

Application Number:	2018/0113	Application Type:	Full
Proposal:	Change of use of part of building from B1(a) council offices to D1 place of worship (part retrospective).	Location:	1 Grange Street Rawtenstall Rossendale Lancashire BB4 7RT
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	23 rd May 2018
Applicant:	Mr Haruk Miah	Determination Expiry Date:	31 st May 2018
Agent:	Miss Nixie Edwards Hussain Architectural Design Ltd		

Contact Officer:	James Dalglish	Telephone:	01706 238643
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

Grant planning permission subject to the conditions set out in section 11.

APPLICATION DETAILS

2. SITE

The application relates to a large three storey building of brick construction located on the south side of Grange Street in Rawtenstall. It is understood that the building was formerly used as offices (B1) and as law courts (D1).

Currently, the part of the building formerly used as law courts is in use as a mosque (D1). The parts of the building formerly used as offices are now partly vacant and partly in use as offices in association with the mosque.

The building has a car parking area to its east side, and to its front (north).

The site is located within the defined urban boundary.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

The applicant seeks planning permission for the change of use of the remaining office space in the building on the ground, first and second floors to a D1 use as a place of worship, forming part of the mosque.

A small area of floor space at the northern end of the second floor level would remain as B1 office space.

No external alterations to the building are proposed.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 7 Requiring Good Design

Section 11 Conserving and Enhancing the Natural Environment

Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

Policy 1 General Development Locations and Principles

Policy 7 Social Infrastructure

Policy 9 Accessibility

Policy 16 Preserving and Enhancing the Built Environment

Policy 23 Promoting High Quality Design and Spaces

Policy 24 Planning Application Requirements

6. CONSULTATION RESPONSES

Consultee	Comment
LCC Highways	No objection subject to conditions
RBC Environmental Health	No comments on the application
Cadent	No objection, provided informative

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 20/03/2018 and 49 neighbour letters were sent out on 14/03/2018.

Five letters of objection have been received raising the following concerns:

- Traffic issues
- Lack of parking / inconsiderate parking
- Harm to neighbour amenity / privacy

8. ASSESSMENT

Principle

1. The application site is sustainably located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development. The site is in close proximity to the town centre, main bus routes and the public car park on Kay Street.
2. Policy 10 of the Core Strategy seeks to resist the loss of existing employment uses (such as B1 offices). The proposed scheme would see a reduction in the amount of B1 office floor space within the building. However, it is understood that the existing office floor space in this case has not been used for several years – and that its only use has been as ancillary office space to serve the mosque which occupies the same building. There is some uncertainty as to the lawful use of the existing office space within the building, as it is understood that part of it has already been in use as a place of worship for some time. The application seeks to regularise and clarify the situation.
3. Policy 7 of the Core Strategy states:
4. *“It is proposed that social infrastructure improvements and new provision will be encouraged at suitable locations within the Borough”*
5. *“A positive approach will be taken to the development of new and enhanced social infrastructure, especially where this creates options for a variety of uses and user groups and reduces the need to travel.”*
6. Places of worship are important community facilities, and form part of the Borough’s social infrastructure. It is considered that the proposed scheme will result in an enhancement to

the existing provision of social infrastructure on site, whilst retaining an element of B1 office floor space at second floor level, which would remain available for use as such.

7. The proposed use of the floor space in question as a place of worship would be appropriate within a town centre, and would complement the existing use of the ground and first floors.
8. Whilst there would be some loss of office accommodation which would conflict with the requirements of Policy 10, there is substantial policy support for the proposed scheme contained in Policy 7.
9. Given the accessible location of the site and the proposed enhancement to a community facility, it is considered that the scheme accords with Policy 14 of the Framework (presumption in favour of sustainable development).
10. On balance, it is considered that the development is appropriate in principle.

Visual Amenity

11. No changes are proposed to the external appearance of the building.
12. As such, the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

13. Objectors' comments are noted. However, given the nature of the proposed use of the building, it is not considered that the development would give rise to any significant harm to the amenities of any nearby residential properties. It is not likely that the proposed use of the floor space within the building will necessarily result in any increased overlooking of neighbouring properties compared to the existing lawful use of that floor space as B1 offices.
14. The applicant's agent has confirmed that there will be no change to the existing call to prayer from the building, which transmits via radio rather than emitting sound. The Council's Environmental Health Officer has no objection to the scheme.
15. The scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

16. Objectors' concerns over parking provision are noted. However, the Local Highway Authority has been consulted and has provided advice on the proposed scheme.
17. The Local Highway Authority initially objected to the scheme due to the lack of off-street parking provision. However, the objection has now been withdrawn following receipt of a Framework Travel Plan from the applicant.
18. The Local Highway Authority has requested the inclusion of conditions as follows:
 - A Full Travel Plan shall be submitted for approval within 3 months of first use of the development. Following approval the plan shall be implemented in full for as long as the building is in use. The Full Travel Plan shall contain details of the following commitments:
 - A Travel Plan Co-ordinator will be appointed to manage the travel and parking of the members and visitors.

