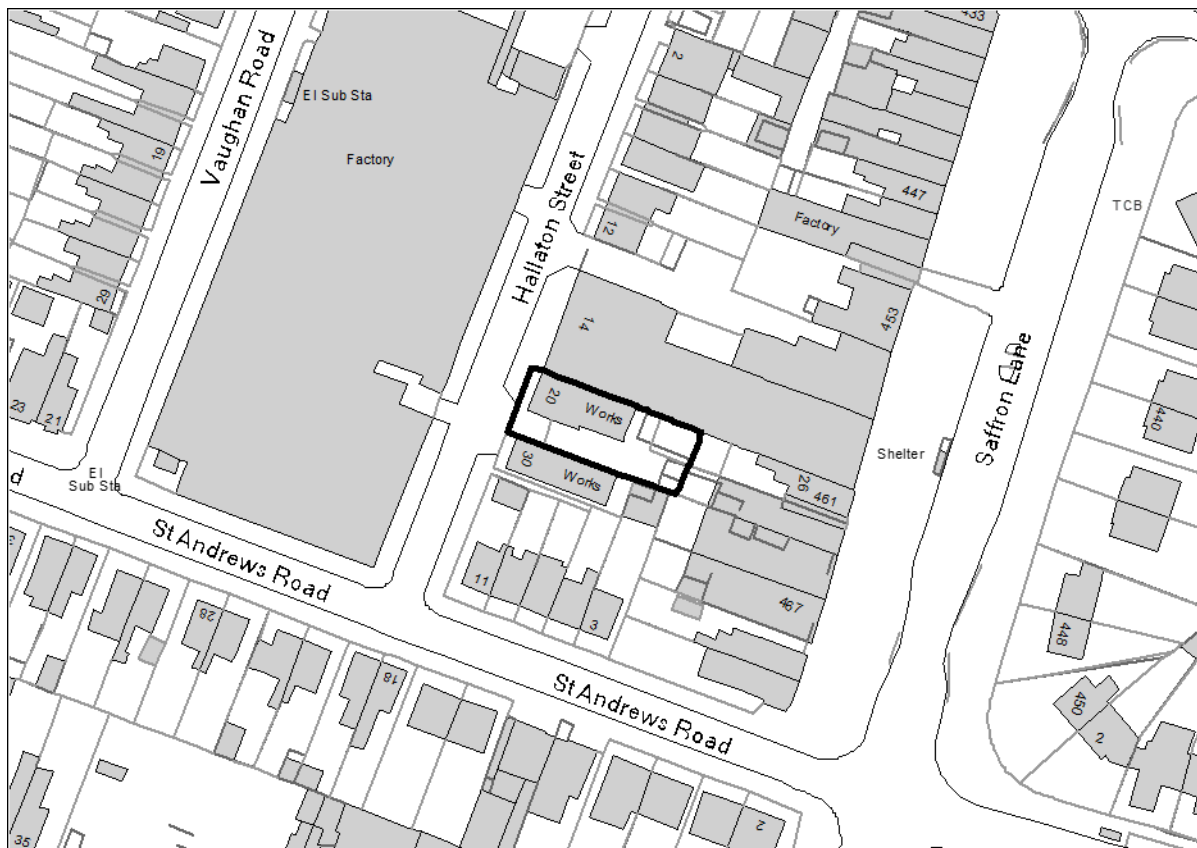


20210527	20 Hallaton Street	
Proposal:	Change of use from offices and industrial (Class E) to education and training centre, place of worship and local community meeting place (Sui Generis)	
Applicant:	Mr Faizal Osman	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	3 June 2021	
RB	TEAM: PD	WARD: Aylestone



Summary

- Brought to Committee due to the number of objections.
- 48 objections concerning the inappropriateness of the location, the principle of the development, noise and general disturbance, vehicle parking and highways safety.
- 166 expressions of support
- 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. There are a number of industrial units to the north, south and west of the site. The Saffron Lane/Duncan Road Local Centre is adjacent to the site to the north and east.

Background

The building was constructed in the early 1960s as a builders store, workshop and offices. I understand that it was last used primarily as offices.

20171164 - Prior approval for change of use from offices to house (Class C3) was refused on grounds that the surrounding commercial uses would unreasonably impact on amenity for residential occupation

The Proposal

The proposal aims to meet the social, education and religious needs of the Muslim community and is for change of use only.

A Flood Risk Assessment, Noise Impact Assessment, Travel Plan and Parking Strategy have been submitted with the application.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

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.

Other legal or policy context

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

Consultations

Pollution (Noise/Light/Premises):

No objections in principle but have concerns about noise that could affect nearby residents particularly noisy activities late at night or early morning.

They conclude that the scheme could be acceptable subject to conditions.

Traffic and Travel Planning:

No objections, providing conditions are attached regarding the provision of a travel pack for users of the building and the retention of cycle parking.

