place of worship as a mosque would include early morning activities (as early as 4:45am) and late evening prayer (as late as 10pm). Due to the close proximity of residential premises to the building and the car park area there is the likelihood of disturbance from noise during night time activities (2300 hours – 0700 hours) when noise levels from Loughborough Road reduce.
37. The officer draws attention where the Council refused applications in 2012 at 153 Loughborough Road for increasing the level of accommodation on offer due to noise impacts on neighbouring properties. As such, considering this is a similar application, the officer recommends the imposition of two conditions if planning permission were to be granted; the first requiring the submission and approval of a Noise Management Plan and the second condition restricting the hours of use at the site to between 0700 hours and 2300 hours only each day.

Local Residents and the General Public

38. 554 representations have been received of which 325 have indicated support and 224 have indicated objection. The points of both are summarised below.
39. Comments in support:
- a. Excellent idea to build a mosque.

- b. Fantastic addition to the community.
- c. Mosque is needed by Muslim community.
- d. Usually have to travel for a mosque. Travelling to other sites is a burden. Unfair that Muslims have to travel out of area to pray
- e. West Bridgford has a growing facility of all faiths.
- f. Mosque is needed for future generations.
- g. Will not cause disruption will only be open at select times.
- h. No significant influence on traffic.
- i. Fully in favour of Place of Worship.
- j. Great location for a mosque.
- k. Excellent option for a place of worship.
- l. Nearby churches have no parking.
- m. Very good gesture.
- n. Few individuals will drive.
- o. Every community should have a place to worship.
- p. West Bridgford will become more integrated.
- q. Parking issues are from families having too many cars.
- r. Creates diversity.

40. Comments in opposition

- a. Concerns over detriment to occupiers of neighbouring properties.
- b. No details of sound insulation.
- c. Chaworth Road not designed to take more traffic.
- d. Parking for residents is at breaking point. Residents should be able to park near their homes.
- e. Concerns over safety and traffic flow.
- f. Increased activity will make the situation worse.
- g. Non-existent parking on the road.
- h. Area cannot cope with increased traffic.

- i. Chaworth Road used as cut through for Musters Road.
- j. Use by 14 people is unrealistic. Number of worshipers will increase overtime. The facility is advertised as having capacity for 42. More people will use the facility during EID.
- k. People will use own transport when it snows.
- l. Already have plenty of Places of Worship – No more.
- m. Concern over hours of use.
- n. Lack of public transport link.
- o. The developer has proven incapable of adhering to planning regulations.
- p. The demand is not proven.
- q. There are intentions to build a larger facility.
- r. Cars not keeping to speed limits.

PLANNING POLICY

41. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'Core Strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019.

Relevant National Planning Policies and Guidance

42. National Planning Policy Framework. Relevant paragraphs in the NPPF will be referred to in the appraisal section below.

Relevant Local Planning Policies and Guidance

43. Local Plan Part 1:Core Strategy:
- Policy 1: Presumption in Favour of Sustainable Development
 - Policy 3: Spatial Strategy
 - Policy 5: Employment Provision and Economic Development
 - Policy 10: Design and Enhancing Local Identity
 - Policy 12 Local Services and Healthy Lifestyles
 - Policy 14: Managing Travel Demand
44. Local Plan Part 2: Land and Planning Policies:
- Policy 1: Development Requirements
 - Policy 15: Employment Development
 - Policy 17: Managing Flood Risk
 - Policy 30: Protection of Community Facilities
 - Policy 41 Air Quality

APPRAISAL

45. The main consideration of this application are considered to be:

- Principle of development
- Highway Safety and Parking
- Design, impact upon residential amenity
- Flood Risk
- Other matters

Principal of development

Policy Background

46. Policy 5 of Local Plan Part 1: Employment provision and Economic Development, states that the Economy will be strengthened and diversified by appropriately managing existing employment sites, by:

- a) Retaining viable employment sites, including the strategic employment area at Ruddington Fields Business Park, that are an important source of jobs and cater for a range of businesses particularly where they support less-skilled jobs in and near deprived areas, or have the potential to provide start up or grow-on space; and
- b) Releasing poor quality, underused and poorly located employment sites for other purposes.