- Monthly newsletters or written communication with will advise members of the mosque of any parking concerns.
- A Car Share scheme will be actively promoted to all members by the co-ordinator.
- The use of the secure cycle storage will be promoted. Grant funding for the provision of electric bicycles for the mosque will be investigated annually and secured wherever possible.
- All members of the mosque will be provided with a map of the pedestrian links from the nearby public car parks to the mosque.
- A commitment to pay the costs for Lancashire County Council to extend the parking restrictions on Grange Road across the off-street disabled parking spaces and site access to prevent the parking of vehicles on-street.
- The Travel Plan will be updated quarterly and fully reviewed annually for 5 years from first use.
- Should any special events be held at the mosque then a special event car parking plan will be prepared
- The car parking area and the secure cycle parking shall be provided prior to the first use of the development and maintained for the lifetime of the development.

19. Subject to the conditions above, the scheme is considered acceptable in terms of access, parking and highway safety.

9. RECOMMENDATION

Approve planning permission subject to conditions.

10. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle and would not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies AVP4, 1, 7, 9, 10, 16, 23 and 24 of the adopted Core Strategy DPD.

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

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

- Application form date stamped 9th March 2018 by the Local Planning Authority.
- Site Location Plan date stamped 9th March 2018 by the Local Planning Authority.
- Elevations (No Changes) date stamped 9th March 2018 by the Local Planning Authority.

- Floor Plans (Proposed) date stamped 9th March 2018 by the Local Planning Authority.
- Travel Plan date stamped 3rd May 2018 by the Local Planning Authority.
- Parking Layout (Free Public Car Park) date stamped 3rd May 2018 by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Within three months of the date of the planning permission hereby granted, a Full Travel Plan shall be submitted to the Local Planning Authority for its approval in writing. The Full Travel Plan shall contain the following commitments:

- A Travel Plan Co-ordinator will be appointed to manage the travel and parking of the members and visitors.
- Monthly newsletters or written communication with will advise members of the mosque of any parking concerns.
- A Car Share scheme will be actively promoted to all members by the Travel Plan Co-ordinator.
- The use of the secure cycle storage will be promoted. Grant funding for the provision of electric bicycles for the mosque will be investigated annually and secured wherever possible.
- All members of the mosque will be provided with a map of the pedestrian links from the nearby public car parks to the mosque.
- A commitment to pay the costs for Lancashire County Council to extend the parking restrictions on Grange Road across the off-street disabled parking spaces and site access to prevent the parking of vehicles on-street.
- The Travel Plan will be updated quarterly and fully reviewed annually for 5 years from first use.
- Should any special events be held at the mosque then a special event car parking plan will be prepared

The Full Travel Plan shall thereafter be implemented for the lifetime of the development.

Reason: In the interests of highway safety and the promotion of sustainable modes of transport.

4. Within one month of the date of the planning permission hereby granted, the parking spaces and secure cycle parking as shown on the approved plans shall be laid out and made available for use as such. The parking spaces and cycle parking shall be retained for use as such thereafter.

Reason: In the interests of highway safety and the promotion of sustainable modes of transport.

12. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at: http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The applicant's attention is drawn to the advice provided by Cadent in relation to gas apparatus.



Travel Plan

Shah Jalal Masjid, 1 Grange Street, Rawtenstall

Proposal: Change of use of part of building from B1(a) council offices to D1 place of worship.

