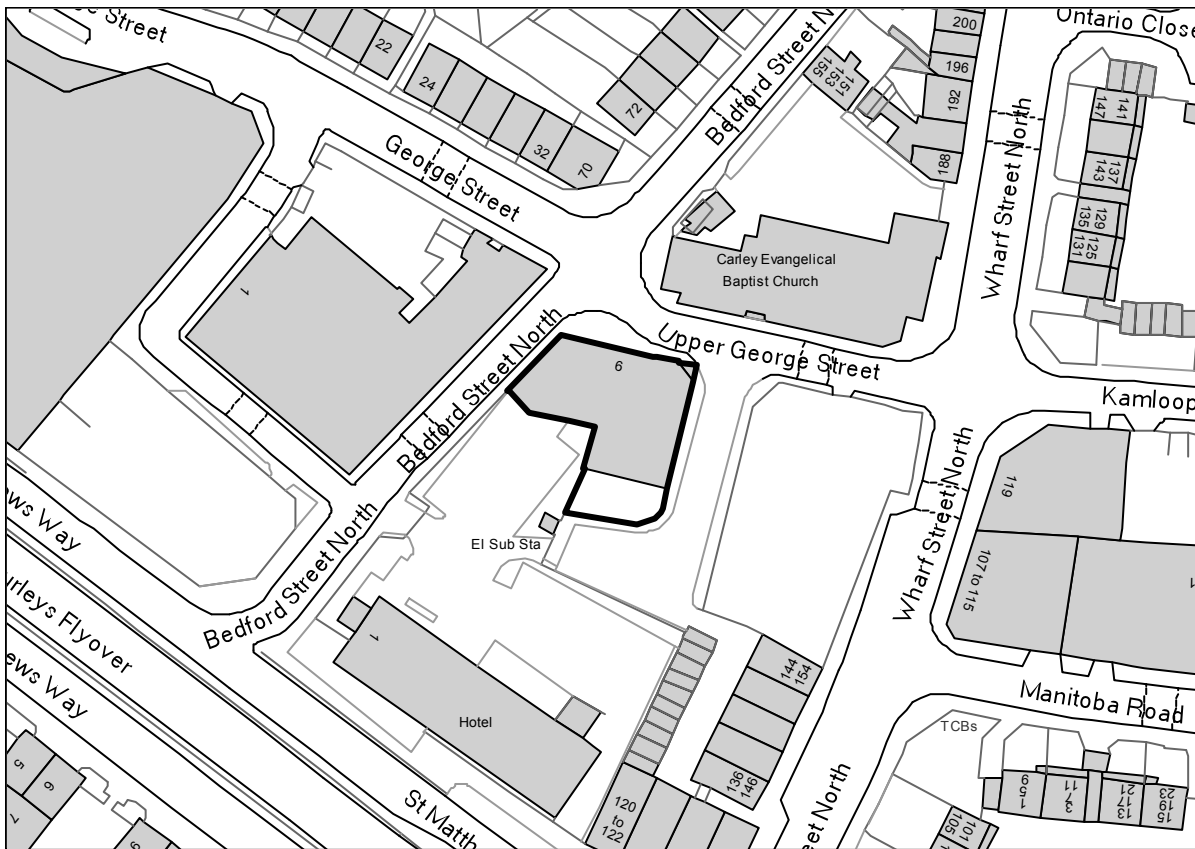


Recommendation: Conditional approval	
20182320	9 UPPER GEORGE STREET
Proposal:	CHANGE OF USE FROM LIGHT INDUSTRIAL (CLASS B1) TO PLACE OF WORSHIP AND COMMUNITY CENTRE (CLASS D1); INSTALLATION OF WINDOWS AND DOORS TO FRONT, SIDE AND REAR; ALTERATIONS (AMENDED PLANS RECD 19/02/19)
Applicant:	MASJID SALAHUDDIN
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20182320
Expiry Date:	14 March 2019
TB	WARD: Wycliffe



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Summary

- Brought to committee as more than 5 objections have been received.
- 25 objections were received, in addition to a petition of 26 signatures, relating to parking and highways, noise and general disturbance, the number of places of worship within the City, loss of employment and litter.
- Five representations in support were received on the grounds of meeting needs.
- The main issues are parking and highways and noise/general disturbance.

- The application is recommended for conditional approval.

The Site

The application relates to a two storey building located on a corner plot between Upper George Street and Bedford Street North. To the south of the building is a small area of hard standing used for vehicle parking, which is accessed off a cul-de-sac from Upper George Street. Located to the north of the site is the Carley Evangelical Baptist Church. Adjacent to the southwest of the site is the car park of a hotel at 1 Bedford Street North. To the west of the site at 1 Grosvenor Street is a former factory which is now in use for Class A1 retail. To the east of the site across Upper George Street is the private Sportsking Car Park.

