

Report of Director of Planning and Regeneration

Wollaton House, 43 Radford Bridge Road

1 Summary

Application No: 20/00563/PVAR3

Application by: Mr Rehmat Khan

Proposal: Variation of condition 2 of planning permission reference 12/01800/PVAR3. Variations of Hours of Use to 6:30 to 23:00 (subject to seasonal variation) and 09:00 to 21:00 hours daily, excluding Ramadan (with 6:30 to 09:00am and 21:00 to 23:00 being for prayer only)

The application is brought to due to the significant level of public interest.

To meet the Council's Performance Targets this application should have been determined by 29th June 2020

2 Recommendations

(a) **GRANT A TEMPORARY ONE YEAR PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

(b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report

Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.

3 Background

- 3.1 This application was reported to the 22nd July 2020 Planning Committee meeting where members resolved to defer consideration of the application pending resolution of issues relating to the use of an extension at the property and the approval of a travel and car park management plan.
- 3.2 A site visit by officers has confirmed its use solely for storage purposes. The matter is now considered to be resolved.
- 3.3 The applicant has submitted a revised travel plan which Highways consider to be acceptable. Condition 1 of the original consent (12/01800/PVAR3) has therefore been discharged.
- 3.4 The current application is therefore brought back to Committee for determination.

Site and Surroundings

- 3.5 Wollaton House is a large two storey property that has a central glazed link joining what were originally two separate buildings. The property, formerly a Council owned children's home, is residential in appearance with the front elevation being brick at ground floor and white render at first floor. To the front of the building, accessed off Radford Bridge Road is a car park containing approximately 20 marked out spaces. The building has been used as learning and prayer centre since approximately March 2012.
- 3.6 The surrounding area is primarily residential although there are some industrial premises to the south and the Crown Public House is situated adjacent to the junction with Radford Bridge Road and Wollaton Road (Crown Island). To the north west of the site is a playground which is accessed via a footpath that connects with Radford Bridge Road to the immediate north of the application site and links through to Seaford Avenue.
- 3.7 Radford Bridge Road is the sole vehicular access serving Charlbury Road, Peppercorn Gardens, Marsant Close, Lambie Close, the Westhay Court residential complex and the Loach Court industrial units.

Recent Planning History

- 3.8 In June 2011 planning permission (11/00083/PFUL3) was granted to use the site as a learning and prayer centre on a temporary basis expiring on 30 June 2012. The condition restricting the permission to one year only was imposed to allow an opportunity to observe the operations of the centre and to assess the impact in highway terms and on residential amenity. Conditions were also imposed restricting hours of operation (09.00-21.00 Monday-Friday & 10.00-20.00 Saturday & Sunday) and requiring that the site shall be used solely as a learning and prayer centre with ancillary accommodation, to prevent a permitted development change to other uses within Use Class D1. Further conditions relating to landscaping/boundary treatment and the provision of parking spaces were also imposed.
- 3.9 In May 2013 planning permission was granted (12/01800/PVAR3) to remove condition 1 of the previous planning permission allow permanent use of the site as a learning and prayer centre. The condition restricting hours of operation on the original permission was replaced with a condition that exempted the Ramadan period from restriction and also brings the hours of use at the weekend in line with the hours permitted during the week, namely 09.00-21.00. A travel and car park management plan was also conditioned that sets out the management procedures for car parking, including the use of parking marshals. Finally monies were secured, through the completion of a Section 106 Agreement, to cover the cost of a Traffic Regulation Order to increase the extent of the double yellow lines to improve the flow of traffic at the junction of Radford Bridge Road with the Crown Island.
- 3.10 In July 2017 planning permission was granted (17/00982/PFUL3) for a single storey side extension, to provide ancillary residential accommodation.
- 3.11 In August 2017 planning permission was granted (17/01595/PFUL3) for the retention of a detached single storey outbuilding.
- 3.12 In 2018 a planning application (18/02406/PVAR3) was submitted to extend the hours of opening from 4:00am (subject to seasonal variation) to 11pm daily, with

the exception of the Ramadan period. This application was subsequently withdrawn.

4 Details of the proposal

- 4.1 The application seeks to vary condition 2 of planning permission ref: 12/01800/PVAR3 relating the opening hours of the Centre, which are currently as follows:

“With the exception of the Ramadan period the learning and prayer centre use hereby permitted shall not be open to the public outside the hours of 09.00 hours - 21.00 hours on any day.”

