



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 9 January 2018

DEVELOPMENT: Change of use from residential dwelling to mixed use residential unit, religious meeting hall and place of worship. Erection of part single storey part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed landscaping.

SITE: Stafford House Bonnetts Lane Ifield Crawley West Sussex RH11 0NX

WARD: Rusper and Colgate

APPLICATION: DC/17/1827

APPLICANT: **Name:** Hasnain Mohsin **Address:** C/o Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received of a contrary view to the Officer recommendation

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks the change of use and alteration of Stafford House to provide a mixed use residential unit and meeting/prayer facilities for the local Shia Muslim community.

1.3 The first floor of the property will be used as an Imam's flat which will have a bedroom, kitchen/diner, lounge and bathroom. An extension to the property will provide ladies bathrooms and a storage room. At ground floor level, the extension will provide a communal kitchen, disabled WC and a preparation room where bodies will be ceremonially washed and prepared prior to burial away from the site. The ground floor of the existing property will be reconfigured to provide an area where children will be taught religious teachings.

1.4 Along with a two storey extension to the main building, a new detached structure will be constructed within the grounds, linked by a single storey extension to the new two storey extension. Main prayers will be held on the ground floor of this detached structure, with

male toilets and a meeting room within the roofspace. This area will also be used to teach children. The floorspace of the building will increase by some 277%; from 176m² to 488m².

- 1.5 This current application follows an application submitted in July 2011 for the change of use of the property to a mixed use comprising residential unit and meeting rooms to serve the needs of the local Shia Muslim community (DC/11/1350). No extensions to the property were proposed. The application was considered by the Development Management Committee North in December 2011 where it was resolved to delegate authority to the Head of Planning to approve the application subject to a Section 106 Agreement to restrict the level of activity associated with the use of the community facility in the evenings and at weekends and conditions including restricting the number of days that the building can be used for community use purposes. The number of days was detailed as being one day per week between 9am and 12pm, Tuesday and Thursdays between 6pm and 9pm and a maximum of 2 one day events during the Islamic months of 'Moharram' and 'Ramadam' in any one calendar year. The applicant advised at the time that the maximum number of people anticipated using the community facility would be no more than 30 at a time. It would appear that, whilst a draft legal agreement was issued, negotiations did not progress and the application was treated as deemed withdrawn in August 2014. The agent has advised that it would appear that the legal agreement did not progress to be completed as a result of conditions that would be attached to the permission restricting the use of the building and the days/times that it could be used for community use purposes.

DESCRIPTION OF THE SITE

- 1.6 The application relates to Stafford House; a two storey, detached property located within the open countryside at the junction of Bonnetts Lane with Charlwood Road. The property lies on the southern side of Bonnetts Lane and is accessed off Charlwood Road. There is a single storey dwelling (Daisy Cottage) to the rear and a number of dwellings on the opposite side of Charlwood Road. The site, whilst within Horsham district, is some 170m from the boundary with Crawley Borough and residential properties within the neighbourhoods of Langley Green and Ifield. The site has been the subject of a number of enforcement notices in the past for use as a bed and breakfast and for airport car parking. The site lies within the 60dB_{L_AEQ} aircraft noise contour relating to Gatwick Airport.
- 1.7 Since the deemed withdrawal of the previous application, the property has been used for residential purposes with occasional community uses. More recently, a marquee was erected in the grounds of the property to accommodate prayer meetings. A recent site visit revealed that the ground floor of the building is being used to provide two prayer and meeting rooms for the local Shia Muslim community. There is a small kitchen area to the rear, with a lean-to type structure to the rear of the property being used as an over-flow kitchen/storage area and providing access to WC facilities. The four rooms at first floor level are being used as bedrooms for friends and family of members of the Shia Muslim community.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 The Parish of Rusper was designated as a Neighbourhood Development Plan Area on 18 February 2016.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.4 The below application is the most recent and relevant application relating to this site:

DC/05/0689	Change of use to HMO (used for rent to low income persons who rent a single room with ensuite facilities together with communal kitchen and eating facilities) and 2-storey extension.	Application Refused on 18.05.2005
DC/05/1429	Change of use of land to airport parking for 55 cars	Application Refused on 01.09.2005
DC/05/2353	Change of use from residential dwelling to bed and breakfast	Application Refused on 02.12.2005
DC/11/1350	Change of use to a mixed use comprising residential unit and meeting rooms	Withdrawn Application on 27.08.2014

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

3.2 HDC Strategic Planning: Objection

The application site is located outside of the District's built up area boundaries in an unclassified settlement, where countryside policies are relevant and the application is therefore considered to be contrary to both policy 4 and policy 26 of the HDPF.