Background

No recent relevant history. It is understood the building was first used as a knitwear factory and subsequently used for light industrial purposes.

The Proposal

The application proposes change of use of the building to a place of worship with ancillary education and a community centre. Internal alterations are proposed to install facilities, prayer halls, meeting rooms and classrooms. A Noise Management Plan and Travel Plan and Parking Management Strategy have been submitted with the application. Both reports suggest that the proposal is part of wider scheme to relocate an existing place of worship from 203 Belgrave Gate to the application site.

External Alterations

Former windows which have been infilled with bricks will be re-instated. Double doors with a fan light will be installed to the eastern side elevation to form the main entrance.

Amended Plans

The plans have been amended so that: -

- All existing security shutters will be removed.
- The front entrance has been re-located from the rear to the side elevation, allowing for the creation of one additional disabled access vehicle parking space.
- There will be internal bin storage, accessible from the southern rear elevation.
- Cycle and parking spaces have been shown on the plans.
- A new door will replace an existing door to the western side elevation, with a fan light above.
- The external walls of the first floor will be rendered.
- The Noise Management Plan was amended for accuracy so that it would match with the Travel Plan and Parking Management Strategy.

Policy Considerations

National Planning Policy Framework (2018)

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions

Paragraph 11 contains a presumption in favour of sustainable development.

Paragraph 92 states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should 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.

Paragraph 108 states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Part 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 180 requires decision makers to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 181 requires planning policies and decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

Paragraph 183 encourages planning decisions to focus on whether proposed development is an acceptable use of land, rather than the control of processes or

emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Development Plan Policies

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other legal or policy context

Air Quality Action Plan (2015-2026)

Appendix 01 Parking Standards of The City of Leicester Local Plan (2006)

Consultations (Pre-Amendment)

Air Quality

Due to the size of the proposal, an Air Quality Assessment is not required. A Travel Plan is recommended to promote greater take up of sustainable travel modes.

Local Highway Authority (LHA)

Despite the proposed development only providing four car parking spaces, which is short of the normal requirements, the site is reasonably close to public car parks which currently have spare capacity. Providing the Travel Plan is updated with measures that can be enforced, it is considered that this will help to allay highways concerns. The plans do not show where cycle parking will occur, which is presumed will be within the building, but details will be required to be submitted to the city council for approval. The LHA raises no objections subject to recommended conditions regarding details, provision and retention of cycle parking spaces, as well as an updated travel plan.

Pollution

No objection in principle. Due to the location of the site with respect to the Hotel on St Matthews Way to the south of the site, as well as the cluster of residential properties on George Street, Bedford Street North and Wharf Street North, conditions are recommended including a noise insulation scheme to control internal noise, restriction on amplified music and voice and restriction on call to prayer. A further condition was recommended for hours of use restriction 08:00-23:00 daily, aside from acts of worship, for a 12 month limited period in the interests of nearby occupiers. However, concerns were still raised regarding the control of external noise in the hours outside of 08:00-23:00, including users arriving and leaving, noise from vehicles when parked in residential streets (especially during the working week), the opening and closing of security shutters and the use of the rear door facing the hotel. As such, if approval is to be granted a robust noise management plan would be required.

Representations

25 objections, in addition to a petition of 26 signatures, have been received concerning the following:

Parking and Highways Issues

- Health and safety issues, illegal parking and congestion.
- Current traffic/parking in the surrounding area is already an issue which the Council have failed to address as permit parking was declined. The proposal would worsen traffic/parking and harm residential amenity, especially at busier times of worship.
- Local businesses would be harmed if access was compromised and deliveries and collections were delayed.
- The site is located on a busy industrial estate adjacent near to Burleys Roundabout. The proposal would be dangerous for visitors to the proposed use, with heavy vehicles and vans operating nearby.

Noise and general disturbance

- People gathering on footpaths cause obstruction and discomfort to older and disabled people.
- Noise late at night when trying to sleep, outside the normal business hours.
- Noise pollution and disturbance from cars.
- The building process would also cause noise and general disturbance.

Other concerns

- No more prayers halls are needed within the City or near the City Centre. There are already many places of worship. There is already a Mosque on Britannia Street, at 203 Belgrave Gate and on Manitoba Road in close proximity to the site.
- The location is not suitable for a mosque because it is a residential area.
- Litter.
- Loss of employment from the industrial unit.

Five representations (pre-amendment) have also been received in support of the application with the following: -

- Rebuttal of the reasons for objection: If mosques can function and congestion can be worked out in the capital city of the UK, then Leicester can also work around it.
- Muslim people, who contribute a lot to the UK, should be able to worship.
- The mosque is required due to overcrowding of existing mosques.
- The mosque would be conveniently located close to homes.
- The building will be used and people will take care of it.

