

15 OCTOBER 2019 PLANNING COMMITTEE

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PLAN/2019/0159

WARD: MH

LOCATION: Shah Jahan Mosque, Oriental Road, Woking, Surrey, GU22 7BA

PROPOSAL: Erection of a part two storey part single storey replacement building with ground floor level washroom facilities and educational space (D1 use class) in association with the Mosque at first floor level following demolition of the existing building.

APPLICANT: Shah Jahan Management Team

OFFICER: Barry Curran

REASON FOR REFERRAL TO COMMITTEE

The application proposes the erection of a replacement building which falls outside the scheme of delegation.

SUMMARY OF PROPOSED DEVELOPMENT

It is proposed to erect a part two storey part single storey replacement building to accommodate wash-room facilities at ground floor level and educational facilities (D1 Use Class) at first floor level in association with the Shah Jahan Mosque following demolition of the existing storage building.

PLANNING STATUS

- Urban Area
- Archaeological Interest
- Adj to Grade I Listed Building
- Adj to Grade II Listed Building
- SPA Zone B

RECOMMENDATION

GRANT planning permission subject to conditions.

SITE DESCRIPTION

The application site is located with the margins of the Shah Jahan Mosque, a Grade I Listed Mosque and the first purpose built mosque in the United Kingdom which holds great historical significance and accessed off Oriental Road in the Mount Hermon region of the Borough. The application building is a more recent addition to the wider application site and has been constructed in a conventional design of a rectangular featureless building with a dual pitched roof.

To the West and south-west of the application site are residential properties within Templecombe Mews and Dorchester Court with Lion House, a B1 office building and car-park, sited to the south-east. These boundaries are marked by a number of mature trees and hedging with the south-eastern (rear) wall of the application building forming the boundary on this side.

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PLANNING HISTORY

PLAN/2013/0009 - Listed Building Consent for the renovation of the existing Ablution space and WC and window replacement to modern flat roof extension – Permitted 12.04.13

PROPOSED DEVELOPMENT

The application seeks permission to erect a part two storey part single storey replacement building following demolition of the existing building which sits up against the south-eastern boundary of the wider Shah Jahan Mosque site. The proposed two storey replacement building would include wash-room facilities at ground floor level and classroom space (D1 Use Class) at first floor level.

Largely sited atop the footprint of the existing building, the replacement building would measure 1.5 metres wider with a similar depth of approximately 7 metres and approximately 0.3 metres higher in total.

The building adopts no particular design but includes a typical form of a two storey rectangular building with dual pitched roof. The front (north-west) façade would incorporate a balanced appearance on the two storey element with the single storey section offsetting the horizontal emphasis.

CONSULTATIONS

County Highway Authority: No objection (11.07.19)

Arboricultural Officer: The submitted arboricultural information is considered acceptable and should be complied with in full including a pre-commencement meeting with the project manager, council tree officer and the arboricultural consultant (26.09.19)

Surrey Archaeological: No archaeological concerns (09.07.19)

Historic England: No adverse comments raised (02.07.19)

REPRESENTATIONS

There has been 2 third party letters of objection received in relation to the proposed development. The issues raised in these letters are summarised as follows:

- Impact on parking in the vicinity of the application site
- Hours of use should be imposed on the educational part of the proposal

There has been objections made with regards to behaviour of attendees of the Mosque as well as air, noise and light pollution. These concerns do not relate specifically to the proposed scheme but rather the existing use of the site. It is noted, however, that perhaps the objections relate to an exacerbation of these issues.

RELEVANT PLANNING POLICIES

National Planning Policy Framework 2019

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well designed places

Section 16 – Conserving and enhancing the historic environment

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Core Strategy Publication Document 2012

- CS18 - Transport and accessibility
- CS19 – Social and community Infrastructure
- CS20 – Heritage and conservation
- CS21 - Design
- CS22 - Sustainable Design and Construction
- CS24 - Woking's Landscape and Townscape
- CS25 - Presumption in Favour of Sustainable Development

Development Management Policies DPD 2016

- DM2 – Trees and Landscaping
- DM20 – Heritage Assets and their Setting

Supplementary Planning Guidance

- Supplementary Planning Document 'Parking Standards' 2018
- Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008
- Supplementary Planning Document 'Design' 2015

PLANNING ISSUES

1. The main issues to consider in determining this application are; the principle of development, design considerations and the impact of the proposal on the character of the area, impact of the proposal on the surrounding listed buildings, impact on residential amenities, highways and parking implications, Impact on trees and Community Infrastructure Levy (CIL) having regard to the relevant policies of the Development Plan.