- 4.2 The Centre is seeking to extend the hours of opening from 6:30am to 11pm daily (subject to seasonal variation), with the exception of the Ramadan period.
- 4.3 The extended opening hours would allow the Centre to open for morning prayer during the winter months only, which is one of the five obligatory daily prayers for the Muslim faith. Morning Prayer has to be prayed 15 minutes before sunrise and lasts half an hour. As the time for sunrise changes throughout the year so does the timing of the morning prayer. As a general guide, the seasonal timings for prayer would be as follows:

January	7.00am – 9:00pm
February	6.30am – 9:00pm
March	9.00am – 11.00pm
April	9.00am – 11.00pm
May	9.00am – 11.00pm
June	9.00am – 11.00pm
July	9.00am – 11.00pm
August	9.00am – 11.00pm
September	9.00am – 11.00pm
October	6.30am – 11.00pm
November	6.30am – 9:00pm
December	7.00am – 9:00pm

At the earliest the Centre would open in the mornings at 6.30am in February, October and November, and at 7.00am in January and December for early prayer. The Centre have made the decision not to seek extended hours to open for morning prayer during the summer months, which would have involved a 4.00am opening to correspond to morning prayer. The Centre would open 15 minutes before prayer and then close afterwards, re-opening for general use at at 9am. The number of people attending morning prayer is not expected to exceed 7/8 people.

- 4.4 The last prayer of the day takes place 2 hours after sunset. For four months of the year when daylight hours are shorter the last prayer would take place before 9pm, the current closing time of the Centre. However, for the remaining 8 months of the year (March to October) the closing time of the Centre is proposed to be extended until 11pm, to allow the last prayer to take place. During this 8 month period a further prayer would take place at 9.30pm, followed by the final prayer at 10:30pm. The Centre would stay open between the two prayers to allow people to stay, attend both prayers and to engage in private study or prayer. The number of people to attend the two final prayers is not expected to exceed 12 people.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

104 neighbouring properties have been individually notified including residents on Radford Bridge Road, Seaford Avenue and Westhay Court.

25 objections have been received from local residents. The following concerns are summarised below:

- Many residents have confirmed that their objections have not changed since the 2018 application (which was withdrawn not refused) to extend the opening hours of the Centre. The Covid 19 lockdown period, when the Centre has been closed, has confirmed the impact the footfall, noise and parking has on local residents lives.
- Residents have stated that the Centre have never complied with the approved opening times. This has resulted in several issues including noise from loud prayers, due to the windows being left open, car engines, slamming car doors, people holding conversations on the street and in the car park (especially late at night), traffic, on street parking, air pollution and health impact on the nearest neighbours. The Centre's breaches in their opening times have been reported to both the Planning Department and EHSP for the last 8 years since planning permission was granted and residents are concerned that no action has been taken. They consider that enforcement action should have been taken rather than allowing them to submit a further application to extend their opening times.
- There are concerns that the extension of the Centre's opening time would lead to increased noise disturbance resulting from cars dropping off/picking up and parking, together with general noise disturbance from people entering and leaving the Centre and holding conversations in the car park or on the street. This would take place at what are seen as unsociable hours in the early morning and late evening, leading to unreasonable disturbance to local residents on the surrounding streets and would impact on resident's health due to disrupted sleep. This already takes place during the Ramadan period.
- Residents are sceptical about the estimated number of people attending the morning and late prayers and that the proposed opening times would be respected given lack of compliance with current opening times since the Centre opened. One resident states that in July 2019, 18 cars were parked in the car park at 8:45pm and some of them were still there after 10:30pm with the drivers holding a conversation in the car park. A further photograph taken at 9:14 pm in August 2019 shows more than 12 people in the car park and exiting the building.
- Residents have further highlighted that the last planning permission for the storage building have not been complied with. They state that the building was constructed without planning permission and was physically attached to the main building. The planning permission required the building to be converted to a detached building. This has not occurred.
- The Centre attracts large numbers of people by car but is considered by residents to have inadequate parking facilities. This has resulted in the surrounding residential streets being used for parking, including Seaford Avenue (located on the opposite side of the park to the rear of the Centre). They state that on street parking has blocked residents drives, cars are parked on the pavement and double parking has restricted access along

surrounding narrow streets. The number of people attending the Centre also causes congestion problems at the junction of Radford Bridge Road onto the Crown island. There is concern that any further extension of the opening times of the Centre would exacerbate existing parking and traffic problems on surrounding streets. Traffic congestion and parking problems are considered to be particularly bad for the Friday lunchtime prayer and during Ramadan.