Consideration

Principle of development

With regards to local plan policies, the site is located within a Strategic Regeneration Area (SRA), the Belgrave Road Potential Development Area and the Central Commercial Zone. Core Strategy policy CS04 SRA states that "*Development will promote:...The potential to live, work, play and enjoy opportunities for leisure and cultural activity.*" Core Strategy policy CS12 City Centre goes on to state: "*...Supporting family orientated leisure development and cultural facilities that appeal to all sections of Leicester's population.*" Saved policy PS09(a) of the City of Leicester Local Plan (2006) lists D1 community facilities as a priority land use for the Belgrave Road Potential Development Area.

The application site is not located within General Employment Land of the Proposals Maps, and so has not been identified for the retention of Class B1 employment uses.

Despite objections noting the loss of an employment use and number of similar uses in close proximity to the site and the wider City, the proposal is acceptable in principle bearing in mind paragraph 92 of the NPPF.

Design

The existing building is currently in poor condition and has a harmful impact to the visual amenity of the host building and the surrounding area. Former windows have been infilled with either poor quality breeze blocks or non-matching bricks. Windows of a matching design to the existing windows will be re-instated to replace these poor quality infills. This will create more consistent and better quality facades, as well as active facades with increased natural surveillance of the public realm. This will also help to make the area feel more safe and secure. Poor quality doors and all security shutters will be removed and replaced with windows or infilled with brick. The application form states that the infilled walls (brick) and windows (upvc) will be the same as existing materials, whilst the doors will be made of composite/upvc. I recommend a condition for matching bricks to the external elevations to enhance the visual amenity of the host building and the surrounding area. I consider that the rendering of the first floor will add interest to the currently mono-material facades, and will be in-keeping with the existing rendering to the southern gable end of the building.

At present, access to the site is not level due to steps. The proposed doors will be level with the ground level and so will improve access to the site for disabled people and people with limited mobility. Overall, I consider that the design will have a very positive impact on the visual amenity of the host building and the surrounding area, and a positive impact regarding access.

Residential amenity (*neighbouring properties*)

A Primarily Residential Area is located to the north of the site across Upper George Street. Approximately 25 metres to the north-west of the site are dwellinghouses. Approximately 30 metres to the south-east of the site are flats above retail uses on

Wharf Street North. The site is therefore surrounded by a mix of both commercial and residential uses. The proposal will not cause a loss of light, outlook or privacy.

To protect residential amenity from a significant level of noise and general disturbance, I recommend conditions for accordance with the submitted Noise Management Plan and no externally audible music or voice.

The site is a detached stand-alone building with highways on three sides and vehicle parking for the hotel to its south. Pollution from noise created internally is therefore of lesser concern than pollution from noise created externally by users coming and going to the site. The existing lawful use of the site as light industrial unit with showroom and storage spaces that has no hours of use restriction. One of the floors could change to a storage and distribution use by permitted development. Given the above, I consider it unreasonable to require noise insulation, subject to the other recommended conditions.

The Noise Management Plan (NMP) states proposed hours of use for prayer outside of 08:00 – 23:00, depending on the religious calendar. Subject to the recommended conditions, I do not have concern regarding noise between the hours of 08:00 – 23:00 daily, which is when the busiest use is likely to occur. The submitted Travel Plan states that the opening times of the educational use will be between 17:00-19:00 on Tuesdays and Wednesdays only, which will have attendance of around 40 students.

The Noise Management Plan (NMP) states that during all prayers only one person will be speaking whilst the rest of the worshipers listen. Aside from the busier prayer times noted above, prayers usually hold a crowd of 10-15 people, with morning prayers usually being less and each daily prayer taking 10-15 minutes. During certain times of the year, the evening prayer will be longer but with the same number of people. The NMP states that no amplified music or sounds are played. The recommended condition for no for externally audible music or voice will help to control this to protect residential amenity. The NMP states a number of strategies that will be used to prevent significant levels of noise and general disturbance.

The entrance to the site has been re-located to the side so that it will be set away from the surrounding residential uses as much as possible, and will face the private car park to the east of the site. The other access door will face the retail unit at 1 Grosvenor Street located to the west of the site.

Given the above, I consider it unlikely that the proposed use for acts of worship/prayer outside of the hours of 08:00 - 23:00 would result in a significant amount of loitering, disturbance or noise outside of the premises. Given the cost involved to the applicant and the above, I consider it unreasonable to consider a limited period approval regarding the hours of use. I therefore consider the proposal to be acceptable with regards to noise and general disturbance, subject to the recommended conditions.

Waste storage and collection

An internal waste storage area will discourage the storage of waste within view of or within the public realm, aside from collection day. I recommend a condition for the provision and retention of the waste storage areas prior to occupation to preserve the

visual amenity of the surrounding area. With reference to objections regarding litter, there is a public bin immediately adjacent to the site and I do not consider that the proposal would cause a significant amount of litter in the local area. The proposal is therefore acceptable with regards to waste storage and collection, subject to the recommended condition.

