

OFFICER REPORT FOR COMMITTEE

DATE: 15/06/2022

**P/22/0571/FP
KENSINGTON PROPERTIES
SOUTHERN LTD**

**FAREHAM EAST
AGENT: PLC ARCHITECTS**

CHANGE OF USE OF FIRST FLOOR TO PLACE OF WORSHIP (USE CLASS F1)
& ASSOCIATED FIRST FLOOR REAR EXTENSION AND EXTERNAL
ALTERATIONS TO FORM GROUND FLOOR ENTRANCES FROM WEST STREET
& WESTBURY ROAD

97-99 West Street, Fareham

Report By

Susannah Emery – direct dial 01329 824526

1.0 *Introduction*

This application is being presented to the Planning Committee due to the number of third-party representations received.

2.0 *Site Description*

- 2.1 The application site lies within the urban area and the Fareham Town Centre boundary. It also falls within the primary shopping area.
- 2.2 The commercial unit occupying the site is a two storey building used for retail (Use Class E) purposes. The ground floor was historically occupied by Argos although more recently it has been occupied by a furniture store. The first floor has been used for storage and staff facilities.
- 2.3 The site is located on the corner of West Street and Westbury Road. Westbury road is a narrow road subject to parking restrictions on both sides which provides access only to a small number of buildings including Moresby Court retirement housing and Westleigh Dental Practice. Beyond these buildings the road narrows to just a public footpath with a public right of way extending along the entire length of the road/footpath.
- 2.4 To the rear of the building is a service yard and loading/unloading area for the retail unit which is shared with the adjacent commercial units occupied by Stones Café and McDonalds. There is ample space in this area for bin storage.

3.0 *Description of Proposal*

- 3.1 Planning permission is sought for a change of use of the first floor of the building to a Place of Worship (Use Class F1).
- 3.2 It has been confirmed that the place of worship would initially be a Mosque for the Muslim community although any planning permission granted would not be specific in this respect.
- 3.3 The proposed first floor extension would measure 4.7m in depth and 11.4m in length and would extend over part of the central flat roof element of the building which is enclosed on three sides by the existing first floor accommodation and by the adjacent building to the west. This extension would therefore not be visible from the public realm.
- 3.4 There would be minimal change to the external appearance of the building however two separate entrances would be formed to the first floor independent of the ground floor use. One would be located on the front elevation on West Street and one approximately midway along the eastern elevation on to Westbury Road. The two access/egress points are required to comply with building regulations in terms of a means of escape.
- 3.5s The existing ground floor retail unit would be retained.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy

CS7: Development in Fareham

CS15: Sustainable Development and Climate Change

CS16: Natural Resources and Renewable Energy

CS17: High Quality Design

Adopted Development Sites and Policies

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP21: Primary Shopping Area

DSP23: Making the Most Effective Use of Upper Floors

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/19/1202/FP

Refurbish Building & Addition of Second Floor &
Conversion of First Floor to provide 4 x 2- Bed
Dwellings and 5 x 1 Bed Dwellings

Undetermined

6.0 Representations

6.1 Four representations have been received (including a petition from the residents of Moresby Court signed by 52 residents) raising the following concerns;

- Increased illicit parking at Moresby Court
- Detrimental to highway/pedestrian safety with additional vehicles using Westbury Road
- Vehicles park on the double yellow lines and obstruct Westbury Road
- There are enough places of worship in Fareham
- Noise

7.0 Consultations

INTERNAL

Environmental Health

7.3 In relation to the proposed activity and estimated usage/footfall this is not considered likely to have an adverse effect on the amenity of the area. Planning conditions should be imposed to restrict amplified sound/voice and music between 18:00hrs and 08:00 daily to prevent any nuisance to nearby neighbours should activities change. There should also be no access to the flat roofed area for gatherings or prayer.

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of Development;
- b) Impact on Character and Appearance of the Area
- c) Impact to Living Conditions of Neighbouring Properties
- d) Highways

a) Principle of Development

8.2 The aim of Policy DSP21 (Primary Shopping Area) of the Fareham Borough Local Plan Part 2: Development Sites & Policies is to protect ground floor retail uses within the primary shopping area within Fareham Town Centre to

ensure that the vitality and viability of the town centre is not undermined. The proposal would retain the existing ground floor retail use.

