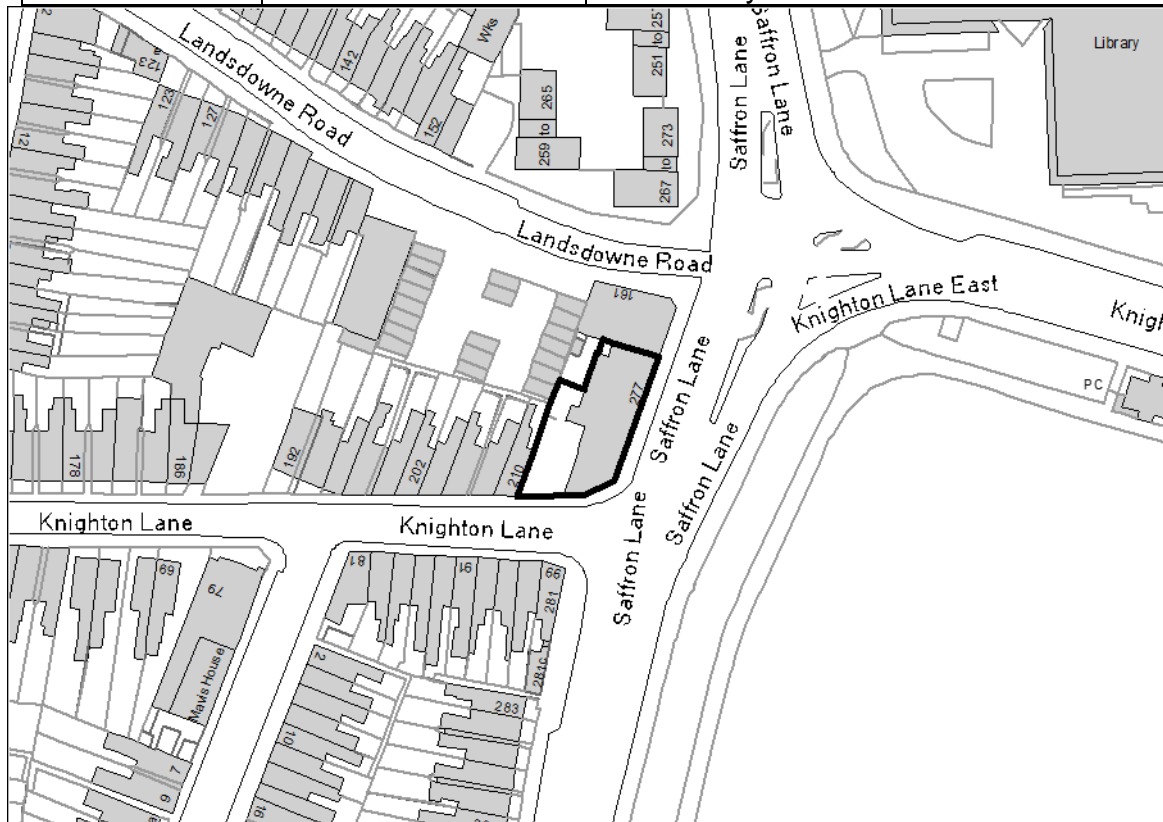


20200252	277 Saffron Lane	
Proposal:	Change of use from drinking establishment (Sui Generis) to educational establishment, place of worship and community centre (Sui Generis); construction of a single storey extension at rear; alterations	
Applicant:	Mr Ibrahim Gokce	
App type:	Change of use	
Status:	Change of use	
Expiry Date:	23 June 2020	
TB	TEAM: PD	WARD: Aylestone



Summary

- Brought to Committee as more than 6 objections received.
- Fifteen objections including from Councillor Porter, concerning the inappropriateness of the location, the principle of the development, noise and general disturbance, vehicle parking and highways safety.
- The main considerations are the principle of the use, design, residential amenity, parking and highways.
- The application is recommended for conditional approval.

The Site

The application relates to a single storey building located within an area characterised as primarily residential, a Critical Drainage Area Final Hotspot, an Air Quality Management Area and Flood Zone 3b.

It is next to a main road with Knighton Lane also being located to the south of the site, and there is a park on the other side of that road. The rear of the site is a yard for bin storage and vehicle parking that is accessed via wooden gates and a dropped kerb from Knighton Lane.

Background

The building was last used as a pub.