3.3 HDC Environmental Health: Objection

Without further information regarding the times of operation proposed and the likely impact of activities on future residents and neighbouring residential dwellings it is not possible to fully assess this application.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No objection
Following the submission of further information in respect of expected trip rates, a car parking strategy, and a travel plan setting out targets to reduce lone car use and encourage sustainable travel, no objection raised.
- 3.5 **Southern Water:** No objection
Requires formal application for connection and on-site mains to be made.
- 3.6 **Crawley Borough Council (Strategic Planning):** Comment
The proposal could provide significant religious and social benefits to Crawley residents. There is some potential for impact to be caused at certain times by increased traffic movements along Ifield Avenue and onwards through Crawley.

PARISH COUNCIL

- 3.8 **Rusper Parish Council:** Objection
Strongly objects on the grounds of highway safety and suitability of the site for the use proposed.

PUBLIC CONSULTATIONS

- 3.9 19 letters/emails of objection have been received from 10 households which raise the following concerns:
- Area not suitable for a further place of worship
 - Unacceptable noise levels at events held at the site
 - Disturbance from the Swaminarayan Hindu Mandir Temple on Bonnetts Lane
 - Disturbance to residents from comings and goings to the site
 - Potential noise nuisance cannot be mitigated against
 - Unacceptable cooking smells
 - Highway safety concerns
 - Over-spilling of vehicles onto Ifield Avenue
 - Insufficient car parking provision
 - Damage to verges as a result of parking
 - Unsightly extensions erected on site
 - Proposed extension not in keeping with rural setting
 - Demand for residential properties in the area
 - Flooding issues with land/car parking area
 - Potential for large residential property in the future
 - Better sites available
 - Concerns about the preparation of bodies at the premises
 - Potential for the loss of the trees within the site
- 3.10 11 letters/emails of support have been received from 11 households which raise the following issues:
- Excellent community based structure
 - Integral part of their own and the wider community
 - Langley Green mosque has had a massive transformation
 - The Shia Muslims of Crawley should have their own place of worship and family communal functions
 - Required to meet the demanding needs of the growing community
 - In the past have had to use alternate mosques and premises
 - The current facilities cannot cater to the needs of the community

- The community has struggled to secure the regular services of an Imam because of the lack of facilities
- Unsuccessful in getting planning permission for change of use for other buildings
- Other facilities are becoming too small

1 of the above letters of support includes a letter from the Crawley Borough Council Prevent Co-ordinator supporting the proposed development on the grounds that the centre is very important to the Shia community of Crawley and that the community needs the extra facilities to meet their growing needs

3.11 1 letter of comment has been received from Crawley Rugby Club which raises the following issues:

- There is no agreement that the club car park can be used for overflow parking
- The Rugby Club is owned by Crawley Borough Council and no such agreement can be made by a member of the club

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The main issues in the consideration of the application are:-

- Principle of development
- Highway safety, transport and highway issues
- Impact on occupiers of neighbouring properties
- Impact of proposed works on the character and appearance of the streetscene

Principle of development

6.2 The site is located outside of any defined built up area boundary and as such is located within the countryside. The site is located close to the administrative boundaries of Crawley but is still within the jurisdiction of Horsham. The immediate area surrounding the application site is characterised by a mix of residential, commercial and hotel guest houses. However, the surrounding area is predominantly rural with some sporadic development, and as such the relevant countryside policies apply.

6.3 Whilst the application site is not considered to be located within a sustainable area in relation to the facilities within the Horsham District which are remote from the site, its geographical location is however in close proximity to the built up area of Crawley to the south and east and as such the site is appropriately placed close to services and public transport within the adjoining Borough of Crawley. The applicants also advise that the site is within sustainable walking and cycling distance of the main built up area boundary of Crawley and that it is closer to the Shia community than other mosques in the built up area of Crawley.