- 8.3 Policy DSP23 of the Local Plan Part 2: Development Sites & Policies seeks to encourage the most efficient use of the upper floors within the Town Centre. It is recognised that the town centre has a lot of floorspace above ground floor level and that these areas offer a great opportunity to make more efficient use of space and create a mixed use environment across the Town Centre as a whole. The conversion of spaces that are currently underutilised or used for storage, into more suitable main Town Centre uses or residential units, is to be encouraged.
- 8.4 Policy DSP23 states that the conversion of upper floor spaces for other 'main town centre uses' (as defined in the NPPF) will be permitted provided that;
- i) Any alterations to the external appearance do not harm the character of the surrounding area,
 - ii) The development would have no impact on the amenity of neighbouring or adjacent properties and business; and
 - iii) Areas that are designated for refuse storage are appropriately sized and easily accessible.
- 8.5 It is considered that the proposal represents an appropriate re-use of the upper floor of an existing building within a sustainable town centre location with good access to public transport. The application is considered acceptable in principle subject to an assessment of any impacts arising.

b) Impact on Character and Appearance of the Area

- 8.6 The proposal involves only minor alterations to the external appearance of the existing building. Whilst due to its neglected appearance any investment in the building fabric would be welcomed it is not considered that there would be any adverse impact on the character and appearance of the area as a result of the proposal.

c) Impact to Living Conditions of Neighbouring Properties

- 8.7 Concerns have been raised that the proposal would have an unacceptable impact on the living conditions of the residents within Moresby Court which lies to the north of the site and is accessed from Westbury Road and would result in noise disturbance.
- 8.8 Policy DSP2 of the Local Plan Part 2: Development Sites and Policies states that development proposal should not individually or cumulatively have a significant adverse impact, either on neighbouring development, adjoining

land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution.

8.9 Additional information has been sought from the applicant in respect of the nature and hours of the proposed use. It has been confirmed that there would be five prayer services daily, the times of which vary throughout the year as follows.

- The dawn service - typically held an hour before sunrise, so in the summer months this is usually between 4-6am and between 6-7am during the rest of the year.
- The early afternoon service - typically held between 1-2pm all year.
- The late afternoon prayer service - typically held between 6-7pm during the Summer and between 3-5pm for the rest of the year.
- The sunset prayer service is held 3 minutes after sunset, so varies throughout the year between 4pm-9.30pm.
- The night prayer service is typically held between 9.30pm and 11pm during the Summer and between 7-8.30pm during the rest of the year

8.10 Each prayer service lasts no more than 30 minutes with the exception of the extended night prayer service during the month of Ramadan. This service lasts for two hours each night. The prayer service is led by one person, typically an Imam (Minister of Religion) who would softly recite some passages from the Qur'an. The worshippers in attendance listen to the recital and follow the movements of the prayer. It is confirmed that there is no congregational chanting or singing during the prayer service and musical instruments are not used. This part of the service lasts approx. 5-6 minutes with the remainder of the service conducted in silence.

8.11 The Friday afternoon prayer service, which is the equivalent of a Christian Sunday Church service, is the most heavily attended. It would be expected that approximately 50 worshipers would attend this service. The expected attendance for the other daily prayer services would be significantly lower.

8.12 There are no windows on the north elevation of the building which face towards Moresby Court which could be a potential source of noise break out. It is not proposed that the existing flat roof of the building would be accessible to worshippers, and this can be secured by planning condition. The access/egress points to the building would not be visible from Moresby Court and would be a minimum of 40m from the closest part of the building.

8.13 Officers do not consider that based on the anticipated level of activity within the building that the proposal would give rise to noise levels that would be

detrimental to the living conditions of residents within Moresby Court. Whilst the applicant confirms that this would not be the intention, planning conditions would be imposed to ensure that no amplification of music, voices or sounds emanate takes place within the unit between the hours of 08:00am-18:00pm.

d) Highways

- 8.14 The application site is within an accessible and sustainable town centre location. There is ample public car parking available locally. There is a loading layby on West Street which could be used for the setting down of elderly/disabled persons if required. Whilst Westbury Road is a well-used pedestrian right of way, the existing road signage at the junction of West Street and Moresby Court is clear that this is a no through road for vehicles. The narrow nature of the road and presence of double yellow lines on both sides does not invite vehicles to attempt to park or turn in the road nor travel at speed. It is not considered that the proposal would result in a significant increase in vehicle movements on Westbury Road given the lack of any parking opportunity.
- 8.15 The car park at Moresby Court is not gated and residents report that it is sometimes used by the public. It is considered that this is a private matter and that the use of the Moresby Court public car park by vehicles not associated with this property may need to be controlled by a gate or barrier if problems should arise.
- 8.16 It is not considered that the proposal would give rise to any significant highway or pedestrian safety implications.
- 8.17 Notwithstanding the representations received, Officers consider the proposal to be an appropriate use within this Town Centre location, in accordance with the Council's planning policies.