Principle of Development

2. The National Planning Policy Framework and Policy CS25 of the Woking Core Strategy 2012 promote a presumption in favour of sustainable development. The application site is Previously Developed Land (PDL) within a sustainable location within the defined Urban Area outside the Town Centre albeit in relative close proximity to it and the transport hub of the Woking Train Station.
3. Policy CS1 of the Woking Core Strategy 2012 states *“Whilst the preference is for the location of most new development to be in the main centres, infill development and/or redevelopment of previously developed land in the built-up area of the Borough will be acceptable in principle, subject to a full assessment of impacts where relevant and appropriate mitigation measures to make the proposal acceptable”*. The existing use of the building serves as a storage facility ancillary to the primary use of the site of D1 Use Class (Place of Worship). It is intended that the replacement building is to be used as a wash room area for both male and female with a separate storage and wash room facility for pre-burial preparations in association with the Shah Jahan Mosque. Paragraph 92 of the National Planning Policy Framework (NPPF) advocates for Local Planning Authorities to *“plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”*.
4. Policy CS19 of the Core Strategy 2012 echoes this provision and states that *“The Council will work with its partners to provide accessible and sustainable*

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social and community infrastructure to support the growth of the Borough". At first floor level it is proposed to utilise the space for educational purposes, again in association with the Mosque, and carry out activities which would otherwise take place within the Mosque itself or in other ancillary buildings on-site. As such, the replacement building shares elements of the function of a community hall with a D1 Use Class but also serves as a functional building for the use of the Mosque itself which also falls within D1 Use Class.

5. Section 5.18 of the Core Strategy notes that *"The Council will encourage facilities that are capable of accommodating a mix of uses which will serve more sections of the community"*. It is considered that the proposed development is both ancillary and within D1 Use and it will enhance the facilities offered by the existing Mosque by providing a space separate from the prayer hall to continue and embrace the D1 functions. It is also acknowledged that the proposed building will be ancillary to the Mosque itself and therefore caters for a specific religion. It has to be borne in mind, however, that such facilities need to be provided for more sections of the community. The proposal would provide community facilities on a site that has an established community use. For these reasons the replacement building is acceptable in principle.

Design Considerations and the Impact of the Proposal on the Character and Appearance of the Surrounding Area

6. Policy CS21 requires new development to create buildings that are attractive with their own distinct identity and should respect and make a positive contribution to the street scene and character of the area in which they are situated. One of the core provisions of the NPPF is to seek to secure high quality design. Paragraph 127 echoes the provisions of the Core Strategy in that decisions should ensure developments *"are visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*. It is noted that the proposed scheme is of a similar scale to that of the existing building albeit with a slightly higher ridge line.
7. The application has been the subject of considerable pre-application discussions between the applicant and the planning officers with regards to the design, scale, layout and materials of the proposal. The application is the result of design discussions which identified the opportunities and constraints of the site and accordingly influenced the outcome of the scheme as set out in the application form.
8. The existing building adopts an almost muted appearance in the context of the application site forming a backdrop to the more decorative and ornamental Mosque which constitutes an eye-catching building close to the centre of the site and the symmetrical, albeit less ornate, Grade II Listed Salar Jung Memorial House sited to the north-east of the Mosque. Painted render facades with a galvanised dual pitched roof and uPVC fenestration and quite deliberate single storey element stemming off the north-eastern elevation, in what is considered a bid to mitigate an overly dominant stretch of elevation, results in an inconspicuous building within the confines of the Mosque.
9. Set atop the footprint of the existing building, the proposal would effectively erect an almost like-for-like building in terms of form and scale. The proposed building would stand at 7.1 metres in height, 7.1 metres in total depth and cover a width of 27.7 metres, an increase of 0.3 metres in height and 1.5

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metres in width over the existing building. A similar single storey element would stem off the north-eastern side elevation measuring 5 metres in height maintaining the primary-secondary relationship which currently exists to provide some sort of minor relief to the horizontal emphasis of the building. It is further attempted to break up this horizontal emphasis with a slight recess in the single storey element along the principal (north-western) elevation which is considered appropriate considering the primary-secondary relationship.