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Introduction

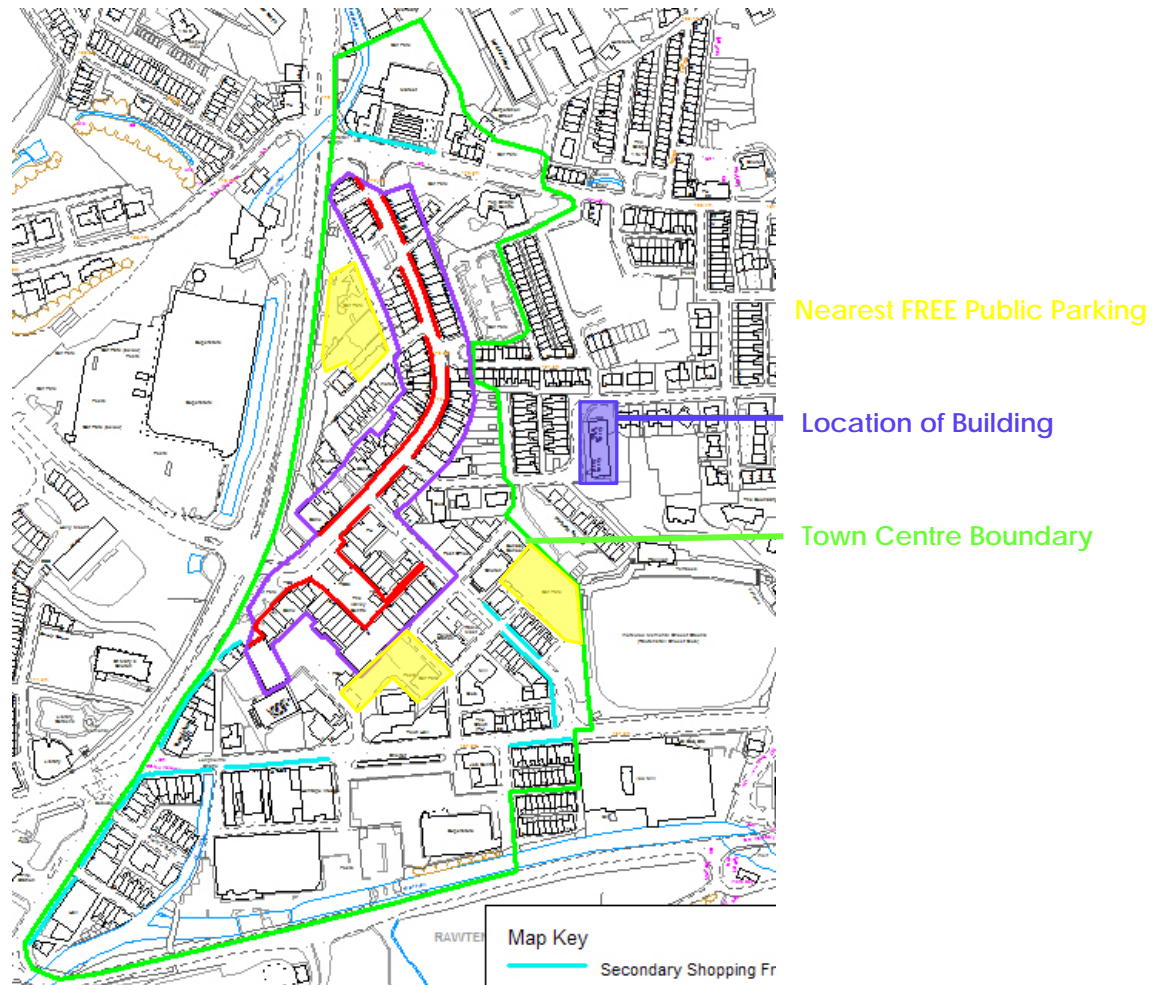
An application has been put forward for 1 Grange Street, Rawtenstall. The former law courts and council offices are currently partly used as a place of worship for Islamic center: Shah Jalal Masjid. The planning application for the change of use will help confirm which parts of the building will be used for religious purposes as the previous Lawful Development Certificate application could not be completed due to the lack of information on the previous use for the different parts of the building.

During the process, it has been brought to attention that the current parking situation is not suitable for the proposed use. This statement will expand on the current parking standards for Rossendale Borough Council and compare them to the practical use of the building. It will also consider alternative modes of transport for the users to opt for and what measures will be taken to reduce any potential dangers or issues on the adjacent Highways.



Location

The three-storey building is located just outside the Rawtenstall town centre boundary and has an existing adjacent parking area. The main shopping centre is approx. 2 minutes walk away where there are frequent bus routes and ample free long stay car parks.



Map of Rawtenstall Town Centre Boundary from Rossendale Borough Council's Local Plan

The surrounding buildings and streets are residential where many of the users of the Mosque live. The situation is ideal for those living nearby to walk to Shah Jalal Masjid for prayer, which is what many Muslims do. This also enables them to integrate with their local community.

Existing Sustainable Travel Options

Walking

Walking is a very viable transportation method to and from the site. The surrounding area is quite urban and well developed with easy access for pedestrians with walkways, foot paths and safe crossings throughout. Nearby streets and routes like Bacup Road, Bank Street, Newchurch Road and St Mary's Way lead to all corners of the borough, creating simple routes for pedestrians to navigate to Grange Street.

The neighbourhood surrounding the building enables those Muslims wishing to pray at a mosque to easily access Shah Jalal Masjid due to its proximity within walking distance. This is also the preferred method for a Muslim to be able to integrate with their local community by attending the nearest mosque.

Cycling

Rawtenstall unfortunately doesn't have any cycle lanes for cyclists to use. However, secure storage for bikes can be included within the internal entrance area of the Mosque with enough space within the building to hold up to ten bikes. This along with a healthy cycle scheme set up by the community will encourage the users of the Mosque to take up cycling as a better alternative to personal vehicles. A junior cycle scheme can also be set up and focus on the children that visit the mosque to promote a healthier as well as sustainable mode of transport to use for the future generation of Rawtenstall. This can also be an opportunity to teach children about road safety and the benefits of sustainable transport.