9.0 *Recommendation*

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun within 3 years from the date of this decision notice.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - i) Location Plan & Block Plan – drwg No. 104 P1

- ii) Existing Floor Plans – drwg No. 100 P2
- iii) Existing Elevations – drwg No. 101 P2
- iv) Proposed Floor Plans – drwg No. 102 P3
- v) Proposed Elevations – drwg No. 103 P3

REASON: To avoid any doubt over what has been permitted.

3. The premises shall be used as a place of worship and for no other purpose including any other purpose in Class F of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, or as may be permitted by any Class within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

4. At no time shall the flat roof of the building or external areas be used for prayer or worship.

REASON: To prevent avoidable disturbance to nearby residents from noise.

5. No amplification of music, sounds or voices shall take place within the place of worship hereby permitted between the hours of 18:00-08:00.

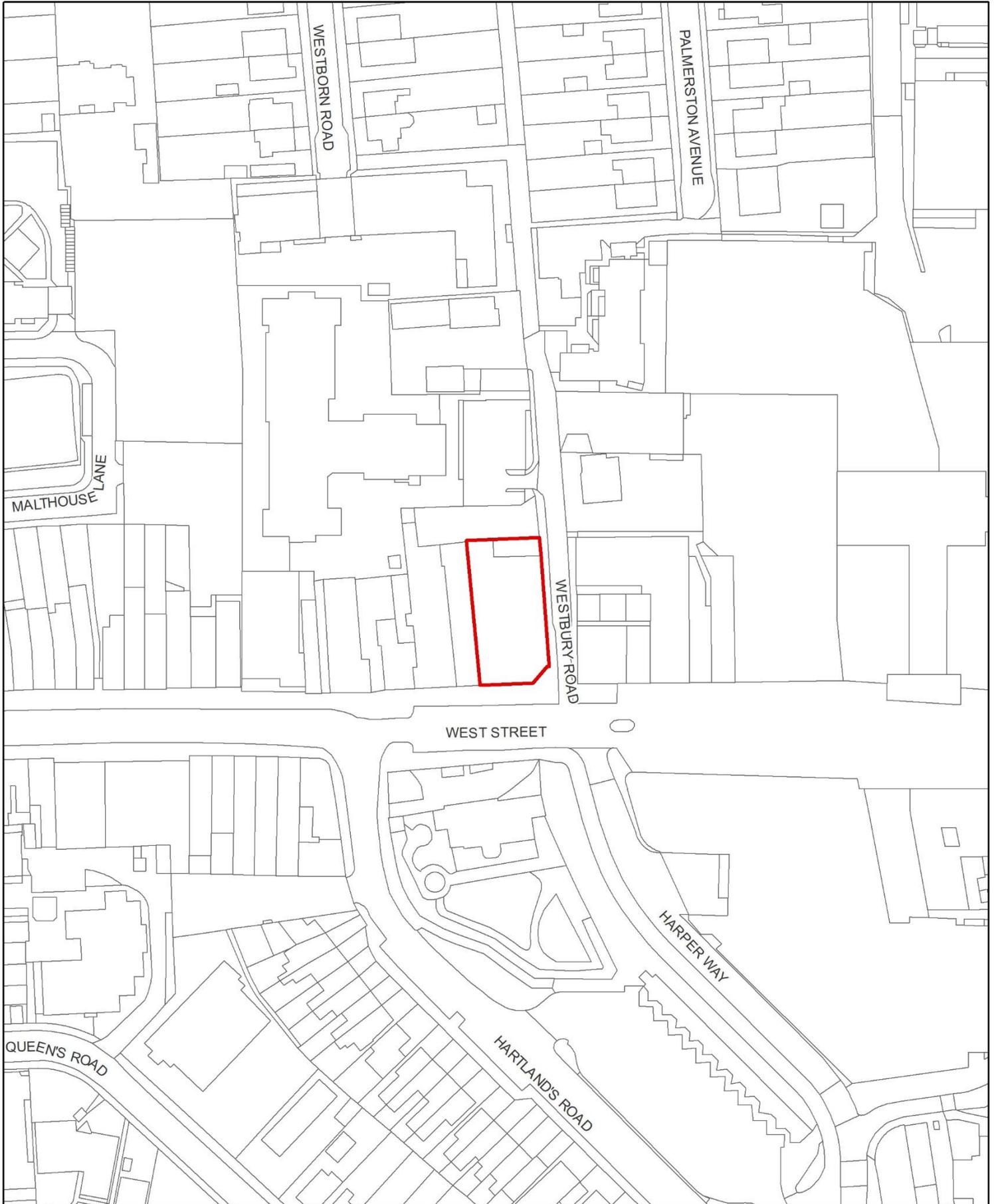
REASON: To prevent avoidable disturbance to residents from noise.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



97-99 West Street
Fareham
Scale 1:1,250



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