- Some residents have stated that monitoring of the current parking issues has not taken place.
- One resident has stated that as with any community centre, hours of opening should be controlled so as not to disturb residents. The centre was granted planning permission despite large numbers of objections from local residents who raised concerns about levels of activity and noise, conditions regarding its hours of use were accepted as part of that approval. They state that there has been consistent problems with noise and activity from this centre since it opened which the management seem unable to control. Noise notices outside the centre's entrance, where people congregate are an indicator of on-going noise problems, they feel that this is not satisfactory and an extension of operating times to late evenings and early mornings would only cause further problems. They are concerned that the Centre's informal commitments and management of noise and traffic issues cannot be guaranteed and only planning conditions, limiting hours of use, are able to balance the issue of protecting nearby residents amenity.
- One local resident suffers from light pollution caused by the Centre's security light. Any extension of hours of use would exacerbate its use.
- Concern that a ward councillor and a councillor who sits on Planning Committee are connected to the Centre, a clear conflict of interest, in their opinion.
- Residents feel let down by the officer's recommendation. They consider that the number of resident objections to the proposal is a reflection of the strength of their concerns. They point out they have the support of Environmental Health and Safer Places and refer to a precedent from another Local Authorities who have rejected similar applications for such centres in residential areas. The retention of the current hours of opening is seen as essential to protect residential amenity. They consider that they do not need a one year permission to understand the impact on the amenities.
- The committee report incorrectly states that the petition was signed by 72 signatures. The petition was signed by over 76 local residents and should be corrected. This equates to over 70 households in the area.
- Further clarification is required on the hours of opening. The report states that the Centre would be open 15 minutes before prayers commence, there is concern that this will mean that users of the Centre would be arriving at 6:15am and leaving at 11:15pm.
- Residents refer to the use of the Centre as a Community Centre which should not operate such extended hours and with unlimited attendees. They refer to the Harrow Road Community Centre which has restricted activity to protect residential amenity.
- Request that the current application is invalid on the grounds that the travel plan condition was not discharged (see item below) and the history of non-compliance with the hours of opening condition imposed on the 2013 planning permission. In addition residents state that they were not consulted on the exemption of the Ramadan period from the normal hours of opening, which they consider unreasonable and has had a significant impact on

traffic, parking and residential amenity due to noise and disturbance on residents living close to the Centre.

- The 2013 planning permission was granted subject to a condition requiring the submission, agreement and implementation of travel and car park management plan. Residents state that this condition has not been formally discharged and the numbers attending the Centre by car has continued to increase, with increasing issues of double parking, blocked pavements and driveways. The resident feels that the Centre has made no commitment to reduce the reliance on its users visiting by private car. They have asked Highways to revisit the plan and review the situation, which in their opinion would be exacerbated by the extension of hours proposed.
- The report records that there were 24 letters of support. Residents feel that this needs further clarification as these are not immediate neighbours to the Centre but are Centre users, who probably arrive by cars and live further away.
- Those who support the application claim that the Crown pub is causing more disturbance to the residents than the centre, a local resident considers that this is incorrect. The pub is at the beginning of the street and has no such effect. It also does not operate in the early morning.
- Supporters have stated that other mosques have no opening hours conditions. Residents, for clarity, have stated that the Centre is not a mosque. It is a learning and praying centre located in a residential area.
- The applicant claims that only up to 12 people will use the Centre after 9 pm. Residents query why this hasn't been conditioned to ensure that no more 12 people can attend.
- Residents consider that the obligatory prayer in the early mornings and evenings could be performed everywhere, such as at home. Residents feel it is misleading to consider that it has to take place at the Centre. They point out that an alternative mosque is located within a 10 min walking distance from the centre on the Beechdale Road and is not located in such a residential area. They consider that there is an alternative for the Centre users to worship – local residents do not have alternative houses to live in.
- The needs to pray is denying local residents needs to basic human right such as sleep and safety in their own home.
- The planning department has failed to enforce conditions on the two previous planning permissions.
- The proposal is brought in the time of the pandemic. There are questions about how larger gatherings can affect the local community and how social distancing can be met.
- The right contact in Highways has not been forwarded by Planning despite having done so in the past.
- Publicity of the application should have included greater numbers of properties on Seaford Avenue.
- Re-emphasis of the parking problems on Radford Bridge Road and surrounding streets such as Seaford Avenue. A request is made for the area to be made the subject of a residents parking scheme.

