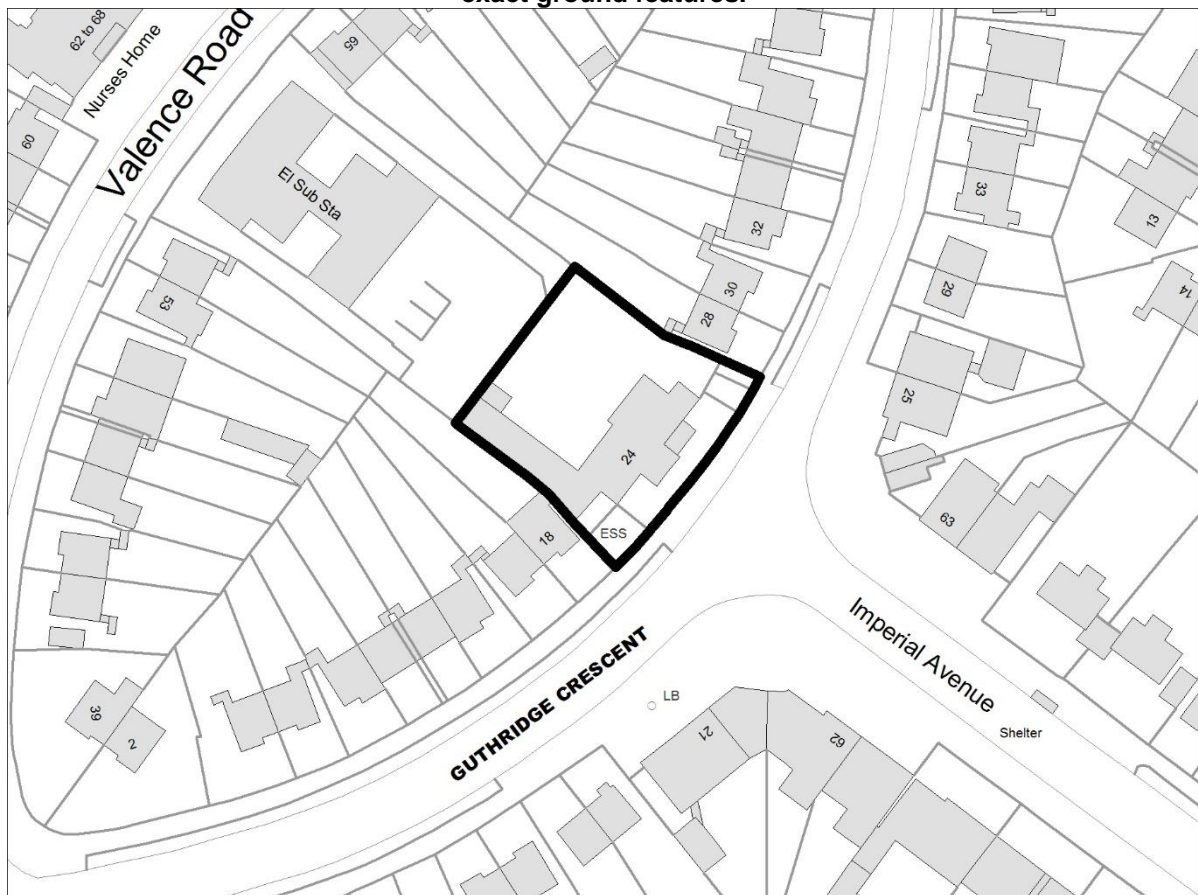


Recommendation: Conditional approval	
20210777	24 Guthridge Crescent, Former Braunstone South Housing Office
Proposal:	Change of use from office (Class E) to non-residential educational use and place of worship (Class F1); alterations (Amended plans received 23/6/2021)
Applicant:	Mr Mohammed Mahdi
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20210777
Expiry Date:	17 September 2021
ACB	WARD: Braunstone Park & Rowley Fields

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Summary

- Reported to committee as more than 6 objections received from 6 different City addresses.
- 340 objections raising concerns relating to noise, parking and residential amenity.
- 18 comments in support.
- Issues are impact on residential amenity and highway.
- The application is recommended for approval.

The Site

The application site is a single storey L shaped building previously used as housing office for the City Council. The neighbouring properties to the north and south are in residential use. At the rear is an electricity substation and opposite to the west is the Guthridge Crescent local shopping centre. The site is also within a Critical Drainage Area.

Background

In January 1981 planning permission 19802518 was granted for alterations and extension to vacant office to form an area housing management office. A condition was attached to the permission which states;

Notwithstanding the provisions of Class 11 of the schedule to the Town and Country Planning (Use Classes) Order 1972 the office shall be used only as a Housing Area Management Office

Reports were received in 2017 and 2019 that the property was being used as a place of worship without the benefit of planning permission but no evidence of this was found. A further report was made in August 2020 that the property was being used as a place of worship and evidence of this was found.