10. As array of façade features are proposed on the replacement building including half-dome windows at ground floor level, masonry quoins, brick arches, masonry arched lintels and ridge level roof lights on a primarily sandstone coloured brick façade with elements of masonry finish at ground floor level marking the focal point of the building. The north-western elevation will act as the 'face' of the building and would incorporate all of these features given its orientation with regards to the Mosque. It is acknowledged that this represents a broad range of materials and design features but it is considered that the building embodies some architectural cues from the existing buildings on site including the Shah Jahan Mosque and the Salar Jung Memorial House whilst maintaining a subservient status. Both side elevations and rear elevations adopt more muted appearances with the more visible south-west side elevation including masonry arched lintels.
11. As previous stated, the replacement building will cover a similar scale to that of the existing although would be approximately 0.3 metres higher. Positioned off Oriental Road, the Shah Jahan Mosque site is a tandem form of development with very little impact on the street-scene. Its impact on the wider area outside of the application site would therefore be limited. Mature trees and boundary treatments along the south-western side of the site would continue to provide a natural screen to the building and the building would back onto the parking area of Lion House office building with a more decorative brickwork in place of the existing painted render. Considering this, the replacement building is not considered to result in a detrimental impact on the character of the wider area given its positioning and distance from the street-scene of Oriental Road.

Impact on Listed Buildings

12. The NPPF at Paragraph 192 states that in assessing planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and new development making a positive contribution to local character and distinctiveness. The Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, as required under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. The Shah Jahan Mosque was built in 1889 and was the first purpose built Mosque in the United Kingdom. It was subsequently designated as a Grade I Listed Building in May 2018 considering its historical significance. The site is dominated by the stone built Neo-Mughal style Mosque at the centre of the site with the application building and Grade II Listed Salar Jung Memorial House positioned to the East and South of it. Sited along the south-eastern limitations of the wider site, the application building adopts no architectural

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features or any items of historical interest but rather served as an outbuilding to the Mosque constructed following the end of World War II.

14. It is noted that the Shah Jahan Mosque was designated as a Grade I Listed Building due to its historical significance as well as its architectural interests. Historic England, in its designation report notes that the building is *“a highly accomplished and little altered building in late-Mughal style, with sophisticated exterior detailing, particularly the rendered entrance topped with embattlements and open turrets, surmounted by the flamboyant dome; * the interior architectural detailing carries through in the ogee treatment to the window openings, panelling to either side of the Mihrab in the Qibla wall and the open space of the dome.”* It is clear that it is the building itself and indeed its historical significance that accounts for its listing and not the surrounding setting. Nevertheless, Policy CS20 of the Woking Core Strategy 2012 notes that *“there will be a presumption against any development that will be harmful to a listed building”* and that *“new development should also make a positive contribution to the character, distinctiveness and significance of the historic environment, including heritage assets”* and as such, the proposed replacement building’s impact on the setting of the building has to be explored.
15. A separation gap of at least 20 metres would be retained between the building and the Mosque. Its positioning to the rear of the Mosque is of importance given its subordinate status and given that the primary decorative features of the Mosque are located on its principal (north-west) elevation, it would not detract from its architectural significance. Policy DM20 of the Development Management Policies DPD 2016 requires proposals affecting the character or setting of heritage assets to show *“that the works or development preserve and/or enhance the heritage asset and/or its setting in terms of quality of design and layout (Scale, form, bulk, height, character, street pattern and features), materials (colour and texture)”*. As indicated in the previous section, the form and scale of the replacement building is almost identical to that of the existing building and is not, therefore, considered to constitute an overtly dominant building in terms of its size. Materials can be secured by way of planning condition (Condition 2).
16. It was recognised at pre-application stage that the application building is a subordinate building to the Grade I Listed Mosque and thus it would have to remain as such without competing with it in terms of design and materials. The proposed scheme borrows architectural cues from both the Mosque and the Grade II Listed Salar Jung Memorial House also within the wider site. Proposed decorative features are more ornate with masonry quoins, masonry and brick arched lintels and a natural sandstone coloured brickwork across much of the elevations which is considered a welcome replacement to the existing painted render. A symmetrical balance to its principal (north-west) elevation echoes the Salar Jung Memorial House with the arched lintels, masonry quoins and sandstone coloured brickwork ‘a nod-towards’ the Mosque itself. Although these architectural cues have been taken from the more historically significance buildings within the site, it is considered that the replacement building would remain a subjacent development. Further to this, considering the juxtaposition of the Mosque and existing featureless storage building, the replacement building, with echoes of the Neo-Mughal style, would be a far more fitting development within the wider site and as such is deemed to make a positive contribution to the setting of the Grade I Listed