47. Policy 12 of Local Plan Part 1: Local Services and Healthy Lifestyles states that; The provision of new, extended or improved community facilities will be supported where they meet a local need, as too will the retention of existing community facilities where they remain viable and appropriate alternatives do not exist. In particular, new or improved community facilities will be sought to support major new residential development (especially in Sustainable Urban Extensions) or in regeneration areas. Where appropriate, contributions will be sought to improve existing community facilities provision where the scale of residential development does not merit direct provision of community facilities. New community facilities of an appropriate scale should:

- a) be located within District, Local Centres or Centres of Neighbourhood Importance, wherever appropriate;
- b) be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility; and
- c) where possible, be located alongside or shared with other local community facilities.

48. Policy 15 of Local Plan Part 2: Employment Development states that Planning permission will not be granted for the redevelopment or reuse of existing employment sites or premises for other non-employment purposes unless:

- a) it is demonstrated that there is no demand for the site or premises for its specified employment use;
- b) the site is not viable for re-occupation (including through renewal or refurbishment); and

- c) the proposed use would not cause a significant adverse impact on the amenity of nearby residents and occupiers.

49. Policy 10 of Local Plan Part 2: Community Facility States that:

1. Planning permission for development proposals that would result in the loss of existing community facilities will not be granted unless:
 - a) alternative provision exists with sufficient capacity which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys;
 - b) alternative provision will be provided as part of the redevelopment of the site;
 - c) alternative provision will be provided in an appropriate location which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys; or
 - d) it has been satisfactorily demonstrated that it is no longer economically viable, feasible or practicable to retain the existing community use and its continued use has been fully explored.
2. Where it is demonstrated that an existing community use is not viable, feasible or practicable, preference will be given to the change of use or redevelopment for alternative community uses before other uses are considered.

Assessment

50. The proposed development would see the loss of a dental surgery and the creation of a place of worship. The location, in the heart of a residential area is considered to be widely accessible on foot, by car and through the use of public transport.
51. Whilst a dental surgery offers a small amount of specialist employment, the requirements of Policy 5 (LPP1) and Policy 15 (LPP2) relate more specifically to the loss of office, industrial and warehousing development when reviewing the supporting text. Furthermore, with the restrictive condition requiring only another dental surgery being able to operate from this site, it would not be reasonable to apply the tests of Policy 5 (LPP1) or Policy 15 (LPP2) in this instance in relation to the loss of a very small, niche employment provision.
52. In respect of loss of the community facility, the supporting text identifies both dentists and places of worship as community facilities so while one is being lost, another is being created in this location.
53. Overall, the principle of the siting of a place of worship in a highly sustainable, accessible location within the Borough's principle urban area is considered to be acceptable subject to the matters discussed in further detail below.

Highway Safety and Parking

Policy Background

54. Policy 1 (2) of Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with the advice provided by the Highway Authority.
55. The National Planning Policy Framework at paragraph 108 states that in assessing applications for development, it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
56. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

57. The initial comments received from the Highway Authority clarified that the trips generated from the proposed use were not considered to be such that would cause significant traffic congestion or impact upon the capacity within the immediate highway network. This was the case taking account of data held in the TRICS database for various religions. This comment was reinforced in their revised comments (received on the 26th October).
58. The applicant responded to the initial highway comments with a revised parking layout which reduced the parking spaces from 16 to 14, but allowed for increased manoeuvrability within the site. This layout has been scrutinised by the Highway Authority who are content that the layout now allows for suitably sized spaces (in the main carpark area) to be laid out and sufficient space to manoeuvre in and around the site and exit in a forward gear, preventing a dangerous situation where cars would have to reverse out onto Loughborough Road. The layout also proposes the inclusion of disabled parking bays and cycle parking.
59. With respect to the six spaces located directly off Chaworth Road, the Highway Authority comment that; *“It is highlighted that the existing parking arrangements on Chaworth Road are substandard and lead to vehicles obstructing the footway. Although of detriment to users of the footway, the reuse of the area for parking is no different to that of the existing, and as such this re-use of an existing parking arrangement does not create a severe impact to highway safety, as defined in the NPPF.”* This an aspect that the Planning Authority will need to consider. In respect of this particular point, the spaces have been present on site for many years and have been clearly utilised as part of the previous use of the premises. Although the dimensions of the

spaces may be slightly deficient for modern standards, they are available for use if the site were to continue to be used as a dental practice and, therefore there is no material difference in them being used as part of another use. The Highway Authority are therefore satisfied that the layout and access of the site are suitable and safe, therefore the development is acceptable when assessed against NPPF paragraph 108 criterion B above.