Public Transport

Buses are frequently traversing through the area with a bus stand merely meters away on Bank Street. The bus station is a few minutes walk away and has services that connect in to other nearby settlements in Lancashire and further afield. The convenience of the station's locality to the Mosque makes it very accessible to the public for the use of buses. Although few users of Shah Jalal Masjid get the bus to the mosque, it is still an option that can be advertised within the mosque to support sustainable alternatives to travel there.

The East Lancashire Railway Station is 0.5 mile away from the site and connects the area further than the already nearby bus station does. It's around a 10-minute walk and the routes to and from the station are very developed and easily negotiable.

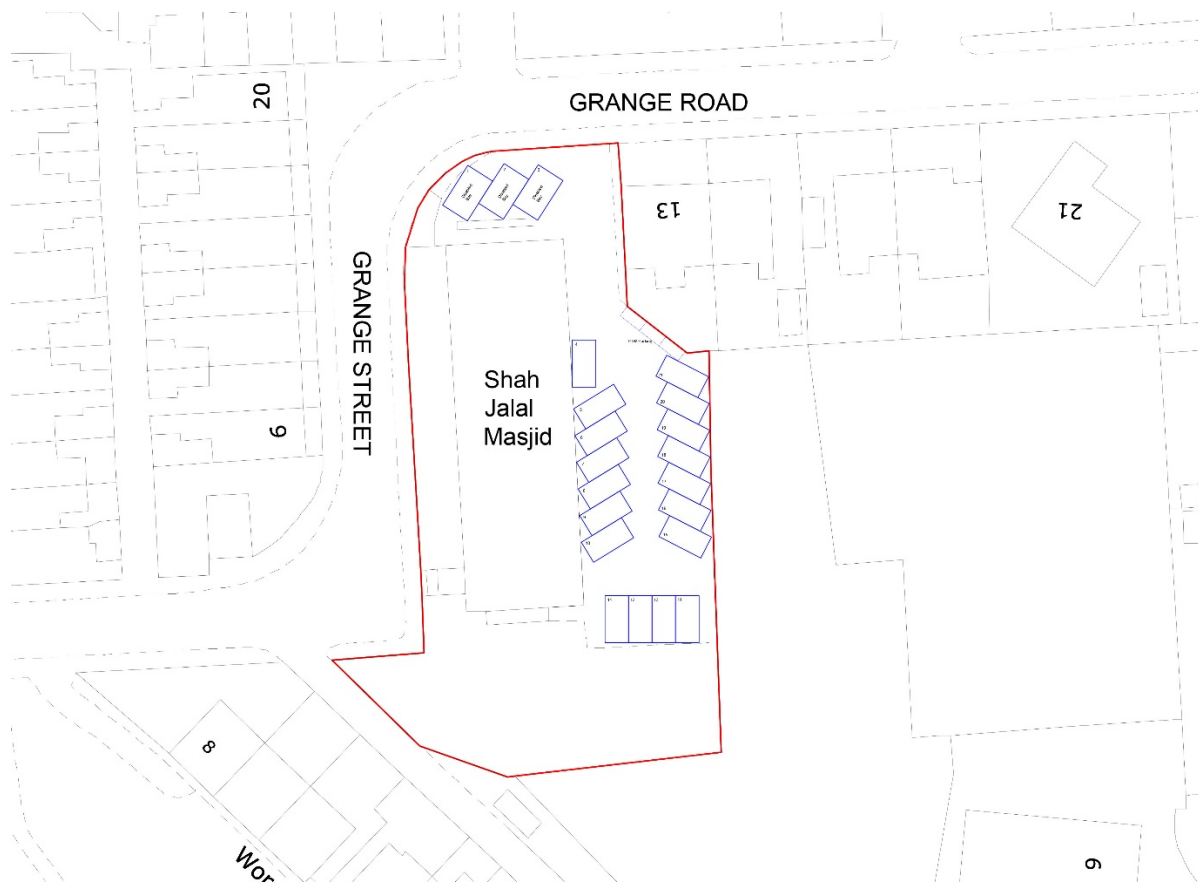
Parking

The largely built up and residential nature of the surrounding neighbourhood around the Mosque means there's limited parking in the immediate area. Most on street parking will either be privately owned by the residents or constantly in use by the neighbours. There are plenty of free car parks, both long and short stay, in Rawtenstall town centre that are known and used by the Mosque. There is also street parking with 30-40-minute free parking around the site.

The existing car park attached to the mosque can currently hold around 18-20 spaces. This includes 3 parking spaces off the Highway at the front of the building, and angled parking spots alongside the building to the East in the dedicated car park. However according to 'APPENDIX ONE: Parking Standards': D1 use as a place of worship with a space of approx. 852m² would need 56.8 parking spots respectively. However, the site has limited space for parking, even if expanding the car park can increase the total spaces to 30, the required number of 57 cannot be achieved. The extension has also been deemed unfeasible by Lancashire County Council Highways. Because of the close access to a variety of public transport and pedestrian routes, it can be argued that lessening the amount of parking will encourage the choice of Mosque goes to use more sustainable methods of travel.