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Mosque. The external Conservation Officer has been consulted on the proposed scheme and raises no objection.

Impact on Residential Amenity

17. Policy CS21 of the Woking Core Strategy 2012 seeks to avoid significant harmful impacts in terms of loss of privacy, daylight or sunlight to adjoining properties. Guidance is also provided in the Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008. The proposed building will be set along the south-eastern site boundary and would effectively replace the existing building adopting an almost identical scale and form. Residential properties are located to the West of the application site within Templecombe Mews and Dorchester Court positioned at least 17 metres from the proposed building with mature trees in excess of 15 metres in height along with hedging measuring 2 metres in height set along this boundary. Considering the emulating scale of the proposal and with no first floor fenestration in the south-western side elevation, the amenities enjoyed by the occupiers of these residential buildings are not considered to be materially affected, in terms of loss of privacy or overbearing impact.
18. There has been concern raised with regards to the use of the application site as well as noise pollution emanating from the wider Mosque site (D1 Use Class Place of Worship) which could potentially increase as a result of this application. It has to be noted that the proposed building is to be an ancillary building to that of the Mosque similar to the existing building where a restriction can be applied by way of planning condition to ensure this. The proposed ground floor layout includes wash room facilities which is to be used in connection with the Mosque with the first floor serving as an educational space, again in line with the D1 use of the Mosque site. These activities are ones which take place on the site under its current use and as such, the proposed replacement building would not be serving as an independent building incorporating independent Use Classes. Notwithstanding the above, the first floor space proposed covers a modest area of 127 s.qm much of which is corridor space and a reception room. It is considered that given the modest size of first floor area that it is reasonable to assume it will be used as an ancillary space to the Mosque.
19. On this basis, the proposal is not considered to have a significant harmful impact on neighbouring properties and therefore accords with Section 12 of the National Planning Policy Framework, Policy CS21 of the Core Strategy 2012 and Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008.

Highways and Parking Implications

20. It is proposed to replace the existing building which currently serves as a storage facility ancillary to the D1 Use Class of the Mosque site with a replacement building serving as wash room facilities and education purposes ancillary to the D1 Use Class of the site. As such, there is no proposed new use on site and while it is acknowledged that these facilities provide a dedicated space for educational purposes, there is no indication that this will significantly increase the number of attendees to the site. The proposed development is simply replacing an ancillary D1 Use Class building with an ancillary D1 Use Class building and therefore whilst the space will provide dedicated educational space, this is a use which currently takes place on site.

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21. Concern has been raised over the parking situation of the Mosque site and the disruption it causes at particular times. The merits of the wider Mosque site are not being assessed under this current application and as states in the previous paragraph, the proposed replacement building will be an ancillary building in association with the Mosque. There is nothing to indicate that the activities to be carried out within the replacement building are activities which are not currently carried out within the wider site. The proposed replacement building is to provide an improved space such activities.
22. There is currently 118 car parking spaces provided with the Mosque site and although a number of spaces will be lost in proximity to the application site, as indicated on the proposed Block Plan, these spaces will be offset within the wider site. Therefore, there is no increase or decrease in the number of parking spaces within the site. The County Highway Authority have been consulted on this application and raise no objection or have any highway requirements.