The Proposal

The application has been submitted as a result of the investigation and is for the change of use of the building from office to a non-residential education use and place of worship. The submitted plans show that the part of the building facing Guthridge Crescent would be used as the place of worship and the part of the building to the rear of the site would be for educational use.

The hours of opening originally proposed were 0600 to 2300. Alterations would be made to the existing car park to the rear to provide 15 parking spaces. An additional two cycle parking areas would be provided. There would be no changes to the appearance of the building.

Amended plans have been received which reduce the number of proposed parking spaces to 14 and alter the hours of proposed use to 0730 to 2200. A Travel Plan has also been submitted. A Noise Assessment has also been submitted.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

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.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 93 states to secure social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) 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;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

Paragraph 111 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 130 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) 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.

Paragraph 185 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.

Development Plan policies

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

Most relevant Core strategy policies are CS08 and CS16 and Local plan policies are AM11 and PS10

Other Guidance

Appendix 01 – Vehicle Parking Standards

Consultations

Service Director, Noise and Pollution Control – Initially raised concerns over noise from worshipping activity including musical instruments. Also raised concerns over the opening hours and noise from vehicles using the site. Request that hours of use are amended and a noise survey to be carried out before use commences.

A noise assessment and amended hours have been submitted and there are now no objections subject to conditions.

Local Highway Authority – The proposal would be unlikely to generate more traffic than the authorised use of the site and is in sustainable location. Raise concerns over the car parking layout proposed and request amendments to this as well as further details of the cycle parking provision.

Following submission of amended details they raise no objections subject to conditions.

Local Lead Flood Authority – Request information on how the premises can use sustainable drainage systems to reduce surface water run off.

Representations

340 objections have been received. The grounds of objection are:

- Property already in use without planning permission.
- Not the right location for a place of worship.
- Premises will cause noise issues from worship activities.
- Increase with traffic leading to congestion and poor parking including blocking driveways
- Not enough parking spaces for the size of the building
- Concerns over future expansion
- Possible noise from a call to prayer

- Possible tension between users of the building and residents of the area.
- Too many places of worship in the city already
- Impact on bus route
- Hours of use are too early and too late.
- House prices will be affected (not a planning issue)

A petition has been received signed by 20 persons claiming to be existing members of the group stating that they didn't have knowledge of the application being submitted and that the proposal included the use for a place of worship and it would be made available to be used by other communities including a food bank.

18 letters of support have been received.

Consideration

Principle of development

Policy CS08 of the Leicester Core Strategy states that the Council will work closely with a range of partners including health agencies, education providers, the police, housing associations, community groups and private developers to ensure that each neighbourhood will have access to a local centre, public open space, play facilities, public transport, sport and active recreation facilities and other community and leisure facilities. The policy further states that the provision of new community facilities will be supported where they meet the identified needs of local communities and have a viable long term management and funding proposal. Where there are increased demands on existing facilities as a result of development, the enhancement of facilities or suitable additional provision will be sought. The policy further states that in considering proposals for new places of worship the Council will take account of the demand for it within the local neighbourhood, the scale of activities for which it is likely to be used and the nature of the area around it.

The site is located within an area characterised by a mix of uses including residential and the Guthridge Crescent Local Shopping Centre. The building itself was formerly a local authority housing office and is restricted by condition to remain as one. Given the previous public use of the building, the mix of uses that exist in the area already and that the proposal would provide a new community facility I consider that the proposal is acceptable in principle and would be in accordance with policy CS08 of the Leicester Core Strategy.

Residential amenity (*neighbouring properties*)

There are residential properties located adjacent to the property on Guthridge Crescent and to the rear on Valence Road. The original proposed hours of use of 0600 to 2300 would have been likely to cause noise and disruption to the residents of these properties, however the hours have been amended to 0730 to 2200. Although the housing office would have operated between 0900 and 1700, this was not restricted by a planning condition and I therefore consider that the proposal will enable control to be formally established over the hours of operation of the building. These hours

would also be similar to those of the shops within the local centre. I therefore recommend a condition relating to these opening hours.

A number of the objections relate to a possible call to prayer. No details of one have been proposed and I consider that if there was it may cause noise issues for the local area. I therefore recommend a condition to ensure that there is no call to prayer at the property.

The premises has been in operation as a place of worship since it was sold by the City Council in 2017. There have been some concerns received in relation to noise within the premises during times of worship. A noise assessment has been submitted and this shows that there would be little impact on noise in the area. I therefore consider that the impacts of the development in terms of noise can be controlled by conditions.