Highways and Parking

I recommend a condition for a detailed Travel Plan to promote sustainable transport, consistent with the aims and objectives of Leicester's Air Quality Action Plan (2015-2026). I also recommend a condition for the provision and retention of cycle parking facilities. Six secure and covered cycle parking spaces are proposed, which accords with the Cycle Parking Standards of *Appendix 01 Parking Standards of The City of Leicester Local Plan (2006)*.

Appendix 01 Parking Standards of The City of Leicester Local Plan (2006) suggests thirteen off-street vehicle parking spaces. The proposal will provide five standard vehicle parking spaces, including one disabled access vehicle parking space. There are existing dropped kerbs to allow access to these proposed spaces. I recommend a condition for the marking and retention of the parking area in accordance with the approved plans to ensure that parking can take place in a satisfactory manner, and to prevent highways safety risk. The marking of the vehicle parking spaces will clearly define the vehicle and pedestrian spaces.

One floor of the site could already be used for storage and distribution purposes, which could have a more significant impact on highways and parking than the proposed use. The site is located in reasonably close proximity to public car parks, which currently have spare capacity. In addition, the site is located within the Central Commercial Zone in close proximity to good public transport link. The Noise Management Plan details that parking will be managed by a steward, which will help to address concerns regarding both residential amenity and highways/parking. As the proposal will provide a local community facility, it is anticipated that the many of the users will be from the locality. There are opportunities for on-street vehicle parking in designated bays near to the site. Where on-street parking could lead to obstruction, restrictions are already in place.

I therefore do not consider that the shortfall of eight vehicle parking spaces will cause unacceptable highways safety impacts or severe transport impacts.

Drainage

The site is located within a Critical Drainage Area. Core Strategy policy CS02 *Addressing Climate Change and Flood Risk* states that "all development should aim to limit surface water run-off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of sustainable drainage techniques in developments." However, the proposed will not involve an increase in the existing building footprint and so I consider it disproportionate to impose sustainable drainage techniques on the change of use and minor external alterations proposed.

Other matters

Given the relatively modest scale of the proposal, I do not consider that the noise and general disturbance impacts during building works are likely to be so significant as to warrant control through the planning process.

Conclusion

The proposal is acceptable in principle and will provide local community facilities, which is a priority land use for the potential development area. The proposal will have a very positive impact regarding design, and a positive impact regarding access. There are no concerns regarding waste storage and collection (subject to condition), drainage and heritage assets. Subject to the recommended conditions, I do not consider that the parking/highways and residential amenity concerns will be significant as to outweigh the community benefits. On balance, I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Notwithstanding the submitted Travel Plan and Parking Management Strategy, the use shall not commence until an updated Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Travel Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site and nearby public car parks as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals the dates of which should be identified in the Travel Plan, for a minimum of 5 years from the first occupation of the development brought into use. (e) include a commitment to produce an Annual Performance Plan setting out how the plan has performed against targets, the measures in the approved Travel Plan and the outcomes from the monitoring referred to above and (f) provide an updated Travel Plan which shall address the negative impacts identified in the Annual Performance Plan which shall thereafter be submitted to, and approved in writing by, the City Council prior to the anniversary of the previously approved Travel Plan. (To promote sustainable transport and in accordance with policies AM01, AM02,

and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

3. The use shall not commence until secure and covered cycle parking has been provided and retained thereafter, in accordance with the approved plans received by the City Council as local planning authority on 19/02/19, unless alternative cycle parking details have first been submitted to and approved by the City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 of the City of Leicester Local Plan).
4. The use shall not commence until all existing security shutters have been removed. (In the interests of the visual amenity of the surrounding area, and in accordance with Core Strategy policy CS03).
5. The use shall not commence until arrangements for storage of bins have been implemented in accordance with the approved plans received by the City Council as local planning authority on 19/02/19. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policies UD06 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. The use shall not commence until the parking area has been surfaced and marked out in accordance with the details of the approved plans received by the City Council as local planning authority on 19/02/19, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with Core Strategy policy CS3 and saved policy AM01 of The City of Leicester Local Plan (2006)).
7. With the exception of acts of worship, the premises including the car park shall not be used outside the hours of 0800-2300 daily. (In the interests of the amenity of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
8. There shall be no live or amplified music or voice audible within residential accommodation. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
9. The infilling of window and door openings shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
10. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 19/02/19 and the noise management plan received by the City Council as local planning authority on 18/02/19. (For the avoidance of doubt.)

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_PS09a Table 1 indicates Priority and Subordinate land uses for PDAs identified inside the Strategic Regeneration Area.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS04 The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
- 2014_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 2014_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.