Actual Use of Space Calculated in Green at 852m²



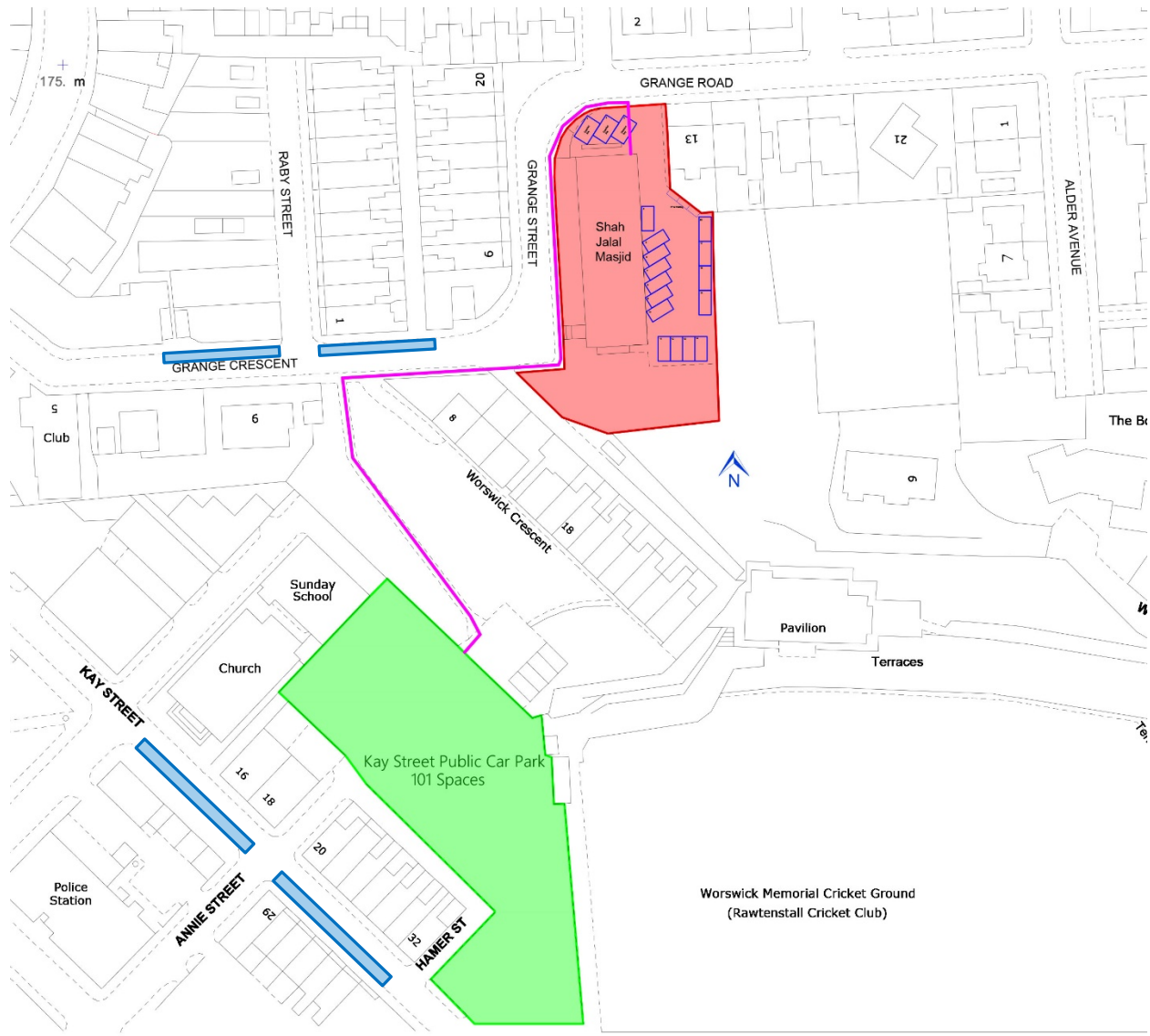
Existing Car Parking Arrangements: 21 car parking spaces

The mosque is currently open every day for people to attend and perform prayers. This generally happens 5 times each day at a period of 20 minutes on each occasion. The average attendance during these times is approximately 15 to 20 people, where those that attend live and work nearby and walk to the mosque. This can be proved as the attached car park is generally empty during these prayer times.

Salat, ritual Islamic prayer, prescribed five times daily:

- **Fajr** – dawn, before or at sunrise: 06:30 May 2018
- **Dhuhr** – midday, after sun has reached highest point during the day: 13:45 May 2018
- **Asr** – late afternoon, between midday and sunset: 19:00 May 2018
- **Maghrib** – sunset, when the sun goes down: 20:30 May 2018
- **Isha'a** – night, between sunset and midnight: 22:00 May 2018

Fridays are the busiest day when the main prayers take place around 1.30pm to 2pm. There is a maximum attendance to Shah Jalal Masjid of around 60 people for 30 minutes once a week. The existing car park is sufficient during this time; most users walk to the mosque to perform their prayers. Those that do travel by car have the availability to park at the attached car park or if it is full, often park at the nearby large free car parks around the town center.



