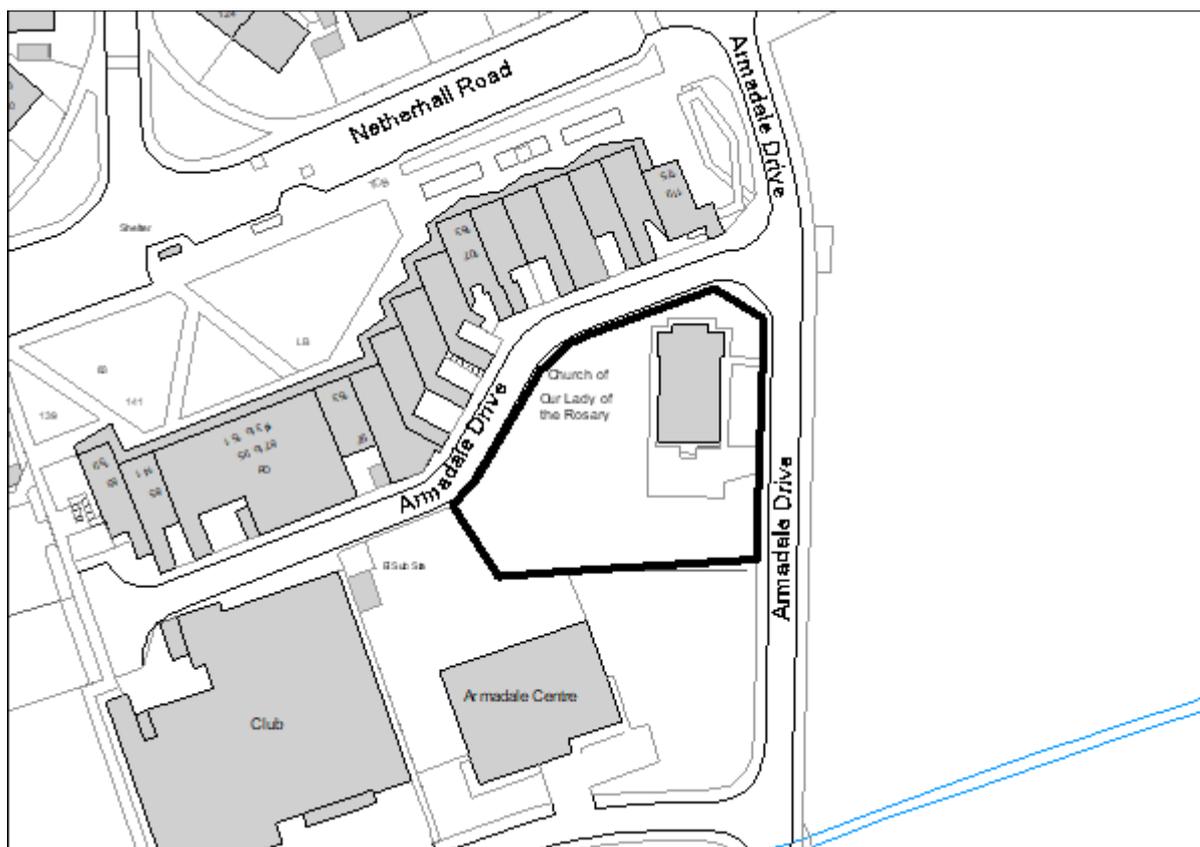


## COMMITTEE REPORT

<b>20232240</b>	<b>Armadale Drive, Al-Marifah Academy</b>	
Proposal:	Construction of two single storey temporary buildings at rear of place of worship (Class F1); installation of hardstanding and parking area	
Applicant:	Mr Khawaja Muhammad Junaid Gulraiz	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	7 March 2024	
SS1	TEAM: PD	WARD: Humberstone & Hamilton



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### Summary

- Brought to committee due to objections being received from 7 neighbours;
- The main concerns raised in objections are regarding traffic/parking congestion and the principle of development;
- The main issues for consideration are principle of development, design/appearance, highways/parking, neighbouring residential amenity, trees, ecology and flood risk/drainage;

- The application is recommended for approval.

## The Site

The application relates to the site of a single storey building in use as a place of worship. The building was approved and constructed in the 1950's. It has a spacious curtilage.

The side fronts a road of relatively narrow width and beyond the road is a large public park. To the north and west of the site there is an access road and directly beyond that are local shops with dwellinghouses above. To the south is open space and another single storey community centre.

The site was formerly allocated for community/leisure use in the Local Plan.

There is a tree in the north of the site subject to a tree preservation order. The site is also within a critical drainage area.

## Background

There are two relevant recent planning records at this site:

**20230282** Construction of perimeter fence and gates to place of worship (Class F1) (amended 29/06/2023)

- Conditional approval

**20230662** Construction of two single storey temporary buildings at the rear of place of worship (Class F1); installation of hardstanding and parking area

- Refused

Reason: By reason of the siting of the cabins in close proximity to residential dwellings and the associated likelihood of noise from voices and increased user activity and of noise from vehicles, and in the absence of acoustic insulation details of the walls of the cabins the proposal would significantly exacerbate the potential for noise pollution and disturbance to neighbouring residents on Netherhall Road to the detriment of residential amenity, contrary to National Planning Policy Framework 2021 paragraphs 130f and 185, and Local Plan 2006 policies PS10 and PS11.

## The Proposal

The proposal is to install two single storey metal cabins (connected to each other) in the north part of the site. In total they would measure 15m in width by 6.1m in depth by 2.6m in height to the flat roof.

