

20211175	156 Harrison Road	
Proposal:	Change of use from retail (Class E) to laundrette (Sui Generis); Installation of ventilation flue (Amended plans received 26/08/2021)	
Applicant:	MR GIRISH PATEL	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	6 July 2021	
AVB	TEAM: PD	WARD: Belgrave



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Summary

- The application is being reported to committee as more than 6 objections have been received from 6 different City addresses.
- 11 objections, a petition containing 16 signatures raising concerns relating to lack of parking, highways safety, noise and air pollution and no need for a further laundrette in the area.
- The main issues are residential amenity, parking and highway safety.
- Application recommended for approval

The Site

The application site is an end two storey terraced property located on the corner of Harrison Road and Moira Street that is currently used as shop (Class E) with a living accommodation above (Class C3). The property has been extensively extended.

The site is located within area characterised as residential and is surrounded by a mix of retail and residential uses. There is an existing laundrette at 107 Harrison Road diagonally opposite to the application site.

The site is located within Critical Drainage Area.

Background

19821458 - Change of use of part of living accommodation to form an extension to the shop and erection of single-storey extension to rear was refused by reason of loss of residential accommodation.

19831134 - Change of use of part of living accommodation to form an extension to shop and the erection of single-storey extension and external stair- case to the rear was approved and implemented.

19851027 - Change of use of a retail shop to a tailor's workshop (with retail counter) was approved.

19851869 - Retention of the altered shopfront was approved.

20062119 - One and two storey extension at the rear of shop was refused by reason of intensification of non-conforming use, residential amenity and loss of residential accommodation.

20101454 - Alterations to the shopfront, first floor extension at the rear of shop was approved and implemented.

20110893 - Enclosed staircase to the first floor self contained flat was approved and implemented.

20180140 - Change of use of a two storey detached building at the rear of the shop from retail storage to (Class A1) to salon (Sui Generis); shopfront, roller shutter and alterations was approved and implemented.

The Proposal

The original proposal was for a change of use of the ground floor shop to a laundrette with the installation of a ventilation grille at the rear.

The plans have been amended to provide a ventilation flue that is incorporated within the existing chimney to the side of the building.

The original proposed hours of use stated on the application form was to be from 0700 1900 hours daily. The applicant has agreed to the amended opening times from 0730 to 1900 hours. It would employ 2 part time employees.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Paragraph 2. The framework requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 contains a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 110 states that “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users;

- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 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

Section 12 of the NPPF focuses on requiring good design.

Paragraph 126 describes good design as a key aspect of sustainable development.

Paragraph 130 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance, taking in local design guidance and supplementary planning documents. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

When determining planning applications for development within flood risk areas paragraph 166 requires local planning authorities to ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan

Development Plan policies

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

Additional Documents

Appendix 1 (Vehicle Parking Standards) - City of Leicester Local Plan (CLLP) (Adopted 2006).

Supplementary Planning Documents (SPD): Residential Amenity
Leicester Street Design Guide.

Consultations

Service Director, Noise and Pollution Control: No objections following receipt of the amended plan subject to conditions in regards with insulation scheme, hours of use and ventilation system.

Representations

I have received 11 letters of objection and a petition with 16 signatures raising concerns as follows:

- Parking and highway safety implications.
- Noise and air pollution from the proposed use.
- Another laundrette not required.

Consideration

Principle of development

The application relates to a ground floor shop located in an area that is mainly residential in nature. The proposal is for a change use of a part of the ground floor to

a laundrette. Whilst a laundrette falls within a Sui Generis use, its customer and service provision mean that it shares characteristics with retail uses within Class E. The supporting statement for saved policy R03 describes how its aims are relevant to uses that provide services to visiting members of the public. The policy states retail development outside the central shopping core will be confined to local centres, the rationale being that this will make shopping trips easier and reduce disturbance to residential areas. The policy also requires that proposals do not inhibit the use of upper floors for residential purposes, that the scale and design be sympathetic to the character of the area, that traffic and servicing generated by the development will not have a significant detrimental impact and that it meets the needs of users with impaired mobility.

The application site is located outside shopping centre, however the proposal is not for the creation of new retail unit within the residential area but it is for the change of use from a retail use to a laundrette. I therefore consider that the proposed use would be acceptable in principle subject to residential amenity, pollution, parking and highway safety.

Residential Amenity and Flue

Saved local plan policy PS10 “Residential Amenity’ states that the in determining planning application, the following factors (amongst others) concerning the amenity of existing or proposed residents will be taken into account:

- A) Noise, light, vibrations, smell and air pollution (individually or cumulatively) caused by the development and its use;
- B) Addition parking and vehicle manoeuvring;

Saved policy PS11 states that proposals with potential to pollute by reason of noise, dust, vibration and smell will not be permitted unless the health and amenity of neighbours and the wider environment can be assured.