Permission was granted for the two-storey part of the building next to Lansdowne Road to be converted to seven flats in 2011 (20101698). It appears to have been converted to three one bed studio flats (Class C3) on the ground floor and one six bed roomed flat (Class C4) on the first floor.

Change of use from public house to fourteen flats with ground floor extension and extension to roof was refused in 2015 (20150460). The reasons were flooding, nature conservation, detriment to residential amenity, poor living conditions, poor design and inadequate parking.

The Proposal

The proposal aims to meet the social, education and religious needs of Turkish community.

Associated is the construction of a single storey extension at the rear which will provide shelter to the existing staircase to the basement toilets. The only external alteration proposed is the installation of a window to the front elevation that would replace an infilled door.

A Flood Risk Assessment has been submitted with the application. During the course of the application a Noise Statement, Travel Plan and Parking Strategy, Business Plan, Management Plan and Business Flood Plan have also been submitted. The business flood plan has been amended with additional information on access and egress routes in the case of a flood.

The Management Plan has been amended to remove from the proposal any additional opening times for religious or festive reasons. The revised noise statement additionally notes that management and staff will ensure no portable music equipment is brought on site and that this will form part of condition of premises hire.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of Sustainable Development)

Paragraph 86 (Ensuring the vitality of town centres)

Paragraph 92 (Promoting healthy and safe communities)

Paragraphs 108, 109 and 110 (Highways)

Paragraph 118 (Making effective use of land)

Paragraphs 124 and 127 (Good design)

Paragraphs 155, 163 and 164 (Flood Risk)

Paragraphs 180 and 181 (Pollution control)

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 (2008)

Other legal or policy context

Appendix 01 Parking Standards – City of Leicester Local Plan (2006)

List of assets of community value (2019)

Consultations

Lead Local Flood Authority (Post-additional info)

The site is at high risk to both fluvial and pluvial sources of flooding. It is understood that no alterations to the existing drainage system on the site are proposed. A Flood Risk Assessment and accompanying Business Flood Plan have been provided, which confirm the flood resilience measures to be incorporated into the development and the safe access/egress routes from the site. No objection, subject to the following recommended condition that the proposal be carried out in accordance with the approved Flood Risk Assessment and Business Flood Plan and their mitigation measures (safe access/egress, emergency flood plan and flood resistance and resilience measures).

Pollution (Noise/Light/Premises) (Post-additional information)

No objections in principle. There are a number of flats that are directly attached to the premises and residential properties to the rear and side. There is an increased likelihood of noise complaint from the use of the premises for functions late at night / early morning and from events involving amplified music and voice.

The applicant has indicated that the hours of opening for the premises will be 09.00 hours to 22.00 hours daily. The hours applied for should be conditional upon any approval granted.

It is therefore recommended that if planning permission is granted that a suitable condition with respect to amplified music be attached to protect the amenity of occupiers of nearby properties.

Traffic and Travel Planning (post-additional information)

The transport information provided within the draft Travel Plan appears to confirm that the capacity of the new centre would be somewhat less than first thought. Initial concerns were that the additional visitor numbers would be focussed around relatively short time periods and could result in increased pedestrian crossing risks. The numbers envisaged, however, are of lesser concern than initially assumed.

Furthermore, as the Travel Plan has been developed with advice and input from a City Council Transport Development Officer, it is likely to be a credible means of mitigating any residual impacts.

There remains one relatively minor issue, that being the use of the parking area accessed from Knighton Lane. The Local Highway Authority officer is not convinced this area is sufficient to accommodate more than 2 independently accessed parking spaces including one disabled space. The layout indicated in the Travel Plan would prevent independent access to and from the disabled space when the space nearest to the street is occupied. All spaces would only be accessible forward in/reverse out (or vice versa). However, there would be no requirement for any visitor parking spaces for the proposed use. Furthermore, it must be acknowledged that this is an existing parking / service area accessed via an existing vehicular access. While it would have been preferred to see the access improved, there would be no basis to oblige the applicant to do so. That said, the applicant is advised to consider improving the access in due course.

Highways have considered comments in representations on accidents in the vicinity.

In practice, as on-street parking on Saffron Lane, Lansdowne Road and Knighton Lane is very limited, it is envisaged that a significant proportion of car-based users of the centre would opt to park on Knighton Lane East or in the leisure centre car park. This could in turn increase the number of pedestrians crossing at the traffic signals at Saffron Lane. The casualty statistics here are not untypical of this type of junction and they do not raise any specific concerns about pedestrian safety, which are likely to be low in this case. The accident referred to involved one slight casualty only, with a car turning right into Knighton Lane East colliding with another car travelling south on Saffron Lane. This is the most common type of accident at this junction.

