

Application no: DC/19/62759

Mr Lamin Yaffa Gambian Islamic Community Centre 6 Norton Road Smethwick B66 3JA	Proposed change of use from Solicitor's offices to place of worship (revised application - DC/18/62030). 409 Bearwood Road Smethwick B66 4DJ
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Date Valid Application Received: 18th February 2019

1. Recommendations

Subject to further comments relating to on street parking during peak periods, refusal is recommended on the grounds that the proposal is contrary to the provisions of SAD Policy DM6 'Community Facilities including places of worship and/or religious instruction' on the grounds that:-

- i) The proposal provides insufficient off-street parking facilities which would lead to congestion, highway safety and conflicts over parking outside existing residential property; and
- ii) The proposal would result in undue noise and disturbance to nearby sensitive uses namely existing residential property.

2. Observations

At your last Committee, Members resolved to visit the site.

Site Surrounding

The application site is situated on the eastern side of Bearwood Road on the corner with Belmont Road, Smethwick. The application site relates to a former Solicitor's office within a retail area with residential properties adjacent along Belmont Road.

Planning History

Members will recall late last year a planning application for a change of use of an office building to place of worship (DC/18/62030 refers) indicating that proposal would serve 250 worshippers. That application was later withdrawn.

Current Application

The application now before your committee is similar to the previously withdrawn one. The applicant proposes to change the use from a Solicitor's office to a place of worship (revised application - DC/18/62030), however they have now indicated that the congregation numbers would be around 100-110. A revised parking plan has also been provided.

The applicant has stated that the reason for the significant change in congregation numbers from 250 to 100-110 reflects the far more accurate figure based upon actual numbers that are drawn from past experiences of congregation attendees on a Friday.

The proposed opening times are Monday – Sunday (Including Bank Holidays) 12:00 hours to 20:00 hours.

18 parking spaces are to be provided on site, 4 of which are for disabled users only. However, this would require double parking of some vehicles, and relies on the users of the disabled parking bays to arrive first and leave last.

Publicity

The application has been publicised by 201 neighbour notification letters (including local ward members). To date, a 25 signature petition objecting to the application has been received as well as 96 individual objections and 32 in support of the proposal.

Reasons for objecting to the application

The following are reasons given by residents objecting to the application:-

- i) The amount of parking spaces proposed would not meet the demand needed for the expected size of congregation;

- ii) 6 parking spaces were shown on the original application, now 18. No alterations have been made on site to accommodate the extra spaces;
- iii) The area is already congested with parents using spaces on the road to drop and pick up their children from the nearby school, customers are also parking outside residential homes making it difficult for residents to park near their own home. This type of use would exacerbate the problem;
- iv) The applicant has had planning permission refused by the Council which was upheld at appeal over the same use in Cape Hill over the concerns about parking and congregation numbers, it is argued that this site (adjacent to residential) is worse;
- v) Residents are upset over the number of trees that have been felled on site to make way for car parking;
- vi) The increased coming and goings would impact significantly on the noise levels of the area by users attending the premises which is within a predominately residential area;
- vii) The disabled spaces provided would be blocked by other vehicles. This would mean that users of the disabled spaces would have to arrive first and wait till the end. The arrival or departure is not something the applicant can control;
- viii) Customers of nearby business will find it difficult to park and therefore it would have a detrimental impact on the local business of the area, eroding the viability of Bearwood High Street;
- ix) The centre is meant to unite the community, but due to the possible traffic problems, it will cause an even bigger divide;
- x) The increase in footfall will add to the litter problems within the area;
- xi) House prices will fall due to issues over parking;
- xii) Community events have already taken place without planning permission, and these have already resulted in parking on double yellow lines, in front of existing business, and outside local resident's properties making parking difficult;
- xiii) Concerns over people searching for parking spaces that could lead to disputes and accidents;
- xiv) If approved, there should be a residential parking scheme introduced to ensure only those who live in the area can park;

- xv) Concerns over taxis or other vehicles, not parking, with engines running waiting to pick up members of the congregation, increasing the noise and air pollution in this area;
- xvi) There are already a significant number of mosques in the area;
- xvii) Air quality will be impacted upon due to the number of vehicles in the area; and
- xviii) Noise generated by comings and goings.