A petition has also been received signed by 83 local residents. Their comments are summarised below:

- Increased traffic and problems entering and leaving Radford Bridge Road.
- Increased noise disturbance to local residents from cars and people entering and leaving the car park and locking/unlocking the main entrance gate at

unsociable hours. Residents mention the parking problems experienced on Friday lunch times when the main prayer takes places.

- Noise disturbance from the Muslim centre itself, due to windows being left open.
- Poorly parked cars obstructing Radford Bridge Road, making access to properties, customers visiting businesses and emergency services more difficult.
- Increased litter.
- Increased air pollution.
- The impact increased noise disturbance at unsociable hours would have on families and the elderly in the area.

In addition to a petition of support, 24 letters of support for the Centre to incorporate early morning and evening prayer have been received. The applicant has requested that a petition of support submitted with the 2018 also be taken into account. They are local residents who regularly attend the Centre and consider it to be a valuable community asset. One resident points out that the Crown Public House at the end of Radford Bridge Road is open past 11 pm and has a greater impact on noise and general disturbance than the Centre. Another resident states that the restriction in the number of prayers being offered has a negative impact on the local Muslim Community. To their knowledge no other mosque in Nottingham has restricted opening times. Reference is made to the problems associated with the previous use of Wollaton House as a children's home and it is their opinion that the current Centre causes less disruption and problems to the local community.

Additional consultation letters sent to:

Environmental Health and Safer Places (EHSP): Objection. EHSP have recommended that the application be refused. Radford Bridge Road is considered to be a residential street with residential properties surrounding it. They consider that the use of the Centre outside the currently permitted opening time would give rise to noise nuisance from people coming and going. EHSP has received historic complaints relating to the use of the Centre outside the permitted opening times during the Ramadan period. They consider that such disturbances would be more frequent if the requested extension of opening times be permitted. They consider that the current operating times of 9am to 9pm already represent a reasonable compromise between the interests of the applicant and the other residents, especially when the concession of extended opening times during Ramadan is considered.

Highways: No objections.

6 Relevant policies and guidance

National Planning Policy Framework (2019)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible.

Criteria f of Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of

crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (ACS) (September 2014)

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Land and Planning Policies (LAPP) (January 2020)

Policy DE1: Building Design and Use

Policy IN2: Land Contamination, Instability and Pollution

Policy TR1: Parking and Travel Planning

7. Appraisal of proposed development

Main Issues

- i) Impact on Residential Amenity**
- ii) Highway Considerations**

- 7.1 The principle of the prayer and learning centre has been established by the previous planning permission, which at the time considered the issues of its impact on residential amenity and traffic/parking. The current proposal is seeking to extend the opening hours of the Centre for prayer only and the main issue to be considered concerns the impact the extension of opening hours would have on the local community in terms of noise and disturbance and potential traffic/parking issues.

i) Impact on Residential Amenity (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 7.2 Policies 10 of the ACS and DE1 of the LAPP both seek to ensure that development would provide a satisfactory level of amenity for occupiers of neighbouring properties. In assessing this, consideration will be given to issues (amongst others) of noise, disturbance and nuisance. Policy IN1 of the Local Plan also seeks to resist development where air, noise or light pollution would cause significant detriment to users of the development or adjoining land, and seeks to ensure that the effects of pollution are minimised to an acceptable level, to avoid an adverse impact on health or quality of life.
- 7.3 In this instance the Centre is located within an area which is predominantly residential in character and is surrounded by residential properties. There are other businesses located further to the south on Radford Bridge Road but the immediate context of the Centre is a typical suburban street. In such a residential context the type of low level noise and disturbance associated with the operation of the Centre has the potential to have a detrimental impact on immediate residents in the early morning, late evening and at weekends, when back ground noise levels and traffic are largely at their lowest.
- 7.4 In this instance the religious needs of the local Muslim community need to be balanced against potential impact on the amenities of neighbouring residents.