60. When reviewing the TRICS database it was evident that, through the change of use of the site to a place of worship, parking demand would rise from a demand of approximately 6 spaces when used as a dental practice to a worst-case scenario level of 37 spaces for the place of worship use. Accordingly, as the proposed layout plan only caters for up to 14 spaces, the Highway Authority sought a Parking Beat Survey from the applicant to demonstrate that, if this worst-case scenario were to occur, there would be sufficient on street parking provision to accommodate the additional users and therefore the situation would not cause detriment to highway safety.
61. It was agreed between the Highway Authority and the applicant that a survey would be undertaken on a Friday lunchtime based on peaks identified in the TRICS data. The parking survey considered spaces beyond the previously agreed 400m walking distance requested by the Highway Authority and it was also noted that it included some private parking areas on Loughborough Road. However, the survey indicated that there is likely to be up to 100 parking spaces available to act as overspill parking on residential streets within an acceptable walking distance should the worst-case scenario, infrequent demand be created. Consequently, the Authority do not consider that a severe impact would be created should some overspill parking occur.
62. In terms of NPPF paragraph 108 a), it is noted that the application is conveniently located in a dense residential area with comfortable street networks. There is also a bus stop just to the north of the site on the west side of Loughborough and a signalled crossing immediately outside of the site frontage. This location is therefore one which brings about significant and likely opportunities to take advantage of sustainable transport modes such as walking, cycling and using public transports. This falls in line with the Council's aim and the requirements of the NPPF to reduce car dependency and promote healthier lifestyles.
63. In summary, whilst the proposed change of use will increase trip rates and parking demand above the current use, the traffic generated from the use is not considered to be such that would cause significant congestion of traffic. Whilst the majority of the time in operation, the site's own parking provision is likely to cater for the majority of users, at peak times parking capacity will be exceeded, however this would be satisfactorily catered for by spare "on street" spaces within close walking distance to the site. The proximity of the site, in the heart of a residential area and close to a bus stop will also encourage users to walk rather than be dependent on vehicles. In addition, the small physical size of the building is a self-limiting factor which means there is a finite limit to the amount of people who could use the facility. All matters considered, the officers are satisfied that the proposed change of use of this site to a place of worship would not cause a severe impact to the detriment of highway safety either through traffic/congestion of parking displacement and therefore complies with the requirements of Policy 1 of Local Plan Part 2 and paragraph 108 of the NPPF.

Design, impact upon residential amenity

Policy Background

- 64. Policy 10 of the Local Plan Part 1 also requires that new development be assessed in terms of its impacts on neighbouring amenity (such as massing, overshadowing, loss of privacy, noise).
- 65. Policy 1 (1) of the Local Plan Part 2 requires that there is no significant adverse impact upon amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated. Policy 1 (5) requires that noise attenuation is achieved, and light pollution minimised.
- 66. Paragraph 127 of the NPPF requires developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and fear of crime, do not undermine quality of life of community cohesion.

Assessment

- 67. There are no alterations proposed to the exterior of the building and the parking reconfiguration and formalisation will marginally improve the appearance of the site.
- 68. The main issue is the impact the use may have upon the amenities of the surrounding residential properties. The previous and authorised use of the site is a dental practice and although able to operate for 24 hours a day, such instances of “out of hours” appointments are likely to have been rare. Furthermore, most dental practices operate in a manner whereby patients are seen on a continuous booking system so there is a steady flow of low-level activity in respect of the general comings and goings. The nearby residents have not therefore been significantly impacted by the previous use of the site.
- 69. The proposed use as a place of worship would operate in a distinctly different fashion, depending on the faith being practiced at the site. Different faiths carry out worshiping activities at different times of the day and may intensify at different times of the year. The local demographic can also contribute towards how intense a use of this type may or may not be as will the proximity of other similar facilities.
- 70. Furthermore, the Council is aware of the ancillary activities which take place at such venues beyond simply prayer. These include reading, small religious based schooling as well as infrequent gatherings for certain occasions in the calendar year.
- 71. The application site is located on the cusp of a distinctly residential street and the busier more active frontage of Loughborough Road. Therefore, whilst the activities taking place at the site must have regard to the residential neighbours nearby, with the back drop of the busy Loughborough Road, daytime activities at this site, having regard to the level of accommodation on offer, are unlikely to cause significant detriment above and beyond the disturbance already experienced from the general activities along this busy main road.