Reasons for supporting the application

The reasons given supporting the application are as follows:

- a) Many people using the site will travel by public transport, and by other means such as bicycle;
- b) The proposal is a community asset, and will enhance community cohesion;
- c) The community has raised a lot of money to fund this project;
- d) The site will provide a safe place to worship and is open to many Muslim's within the area;
- e) The building would remain empty if this proposal does not go ahead;
- f) The proposal would add to the diversity of the area;
- g) The organisation will help the youth of the community in terms of education and activities that are provided;
- h) Sandwell has no centres for Gambians or other African Muslims;
- i) There are no other mosques in Bearwood;
- j) The car park is big enough for the needs of the mosque; and
- k) They need to vacate the existing premises in Cape Hill, due to Planning Permission being refused.

Statutory Consultee Responses

Highways

The Council's Highways department have raised concerns over the proposal and object to the granting of planning permission, and state:

Each site is assessed on a site by site basis. Parking problems do exist around current places of worship around the borough. Once a site has planning permission it is

difficult to control the ongoing use through planning conditions.

West midlands Police

The proposal would increase vehicle crime in the area, given that there is not sufficient parking provision and that the proposal is likely to lead to increased calls on the police service due to parking disputes.

Environmental Health

The have neither objected or recommended approval. They state that such premises as proposed are likely to cause noise related disturbances which is a concern due to the close proximity of residential units. As a result, if Members are minded to approve the application, the Environmental Health Team has requested four conditions in order to reduce the noise generated from the site. These include the closure of external doors and windows during times of operation, all worship, religious instruction shall take place within the building, no amplified equipment or loudspeakers to be used, and the use shall be restricted to the hours as per the application (12:00 – 20:00 hours on any day).

Planning Policy

The proposal is contrary to policy DM6 (Community Facilities including Places of Worship and/or Religious Instruction) in that the proposed site would be adjacent to residential units and as such, classed as “sensitive uses”, where the proposed use is likely to cause noise nuisances from comings and goings.

Responses to the public consultation process

The proposal has generated significant interest from objectors and supporters. In summary, the main reasons for objecting relate to the increase in vehicle movements and the potential for the increase in noise. The main reason for support is the need for such a community asset within the area. I shall comment on the main issues below:-

Increase in vehicle movement

The use would be moving from the current unauthorised site in Cape Hill to Bearwood Road, Smethwick. Whilst it is accepted

that some of the congregation may live within walking distance of the application site, there will be others that need to travel to the site by other means and potentially private vehicles. The busiest time of such uses is immediately before and after Friday Prayers. Given this is within the working day, it is accepted that many of the congregation would have to travel to the site by their own private vehicles to enable them to return to their place of work after prayers. Therefore, the applicant has been requested to carry out a survey of available on-street car parking spaces during this period and Members will be verbally updated at the Committee Meeting.

Increase in noise

Due to certain times of the year and religious festivals, the potential for the applicants to operate outside of the stated hours is highly likely. Whilst a condition limiting the hours of operation can be attached, it would limit the use of the centre where a possible future application would need to be submitted to extend the operating hours. However, the conditions proposed can only control noise within the building where as the major concerns from residents are the comings and goings which cannot be controlled.

The need for a community asset within the area

Comments have been received in support of the need of a mosque/community centre that serves the Gambian Islamic community. Unfortunately this is not a material planning consideration or part of the policy consideration for SAD DM6 (Community Facilities including places of worship and/or religious instruction). Therefore, whilst I sympathetic to the needs of the community I am unable to attached significant weight to this argument.

