
Appeal Decision

Site visit made on 24 October 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th November 2017

Appeal Ref: APP/W0340/W/17/3179787

**Mortimer Police Station, Victoria Road, Mortimer Common, Reading
RG7 3XQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Parsons of the Reading Gospel Hall Trust against the decision of West Berkshire Council.
 - The application Ref 16/03015/FUL, dated 28 October 2016, was refused by notice dated 23 February 2017.
 - The development proposed is a change of use from part residential and part sui generis to part residential and part community use, and minor alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from part residential and part sui generis to part residential and part community use, and minor alterations at Mortimer Police Station, Victoria Road, Mortimer Common, Reading RG7 3XQ, in accordance with the terms of the application Ref: 16/03015/FUL, dated 28 October 2016, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by the Reading Gospel Hall Trust against West Berkshire Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed use on the living conditions of nearby residents in relation to noise and disturbance.

Reasons

4. Mortimer Police Station formally occupied a small single-storey building that linked together two police houses. One of these houses, No 1, has been sold and is now occupied as a dwelling. The other, including the former police station, has been acquired by the Reading Gospel Hall Trust (the Trust), representing the Plymouth Brethren Christian Church (the Brethren).
5. The site therefore comprises the former police house and police station, a double garage, an area of hardstanding and a small rear garden. The proposal would separate the appeal property from No 1 by reducing the size of the single storey element. It is proposed that the ground floor of the house would

be used as a meeting room and the link building would provide a foyer and two toilets. The first floor would be converted into a self-contained one-bedroom flat. The double garage would be removed to provide space for up to six cars to park in the area in front of the building.

6. The site is located on Victoria Road, the main road through Mortimer and close to its junction with Stephens Road and Groves Lea. Victoria Road is a bus route and appears to carry moderate volumes of traffic. In the vicinity of the appeal site Victoria Road is residential in character. However, there are commercial and other uses nearby; these include a doctor's surgery, a public house and a garage.
7. The application form did not provide details of the proposed hours of use of the meeting room. However, following clarification it became apparent that the Council's main concern, shared by some local residents, related to the proposed timing of the Lord's Supper (Holy Communion) meetings on Sunday mornings, which are scheduled to take place between 05.15 and 06.30 hours. Prayer meetings held at 18.30 hours on Monday evenings would be less likely to present problems of undue disturbance. Nevertheless, noise that occurs in the early hours of Sunday mornings could result in disturbed sleep for neighbours, which would be unacceptable in this predominantly residential area.
8. As No 1 is adjacent to the proposed meeting hall, it is the property most likely to be affected by noise and disturbance early on Sunday mornings. Houses on the opposite side of Victoria Road also have first floor windows that look towards the site and could be adversely affected. The adjacent property to the west is 10m away and set back on its plot. It is therefore less likely to be disturbed by comings and goings in front of the building.
9. The Trust was aware of the potential problems of early morning meetings for their neighbours. It therefore put forward a number of persuasive arguments as to why their activities would be unlikely to give rise to unacceptable noise and disturbance on Sunday mornings. The overall number of attendees would be small, approximately 35. Those who live locally would walk to the meetings. Those arriving by car would come in family groups. Consequently the number of vehicles that would arrive and need to park either on site or in the vicinity would be small. Greeting one another would take place inside the building. The building would only be used as a place for worship, prayer and Bible study. It would not be used for any secular purposes. There would be no amplified music. Singing would be unaccompanied. Doors and windows would be closed during services and no noise would emanate from the building.
10. I accept that some of these matters could be controlled through the imposition of appropriate conditions. However, restricting noise outside the building would be reliant on the good behaviour of individual members of the congregation. Nevertheless, as respect for the community is one of the Brethren's guiding principles, they would encourage participants to arrive and depart quietly, without slamming car doors. Furthermore, in an attempt to allay the Council's fears and the objections of neighbours, the appellant provided a draft Noise Management Plan which set out how the Trust would use and maintain the building and deal with any complaints that might arise. This provided a strong indication of the group's intention to be good neighbours.

11. From appeal decisions¹ that have been brought to my attention, I am aware that other Inspectors have given considerable weight to the social and other principles espoused by the Brethren. Whilst these decisions to grant permission for Gospel Halls in other places were some time ago, I have no reason to doubt that the Brethren continue to operate in line with these principles. Evidence submitted in relation to Gospel Halls elsewhere indicated that similar facilities have not given rise to complaints from neighbours due to unacceptable noise or disturbance.
12. In addition as part of the evidence to support its appeal, the Trust commissioned a noise study which concluded that even in the early hours of the morning, the noise from car doors would be in keeping with the ambient noise levels recorded at the site. The nearest neighbours would therefore be unlikely to experience unacceptable disturbance. The results of this assessment have not been contested by the Council. Furthermore, the Council's Environmental Health Officer did not object to the proposal or suggest that Gospel Halls elsewhere in the District had led to noise complaints.
13. Local residents raised concerns about cars being parked in the surroundings streets early on Sunday mornings and causing disturbance to those who live further from the appeal site. However, I have already found that the number of vehicle movements associated with the meetings is likely to be small. If a few cars were to park nearby, rather than on the site, it would therefore not give rise to material harm to the living conditions of residents in those areas. Furthermore, I note that several of the representations came from residents who live some distance from the site and would be unlikely to be adversely affected. I am also mindful that the previous use of the building as a Police Station generated a limited amount of noise and disturbance during unsocial hours.
14. Taking all these factors into consideration, I conclude that the proposal would not cause unacceptable harm the living conditions of neighbours arising from undue noise and disturbance. Whilst the Council's decision notice refers to saved Policy OVS.5 of the West Berkshire District Local Plan (Local Plan), this policy appears to be primarily concerned with pollution from waste and emissions. It does not specifically refer to noise and is therefore not relevant to this case. However, I have been given sight of saved Policy OVS.6 of the Local Plan which seeks to minimise the adverse impact of noise from development. I am satisfied that subject to appropriate conditions, the proposal would comply with this policy. Neither would it conflict with Policy CS14 of the West Berkshire Core Strategy which requires development to make a positive contribution to quality of life in the District.

