

**ITEM: 01**

**Application Number:** 09/01226/FUL

**Applicant:** Piety

**Description of Application:** Change of use from offices Class (B1) and community centre (D2) to use as religious meeting place (D1) with secular community activity (D2).

**Type of Application:** Full Application

**Site Address:** 19 GREENBANK AVENUE PLYMOUTH

**Ward:** Sutton & Mount Gould

**Valid Date of Application:** 27/08/2009

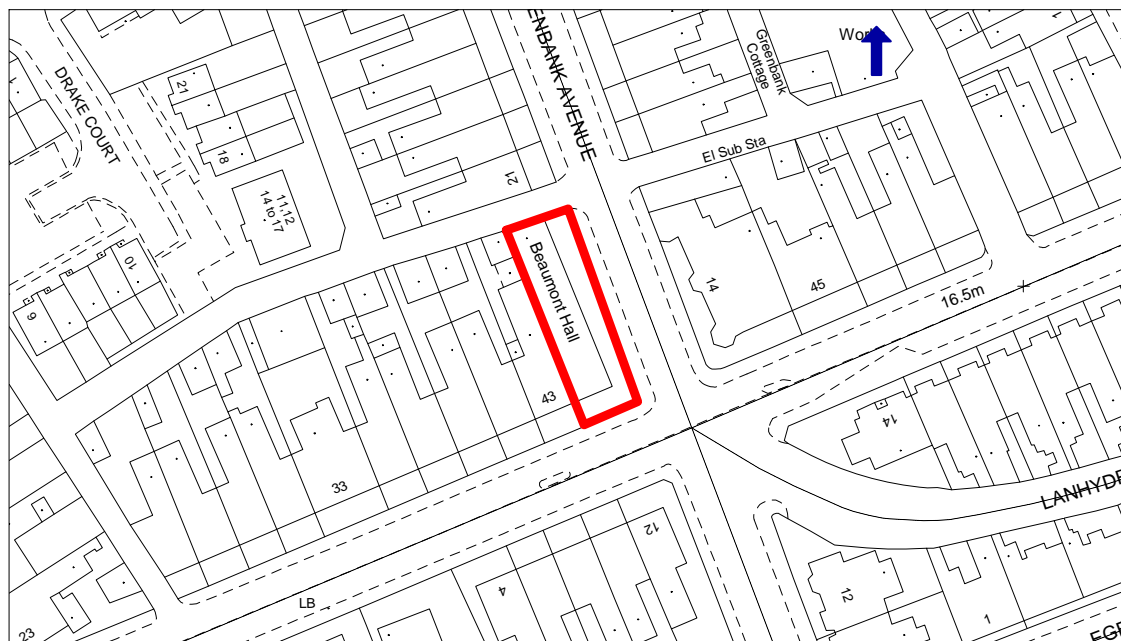
**8/13 Week Date:** **22/10/2009**

**Decision Category:** Member/PCC Employee

**Case Officer :** Stuart Anderson

**Recommendation:** Grant Conditionally

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## **OFFICERS REPORT**

### **Site Description**

19 Greenbank Avenue is the site of the former Sutton Constituency Labour Party headquarters. It is understood that the building is currently in use as an Islamic education centre, with some ancillary mosque activity. The building is single storey on its north side, rising to two then three storeys on its southern side. The building is of 1950s/1960s design.

The building is bounded by highways on its east, south and north sides, and residential property to its west side. Beyond the highway to the east is a dental surgery. Beyond the highways to the north and south sides are residential properties.

### **Proposal Description**

Change of use from offices Class (B1) and community centre (D2) to use as religious meeting place (D1) with secular community activity (D2).

It is understood that some of this activity already takes place at the premises, which makes this proposal partly retrospective.

The Design and Access Statement submitted with the planning application states that for approximately 25% of the time the building will be used exclusively as a mosque and education centre. For the remaining 75% of the time the building will be secular with the declared goal of promoting community integration, cohesion and wellbeing. Activities such as youth clubs, English language classes, parenting classes, and sports activities would take place at the premises.