Planning Policy and Other Material Considerations

Paragraph 109 of the adopted National Planning Policy Framework states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Whilst the Council's Site Allocations Plan Document policy DM6 states that encouragement will be given to locating such uses on sites with main road frontages at the fringes of commercial areas, particularly district or local centres. It also states that if the building shares a party wall with any sensitive use (particularly residential) it is unlikely that planning permission will be granted. In addition, the policy states that consideration should be given to the need for parking and whether worshippers will arrive by car or use alternative sustainable means of transport. As indicated above further survey work is awaited in relation the capacity of on street parking within the area during Friday prayers.

Conclusion

Notwithstanding the additional information requested, it is my opinion that the proposal is (i) likely to cause significant highway safety issues due the cumulative impacts on the road network, as a result of the premises being used during certain peak times, where off-street parking is limited, and (ii) the proximity of residential properties is likely to give rise to noise nuisance hence being contrary to Policy DM6 (Community Facilities including places of worship and/or religious instruction).

Therefore, subject to further comments from Highways regarding parking availability, the application is recommended for refusal.

3. Relevant History

DC/18/62446 - Proposed change of use from solicitor's offices to place of worship (revised application - DC/18/62030) – Withdrawn

4. Central Government Guidance

NPPF – Promotes sustainable development

5. Development Plan Policy

SAD DM6 – Community Facilities including Places of Worship and/or Religious Instruction

6. Contact Officer

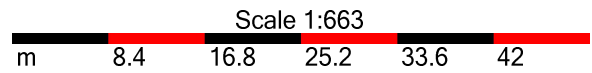
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409 Bearwood Road



Legend

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	28 February 2019
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RECEIVED