Conditions

15. The Trust included a series of possible conditions within its appeal statement and the Council provided a list for me to consider in the event that the appeal was allowed. In addition the Council's report referred to a condition relating to providing noise insulation for the building. I have considered all these conditions and the appellant's responses to those suggested by the Council. I have imposed them where they meet the tests set out in Paragraph 206 of the Framework, amending them for the sake of clarity and precision.

¹ APP/Y3425/A/07/2038566 and T/APP/W1715/A/99/1034008/P5

16. In addition to the statutory time condition, it is necessary to specify the plans in the interests of certainty. A materials condition is required in the interests of the appearance of the development.
17. Conditions restricting the use of the ground floor meeting room to a place of worship, and only under the auspices of the Trust, are necessary to protect the living conditions of adjoining occupants.
18. The erection of appropriate boundary treatments is necessary in the interests of the character and appearance of the area and the living conditions of neighbours.
19. Regulating the hours of operation is essential to protect the living conditions of neighbours. The appellant's suggested condition would allow the room to be used between 05.15 and 21.00 hours every day. This was not justified on the basis of the information submitted with the application and could result in unacceptable noise and disturbance. However, the Council's suggestion of restricting use to a maximum of 8 hours/week is insufficiently precise to be enforceable. For the sake of clarity I have imposed a condition reflecting the proposed hours of use set out on the applicant's supporting information. Any use of the building beyond those hours would require the prior written agreement of the local planning authority. In restricting the hours of use in this way I have also had regard to information relating to a subsequent application which has been brought to my attention, Ref: 17/02053/FUL and has been refused for similar and additional reasons.
20. I have considered the measures set out in the Trust's Noise Management Plan and imposed conditions relating to windows and doors, insulation, ventilation equipment and amplified music to protect the living conditions of neighbours, particularly in the early hours of Sunday mornings. In view of the intended use of the building, I have simplified the Council's suggested condition relating to air handling plant. The Trust may wish to operate other aspects of the Plan on a voluntary basis to demonstrate good neighbourliness. However, as these would be difficult to enforce, it would not be appropriate to impose the Noise Management Plan as a whole by way of a planning condition.
21. A condition to secure the provision and retention of six parking spaces is required in the interests of highway safety. Secure cycle stands and storage need to be provided and retained in perpetuity to encourage use of sustainable transport. A condition restricting the hours of construction work is necessary to protect the living conditions of neighbours during the conversion of the building.
22. The Trust may wish to provide an electric car charging point, but I do not consider that is essential to make the development acceptable in planning terms. The condition requiring one is therefore not necessary.

Conclusion

23. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 02 Revision A and 05 Revision E.
- 3) The ground floor of the building shall be used solely for the purpose as a place of worship and for no other purpose (including those falling within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The Class D1 use hereby permitted shall only be carried out by the Reading Gospel Hall Trust or their nominees. When the premises cease to be occupied by the Trust or its nominees, the use hereby permitted shall cease.
- 5) The Class D1 use hereby permitted shall not be carried out outside the hours of 05.15-06.30 on Sundays and 18.30-21.00 on Mondays without the prior written consent of the local planning authority.
- 6) Other than to comply with Condition 7 of this permission, the materials to be used in the development hereby permitted shall be carried out in accordance with the details set out on the approved plans and in the application form.
- 7) Prior to first use of the ground floor as a place of worship boundary treatments, details of which have previously been submitted to and approved in writing by the local planning authority, will have been erected in accordance with the approved details. The boundary treatments shall be retained as approved for the lifetime of the development.
- 8) All windows and external doors serving the ground floor meeting room shall be kept shut during the Sunday morning meetings.
- 9) Prior to commencement of the development hereby permitted details of work to provide sound insulation against internally generated noise shall be submitted to and approved in writing by the local planning authority. These works shall be implemented in accordance with the approved details prior to the first use of the ground floor hereby permitted and retained as approved throughout the lifetime of the development.
- 10) Prior to first use of the ground floor hereby permitted, ventilation equipment shall be installed in accordance with a scheme which has previously been submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for as long as the use continues.
- 11) Prior to the first use of the ground floor hereby permitted the car parking spaces and secure cycle stands and storage shown on approved Drawing No: 05 Rev E, shall be provided. The parking spaces and cycle stands and storage shall be retained thereafter solely for their intended purpose throughout the lifetime of the development.

12) Demolition and construction work shall take place only between 07.30-18.00 hours on Mondays to Fridays, between 08.30-13.00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

13) No amplified music shall be played outside the building.

End of schedule of conditions