- 6.4 Policy 26 of the HDPF sets out that outside of built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development and that any proposal must be essential to its countryside location, and either support the needs of agriculture or forestry, enable the extraction of minerals or the disposal of waste, provide for quiet informal recreational use or enable the sustainable development of rural areas. The policy goes on to say that proposals must be of a scale appropriate to the countryside location and should not lead to a significant increase in the overall level of activity in the countryside.
- 6.5 Policy 42 of the HDPF relates to inclusive communities and requires the needs of, amongst other requirements, the specific needs of faith and other community groups to be considered. Policy 43 goes on to state that the provision of new or improved community facilities will be supported however the policy requires that, outside of built-up area boundaries, sites will only be supported where this is the only practicable option and where a suitable site is well located to an existing settlement.
- 6.6 The Design and Access Statement submitted with the application sets out that this small community of Shia Muslims is a registered charity and was set up in September 1987. Over the past five years the group has rented local community and leisure centres in Crawley to host events (for example Crawley Town Hall and Langley Green Sports Club). Whilst there are other mosques within Crawley, these are used by Sunni Muslims who, whilst celebrating the same events within the Islamic calendar, do not undertake prayers and meetings together. No further information has been submitted setting out what alternative facilities and/or buildings within the Crawley Borough or within the defined settlement boundaries of Horsham District have been explored to lead to the application site becoming the only practicable option for this community group.
- 6.7 The Design and Access Statement sets out that regular events are held on either Tuesday or Wednesday evening and Thursday evening, Friday around midday and Sunday morning. During the festivals of Ramadan, Muharram and Safar, events are held more often. For example, during October 2016 the group commemorated Moharram (first month of the Islamic calendar), with a daily turnout of some 160-180 people. Given the limited floorspace of the existing property, a marquee was erected within the grounds to provide facilities for the men; with women's facilities being provided within the property. At a meeting with the applicant and agent, the applicant advised that the building will be used two evenings per week between 6.30pm and 9.30pm, for Friday prayers between 11.30am/12.30pm and 1pm/2pm depending on the time of year and on Sundays between 10am and 2pm. Typical attendance at these gatherings is between 40 and 100 people. Additionally, the property will be used to celebrate three festivals a year; one of which lasts for 12 days and another 30 days. The times of use during these festivals are between 6.30pm and 9.30pm, and could be attended by some 250 people with some 76 vehicles being parked at the site.
- 6.8 An application was submitted in July 2011 for the change of use of the property to a mixed use comprising residential unit and meeting rooms to serve the needs of the local Shia Muslim community (DC/11/1350). At that time no extensions to the property were proposed and the applicant advised that the anticipated number of people using the community facility would be no more than 30 at a time, although it was detailed that the Shia Muslim community in Crawley was in the region of some 170 people. For reasons as set out at paragraph 1.5, this application was never determined but the Development Management Committee (North) resolved to delegate authority to the Head of Planning to approve the application subject to a Section 106 Agreement to restrict the level of activity associated with the use of the community facility in the evenings and at weekends and conditions including restricting the number of days that the building can be used for community use purposes.

- 6.9 The application as submitted proposes to replace the marquee erected on the site with a similar sized structure, along with a two storey extension to the property and a single storey extension to link the extension to the new structure. The first floor of the existing property will be used as an Imam's flat with the two storey extension to the property providing a communal kitchen, disabled WC and preparation room at ground floor level and ladies bathrooms and a storage room at first floor level. The ground floor of the existing property will be reconfigured to provide an area where children will be taught religious teachings. A new link-detached structure will be constructed within the grounds, linked by a single storey extension to the new two storey extension. Main prayers will be held on the ground floor of this detached structure, with male toilets and a meeting room within the roofspace. This area will also be used to teach children.
- 6.10 Whilst it is acknowledged that Members resolved to grant planning permission for the application submitted in 2011, the supporting statement clearly set out that the ground floor of the premises was adequate to serve the needs of the community and that it was likely that no more than 30 people would use the property at any one time. The scheme as now proposed seeks to increase the floorspace of the building by some 277% (176m² to 488m²). The agent sets out that it is hoped that the application will be accepted without undue control over activity levels and number of events.
- 6.11 Whilst it was previously accepted that the change of use of the property to a mixed use comprising residential unit and meeting rooms to serve the needs of the local Shia Muslim community was acceptable, the scheme as now proposed seeks to significantly increase the floorspace of the building, the number of people attending events at the property and the number of events being held. It is considered that as a result of these factors, the change of use of the property would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. As such, the proposal the subject of this application would be contrary to the relevant policies within the HDPF. This level of harm is considered to outweigh any community benefit which would be derived from the scheme.

Highway safety, transport and parking provision

- 6.12 A number of local residents have raised concerns with the suitability of the access into the site given the location of the property at the junction of Bonnetts Lane with Charlwood Road. Concerns have also been raised in respect of the level of parking provision being proposed.
- 6.13 Policy 40 of the HDPF relates to sustainable transport and sets out that development proposals which promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities will be encouraged and supported. Policy 41 deals with parking and requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.
- 6.14 WSCC, whilst not objecting to the principle of the change of use of the property, requested further information regarding the expected trip rates, a car parking strategy, and a travel plan setting out targets to reduce lone car use and encourage sustainable travel.
- 6.15 A green travel plan has been provided which provides a framework for the Shia Community to work to. A travel plan co-ordinator will be appointed and they will be named in the document. WSCC has advised that there should also be a condition attached to ensure that within 6 months of occupation this travel plan is in place and that the plan is being actively managed. Car sharing will be promoted via the travel plan co-ordinator and cycle storage is provided and this can be monitored through the travel plan to ensure there are enough spaces available.