Representations

136 letters of support have been received including a letter of support from the chairman of the Saffron Community Trust who are the applicant for the proposal. 48 objections have been received on the following grounds

- The change of use would increase the amount of traffic along Hallaton Street and surrounding residential roads.
- No room for lorries to make deliveries to the businesses in the locality
- The gate to the residential and commercial parking area directly to the south and east of the site may be blocked by additional traffic.
- The Travel Plan and Parking Strategy were made during lockdown, so the amount of traffic shown in the data would not be representative.
- The increase in the number of people using the site would result in an adverse impact on the number of on street parking for local residents, as well as for employees of businesses in the area.
- Noise and general activity from the use would disrupt the residential properties in the vicinity.

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.*”

The centre will provide services to meet the educational, cultural, social, and religious needs of the community. I consider that the proposal complies with policy CS08.

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

Residential amenity (neighbouring properties)

The Noise Statement submitted with the application says that the building will be used at any one time by a maximum of 50 people during the month of Ramadan and a maximum of 30 people during the rest of the year.

The building is set approximately 22 metres away from the residential properties to the south and approximately 23 metres away from residential properties to the north. There are existing industrial buildings directly to the north and south and west of the site and retail within the Saffron Lane/Duncan Road Local Centre is located to the east of the site. Some of the retail units have first floor flats above the retail. The site is therefore surrounded by a mix of both commercial and residential uses.

The opening hours indicated on the application form are from 06.00 hours to 23.00 hours and to 22.00 hours on Sundays and Bank Holidays. I have some concerns about use before 07.30 hours and after 22.00 hours. Therefore, I consider that it is reasonable to attach a condition restricting the use outside of these times. I consider that this could allow for the observance of prayer times which is likely only to be early morning or late evening in late spring/early summer

It should be noted that the lawful use has no hours of use restrictions.

Given that the building currently would not contain high levels of noise I recommend conditions for a noise insulation scheme, that all external doors and windows must be kept closed, other than for access and egress, in all rooms when events could lead to noise escape. I also recommend a condition restricting amplified music or voice as an additional safeguard.

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

Paragraph 109 of the National Planning Policy Framework (NPPF) (2019) states that *'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.'*

There is a loading only bay located on the opposite side of the road to the site. There is also on street parking available on Hallaton Street, as well as the surrounding residential streets such as Duncan Road, St Andrews Road and Vaughan Road.

No use of the yard to the side and rear is proposed apart from a small area for bin storage to the side of the building. As such, I consider that the change of use would not result in adverse impacts in terms of access to the yard to the side of the site.

The Leicester Street Design Guide refers to the Vehicle Parking Standards as set out in the Saved Local Plan Policies. These standards suggest for education uses a parking standard of 1 space per 5 pupils and 1 space for every 10 staff. Other uses to be considered on their merits.

It should be noted that there is no scope for on-site parking or servicing for either the existing use or the proposed use.

The travel and parking management plan state that surveys have been conducted on the levels of visitors to the site as well as the level of parking available. These surveys were completed during lockdown and car usage would be less than expected.

Due to the nature of the site, the scale of the building and the existing use, I consider that there is unlikely there would be no severe harm caused from additional parking.

There is a provision of 3 cycle storage spaces as stated in the travel and parking management plan, with more to be added if the proposed amount does not meet demand

The applicant has submitted a draft Travel Plan and indicated that they would operate this. Subject to further work on this I consider that this is an appropriate approach.

I am also recommending a management plan which could be linked to and supplement both the Travel Plan and the noise control measures.

Other Matters

Comments have been received stating that the use is not vacant as claimed by the applicant and the first floor is being used as a dwelling. The building is not registered as paying Council Tax and there is no evidence to suggest that this is the case.

It was brought to the attention of officers during the planning application process that the site notice had been taken down prior to the publicity expiry date. The site notice was replaced when officers were made aware and an extension of 7 days was added to the publicity expiry date.

Conclusion

The proposal is acceptable in principle and will provide local community facilities, which is a priority land use for the potential development area. There are no concerns regarding waste storage and collection (subject to condition) and drainage. Subject to the recommended conditions, I consider that the parking/highways and residential amenity concerns would not be significant as to outweigh the community benefits. On balance, I recommend that this application is APPROVED subject to 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 and noise management scheme to prevent the transmission of noise to nearby 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 three secure and covered cycle parking spaces have been provided in accordance with the submitted plans and 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. Except for the observance of prayer, the use shall not be carried on outside the hours of 07.30-22.00 daily (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the City of Leicester Local Plan).
5. 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 amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the City of Leicester Local Plan).
6. Notwithstanding the submitted Travel Plan, before the use has commenced, a revised Travel Plan shall be submitted to and approved in writing by the City

Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (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. This is a PRE-COMMENCEMENT condition).

7. Before the use has commenced, a management plan aimed at minimising disturbance to nearby residents and maintaining highway safety shall be submitted to and approved by the City Council as local planning authority. The plan should include how each facility offered would operate, how people would be supervised and managed and the arrangements in terms of staffing and access. This plan to be operated at all times thereafter. (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the Local Plan (2006). This is a PRE-COMMENCEMENT condition).
8. This consent shall relate to the Noise Statement and Travel Plan and Parking Strategy received by the City Council as local planning authority on 08/04/2021 and the amended plans received by the City Council on 12/05/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. Installation of double doors (lobby system) at any entrance of the building to prevent noise breakout may need to be considered (seek advice from a noise consultant).
2. The provision of air conditioning may need to be considered in warm weather.
3. 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

- 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_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.

