

171212 86 Belper Street – Planning Ref. 20172032 Revised submission by BEC 12.12.17

The applicant has fully considered all elements of your report and the facts surrounding the application above.

In the spirit of compromise and to remove any potential adverse impacts on the amenity of the residents of Belper Street, Belper Education Centre hereby amend the opening hours for the proposed development as follows:

- Monday to Friday 08:30 to 19:30
- Saturday 10:30 to 13:00
- Sunday closed

Please note that the proposed uses will not overlap with each other during these times and all the measures in relation to the travel plan, to control parking, sustainable usage, behaviour management, etc will remain in place. **Require detailed travel plan from traffic assessment engineers, NOT WITH DODGY PHOTOS AND FALSE STATISTICS**

The effects of these changes are that there will be no usage of the site before 08:30am and no usage after 19:30. The amenity of the residents will be impacted positively, as the current B1 use has permission from 07:30 for 6 days of the week and the proposed development will open an hour later in the morning. **(BUT IT IS ONLY TILL 18.00) THE PROPOSED USE IN THE PLANNING WAS LIGHT INDUSTRIAL AS FROM 06/07/1993.** The closing time of 19:30 is so that the education classes can finish and users can disperse with sufficient time. The proposed opening hours also means that there will be no usage of the prayer room once the 2 main uses of the proposed development (nursery and education classes) have completed. Therefore the prayer room will be ancillary to the 2 main uses, and as such will be for the users of the nursery and education classes being provided on site. **(NO HALF HOUR BEFORE OPENING AND HALF HOUR AFTER CLOSING)**

It is important that under the national planning policy framework and in line with local planning policy that any potential adverse impact shall take into account the proposed usage and the opening hours. In determining the impact of any potential noise generation from external on-street activity planning policy and planning law requires objectivity and not subjective analysis or conclusions. An factual analysis of the proposed changes to the opening hours is below:

	Existing B1 use	Proposed D1 use	Impact of proposed D1 use
Number of hours daily the site is open – Monday to Fridays	10.5 hours	11 hours	Negligible – No negative or adverse impact can be reasonably expected with such a similar daily usage times (0.50 hours more)
Number of hours the site is open on Saturday	5.5 hours	2.5 hours	Positive impact as the site is open for less hours
Number of hours the	0 hours	0 hours	Negligible

site is open on Sunday			
Total Number of hours site is open in the whole week	58 hours	57.5 hours	No negative impact, as overall time is less than the existing use
The earliest weekday opening time	07:30 am	08:30 am	Very positive impact – the proposed site will open much later than current B1 use
The earliest Saturday opening time	07:30am	10:30 am	Very positive impact – the proposed site will open much later than current B1 use
The latest weekday closing time	18:00	19:30	Most people do not sleep before the proposed time and the external noise on street upto this time is what would be reasonably expected for any residential street such as Belper Street NONSENSE, they require quality time in peace and quite

As you can see from the above, there will be no adverse impact on the amenity of the residents by the proposed usage and in fact the impact of later opening times will be positive.

The changes to the proposed opening hours are significant for it to require a re-assessment of impact of external and on-street noise and disturbance impacts. In your email dated the 6th of December 2017 you stated that impacts will not change and it is unlikely that you would change your recommendation. Without any input from the Noise team within the LCC, I believe that this is a very subjective thing to say and is contrary to planning policy and guidance. (YOU CANNOT DICTATE OFFICERS RECOMMENDATION) IT IS UPTO THE APPLICANT TO PROVIDE NOISE CONTROL REPORTS AND ASSESSMENTS)

I would like to request you to acquire and provide me a copy of a fresh assessment and comment from the Noise team in the Leicester City Council based on the revised opening hours before the planning committee meeting on the 13th of December 2017. Failure to do this would render the recommendation as it is to be invalid under planning law and the planning committee will be advised of the same. (REQUEST FOR THE NOISE ASSESSMENT REPORT LIKE THEY REQUEST OTHER APPLICANTS) IN HINDU MANDIR, ST BARNABAS ROAD, THE PLANNERS REQUESTED FOR THE NOISE ASSESSMENT REPORT

Furthermore, in your email dated the 7th of December 2017, you clearly state that even if the nursery use was the only use and was open for the same hours of the permitted use existing for the site, that you would have a problem with amenity for a 'narrow' street like Belper Street. With due respect, this again is a very subjective thing to say and illogical. It implies that you would rather have an occupier of the site use the site for the current B1 use without any limitations or restrictions

on noise generation and disturbance from within and external to the site than have a different use for the site which will be in accordance with planning policy CS10. You will also know that national planning policy framework places an emphasis on presumption in favour of a sustainable development, which is what a nursery usage at a vacant site will bring. Also, a narrow street is in case law and in planning law never considered to be grounds for refusal, as you imply in your email. (THERE IS A NURSERY NEARBY AND BESIDES YOU GOT TO PROVIDE AND DEMONSTRATE SAFETY STANDARDS FOR THE NURSERY USE. YOU ARE USING CAR PARK FOR PLAY AREA. IS THAT CALLED SUSTAINABLE USE)

Your email also stated that the proposed development will have a cumulative detrimental impact on residential amenity from the 3 proposed uses. I have to disagree with you because the travel plan and supporting information supplied to you clearly states that the uses will not overlap. With the proposed reduced opening hours the nursery use will not overlap with any other use, nor will the education classes. Therefore, the noise impacts will be very little and on balance would not be significantly detrimental to the amenity of local residents. (THE REPORT SUBMITTED IS A JOKE AS IT HAS ALL FALSIFIED INFORMATION)

Please be aware, I had shared your emails to the committee of Belper Education Centre at their request and the initial feedback from them, which they have asked me to share with you is that “planning officers have subjective viewpoints (and dismissal of any changes that can work for everyone concerned) are mirroring the viewpoints of the local politicians and Islamophobic objectors, and is evidence of bias against a Muslim-led centre and is for political reasons” and that “planners just don’t want to have a Muslim led centre in this location because the Hindus don’t want it” and “the council want the appeal judge to grant permission to appease the objectors”. I trust and hope that this is not the case. Otherwise, this has the potential to generate real community tensions and splitting not only the communities of Leicester, but also councillors and MPs in the city. I am told that messages on social media are already being circulated. Currently, the only real tension has been based on the desperation of some local and outsider objectors who do not want to see a ‘Muslim Centre’ at any cost and who have raised fears among local non-Muslim residents that their parking and amenity will be impacted by a busy ‘Mosque’ operating at the site. There has been no injustice done to them. However, any bias against the ‘Muslim’ applicants would be injustice which will fuel tensions and will impact community relations. (THIS IS JUST HEARSAY AND INFLAMMED BY YOUR OWN COMMUNITY LEADERS COMING ON THE MEDIA _ SUCH AS MR SULEMAN NAGDI AND MR MOGRA)

I hope that the above information in relation to the changes to the opening hours for the proposed use is useful in your objective assessment of impact on residential impact and in your reconsideration of the recommendations. As stated before, the applicant would even accept a limited time approval to test the compliance of the proposed development with planning issues. This way there are mechanisms for enforcement. (WE STILL HAVE THE SAME ISSUES WITH PARKING< TRAFFIC< NOISE)

If you require any further information, or would like to meet in person (as I suggested previously), then please do not hesitate to contact me. In the meantime, I would be grateful if you could forward me the fresh assessment from the Noise team on the changes to the proposed hours of use. (THEY SHOULD PROVIDE SUCH REPORT AND EVIDENCE)

Many thanks

Fayyaz Suleman

(Agent)