- Nearest free public car park
- Site location
- Walking route between the two
- 30 minutes free street parking

Parking Availability during Prayer Times

To ensure that parking is not an issue, an assessment of the current parking on site and in the surrounding area has been done to consider the availability of parking during the busiest times of the Mosque's use. This can then determine whether additional parking would be required or if current arrangements would suffice. The assessment was undertaken in May 2018 with Kay Street Public Car Park being the alternative parking spot nearest to the Mosque with 101 spaces (including 4 disabled bays).

- **Fajr** – dawn, before or at sunrise: 06:30 May 2018

Mosque Car Park: 2-3 cars.

Kay Street Car Park: 18 cars parked, most likely nearby residents as no shops are open at this time.

Street Parking: Grange Crescent street parking was full at this time, most likely residents as there were also many cars parked in front of the houses along Grange Street.



Evidence of Kay Street Car Park at 06:30-07:00

- **Dhuhr** – midday, after sun has reached highest point during the day: 13:45 May 2018

Mosque Car Park: 4-5 cars.

Kay Street Car Park: 60-70 cars parked, this car park requires a disc to be shown to ensure only 3 hours is used however a small number of vehicles parked here showed a disc at the time of assessment. It was also seen that some vehicles did not stay the whole 3 hours allowed and the average stay was around 20-30 minutes. This leaves around 20-30 spaces available (not including disabled bays).

Street Parking: Grange Crescent street parking was full at this time, however the cars parked there did not stay for long as there is only a 30-minute limit to stay here. Only a few cars were parked on the surrounding streets of Grange Street and Grange Road.



Kay Street Car Park at 12:30-13:30



Grange Crescent Parking 12:30-13:30



Grange Street outside Mosque entrance 12:30-13:30

- **Asr** – late afternoon, between midday and sunset: 19:00 May 2018

Mosque Car Park: 6-7 cars.

Kay Street Car Park: 20-30 cars parked, most likely nearby residents and business owners/staff who may work later than 5pm. Plenty of spaces remained in the Car Park.

Street Parking: Grange Crescent street parking had 2 out of the 6 possible cars there at this time, the resident's cars were now parked along Grange Street again but not dangerously.



Kay Street Car Park 18:30-19:30



Grange Crescent street parking 18:30-19:30

Grange Street residents parking 18:30-19:30

- **Maghrib** – sunset, when the sun goes down: 20:30 May 2018

Mosque Car Park: empty.

Kay Street Car Park: 18 cars parked, most likely nearby residents as no shops are open at this time.

Street Parking: Grange Crescent street parking was full at this time, most likely residents as there were also many cars parked in front of the houses along Grange Street.

- **Isha'a** – night, between sunset and midnight: 22:00 May 2018

Mosque Car Park: empty.

Kay Street Car Park: 18 cars parked, most likely nearby residents as no shops are open at this time.

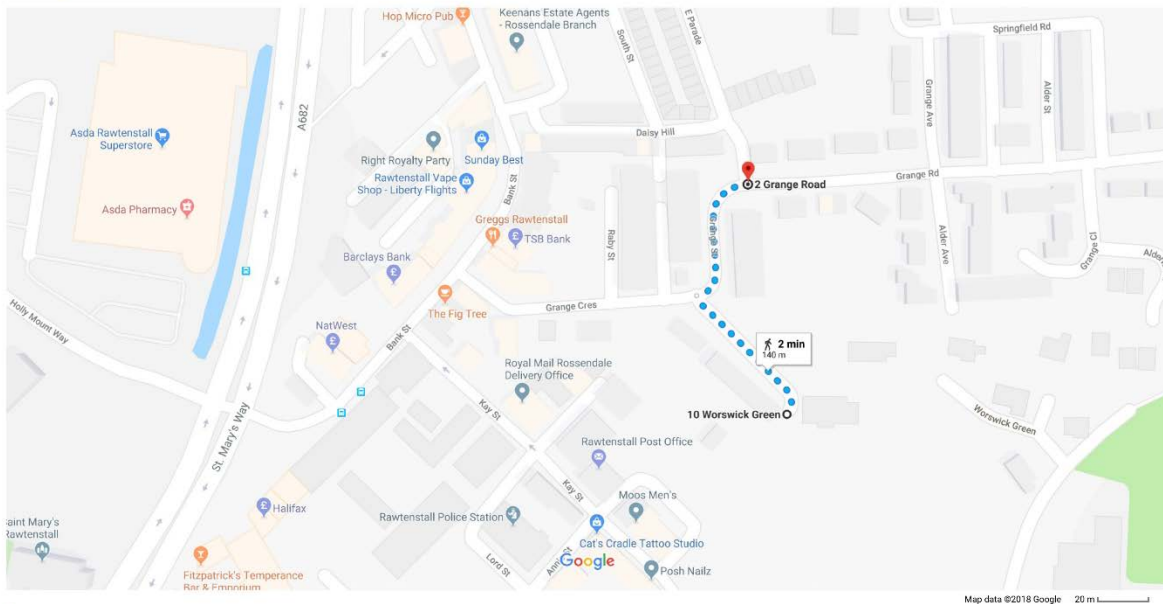
Street Parking: Grange Crescent street parking was full at this time, most likely residents as there were also many cars parked in front of the houses along Grange Street.