Some of the concerns have related to the playing of amplified music and voices which have been heard outside of the property. I consider that this would also be detrimental to the residential amenity of the occupiers of nearby residential properties. The applicants have confirmed that it is not their intention to have amplified music or voice and I recommend a condition to allow control of this.

I consider that the proposal subject to conditions would not generate a significant amount of noise and general disturbance to cause significant harm to the amenity of local residents and I consider that it would not be contrary to paragraph 130 of the NPPF and saved policy PS10 of the City of Leicester Local Plan.

Waste storage and collection

The amended plans show an area for the storage of bins however no details have been provided for any covering of the area. Given its location close to the boundary with 28 Guthridge Crescent I consider that the area should be covered and I recommend a condition to require details of the bin store to be provided.

Highways and Parking

Policy CS14 of the Leicester Core Strategy states that development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel.

The site is located opposite the junction of Guthridge Crescent and Imperial Avenue. Both roads are served by a regular bus service. The site is also within a reasonable walking distance of further bus stops on Narborough Road that would provide a good further range/choice of bus services. Therefore, public transport could provide a suitable and sustainable choice of travel to and from the site.

The site is around 100 metres or so of a signed cycle route on Braunstone Avenue, and therefore cycling could provide a suitable and sustainable choice of travel to and from the site.

Given the previous use of the site as a local authority housing office I do not consider that the proposal would lead to a significant increase in vehicular movements and I do not consider that alterations to the existing access are necessary. The accident records suggest that the access has operated reasonably safely, with no recorded personal injury road traffic accidents at the site access.

The property has an existing car park which previously had 13 marked spaces. The submitted plans showed that this would be changed to provide 15 car parking spaces, however two of these did not meet parking standards. An amended plan was received which proposed 14 spaces however there were concerns with the width of two of the spaces. A further amended plan has been received which proposes 13 parking spaces and has resolved the issues with the width of the spaces.

A Travel Plan has been submitted which gives details of how sustainable transport options will be provided to users of the site. The travel plan also indicates that the premises would be likely to generate 10 arrivals and 10 departures when it is in use and that they expect this to be accommodated within the proposed car park. I consider that the Travel Plan is acceptable, and I recommend a condition to require the use to operate in accordance with the Travel Plan.

The original parking layout provided shows details of cycle parking however this was not sufficiently clear. Amended plans have been received which propose two cycle parking areas, one inside the building and one outside, however the full details of how this would operate have not been submitted and I recommend a condition to require these.

Objections refer to parking problems caused by supporters attending matches at Leicester City Football Club. Whilst the stadium is some distance from the application site I am aware that supporters may park in the vicinity of the application site, however I consider that the proposal with its own off street parking would not add significantly to existing traffic issues to justify refusal.

I therefore consider that the proposal would not cause severe harm to the highway network and would be in accordance with paragraph 111 of the NPPF and policies CS14 and CS15 of the Leicester Core Strategy.

Other matters

One objection has been submitted by current users of the building who state that the applicants have no control over the premises. The objectors have been advised that the current use is unauthorised, and they are required to submit an application. They also state some other matters in relation to financial claims that are not planning matters. I consider that if planning permission is granted, the current use would be authorised by it as planning permission goes with the land and not the applicant and I do not consider that the other matters raised justify refusal of planning permission.

Further claims were made that the applicants do not own the building. A Land Registry search has confirmed that they do, along with a third party and amendments have been made to the application form to reflect this.

A number of the objections relate to other possible uses for the building that should have been considered when it was sold. The application has been submitted for a particular use and it is noted that the building was sold through a public auction in 2017. However, the Council as planning authority can only consider the application that has been formally lodged.

Conclusion

In conclusion I consider that the proposal is in accordance with national and local planning policy for the area and any potential harm to residential amenity and the highway can be mitigated through conditions. I recommend that this application is APPROVED subject to the following 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. The use shall not be carried on outside the hours of 0730-2200 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. There shall be no external amplified call to prayer or oral announcements. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. The bin storage shall be provided in accordance with the agreed details and the collection of waste arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. No part of the development shall be occupied until secure and covered cycle parking shall be provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
7. The development shall be operated in accordance with the approved Travel Plan and Parking Strategy Document dated June 2021. (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).

8. No part of the development shall be occupied until the following works have been carried out in accordance with details shown on the amended plan 786/004 received by the City Council as local planning authority on 13 July 2021: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
9. This consent shall relate solely to the amended plans ref. no. 786/001, 006, 007, 008, 009 and 010 received by the City Council as local planning authority on 23 June 2021 and 786/002 and 004 received by the City Council as local planning authority on 26 July 2021 (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

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.
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_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_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and

maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

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.

2014_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.