

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **6<sup>th</sup> SEPTEMBER 2016**

**ADDRESS/LOCATION** : **MASJID-E-NOOR 44-46 RYECROFT STREET**

**APPLICATION NO. & WARD** : **16/00747/FUL  
BARTON AND TREDWORTH**

**EXPIRY DATE** : **6<sup>th</sup> SEPTEMBER 2016**

**APPLICANT** : **MASJID-E-NOOR**

**PROPOSAL** : **CONSTRUCTION OF MINARET AND  
ALTERATIONS TO EASTERN ELEVATION  
TO PROVIDE ALTERATION TO MEHRAB**

**REPORT BY** : **FIONA RISTIC**

**NO. OF APPENDICES** : **SITE LOCATION PLAN**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is located to the south-west of Ryecroft Street. This application is for a proposed minaret and minor alterations to the eastern elevation to provide alterations to the mehrab. The alterations are single storey sections either side of the existing projection. The existing projection measures 2.5m in width externally. With the new extension it would measure 4.5m wide at the widest point externally. The extension would be built from materials to match the existing building.
- 1.2 Although tiered in design, the proposed minaret would be for visual purposes not for people to climb up. It would be made from green coloured reinforced plastic and fibreglass to match the shade of the existing domes. The proposed minaret would measure 11.6m in height. The resulting structure would be 19.2m in height from ground level. It would be 2.4m wide at the base narrowing to 0.3m at the top.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 06/00767/FUL-Demolition of nos. 40 and 42 Ryecroft Street to allow for extensions and alterations of existing Mosque – withdrawn – 06/09/06
- 06/01195/FUL-Demolition of nos 40 & 42 Ryecroft Street to allow for extensions and alterations of existing Mosque granted - 01/12/06

**3.0 PLANNING POLICIES**

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Submission Document which was submitted to the Planning Inspectorate on 20<sup>th</sup> November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and does not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.5 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
  - The extent to which there are unresolved objections to relevant policies; and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

Relevant policies from the City of Gloucester Second Deposit Local Plan (2002) are:

- 3.6 BE.1 Scale, massing and height  
BE.21 Safeguarding of amenity
- 3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); and Department of

#### **4.0 CONSULTATIONS**

##### **4.1 Environmental Health**

Providing the minaret is only for visual purposes I would be happy to recommend approval subject to the following conditions:

1. Restriction of hours of delivery during the demolition/construction phase
2. Restriction of hours during demolition/construction
3. No burning of materials/substances during demolition/construction phase

##### **4.2 Conservation**

The site is located within a mixed character area Barton and Tredworth is predominantly a residential area with a variety of supporting uses. These uses include shops, businesses, schools, places of worship and community buildings. Historically the railway has played an important part in shaping Barton and Tredworth. The main character areas consists of the Victorian residential streets, Barton Street, Tredworth High Street and some twentieth century infill development. The overarching character of the area is heavily influenced by the Victorian street patterns and architecture. The area is developed at a high density leaving relatively few open green spaces. The road widths are traditionally narrow and the properties arranged in dense terraces or pairs of semis.

Although the site is not located within a designated conservation area it is recommended that further information is provided on the proposal, the city has an adopted Heights of Buildings SPD and in order to assess the visual impact the applicant should provide a number of key views across the city with this proposal in-situ. This will assess whether the scheme will have a negative impact on the area and any views across the city's skyline. The following document presents a method for understanding and assessing heritage significance within views and what impact this development may have on the City.

<https://content.historicengland.org.uk/images-books/publications/seeing-history-view/seeing-history-in-view.pdf/>

Further information is also required on the building materials for the minaret.

These comments are based on both national and local policy guidance. The National Planning Policy Framework was published on 27 March 2012, replacing all the previous Planning Policy Statements. One of the key dimensions of sustainability is protecting and enhancing our historic environment and should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraphs 126 to 141 are the core historic environment policies in chapter 12 of the NPPF Local authorities.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

The recently published draft Joint Core Strategy (draft July 2014), has been produced in partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, and sets out a planning framework for all three areas. Policy SD9 in the Joint Core Strategy concerns the historic environment as below -

The built, natural and cultural heritage of Gloucester City, Cheltenham town, Tewkesbury town, smaller historic settlements and the wider countryside will continue to be valued and promoted for their important contribution to local identity, quality of life and the economy.

Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

Designated and undesignated heritage assets, and their settings, will be conserved and enhanced as appropriate to their significance and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.

Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged.

#### 4.3 Highways

I have no comment on the above application.

#### 4.4 Barton Residents Association

no response

### 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 A site notice was erected and press notice published and sixty-three neighbouring properties were consulted. 1 letter. was received from Ryecroft Street with the following points –

-“The minaret is opposite our homes. We’re not sure how important is their faith. So is it necessary? For such an expensive project. Our suggestion would be

1. Solar panels

2. Recycle rain water

Finally we’re fed up with huge spot lights shining towards our homes and disturbing our sleep from 9pm right through to 6am on all night. Please do take immediate action now.”

Details of the application can be viewed online at:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00747/FUL>

## **6.0 OFFICER OPINION**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 It is considered that the main planning issues with regard to this application are:

- Impact on the character of the area and on the existing building
- Impact on neighbours

### **6.3 Impact on the character of the area and neighbours**

The area is characterised by Victorian terraces and semi-detached dwellings. The mosque is the largest building in the area. There is already a base on the roof of the mosque for the proposed minaret. The proposed minaret would be clearly visible from a long distance view along the street. Given that the mosque is already a unique building in the area it is not considered that the proposed minaret would be harmful in its prominence. In response to the comments by the Conservation Officer, the building is not in a Conservation Area. It has been agreed with the applicant and Conservation Officer that a sample of the material for the minaret will be submitted for approval before construction commences. In response to the Conservation Officers comments about the skyline, it is considered that the minaret will be visible in the wider area but would not be unduly prominent along with other masts, church towers and other tall buildings in the city.

6.4 The single storey mehrab extension is a minor extension to the east elevation enclosed within the site and would not appear overly prominent or harm the character of the area.

6.5 Impact on neighbours

The only impact that the minaret would have on neighbours is a visual issue. There are no highway issues and as it will not be used for a call to prayer there would be no Environmental Health issues. The minaret would be visible to the wider area but does not cause material harm to the character of the area or neighbouring properties.

6.6 Given the small size and location of the mehrab extension within the site, it is not considered that it would significantly affect the amenity of any neighbouring properties.

**7.0 CONCLUSION/REASON FOR APPROVAL**

7.1 The proposed mehrab extension to the eastern elevation is relatively minor and given the location within the site would not significantly affect the amenity of neighbouring properties, harm the character of the area or have an unacceptable visual impact.

7.2 The proposed minaret would be clearly visible in the area but given that the mosque is already a unique building in the area it is not considered that the proposed minaret would be harmful in its prominence. The neighbours comments are noted but the need for the proposal or alternative uses for the money are not planning issues and the planning authority has to determine the application as proposed.

7.3 It is considered that the proposal complies with Policies BE.1.and BE..21 of the Second Deposit Gloucester City Local Plan (2002) and policy in the NPPF.

**8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

8.1 That permission be granted subject to the following conditions:

Condition 1

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, location plan and drawings numbered 2051/1, 2, 3 and 4

received by the Local Planning Authority on 16th June 2016 and any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Second Deposit City of Gloucester Local Plan (2002).

Condition 3

During construction phase no deliveries shall be taken at or dispatched from the development before 8am on weekdays and 8.30am Saturdays nor after 6pm on weekdays and 1pm on Saturdays, nor at any time on Sundays, bank or public holidays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or public holidays.

Reason

To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

No materials or substances shall be burnt within the application site during the construction phase.

Reason

To safeguard residential amenity and prevent pollution in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

No development shall take place until details or samples of materials to be used externally for the minaret have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials harmonise with the surroundings in accordance with policy BE.1 of the Second Deposit City of Gloucester Local Plan (2002).

Notes to Applicant

1. Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You

are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Decision: .....

Notes: .....

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Person to contact: Fiona Ristic  
(Tel: 396716)

16/00747/FUL

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Planning Committee