Laundrettes by their nature are likely to have less impact to nearby residential uses than some ‘E’ class uses (cafes, restaurants, light industrial etc). Whilst the proposed use has some potential to emit smell and fumes but this is likely to be far less than uses such as a café, restaurant or light industrial use and can be controlled with the attachment of conditions

There are residential properties surrounding the application site and there is an existing flat on the first floor that has a separate access from the rear yard area. There is an existing two storey building at the rear of the site which is a salon on the ground floor level and storage at first floor. There is an existing door to the side of the site which leads to the shared courtyard area that is accessed by the first floor flat.

The lawful use of the site is a shop within Class E with no hours of use control and the use could lawfully change to a café, restaurant or light industrial uses without the need to apply for planning permission. As stated above these latter uses do have the potential to cause harm to amenity if not controlled by conditions. However, the proposed laundrette requires consent and with the attachment of a condition requiring the details of a sound installation to be agreed prior to the commencement of the use protect the residential amenity of the flat above and neighbouring residential property.

The original earlier opening time from 0700 has been amended to 0730 and agreed with the applicant and their agent. I recommend an hours of use condition to allow opening from 0730 till 2000 hours daily to protect the residential amenity of the occupiers of the first floor flat and the neighbouring properties. This would be in line with the hours of use condition imposed on the approval (20182469) to the laundrette at 107 Harrison Road that has been implemented.

The flue as amended would be incorporated within the existing chimney at the side of the building. Though the flue does not terminate one metre above the ridge of the building, it will primarily discharge steam and heat and therefore its siting is acceptable. The flue due to its location will not be visible from the public realm and will not have any adverse impact on the visual amenity of the surrounding area.

The waste generated by the laundrette would likely be similar to that of a Class E Use. I therefore do not consider that the proposal will have an unacceptable impact in regards with this.

I therefore conclude that the proposal will not have significant detrimental impact on the residential amenity in terms of noise, odour and visual amenity. I therefore consider that it complies with saved policies PS10 and PS11 of the Local Plan and CS03 of Core Strategy.

Parking and Highway Safety

There is no off-street car parking for either the existing shop or the proposed use. Concerns have been raised by the objectors regarding on-street parking problems and traffic congestion in the area which would be exacerbated by the proposed development. The lawful use is a shop and it is likely that existing customers visiting the shop would have either walk or have parked on Harrison Road or side streets to visit the premises. The proposed use is likely to be used in a similar manner.

There is none restricted parking available on Harrison Road and the other side streets within proximity of the application site, which could be used by customers to visit the premises and other shops in the area. I accept that there is a high demand for on-street parking within this area and resulting traffic congestion. When taken together, traffic associated with the existing use and other similar uses in the area, the proposed development would not constitute a severe impact on traffic and parking when compared to the existing use.

Furthermore, the proposed laundrette is likely to be used predominantly by nearby residents who are likely to walk to the site. I therefore consider that the proposal due to its size (58sqm) will not have significant detrimental impact on traffic generation or parking within the area to warrant refusal on parking and congestion grounds.

I therefore consider that the proposal will not have adverse impact on the parking and highways safety and that the proposal is consistent with the objectives of saved Local Plan policy AM11 and the objectives of Core Strategy policies CS14 and CS15.

Flooding

The site is located within Critical Drainage Area, however the proposal is for change of use and there are no extensions proposed as part of the development. I therefore consider that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

I conclude that the proposal would not conflict with policy CS02 of the Core Strategy (2014) and is acceptable in terms of flooding and sustainable drainage.

Other matters

Concerns have been raised that there are too many laundrettes in the area. There is an existing laundrette at 107 Harrison Road which is diagonally opposite the site and another one which is located further along at 91 Harrison Road. The proposal would provide a further laundrette in the area, however there is no policy restrictions in terms of concentration of such uses in the area. Furthermore, each application is considered on its own individual merits and I am satisfied that the proposed development will not have unacceptable impact on the residential amenity of the surrounding area to warrant a refusal.

Conclusion

I consider that the proposed development is acceptable, and it will not have significant detrimental impact on residential amenity in terms of noise, general disturbance and visual amenity. The proposal will not result in a severe impact on parking demand or highway safety and minimum impact in terms of flooding. As such the proposal is in accordance with the aims of the NPPF, development plan policies and guidelines - Supplementary Planning Document "Residential Amenity".

I therefore recommend APPROVAL subject to the following conditions.

CONDITIONS

1. START WITHIN THREE YEARS
2. The use authorised by this permission shall not commence until an insulation scheme to prevent the transmission of noise to the flat above and adjacent properties has been carried out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority. (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. Before the use is begun the ventilation system shall be installed as shown on the approved plans and it shall be maintained and operated thereafter to the satisfaction of the City Council as Local Planning Authority. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
4. 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.)

5. The use shall not be carried on outside the hours of 0730- 2000 hours daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. Development shall be carried out in accordance with the following approved plans:

PL156 A 200 Rev C - Proposed floor plans (amended plans) - received 26/08/2021

PL156 A 201 Rev C - Proposed elevation plans (amended plans) - received 26/08/2021

PL156 A 202 Rev A - Wall details - received 11/05/2021

PL156 A 203 Rev A - Ceiling details - received 11/05/2021

PL156 A 204 Rev A - Location plan - received 11/05/2021

(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 2021 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

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.
2006_R03	Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.
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.