- 7.5 It is evident that the Centre continues to cause problems for neighbours in terms of noise, parking and general disturbance from people entering and leaving the centre by car and on foot. Of particular concern to residents has been the opening of the Centre outside of its permitted opening times and the resulting impact on their amenities, health and quality of life. Some of the concerns of neighbours cannot be controlled by the planning system (in particular noise/disturbance from the street) but are a consequence of the Centre.
- 7.6 The Planning Enforcement Team and Environmental Health and Safer Places (EHSP) have periodically received complaints regarding the Centre since the original permission in 2012. Complaints from residents have related to the following:
- the Centre being open as late as 11pm for prayer.
 - noise disturbance resulting from the use of an amplified sound system for prayers and the windows being open, sometimes late in the evening and as a result of late prayers during the Ramadan period.
 - Noise and general disturbance from use of the car park ie. car engines running and car doors opening/closing and from people entering and leaving the Centre and loudly talking in the car park and on the street.
- 7.7 Enforcement investigations and several meetings have been held with representatives of the Centre, firstly to require the Centre not to open outside its permitted opening times and also concerning their request to seek planning permission for extended opening times. The previous 2018 application was withdrawn as a result of these discussions.
- 7.8 EHSP as a statutory consultee have recommended refusal of the current application to extend the opening times of the Centre. This is not only based on historic allegations of noise and general disturbance at the Centre, but is also based on their professional experience of dealing with all complaints relating to noise as a statutory nuisance. The EHSP team has a strategic approach aimed at protecting the amenity of residential areas and preventing nuisance at the planning application stage, as attempting to respond to complaints afterwards can be problematic.
- 7.9 The previous 2012 planning permission was granted against a background of considerable local concern about the impact of the Centre on traffic and noise. The approved opening times of 9am to 9pm, with the concession of the Ramadan period, were considered by EHSP to be a reasonable compromise whilst protecting the amenities of surrounding residents.
- 7.10 In light of continuing complaints from local residents and the objections raised by EHSP, the previous 2018 planning application to extend the hours of opening to between 4:00am and 11pm was withdrawn by the applicant, due to concerns relating to the impact on the amenities of local residents, particularly at the early hour of 4.00am in the morning.
- 7.11 The current application seeks permission for the Centre to operate from 6.30am to 11pm (with seasonal variation), but for prayer only outside of the core hours of 9am to 9pm. In light of previous concerns the Centre are only seeking permission to open for the early prayer during the winter months of October to February, when sunrise is later. They do not now seek to open in the more contentious summer months when sunrise is at 4:00am. As with the previous 2018 application they still

wish to extend evening opening times to allow worshippers to attend the last prayer at sunset, which would result in the Centre being open for prayer up to 11.00pm for 8 months of the year between March and October. The last prayer is for 15 minutes and would be concluded at 10:45pm. The extension to 11:00pm would allow worshippers to vacate the Centre.

- 7.12 It is acknowledged that the Centre has responded to concerns regarding their previously proposed opening hours and despite residents' concerns, the number of people likely to attend the early and late prayers would be relatively low, as suggested, with greater attendance and activity during the core hours of 9am to 9pm. At these earlier times worshipper's vehicles would also be accommodated within the Centre's car park. It is also recognised that the proposed extended hours would not be all year round, with seasonal variation dictating that the earlier opening for prayer would only be during the winter months, with the exception of Ramadan. The proposed extended hours would generally reflect those of other non-residential uses located within primarily residential areas throughout the city.
- 7.13 The history of the Centre breaching its hours of use and the noise complaints received from local residents must however also be acknowledged and given weight.
- 7.14 It is therefore recommended that the Centre be granted a temporary one year planning permission for the proposed extended hours of opening, expiring on the 31st July 2021. This would give the Centre an opportunity to demonstrate that they can manage the comings and goings of worshippers and other attendees to the hours proposed, but also give the City Council and residents the opportunity to monitor the situation.
- 7.15 It is not proposed to restrict the numbers of people attending early and evening. Monitoring of vehicles and usage during consideration of the 2012 application clearly demonstrated that attendance outside the main Friday prayer and Ramadan period was considerably lower. The attendance figures reflected in the main report have been confirmed by the applicant after contacting other mosques/Muslim centres in the city where early and late prayer is permitted.
- 7.16 On balance and subject to the above restrictive condition for a temporary one year period, it is considered that the proposal would accord with Policy 10 of the Aligned Core Strategy and Policies DE1 and IN2 of the Local Plan.

ii) Highways Considerations (Policy 14 of the Aligned Core Strategy, and Policy TR1 of the Local Plan)

- 7.17 Problems concerning traffic congestion and on-street parking during assessment of the 2011 and 2012 planning applications were largely related to the comparatively short period of time associated with Friday afternoon prayer. Whilst this continues to generate a significant number of cars and brings the potential for periodic conflict, the applicant had taken steps to manage the situation during peak usage. Given the low level of activity associated with the proposed extension to the opening hours, it is not considered that this would have any material impact on the matters of traffic congestion and on-street parking. Highways have raised no objections to the extended opening times of the Centre on the grounds of highway safety.