The worst time for free parking spaces would be the midday prayers that occur after 12noon and usually take place between 1:30pm and 2:30pm. This is due to the Kay Street Public Car Park being almost full of shoppers and visitors to the town centre shops. However, it is worth noting that the Mosque car park was not full. The average number of visitors at these prayer times are around 15-20 people and only a minority use their car to travel to pray.

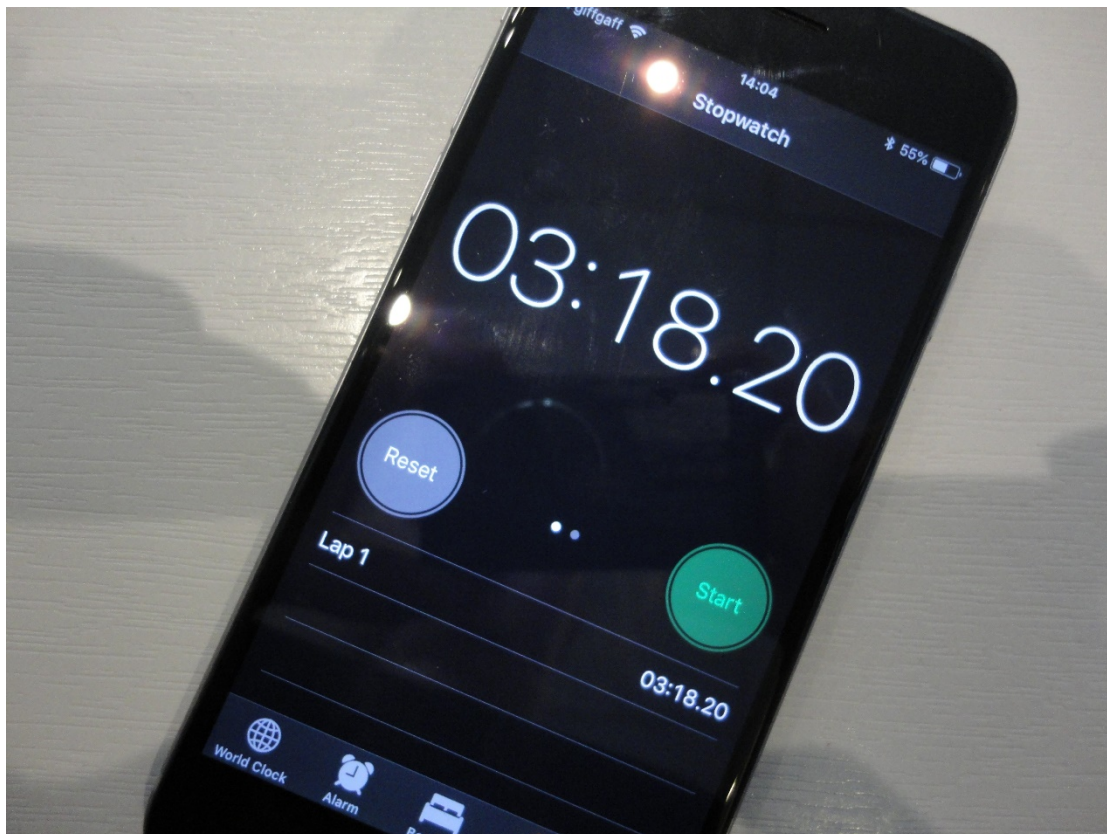
The busiest times during the midday Friday prayers were not able to be assessed due to time restrictions on the submission of this document but it has been recorded by the Mosque that there are around 40-60 people that attend. This is when the car park for the Mosque becomes full (21 spaces) and if every single person took one car, there would need to be an additional 39 spaces to find as a worse case scenario. These would be found on the 30-minute free street parking on Grange Crescent (6 spaces) and at Kay Street Car Park as the nearest public car parking facility. The Kay Street car park would need at least 33 free spaces at these times for all persons to park their cars. It was recorded that there were around 20-30 spaces free on Kay Street car park at this time when assessed, leaving approximately 10-13 people (if all had one car to park) left to look for other parking solutions.

As the Kay Street car park uses a Disc parking system, these can be held at the Mosque, so they are always freely available for drivers to take and use at any of the Disc system car parks in Rawtenstall.