19600

2400 2400 2400 2400 2400 2400 2400 2800

PLANNING SECTION

12200

CAR PARK

DC / 19 / 62 759

15 FEB 2019

6350

8850

3400

DISABLED X 2

DISABLED X 2

9320

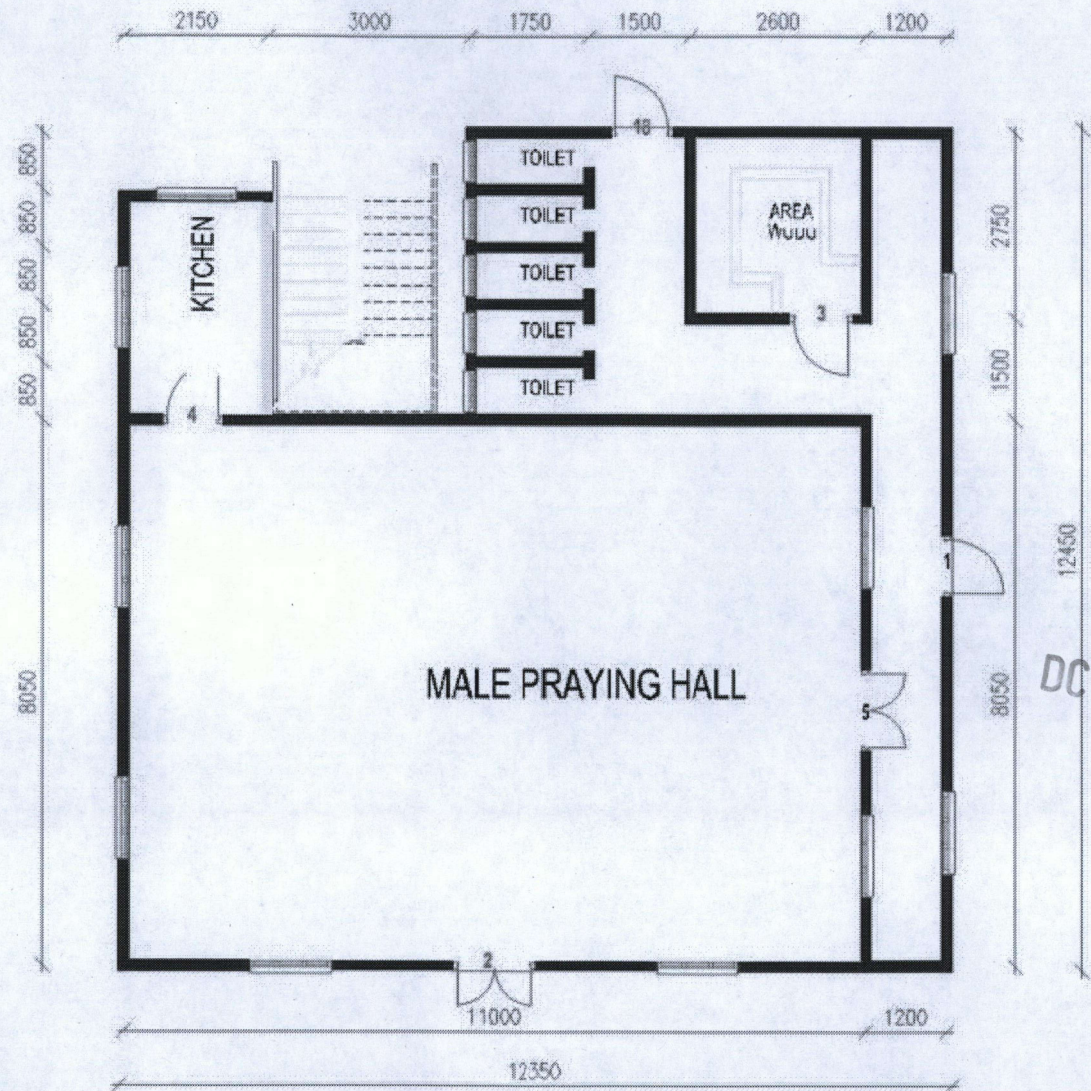
EXISTING BUILDING

BELMONT ROAD, BEARWOOD ROAD

PARKING SPACES : X 14 STANDARD

X 4 DISABLED