Impact on Trees

23. A number of trees are set in close proximity to the application with Sycamore Trees almost abutting the eastern elevation of the existing building. These trees are not protected by way of Tree Preservation Order and considering the levels of works proposed as part of this application, a number of them are to be removed. Whilst this will result in the loss of 3 mature trees, protection details for the other trees to the South and West of the replacement building is proposed.
24. Policy DM2 of the Development Management Policies DPD 2016 also places emphasis on built development needing to demonstrate good design and *“requires landscape proposals for new development to retain existing trees”*. The application has been supported by an arboricultural report carried out by ACD Environmental. The Council’s Arboricultural Officer has been consulted on this scheme and having assessed the submitted information, considers the proposed works to be acceptable with the protection details in line with BS 5387 2012. This can be secured by way of planning condition (Condition 5).

Local Finance Consideration

25. CIL is a mechanism adopted by the Woking Borough Council which came into force on 1st April 2015, as a primary means of securing developer contributions towards infrastructure provisions in the Borough. In this case, the proposed development would be within class D1 use as per the existing ‘Place of Worship’ use on site. Class D1 use is Nil rated within the Council’s Community Infrastructure Levy (CIL) Charging Schedule and therefore the proposal is not CIL liable.

Conclusion

26. Overall, the proposed replacement building is considered to be acceptable from of development, providing ancillary accommodation to the existing D1 Use Class of the Shah Jahan Mosque. Its impact on the character of the area as well as the surrounding Grade I Listed Mosque and Grade II Listed Salar Jung Memorial House is found to be acceptable with the replacement building

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incorporating architectural cues from these Listed Buildings whilst remaining subservient and respecting the historical significance and architectural interest of these buildings. Its emulating scale and form to that of the existing building results in no harm above that of the existing building with the current parking provisions on site being maintained, in terms of number of spaces. Tree protection details have also been submitted which are considered acceptable and will be secured by way of condition.

27. The proposal is considered to be an acceptable form of development that complies with Sections 8, 12 and 16 of the National Planning Policy Framework, Policies CS18, CS19, CS21, CS22, CS24 and CS25 of the Woking Core Strategy 2012, Policies DM2 and DM20 of the Development Management Policies DPD 2016 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008, 'Parking Standards' 2018 and 'Design' 2015. Approval is accordingly recommended subject to the recommended conditions.

BACKGROUND PAPERS

1. Site visit photographs.
2. Response from Highways Authority (11.07.19)
3. Responses from Arboricultural Officers (27.09.19)
4. Response from Surrey Archaeologist (09.07.19)
5. Site Notice (Listed Building) (05.07.19)

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions:

1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason:

To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. ++ (Notwithstanding the material details submitted as part of the application), No above ground development associated with the development hereby permitted shall commence until details and samples and a written specification of the materials to be used in the external elevations and boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development must be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority

Reason:

In the interests of the visual amenities of the area.

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3. The development hereby permitted must be carried out in accordance with the approved plans listed in this notice:

Block Plan (Received 01.07.19)
Drawing No (Layout ID) A0/version 3
Proposed Park Spaces

Reason:

For the avoidance of doubt and in the interests of proper planning.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending or re-enacting that Order with or without modification), the development hereby permitted shall only be used for purposes ancillary and incidental to the D1 Use (Place of Worship) of the 'Shah Jahan Mosque' Oriental Road unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

To ensure the building remains ancillary to the Mosque and to protect the amenities of neighbours

5. Protective measures must be carried out in strict accordance with the arboricultural Information provided by ACD Environmental received on 25th September 2019 including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason:

To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself.

Informatives:

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2019.
2. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance.

You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.

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3. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
4. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-
08.00 - 18.00 Monday to Friday
08.00 - 13.00 Saturday
and not at all on Sundays and Bank/Public Holidays.

The applicant is advised that an application will need to be made under the Control of Pollution Act 1974 to Woking Borough Council's Environmental Health Team for consent for any proposed additional working hours outside of the normal working hours of 08.00 to 18.00 Monday-Friday and 08.00 to 13.00 on Saturdays.