Other matters

7.18 A response to the comments from local residents, not covered in the main appraisal section of this reports are set out below:

- The rights of worshippers to pray at their local place of worship is not disputed. As set out in the main report this has to be balanced against the need to protect the amenities of local residents.
- The use of the property is defined as a Learning and Prayer Centre and not as a Community Centre. As a place of worship, ancillary community use would be permissible. The permitted development rights to use the property for any other use within Class E has been removed (see condition 4 of the draft decision notice).
- The exemption of the Ramadan period from the normal opening hours of the Centre formed part of the report and recommendation to Planning Committee when considering the permanent use of the Centre as Learning and Prayer Centre, in November 2012. The minutes of the meeting record that Planning Committee considered at some length the proposed hours of opening of the Centre. The applicant had commented that they would like to operate without any time restriction but requested variable hours could be 7am till 8pm in the winter, and 4am till 11pm in the summer. Planning Committee considered that some flexibility was reasonable in regard to the Ramadan period but to remove the hours restriction completely or to permit the hours suggested would be a significant shift from the 2011 temporary permission, and was not deemed appropriate.

8. Sustainability / Biodiversity

None.

9 Financial Implications

None.

10 Legal Implications

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 Equality and Diversity Implications

The religious needs of the local Muslim community needs to be balanced against potential impact on the amenities of neighbouring residents.

12 Risk Management Issues

None.

13 Strategic Priorities

None.

14 Crime and Disorder Act implications

None.

15 Value for money

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 20/00563/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6ZL2LLY01B00>

17 Published documents referred to in compiling this report

Aligned Core Strategies (2014)

Land and Planning Policies (2020)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041

NOMAD printed map



Key

City Boundary

Description

No description provided

My Ref: 20/00563/PVAR3
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Mr Rehmat Khan
4 Ancaster Gardens
Wollaton
Nottingham
NG8 1FR

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 20/00563/PVAR3
Application by: Mr Rehmat Khan
Location: Wollaton House, 43 Radford Bridge Road, Nottingham
Proposal: Variation of condition 2 of planning permission reference 12/01800/PVAR3.
Variations of Hours of Use to 6:30 to 23:00 (subject to seasonal variation) and
09:00 to 21:00 hours daily, excluding Ramadan (with 6:30 to 0 9:00am and
21:00 to 23:00 being for prayer only)

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION**
for the development described in the above application subject to the following conditions:-

Time limit
<p>1. The hours of opening set out in condition 2 shall cease on or before 31st July 2021 and opening hours shall thereafter return to the hours of opening approved under planning reference 12/01800/PVAR3 unless upon subsequent application the Local Planning Authority grants a further permission.</p> <p><i>Reason: To allow further assessment of the impact of the extended hours of opening on the amenities of neighbouring residential properties and highway safety and in accordance with ACS Policies 10 and 14 of the Aligned Core Strategy and Policies DE1, IN2 and TR1 of the Nottingham Local Plan.</i></p>
<p>Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)</p> <p>There are no conditions in this section.</p>
<p>Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)</p> <p>There are no conditions in this section.</p>

DRAFT ONLY
Not for issue

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

2. With the exception of the period of Ramadan, the Learning and Prayer Centre shall not be open to the public outside the following hours:

January	7.00am - 9:00pm
February	6.30am - 9:00pm
March	9.00am - 11.00pm
April	9.00am - 11.00pm
May	9.00am - 11.00pm
June	9.00am - 11.00pm
July	9.00am - 11.00pm
August	9.00am - 11.00pm
September	9.00am - 11.00pm
October	6.30am - 11.00pm
November	6.30am - 9:00pm
December	7.00am - 9:00pm

Between the hours of 06:30am to 09:00am and 9:00pm and 11:30pm the Learning and Prayer Centre shall only be used for the purposes of prayer.

Reason: To protect the residential amenities of the occupiers of surrounding properties in accordance with Policies DE1 and IN2 of the Nottingham Local Plan.

3. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development", the site shall not be used for any purpose other than as a learning and prayer centre with ancillary residential accommodation as described in the application, without the prior express permission of the Local Planning Authority.

Reason: To protect the residential amenities of the occupiers of surrounding properties in accordance with Policies BE3 and H7 of the Nottingham Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 4 May 2020.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

DRAFT ONLY
Not for issue

Your attention is drawn to the rights of appeal set out on the attached sheet.

DRAFT ONLY
Not for issue

RIGHTS OF APPEAL

Application No: 20/00563/PVAR3

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

DRAFT ONLY
Not for issue