Representations

Twelve objections from ten different City addresses and an objection from Councillor Porter were received prior to the additional information concerning the following: -

- The proposal would not benefit the whole community, neither reflect its diversity.
- Exclusive and limited access to a certain group.
- Already other community centres and a church in close proximity.
- Its close proximity to the Aylestone Leisure Centre may reduce visitor numbers
- Insufficient parking.
- Excessive congestion, especially for nearby residents.
- Located at a treacherous junction. Concern for illegal parking on the double yellow lines at this junction. Associated highways safety risks.
- Noise pollution to nearby residents.
- Lack of proper publicity of the application.
- Internal works and works to the roof of the premises without consent.

Following the additional information submitted, four objections from four different City addresses were received concerning the following: -

- Section of Saffron Lane close to the site has had many major road accidents and fatal deaths and so is not a suitable location for busy activities.
- Existing local residential parking issues, which would be worsened by the proposal.
- Despite the Travel Plan, people want to park as close as they can.
- The Travel Plan and Parking Strategy is vague and offers no real, viable solution to the parking problem.
- Works to the site during the lockdown and without planning permission.
- Originally undisclosed use of the site as a place of worship.
- Inadequate publicity of the application.

Consideration

Principle of development

Core Strategy policy CS16 states that “*we will work... to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. We consider that new developments should create an environment for culture and creativity to flourish by:... Creating or retaining cultural facilities and opportunities, including places of worship, ... that help people who live here to develop a sense of belonging, to value the cultural diversity and heritage of our City and become more confident and proud of Leicester, seeing it as a good place to live*”. I consider that the proposal complies with CS16.

Core Strategy policy CS08 Existing Neighbourhoods states that “*The Council will work closely with a range of partners including... community groups... to ensure*

that each neighbourhood will have access to a local centre... and other community and leisure facilities. We want our neighbourhoods to be sustainable places that people choose to live and work in and where everyday facilities are available to local people. To achieve this the following will apply: The provision of new community facilities will be supported where they meet the identified needs of local communities and have a viable long-term management and funding proposal.”

A business plan has been submitted with the application stating that the Leicester Turkish Centre was established in 2018, has a management committee which meets on a regular basis and has currently 40 families listed as members who financially contribute to cover the overheads as a not-for-profit organisation. The centre will provide services to meet the educational, cultural, social, and religious needs of Leicester’s Turkish community. Previously, the centre has hired other centres and has now acquired 277 Saffron Lane. Details of income and expenditure have been given in the business plan. A management plan has also been submitted with the application.

I consider that the proposal complies with policy CS08.

The business plan also notes proposed centre intends to make use of Aylestone Leisure Centre for sports services to the north east of the site.

The former pub was sold in April 2019 according to online marketing sources and is now vacant. The proposal will make use of an under-utilised building. The existing public house is not listed as an asset of community value.

The proposal will maintain a use that will enhance the sustainability of communities and residential environments in accordance with NPPF paragraph 92 and the proposal is acceptable in principle subject to the following considerations.

Design

The original windows have been replaced and there have been white upvc windows to the front since at least October 2008 according to mapping images.

The installation of a window to the front would be positive in design terms by increasing on-street surveillance/building front activity and replacing the existing infill of the door which has been carried out insensitively and not in-keeping with the historic character and appearance of the host building. The bottom of the proposed window would align horizontally with the frame of the other windows of the front. The window would be similar in width and design to the existing windows and would be appropriately heighted so as to align horizontally with the console brackets either side.

The rear extension is proposed with a conservatory-like appearance made of upvc windows and a door. Whilst this may not be in-keeping with the historic character and appearance of the host building, it will be located to the rear of the site with limited visibility from the public realm and is a minor extension in scale. I therefore consider the design of the extension to be acceptable.

Waste would be stored within the rear yard. I consider this to be reasonable and that the proposed use will be unlikely to generate significantly more waste than the existing use.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the character and appearance of the area.

Residential amenity (neighbouring properties)

The Noise Statement states that the occupancy will be 60 people and that additional insulation and boarding will be used during refurbishment. The building will not be fitted with speakers for amplified music. Management and staff will ensure no congregation on Saffron Lane or in the rear yard area. The opening hours indicated on the application form are 09.00 to 22.00, however, it is envisaged that all activities will commence mid-morning and end around 8.30pm.

