

Recommendation:	
20182786	72-74 OSMASTON ROAD
Proposal:	FIRST FLOOR REAR EXTENSION TO PLACE OF WORSHIP (CLASS D1); ALTERATIONS (AMENDED PLANS RECEIVED 20/03/2019)
Applicant:	MR DIWAN
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20182786
Expiry Date:	25 April 2019
PK	WARD: Stoneygate



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2019). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

Summary

- This application is brought before the committee as more than 5 objections have been received.
- Three letters of objection and a petition have been received relating mainly to traffic, and noise and disturbance and the impact on residential amenity.
- The main issues are the impact on character, highways and parking, noise and residential amenity.
- The application is recommended for approval subject to conditions.

The Site

The application relates a two storey building currently in use as a place of worship.

The site is in a Critical Drainage Area.

Background

20150057 – Change of use from business (Class B1) to Place of Worship (Class D1) refused by Planning Committee on 01/04/2015 for the following reasons:

- The proposal by reason of its location and lack of off street parking is likely to result in the generation of additional traffic and parking which is likely to aggravate traffic congestion, have a detrimental effect on the local road system and be a hazard to road safety contrary to Core Strategy policy CS03 and City of Leicester Local Plan policies AM11 and PS10.
- The proposal by reason of the nature of the use, the location in a mainly residential area and the hours of use proposed is likely to be significantly detrimental to the neighbouring residential properties through noise and general disturbance, therefore contrary to policy PS10 of the City of Leicester Local Plan.

20150822 – Change of use from business (Class B1) to Place of Worship (Class D1) (amended plans) –approval granted by Planning Committee with conditions including control of hours of use, noise insulation, Travel Plan and control of the use of the site.

The noise insulation and Travel Plan conditions were discharged and the planning permission implemented.

20182170 – Construction of pitched roof with raised ridge height; first floor rear extension; rear dormer to place of worship (Class D2) – Withdrawn on 27/11/2018

The Proposal

The proposed development relates to a first floor rear extension measuring 5.2 metres by 4.4 metres. The extension would have a flat roof to match the host building and would infill the space between the application site at first floor and no.37a New Close. Internally the proposal would extend the first floor space by 16 square metres.

The extension would contain no windows.

Amended plans have been submitted to correct inaccuracies relating to the internal layout and position of roof lights on the existing and proposed plans. The plans have also removed the increase in the ridge height, the proposed rear dormer and the proposed roof lights and windows.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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 states that decisions should apply a presumption in favour of sustainable development.

Paragraph 92 advises to provide the social, recreational and cultural facilities and services the community needs, planning policies and decision should (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community, amongst other criteria.

In making an assessment Paragraph 108 of the NPPF (2019) states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable level.

Paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Paragraph 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Part 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Development Plan Policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Appendix 01 of the City of Leicester Local Plan

Consultations

Local Highways Authority: No comments received

Pollution (Noise): No objections

Representations

Three letters of objection and 1 Petition has been received which has 15 signatures. The concerns raised relate to highways safety, parking, noise and impact on residential amenity. Comments have been made on the use of the site outside of the permitted hours of use.

Consideration

The principle of development is acceptable as the place of worship was given approval in 2015. Paragraph 92 of the NPPF 2019 further supports the development of community facilities which are in use already.

Impact on Character

The proposed development would essentially infill the first floor area adjacent to the application site and no.37a New Close. The proposed extension would not contain any windows and would not be visible from the street scene of Osmaston Road, only from New Close at the rear.

In terms of design and pattern of development, the extension would follow the flat roof design of the host building. I consider the size and scale of the extension would be modest, resulting in an increase of only 16 square metres internally. I consider the proposal would not detract within its context. The extension would be built of matching materials which I consider is appropriate and can be reasonably secured by way of condition. The proposed development, as amended, would not result in significant detriment to the character and appearance of the site and surrounding area.

I conclude that the proposal would not result in significant detriment in terms of design to warrant refusal. As such the proposal would accord with Policy CS03 of the Core Strategy in this respect.

Residential Amenity

The proposed extension is situated to the rear of the site adjacent to no.37a New Close. The access into the site would be from Osmaston Road and would not be

altered. The proposed development would result in an increase in the first floor useable space.

The proposed development has been amended and significantly reduced in its size and scale since initially submitted. The proposed raising of the ridge height and windows has also been removed.

New Close

The proposed development would not result in any harm in terms of privacy to the occupants of New Close as there are no new openings at the site.

The proposed extension would be situated adjacent to a two storey brick wall forming the side wall of 37a New Close. The extension would be south-west of the properties along New Close. I consider that by virtue of its location screened behind the brick wall adjacent to no.37a, the proposed extension would not result in significant overshadowing, nor would it detrimentally impact daylight to and outlook from principal room windows of properties at New Close. As such I consider the proposal would, as amended, maintain an acceptable relationship with properties in New close.

The extension, would be visible from the open public areas within New Close; however I consider that as the extension would be set in line with no.37a New Close, it would not appear visually dominating, nor would it detract from the visual quality of the immediate vicinity. I recognise that the extension would be visible from New Close; however visibility alone would not result in significant harm. The extension would be built in line with no.37a New Close and would appear as a modest addition to the host building.

Due to the removal of any new openings to the rear, I consider the proposed development would not result in greater impacts in terms of direct noise and disturbance to local residents. I understand that objectors have raised concerns regarding the existing use; however this application would not significantly increase the size and scale of the site to warrant refusal in terms of noise and disturbance from comings and goings.

By virtue of its location I consider the proposal would not alter the site's relationship with the residential amenity of the occupants of Osmaston Road. I consider that the proposed development, as amended, would not result in harm to the occupants of New Close. I consider the proposal would comply with paragraph 127 of the NPPF, Core Strategy policy CS03 and policy PS10 of the City of Leicester Local Plan.

Highways

The proposed development would increase the floor area by 16 square metres; however no off-street parking is proposed and none can be provided. Whilst there could be an increase in demand for on-street parking, it is considered that on the basis of the approved use this would not be so significant or severe enough to warrant refusal on this basis. Objectors have advised that there is inconsiderate parking ongoing in the immediate vicinity; however there are no parking controls in the area and it cannot be confirmed that it is the users of the application site are wholly responsible for this.

As such I consider the proposal would be acceptable in this respect and in accordance with saved policy AM11 and Core Strategy policy CS15.

Flood Risk

The site is situated in a Critical Drainage Area; however the proposed extensions would not increase the floor area on the ground. As such there would be no increase in impermeable surfacing and in this instance it would be disproportionate to request a SuDS strategy. As such I consider the proposal accord with Core Strategy policy CS02.

Other Matters

Concerns have been raised stating that the use of the site is being carried out outside the permitted hours as outlined in planning permission 20150822. This will be investigated. The current application is a minor extension to an existing use and therefore the scale of development does not warrant a re-consideration on the hours of use.

Conclusion

The principle of development is acceptable and the amended scheme would not have an adverse impact on the residential amenity of local residents. The proposal would be of an acceptable design and scale and would not have unreasonable impacts in terms of highways and flood risk.

I consider the proposal, as amended, complies with the NPPF 2018 and Development Plan Policies. I therefore recommend that the application be 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 new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. With the exception to the observation of prayer times the premises shall not be used outside the hours of 0730-2300 daily. (In the interests of the amenity of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. This consent shall relate solely to the amended plans ref. no. TA-PA04 and TA-PA05 received by the City Council as local planning authority on 20/03/2019. (For the avoidance of doubt.)

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_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 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'.