72. However, save for the 24-hour operation at the Asda Superstore south of the application site, the night time movements and general activities in the area are likely to fall away in the late evening as there is little night time economy in the local vicinity. As a result, whilst a moderately intense use during daytime hours would not cause significant disturbance from general comings and goings, such a level of activity during the more sensitive hours of the later evening, through the night and into the early morning would have the potential to cause significant disturbance to the immediate neighbours. The closest neighbours are 173a Loughborough Road, which is immediately adjacent the main parking area, and only 6m from the building, as well as 85 Chaworth Road whose driveway adjoins the physical building of the application site. This site also has an extant permission for a more intensive flat development which would mean disruption to more units and consequently more residents.
73. As this is the situation in this location, it is considered both proportionate and necessary to impose a condition upon any permission granted which restricts the use of this site for any activity to between the hours of 7am and 11pm on any given day.
74. In respect of noise emanating from the use inside the building, the case officer notes that the building appears to be of modern substantial construction, having originally been constructed as a dwelling house, so will prevent certain level of noise transfer from lower level activities such as readings and prayer. However, no evidence has been provided to demonstrate the building is of such construction that the use of audible or noise amplifying equipment from either within or outside of the building would not cause detriment to the reasonable amenity of the surrounding residents, either night or day. In addition, some internal activities may be louder than those carried out under the existing use. In respect of this, the Environmental Health Officer has requested a condition be imposed upon any permission granted which requires the submission and approval of a Noise Management Plan which covers and controls these issues. Using this approach, the Council would be able to evaluate and control the activities which create significant noise within the building and ensure appropriate mitigation measures are taken so as not to cause detriment to surrounding residential properties. This condition is considered both proportionate and necessary to allow the proposed use to operate sufficiently but to provide the required safeguards for residents.
75. In summary, the proposed use is noted to be one which has the potential to cause disturbance above that of the previous use of the dental surgery. However, having regard to the semi residential location, the limited size of the building itself (acting as a self-limiting factor) and the use of the two conditions outlined above, it is considered that there would not be a significant detrimental impact arising from the use of the site for a place of worship. The proposal therefore would comply with the requirements of both Policy 10 of Local Plan Part 1 and Policy 1 of Local Plan Part 2 in this regard.

Flood Risk

Policy Background

76. Policy 17 of Local Plan Part 2 states that "Planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that:

- a. the sequential test and exception test are applied and satisfied in accordance with the National Planning Policy Framework and National Planning Policy Guidance; or
- b. where the exception test is not required, for example change of use applications, it has been demonstrated that the development and future occupants will be safe from flood risk over the lifetime of the development; or
- c. the development is for minor development where it has been demonstrated that the Environment Agency's flood risk standing advice has been followed, including:
 - i. an industrial or commercial extension of less than 250 square metres;
 - ii. alterations to buildings that do not increase the size of the building;
 - iii. householder development including sheds, garages within the curtilage of the dwelling; and
- d. development does not increase the risk of flooding on the site or elsewhere, including through increased run-off due to areas of hardstanding, or reduction in ground water storage as a result of basements.

77. The National Planning Policy Framework states at paragraph 55 that *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."*

Assessment

- 78. This application seeks permission for the change of use of an existing building from a (restricted) use falling within Class D1 to another type of use also falling within Class D1. The use of a Dental Surgery would fall into the "more vulnerable" category of Table 2: Flood Risk Vulnerability Classification, whereas use of the site for a place of worship would fall into the "Less Vulnerable" category. Therefore, the development represents a betterment in terms of the risk posed to the public through the change of use of the building as proposed.
- 79. There is no requirement for the developer to carry out either a sequential test or exception test for a change of use application.
- 80. The developer, however, has not at this stage provided any details of flood resilience or flood evacuation measures within their submitted Flood Risk Assessment. Therefore, in accordance with the Standing Advice and in recognition of Paragraph 163 of the NPPF, if this application were to be approved, the developer will be required to provide a scheme for appropriate flood resistant and resilience measures as well as a flood evacuation plan prior to the use of the building commencing.

Other Matters

- 81. Personal circumstances of the applicant – The personal circumstances of the applicant, their previous actions and/or previous contraventions of planning legislation is not material to the consideration of this application.

