

Recommendation: Conditional approval	
20180489	1 BEAUMONT ROAD
Proposal:	VARIATION OF CONDITION 1 (HOURS OF USE) & 2 (USE OF PREMISES) ATTACHED TO PLANNING PERMISSION 20130307 TO ALLOW USE OF THE GROUND FLOOR FOR OBSERVANCE OF PRAYER AT ANY TIME.
Applicant:	MR HISAMUDDIN QADRI
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20180489
Expiry Date:	24 April 2019
SSA	WARD: Wycliffe



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Summary

- The application is being reported to the planning committee as there are more than 5 objections and the recommendation is for approval;
- 39 objections referring to parking problems, noise disturbance and alternative facilities nearby
- The main issues are the amenity of the surrounding residential properties and the impact on access and parking;

- The application is recommended for conditional approval.

The Site

The property is located at the end of a row of terrace houses on Beaumont Road. The property also has an elevation facing Vulcan Road. The site is surrounded predominantly by residential properties however there is a local shopping centre located to the immediate south on Hartington Road. The site slopes downhill from south to north. The site is within Final Hotspots and Critical Drainage Area.

Background

Planning permission was granted in 2013 for change of use from social club and café to educational use subject to the following conditions:

1. The use shall not be carried on outside the hours of 1000 to 2000 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the premises shall not be used as a place of worship within class D1. The City Council would like to give further consideration to the taking up of the use to protect the residents in the area from noise, general disturbance and additional traffic to the site.

In July 2016 permission was granted for a limited period (until 31st December 2017) for variation of both conditions to allow use of the ground floor for prayer use at any time. The new permission had these conditions:

1. The ground floor use of the premises for prayer purposes shall be discontinued not later than 31st December 2017. After 31st December 2017, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the ground floor of the premises shall not be used as a place of worship within Class D1. (To keep the matter under review and in the interests of the amenities of nearby occupiers; and in accordance with policy PS10 of the City of Leicester
2. When the ground floor is being used for prayer purposes, access to the premises is only permitted from the Vulcan Road entrance. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. Save for the temporary prayer use, the education use shall only be carried out between the hours of 1000 to 2000 daily. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the first floor of the premises shall not be used as a place of worship within Class D1. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)

The Proposal

This application is to replace the 2013 conditions with the variation as was approved in 2016.

The applicant states that the premises would still be primarily used for educational purposes during the permitted hours (10.00 to 20.00 daily). As per previous consent, the proposed prayer use will be limited to the ground floor of the premises and people coming to pray will be restricted to only using the Vulcan Road entrance.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Consultations

The noise team has concerns that 24 hour use could lead to disturbance from comings and goings

Representations

A total of 39 objection letters have been received together with video evidence and photographs of visitors. It should be noted that many of the comments made refer to the existing lawful use and include:

- Noise and general disturbance;
- There is no need for this to hold daily prayers as there are mosques very close
- problems with parking and pedestrians on the street;
- parking cars inappropriately including on footpath health and safety concerns;

- the area is too congested and narrow roads for parking so people will have to park on double yellow lines and on pavements.
- people gather outside the adjacent house causing nuisance
- the students come into the front garden every evening causing disturbance and littering;
- parents who are collecting children also causes a disturbance;
- The building itself does not cater for disabled people;
- Praying daily means 5 times at changing times
- There is a bin outside their premises and litter is left unreasonably;

2 letters of support have been received making the following comments:

- It would allow the property to be facilitate the observance of prayers;
- The proposal will benefit the local area by having a prayer facility on their doorstep;
- The observance of prayer at this facility will help increase the sense of community.
- The local users will not bring additional traffic in the area.
- The building is currently used for education and the impact on traffic is very minimal and short lived.
- They have never experienced any antisocial behaviour.

Consideration

Policy

The NPPF states that there is a presumption in favour of development and promotes provision of community facilities to enhance the sustainability of the communities area.

Highways and parking

The area does suffer from on street parking problems given the general lack of available off street parking; however there may be space in surrounding streets to accommodate periods of prayer during the daytime when residents are at work. Given the small floor area and the established use of the site as an education centre,

I consider some observation of prayer is unlikely to result in significantly greater demands for parking or a significant increase in traffic as a result. If as the applicant has stated, users live locally then many will walk to the site or are likely to visit other places of worship in the local area.

I believe that many of the objections relate to the main lawful use and reflect a general parking and traffic issue in the area.

Noise and disturbance

The property is relatively small and the proposal is for the use of the ground floor only for prayers. Access would be from the Vulcan Road entrance only, which is further away from the closest neighbouring residential property on Beaumont Road. The property provides a local community benefit and it is located within a sustainable location.

I appreciate the concerns about noise and disturbance; however I am not aware of on-going complaints about noise disturbance occurring directly from the use of the premises for the observance of prayer as allowed for a limited period from 2016. I believe that many of the objections relate to the main lawful use of the premises.

Conclusion

The original restriction on the use of the premises was imposed to allow further consideration to the impact of such use.

The 2016 permission was given for a limited period only to keep the matter under review. I consider that the principle of allowing some prayer use of the premises was accepted at that time. In the absence of evidence that demonstrable harm has been caused directly by that use, I consider that the 2016 variation should be allowed on a permanent basis.

I recommend that the application is approved and the conditions varied as follows:

CONDITIONS

1. When the ground floor is being used for prayer purposes, access to the premises is only permitted from the Vulcan Road entrance. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
2. Except for the ground floor prayer use, the use shall only be carried out between the hours of 1000 to 2000 daily. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (Amended) the first floor of the premises shall only be used for education and shall not be used as a place of worship within Class D1. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)

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_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.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.