TOTAL : 18 SPACES



GROUND FLOOR PLAN

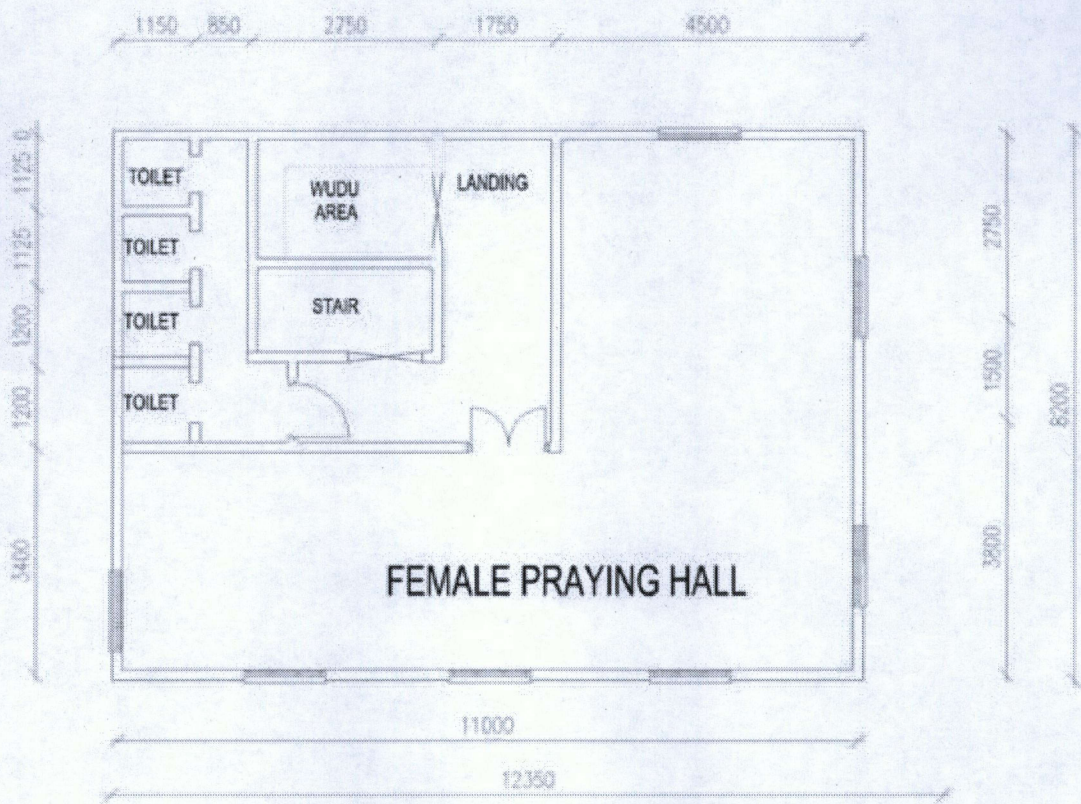
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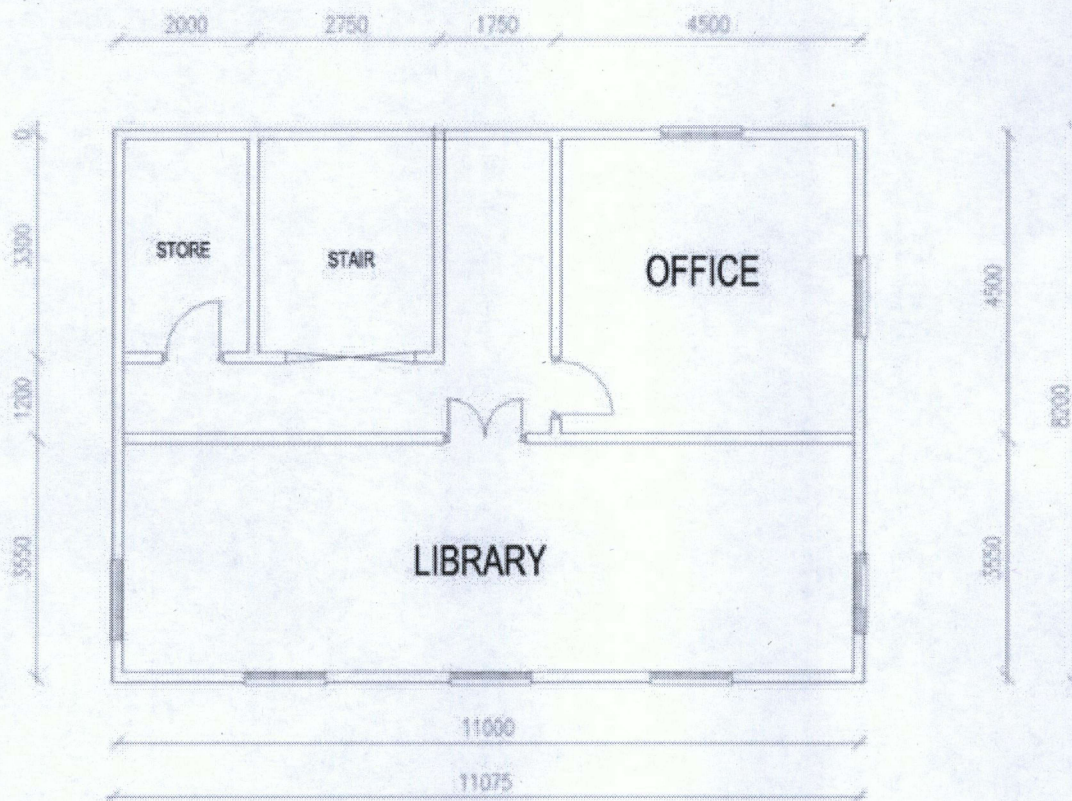
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FIRST FLOOR PLAN

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SECOND FLOOR PLAN