82. Residents parking on Chaworth Road – The primary purpose of the public highway is to convey vehicles and is not to provide parking facilities for residential properties. The occupants of residential properties have no greater rights to parking within the highway, outside of their properties than the customers or users of other facilities may do. Whilst highway safety is a material consideration, inconvenience to residents in them not being able to park directly in front of their properties is not

Summary

83. The proposed use of this site for a Place of Worship is acceptable in principle, with West Bridgford being a highly sustainable location and the site benefitting from very good accessibility for the community. The highway safety impacts of the proposed use have been found to be acceptable as has the impact upon the amenity of nearby residential properties, providing the suggested conditions outlined in this report are imposed upon any planning permission that may be granted. For these reasons, this development is considered to be sustainable in all three aspects (social, environmental and economic) as defined with the National Planning Policy Framework and in the absence of any other materials considerations the development has been found to be compliant with the adopted development plan. As such, the application is recommended for approval by the Planning Committee.
84. Other than to confirm that planning permission was required for the change of use of the building, the proposal was not the subject discussions with officers or a formal pre-application submission to consider the merits of the change of use. However, discussions have taken place during the consideration of the application and further information provided by the applicant in response to queries/concerns raised by consultees, addressing identified issues and resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development shall be carried out in accordance with the following approved plans:

“Proposed Plans” – AL-AR-0002 Rev D

“Car Tracking Study” - AL-AR-0004

“Car Tracking Study” - AL-AR-0003

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

3. This permission shall authorise the use of the premises for the purpose applied for only (a place of worship), and no other uses falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

[To enable the impacts of any alternative uses to be considered by the Local Planning Authority, in the interests of the amenities of neighbouring/nearby properties and to comply with Policy 1 (Development Requirements of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The use hereby permitted shall not operate between the hours of 2300 hours and 0700 hours inclusive on any day of the year.

[In order to safeguard the reasonable amenities of the surrounding residential properties in accordance with Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Prior to the use hereby approved commencing, a detailed Noise Management Plan shall be submitted to and be approved in writing by the Borough Council. The Noise Management Plan shall identify the types and locations of operational activities which are likely to cause noise disturbance to sensitive receptors and

- Minimise noise arising from operational activities by technical and physical means, and through management best practice
- Identify the person responsible for recording, investigating & dealing with complaints from any residents
- Provide details of the sound insulation scheme which shall include mitigation measures to achieve the internal noise levels specified in BS: 8233 at any affected residential property
- Provide details of the sound insulation scheme for the envelope of the building to prevent noise breakout of the premises
- Provide details of how the internal noise levels in all parts of the proposed development will be controlled & managed to ensure that the noise breakout does not cause noise disturbance

[In order to ensure the noise arising from the use of the building for a place of worship does not cause significant disruption and disturbance to nearby residential properties and the environment and to accord with Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Prior to first use of the development hereby approved, details of flood resilience measures to be incorporated into the building and a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The measures agreed shall be implemented prior to first use of the building and adhered to for the life of the development.

[In order to ensure the users of the building are safe from fluvial flooding in accordance with paragraph 108 of the National Planning Policy Framework].

7. The use hereby approved shall not commence until the parking areas served from Chaworth Road and Loughborough Road have been demarcated as

shown on drawing reference: AL-AR-0002 Revision D and shall thereafter be maintained for the life of the development.

[In order to ensure that the passing of vehicles is possible at the site entrance and that the entrance is served by adequate visibility and to comply with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The existing 5.6m wide vehicular access serving the development site, and low level walls fronting the site on Loughborough Road will be retained in this format for the life of the development and shall not be altered in any manner.
[In order to ensure that the passing of vehicles is possible at the site entrance and that the entrance is served by adequate visibility and to accord with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. The development hereby permitted shall not be brought into use until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel plan as a minimum shall contain SMART targets relating to car parking and the promotion of multiple occupancy car born trips, measures, marketing, monitoring and enforcement mechanisms.

[To reduce the likelihood of excessive overspill parking occurring on the public highway, to the detriment of highway safety, in accordance with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. An annual Travel Plan monitoring report is to be submitted to and approved in writing by the Local Planning Authority no later than 3 months post the first anniversary of the place of worship being brought into use, and this shall continue on an annual basis for the life of the development. Each annual monitoring report will include collated parking information to ascertain the level of off-site parking occurring at prayer/event times, revised SMART targets, revised measures alongside revised marketing, monitoring and enforcement mechanisms.

[To reduce the ongoing likelihood of excessive overspill parking occurring on the public highway, to the detriment of highway safety, in accordance with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].