- 6.16 A car parking strategy has been provided which details how the cars will be managed on site. There is the potential for a maximum of 80 spaces, although this is proposed as the maximum and the plan details how the cars would be parked in a normal scenario. A car park marshall would be used to ensure the cars are parked safely at very busy periods when tandem parking would be required.
- 6.17 In terms of highway safety, transport and car parking provision, following the submission of additional information WSCC Highways have raised no concerns with the change of use of Stafford House to provide a mixed use of a residential unit, religious meeting hall and place of worship, along with associated extensions. On this basis, it is considered that the Council could not substantiate a reason for refusal on highway safety grounds.
- 6.18 A number of complaints have been received from local residents about the use of an area of verge outside of the property for the parking of vehicles. Local residents have advised that people using the facilities at Stafford House are using the verge for overflow parking purposes. This is disputed by the applicant who has advised that the verge is being used for parking by third parties. The applicant has demonstrated that some 80 vehicles can be parked within the site, which WSCC has advised is sufficient.

Impact on occupiers of neighbouring properties

- 6.19 Policy 33 of the HDPF relates to Development Principles and requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise.
- 6.20 As discussed, regular events are held at Stafford House on Tuesday or Wednesday evening and Thursday evening, Friday around midday and Sunday morning. During the festivals of Ramadan, Muharram and Safar, events are held more often. Typical attendance at these gatherings is between 40 and 100 people. Additionally, the property will be used to celebrate three festivals a year; one of which lasts for 12 days and another 30 days. The times of use during these festivals are between 6.30pm and 9.30pm, and could be attended by some 250 people with some 76 vehicles being parked at the site.
- 6.21 The agent sets out that it is hoped that the application will be accepted without undue control over activity levels and number of events and that the restrictions placed on the previous proposal were too restrictive to allow the community to use the facility in the manner it wished. The Council's Environmental Health team have advised that insufficient information has been submitted to fully assess the proposed change of use.
- 6.22 There are a number of residential properties within the immediate locality; the closest being Daisy Cottage to the immediate rear/north east of the property. Local residents have complained to the Council about the use of the property for community uses, in particular the events held to celebrate Moharram (first month of the Islamic calendar) both this and last year, with a daily turnout of some 160-180 people. Whilst the new and existing structures could be designed to provide noise attenuation measures to protect the amenity of the occupiers of the neighbouring properties, no such measures have been put forward by the applicant and this would not prevent any noise nuisance as a result of the movement of vehicles into/out of the site and the general comings and goings of people to the site.
- 6.23 Given the level of activity likely to take place at the site, it is considered that the change of use of the site to allow for the use of the building for meeting/prayer facilities is inappropriate in this location and is likely to result in unacceptable harm to the amenity of the occupiers of the neighbouring residential properties, contrary to Policy 33 of the HDPF.

Impact of proposed works on the character and appearance of the streetscene

- 6.24 Policy 32 of the HDPF requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 of the HDPF relates to Development Principles and requires development, amongst other matters, to recognise any constraints that exist, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.25 The application proposes the change of use of the existing property and a number of extensions. The floorspace of the building will increase by some 277% from 176m² to 488m². The site is relatively well hidden from public view by mature planting around the boundaries of the site and the extensions have been designed to appear as a two storey domestic extension with a detached garage-type structure. Whilst it is acknowledged that the extensions to the property have been designed to fulfil the needs of the community, the extensions are extensive and would increase the floorspace of the property significantly. The increase in the floorspace, coupled with the increase in the level of activity in this countryside location, will result in an adverse impact on the character of the area, contrary to policies 26, 32 and 33 of the HDPF.

Conclusion

- 6.26 For the reasons outlined above, it is considered that whilst it was previously accepted that the change of use of the property to a mixed use comprising residential unit and meeting rooms to serve the needs of the local Shia Muslim community was acceptable, the scheme as now proposed seeks to significantly increase the floorspace of the building, the number of people attending events at the property and the number of events being held. It is considered that as a result of these factors, the change of use of the property would result in a significant intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. This harm is considered to significantly outweigh the benefit of the proposed development in providing improved facilities for the local Shia Muslim community, therefore the application is recommended for refusal.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission be refused for the reason set out below:

Reason for Refusal:

1. The change of use of the property as proposed would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1827
DC/11/1350