To combat this possibility, it is advised that the Mosque and its members promote sustainable travel as an alternative to each person driving one car to the Mosque during busy Friday prayer times. This would alleviate any potential dangerous parking due to lack of available spaces.



Google estimated walking distance and time from car park to Mosque



Time taken to walk from furthest point of car park to Mosque entrance

Managing Travel

The minimal parking on site means any persons using cars to travel may find the car park full at busy periods. By appointing a few members of the Mosque community to monitor the parking, they can advise when the car park is full, and manage any unauthorised parking around the vicinity to prevent any dangers to the Highway. Encouragement will be given to those attending the mosque to park appropriately and in nearby free car parks through posters, newsletters and talking to the members of the Mosque, should the on-site parking areas be full. A car-share scheme or club can also be set up so there are less cars taking up the parking spaces and reducing the overall number of cars travelling to the site. All nearby free parking locations are easily negotiable and mean off-site parking is a very viable option for anyone using private vehicles to travel to Shah Jalal Masjid.

The three parking bays at the front of the building will be available for disabled badge holding visitors for ease of access into the mosque. To prevent the abuse of these spaces or vehicles blocking them across the pavement- collapsible bollards will be introduced. Each of the three disabled bays will have one, which will be removed by a member of the Mosque committee when necessary. These bays will have to be notified of use to the travel co-ordinators prior to those arriving at the Mosque.



Collapsible Bollard Example

Even though the nearby roads don't have dedicated cycle lanes, the routes are still suitable for confident cyclists. The users of the building will be encouraged to cycle to and from the building by incorporating, preferably, sheltered, and secure storage for their bicycles. A cycle scheme will also be set up to promote this form of travel. These travel schemes and parking advice can also be managed by the appointed parking monitor from the Mosque community.



Example of informative poster to be placed on the wall of the Mosque's entrance, smaller versions can be available and form part of a newsletter as well as digital copies to be broadcast or sent out through other means.

The travel co-ordinator will have roles and responsibilities to ensure those that travel to the Mosque with a car are aware of the minimum spaces available and to promote more sustainable modes of transport for those attending. Those that will be concentrated on in terms of priority will be:

- Walking: those that can should walk to the mosque. Step counters and health incentives can encourage this as well as focus on treating the body as another way to worship and improve one's self-worth.
- Cycling: the introduction of a cycle store inside the entrance of the Mosque will encourage people to cycle as a healthy alternative, without fear of where to store the bike safely once arrived. Health incentives and a cycle club can aid encouragement.
- Bus/ public transport: there is plenty of access to public transport and nearby bus stops. Encouragement could be seen in the form of competition to get the most bus tickets and hit the top of a leader-board or form a sort of raffle to win small prizes.
- Car Share: if there is no other alternative for people to travel to the Mosque, then a car share club would help those that travel the same way use only one car instead of two or four. This will help the community bond and get to know their fellow Mosque goer.

Alternative modes of Transport

The best travel options to get to the site will be through walking and cycling, as well as walking from very nearby public transport stops and stations. Travelling by car is the only option for others, but drivers should be aware of the limited on-site parking, and the alternative free car parks in case of full occupation. By appointing a person or two within the mosque community to monitor the parking situation and communicate alternative travel plans to others using the place of worship, they can play a vital role within the local community as well as the Mosque by actively managing the parking and travel plans for the area.

The schemes of promoting alternative transport can be documented and shared among other communities that have difficulty parking. The model should be easy to follow and in the interests of all to prevent it receiving negative impact and being a temporary solution. A monthly report can be made to keep track of its success and an annual report can show the most effective methods. These can then be monitored and kept in play as progress is made in the following years.

It has also been brought to attention that the Highways team at Lancashire County Council are willing to input Traffic Regulation Orders in this area after receiving comments from neighbours and investigating the area during busy times. Shah Jalal Masjid would encourage this to make the streets safer and confirm they agree to these being implemented by the County Council.

Conclusion

Although the car park cannot physically meet the required number set out by the parking standards- not all the building will be used constantly by many people. The encouragement of alternative modes of transport and use of dedicated Travel co-ordinators to monitor the travel arrangements of the users will lower the overall use of private cars and prevent dangerous parking situations on the Highway. The users of the building will be encouraged to use alternative and more sustainable transportation, creating an overall positive impact on the surrounding area. This reasoning should justify part of the 'Guidance on Transport Assessment' (2007) which states "The Council will consider reductions in parking levels on sites which demonstrate good accessibility by other modes... with the aim of increasing use by walking, cycling and public transport and reducing car use as promoted in PPG13 Transport" (pg.126)

With the inclusion of secure bicycle storage, additional space for Powered Two-Wheelers and encouragement of alternative transport modes by the Travel Co-ordinator and the Mosque community; the requirement number should be lowered as alternative means will be actively encouraged and monitored.