### **Relevant Planning History**

07/00224/FUL – Change of use, conversion and extension (at first and second floors) of halls to form eight self-contained flats (granted)

08/00551/OPR – unauthorised change of use (enforcement case file open)

09/00852/FUL – Three-storey front extension to include new entrance to place of assembly building, and first and second floor extensions, and internal alterations (currently under consideration)

### **Consultation Responses**

Public Protection Service – no objections

Transport – no objections

### **Representations**

Three letters of representation have been received, all of which communicate objection to the proposal. Two of the letters are from the dentist surgery opposite the site, and the other is from the occupier of another property in Greenbank Avenue. The objections are on the grounds that:

1. The proposed extension would be inconsistent with the residential nature of the other buildings in the avenue,
2. The proposed extension of the third floor to the whole of the footprint and the consequent height of the building would reduce natural light to the dental practice,
3. An additional large meeting room and the other additional facilities will add to the parking problems in the area,
4. There are five medical practices, a vet, an undertaker, a chiropodist as well as the dental practice within this very compact area, and additional footfall will add to the difficulties patients of these practices have in parking and visiting the practices and keeping their appointments,
5. Traffic flow and manoeuvring create a hazardous situation in the area and on movements around the mini roundabout, and additional traffic will add to the already high level of accidents and the risk of serious casualties,
6. The additional residences proposed under planning application 07/01352/OUT for the rear of Greenbank Avenue will also increase traffic flow and increase the risk of accidents,
7. The extra floor and meeting rooms would make for larger numbers of people, and extra cars which would necessarily take up space usually required by residents,
8. More traffic and parking chaos,
9. The already small parking area for the dental surgery would disappear,
10. Increased risk of traffic accidents, the safety of patients entering and leaving the dental surgery will be seriously compromised,
11. Noise pollution (from call to prayer).

Points 1-2 are discussed in the corresponding planning application for the extension to the building (09/00852/FUL). With regards to points 3-10, it is noted that the Transport Officer has not objected to the proposal, but highways matters are addressed in the following report. Point 11 is addressed in the following report.

### **Analysis**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The relevant policies are CS12, CS22, CS28, and CS34 of the Core Strategy. The relevant issues are discussed below.

### **CHARACTER OF AREA**

The surrounding area is mainly residential, but includes community uses (e.g. medical establishments, church). Commercial uses (e.g. shops) are also present in the area. Therefore, non-residential uses are considered to

contribute to some extent to the character of the surrounding area. It is necessary to consider how a religious institution/community building would fit in with the surrounding area's character. The surrounding area is a central part of the city, made up mostly of Victorian housing. In such areas of cities, religious institutions and community uses are common. It has also been noted that none of the letters of representation state that the proposed use would be out of character with the surrounding area. On the basis of these observations, it is considered that the proposed use would not appear out of character with the surrounding area.

#### IMPACT ON AMENITY

With regards to noise, it is understood that the users of the premises do not call people to prayer. On the corresponding application 09/00852, a representation was received stating that the hours of opening and amount of people expected to use the centre is not known. These points are noted. However, with these points in mind, it is necessary to consider how the proposed use relates to the previous use. Information submitted with the application shows that (since at least 1974) the premises has previously been used for activities such as wedding receptions, parties, jumble sales, auctions, trade union meetings etc. The use being currently applied for will introduce a similar level of, and type of, activity. The lack of an objection from the City Council's Public Protection Service is also noted.

#### HIGHWAYS ISSUES

The objections on highways grounds have been noted. However, in the lack of objection from the Transport Officer it is difficult to sustain these objections. It is understood that the users of the centre are not all car users, and that many will arrive on foot or by public transport.

#### **Equalities and diversities issues**

The proposal raises issues over ethnic minorities and disabled access. With regards to disabled access, the City Council's Access Officer has responded to say that she has no objections.

#### **Section 106 Obligations**

None.

#### **Conclusions**

The proposal is recommended for approval.

#### **Recommendation**

In respect of the application dated **27/08/2009** and the submitted drawings, **sheet 00, sheet no 02, sheet no 04 Revision A, and accompanying Design and Access Statement** , it is recommended to: **Grant Conditionally**

#### **Conditions**

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: impact on character of surrounding area, impact on amenity, highways issues, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS12 - Cultural / Leisure Development Considerations