

**NORTH SOMERSET COUNCIL
DELEGATED PLANNING APPLICATION
REPORT SHEET**

Target Date: 13th November 2009

Application No. 09/P/1573/F Application Type: Full Planning Permission

Case Officer: [REDACTED]

Proposal: Change of use from working mens social club to Islamic religious, educational and cultural centre primarily for Bengli and Muslim children open 7 days a week

Location: 22-26 Orchard Street, Weston-super-Mare, Somerset, BS23 1RQ

Planning History/Background

33290	Alterations to club	Approve without conditions
33290A	Alterations to club premises	Approve without conditions
26503	Interior alterations	Approve without conditions
26503/A	Alterations and additions to club premises	Approve without conditions

Monitoring Details (if applicable)

N/A

Policy FrameworkPolicy GDP/2 – The North Somerset Replacement Local Plan
Policy CF/2 – The North Somerset Replacement Local Plan**Affordable Housing (if applicable)**

(If solely affordable site, please indicate)

N/A

Consultation Summary**Environmental Protection -**

I would prefer to see more truncated hours than those proposed, along the lines of 8am to around 10pm or similar. I would be unhappy with extending the hours much beyond what I have suggested. Given the needs of the Centre to cater for extended prayer times during the summer, I would respectfully suggest that this location is unsuitable for this kind of activity.

I understand that there are concerns that the current use has licensed hours longer than that which I propose.

I would advise that this Department had an ongoing investigation into noise complaints from the previous use affecting adjacent residents and that the outcome of the investigation was that a statutory nuisance existed. This was due, in large part, to the poor standard of sound insulation between this property and adjoining residential dwellings.

Parish/Town Comments

Weston-super-Mare Town Council - The Town Council consider that the proposal is inappropriate for the area in terms of parking and access and that the proposed 24 hour opening times would have a adverse effect on user safety given that the location is in the town centre.

(Description of the proposal has been changed since)

Neighbour's Views

4 letters of support

- Increase understanding and learning of other cultures
- Benefit to the society
- Create a better community of different nationalities

157 letters/emails of objection received but 153 include other comments including a range of a racial nature, from anonymous and fictitious names and addresses and other invalid planning grounds and therefore cannot be taken into consideration,

4 letters/emails of objection on valid planning grounds

- Opening times disruptive to neighbourhood
- Additional vehicular and traffic movements
- Inappropriate use of the property
- Increase crime
- Out of character of Weston-super-Mare,

Conclusions

The property was formerly a social club. It is a terraced property situated within a street consisting of various uses such as retail, drinking establishments, social clubs and residential properties located within the town centre of Weston-super-Mare.

The proposal is for the change of use from working mens social club to Islamic religious, educational and cultural centre primarily for Bengli and Muslim children open 7 days a week. It is intended to hold silent prayers 5 times a day during daylight hours and have social gatherings after prayer, the times of the opening is proposed from 6.30 am to 12am everyday.

The environmental protection officer had concerns over the opening time due to disturbance to adjoining residents as there are residential flats sharing a party wall on both sides and there have been noise complaints in the past relating to the previous use carried on at this premises. Whilst it is appreciated that the proposed new use is likely to give rise to less intrusive noise, there will be the potential for disturbance from the arrival and departure of persons attending the Centre at unsocial hours especially during the summer months.

There are concerns that the current use has licensed hours longer than what the environmental protection officer proposed opening times of 8am-10pm. However, due to recent complaints of the property in recent months, at the time the council were about to serve a noise abatement notice and would have called for a review of licensing hours had the problem persisted. It is understood that the previous occupier decided to move. In respect of this application she has suggested the hours are restricted in order to prevent similar problems arising. Additionally she has pointed out that the principle cause of noise in the Centre is likely to be 'people' generated, both from within the building and from the comings and goings of attendees at unsocial hours. This type of noise (unlike, say music noise) is

difficult if not impossible to control via condition, hence the only means of control is to limit the hours.

The Town council consider that the proposal is inappropriate for the area in terms of parking and access and that the proposed 24 hour opening times would have a adverse effect on user safety given that the location is in the town centre. The description of the application has changed and given the current properties within the area, the previous use and close by location, it is considered that there would not be an adverse effect on parking, access and user safety.

With all the above taken into consideration the site is close to residential properties and due to the proposed use it would lead to an unacceptable level of noise and disturbance to the residents of the area during unsocial hours, to the detriment of their living conditions of the adjoining and nearby residents. The proposal is therefore contrary to Policy GDP/2 of the North Somerset Replacement Local plan.

Recommendations

(Including consideration of the Natural Environment and Rural Communities (NERC) Act 2006 & the Crime and Disorder Act 1998)

See decision notice for conditions/reasons

REFUSE for the following reason

The site is close to residential properties and due to the proposed use it would lead to an unacceptable level of noise and disturbance to the adjoining and nearby residents of the area during unsocial hours, to the detriment of their living conditions. The proposal is therefore contrary to Policy GDP/2 of the North Somerset Replacement Local plan.

Reason for Overriding Parish Council comments (if appropriate)

The Town council consider that the proposal is inappropriate for the area in terms of parking and access and that the proposed 24 hour opening times would have a adverse effect on user safety given that the location is in the town centre. The description of the application has changed and given the current properties within the area, the previous use and close by location, it is considered that there would not be an adverse effect on parking, access and user safety.

The site is close to residential properties and due to the proposed use it would lead to an unacceptable level of noise and disturbance to the residents of the area during unsocial hours, to the detriment of their living conditions of the adjoining and nearby residents. The proposal is therefore contrary to Policy GDP/2 of the North Somerset Replacement Local plan.

In recommending this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the:

- Natural Environment and Rural Communities (NERC) Act 2006
- Crime and Disorder Act 1998
- Human Rights Act 1998.

Signed:

Dated: 11/11/09

Authorised by:

Dated: 12/11/09