In terms of planning conditions, I consider that the use should be restricted to no later than 23.00 given the nearby residential properties. It should be noted that the lawful use has no hours of use restrictions.

I consider it onerous to condition that non-portable music equipment shall not be brought on site as stated within the revised noise statement. I do however consider it reasonable to recommend a condition for no live or amplified music or voice played.

I also recommend a condition for a noise insulation scheme in the interests of the surrounding residential amenity and protection from noise pollution, especially for the flats that are attached to the north of the site and the house at 210 Knighton Lane that is located to the west of the site.

The small single storey extension proposed will not have a significant impact on neighbouring residential properties by reason of light, outlook or privacy.

Subject to the recommended conditions, I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Highways and Parking

While it appears technically possible for the rear yard to accommodate six cars as stated within the application form, no more than two would be able to enter or leave independently of the others. Given the site's vehicle access is so close to the Knighton Lane / Saffron Lane junction any increased use of the parking area by users of the premises has the potential to create some hazard for other road users.

The Travel Plan now includes three vehicle parking spaces and five cycle parking spaces to the rear yard area. Whilst it is acknowledged that the spaces would only be accessible via a forward in/reverse out (or vice versa), which is not ideal with

regards to highways safety, it must be acknowledged that this is an existing parking/service area accessed via an existing vehicular access. The parking management strategy notes that reversing out of site would be marshalled. In addition, the Travel Plan and Parking Strategy has been submitted to mitigate demand for on-site visitor parking of this space, as well as on-street visitor parking on the adjacent and nearby residential streets.

It is reasonable to compare the proposed use with the site's current / former use as a public house when assessing how the proposal could impact demand for on-street parking and highways safety risks.

Subject to the recommended conditions, I do not consider that the proposal would present such an intensive and unacceptable use of the existing parking/service area to warrant refusal of the application on highways safety grounds and the residual cumulative impacts on the road network are unlikely to be severe in accordance with Core Strategy policy CS15.

Flooding

The proposed use would be a mix of a 'more vulnerable' and a 'less vulnerable' uses, with a lower vulnerability than the existing use of the site as a public house. A sequential and exception test is not required for the proposed development.

I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant. Subject to the recommended conditions, I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage and flooding.

Other Matters

Turning to other matters (not otherwise addressed above) raised by objectors:

- Publicity of the application has been carried out in accordance with the Statement of Community Involvement.
- Internal alterations and repairs do not require planning permission.

Conclusion

I consider that the proposed change of use is appropriate, acceptable and manageable.

I recommend APPROVAL 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 use shall not commence until details of an insulation scheme to prevent the transmission of noise to adjacent properties have been submitted to and approved in writing by the City Council as local planning authority, and the scheme

shall be carried out in accordance with the approved details and maintained thereafter. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. The use shall not commence until five secure and covered cycle parking spaces have been provided in accordance with the submitted Travel Plan and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

4. The use shall not be carried on outside the hours of 07.30-23.00 Monday – Saturday and 09.00-22.00 Sundays and Public holidays (In the interest of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

5. The use shall only take place in accordance with the approved Travel Plan and Parking Strategy. The plan shall be maintained and operated at all times. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

6. The use shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the Business Flood Plan, and the following mitigation measures detailed within the FRA and Business Flood Plan:

- Safe access/egress
- Emergency Flood plan
- Flood resistance and resilience measures

The approved mitigation measures shall be implemented in full prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

(To reduce the risk of flooding to the proposed development and future occupants and in accordance with National Planning Policy Framework (2019) paragraphs 155 and 163 and Core Strategy (2014) policy CS02).

7. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

8. This consent shall relate to the submitted plans ref no. 2019/277SL/001 rev B and 2019/277SL/0020 rev B received by the City Council as local planning authority on 28/04/2020, the submitted plans ref no. 2019/277SL/0030 and 2019/277SL/0040 and Flood Risk Assessment received by the City Council as local planning authority on 10/03/2020, the Noise Statement and Travel Plan and Parking Strategy received by the City Council as local planning authority on 19/02/2021, the Business Plan and Business Flood Plan received by the City Council as local planning authority on 15/03/2021 and the Management Plan received on 13/05/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- | | |
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| 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. |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc. |
| 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'. |
| 2014_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 2014_CS11 | The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development. |
| 2014_CS14 | The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads. |
| 2014_CS16 | The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish. |