The application form states that the building would measure 82sqm in internal floorspace, adding to the existing 180sqm of the existing building. It also states that there are 2 full-time staff and 2 part-time staff, and this would remain following the development.

The application also includes the laying out of hardstanding and parking spaces as shown on the proposed site plan. This part of the submission is being applied for retrospectively.

A cycle store is also proposed in the western corner of the site. A brochure shows 16 bicycles could be accommodated.

A planning statement accompanied the proposal and notes the following:

- at present, daily prayers are conducted five times a day and educational classes for children are held in the evenings. At present, the classes have approximately 36 children attending and are open from 5 pm to 7 pm on weekdays with no classes on weekends
- there is not enough space for all those who attend at prayer times so it is wished to expand
- this temporary building will provide an immediate solution and allow the site to host additional evening classes on weekdays between 5pm-7pm.
- the temporary buildings would only be used for classes and not for prayers.

The statement also sets out considerations in regard to the principle of development, character and appearance, amenity and parking.

An arboricultural implication study also accompanied the application. It provides details of tree protection measures that would be used during construction of the proposed works.

A transport statement & travel plan was also submitted with the application. It provides notes on the existing site and impacts of the proposed developments on parking and travel patterns. This is an additional document from the previous refused application.

An assessment of emission of noise was also submitted with the application. The assessment details how surveys were undertaken of the existing noise climate, provides the background to the proposed development, and assesses potential noise generation

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

- Paragraph 2 (Primacy of development plan)
- Paragraph 11 (Sustainable development)
- Paragraph 39 (Early engagement)
- Paragraph 43 (Right information crucial)
- Paragraph 96 (Social, accessible and healthy places)
- Paragraph 97 (Community facilities)
- Paragraph 108 (Transport impacts and patterns)
- Paragraph 114 (Assessing transport issues)
- Paragraph 115 (Unacceptable highways impact)
- Paragraph 116 (Highways requirements for development)
- Paragraph 135 (Good design and amenity)
- Paragraph 136 (Trees)
- Paragraph 139 (Design decisions)
- Paragraph 165 (Avoiding flood risk or making development safe)
- Paragraph 173 (Flood risk considerations and SuDS)
- Paragraph 180 (Natural environment considerations)
- Paragraph 186 (Biodiversity in planning decisions)
- Paragraph 191 (Noise and light pollution)

### Local Plan (2006) and Core Strategy (2014)

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

#### Other Planning Documents and Guidance

Local Plan Appendix 1 – Vehicle Parking Standards

Leicester City Council – Leicester Street Design Guide 2020

GOV.uk Planning Practice Guidance – Noise <https://www.gov.uk/guidance/noise--2>

## Consultations

#### Noise & Pollution Control Team

I have reviewed the noise emission report, and I am satisfied with the findings. I have no objections to the planning application. However, the noise data only refers to daytime levels, in the interest of nearby residents I suggest the following condition is added on if planning application is granted: *The use shall not be carried on outside the hours of 08:00-20:00 daily.*

#### Highways Authority

*Comments on previous application 20230662*

- The proposed development is unlikely to result in any significant highways or transport issues.

*Further comments on this submission*

- Not reasonable to impose any conditions or obligations on the applicant to require initiatives or off-site works;
- However the Highways Authority will consider bollards & markings for future implementation.

#### Lead Local Flood Authority (LLFA)

*Comments on previous application 20230662*

No objection as long as details/additional information of sustainable drainage systems are secured through 2 pre-commencement conditions.

#### Trees and Woodlands

*Comments on previous application 20230662*

Reviewed the arboricultural assessment supplied by J.A.G. arboricultural consultancy – adherence to it should be conditioned.

## Representations

One comment in support and 1 additional document with comment on parking was received from Cllr Bonham.

7 objections were also received raising the following issues:

- There is not enough parking and the development will result in traffic and parking congestion on Armadale Drive and the surrounding area resulting in detriment to highway safety; and
- Not the right site for the development/there is no need for the development.

## Consideration

### Principle of Development

The principle of the site in use as a religious building is established. It is noted that there is also ancillary use of the site for educational purposes. Both uses are in Class F1 so no material change of use is occurring. The development would also comply with NPPF paragraphs 92 and 93 and Core Strategy policy CS8, which promote provision of community facilities for neighbourhoods. Notwithstanding comments made in representations, as the site is an existing place of worship (and always has been), there is no issue with the principle of extensions/ancillary buildings subject to there being no specific unacceptable potential impacts. Therefore the principle of the development is acceptable subject to specific considerations addressed as follows.

### Design/Appearance of the area

Core Strategy policy CS03 and NPPF paragraph 135 require developments to be of good design and respect the character of the area.

The design would be a temporary structure at odds with the host building and surrounding buildings, and in clear view from the public realm. As such it would not comply with the above policies should the proposal be for permanent consent. However, it is made clear in the application that a 2 years limited period consent would be acceptable to allow a more permanent solution to be found. I conclude therefore that subject to a condition for the development to be removed within 2 years, the harm to visual amenity would be temporary and therefore acceptable.

The proposed (retrospective) hardstanding would remove some previously green space from the site. However, the hardstanding is next to the building, is not a particularly large area in the context of the overall green space in the area, is viewed in the context of neighbouring buildings to the west and north of the site, and would provide a betterment in terms of providing a parking area for the existing building. As such the provision of the hardstanding would be acceptable in these particular circumstances and not conflict with Core Strategy policy CS03.

### Highways/Parking

NPPF paragraphs 108, 114, and 116, Core Strategy policies CS14 and CS15, Local Plan saved policies AM01, AM02, and AM11 and Local Plan Appendix 001 – Vehicle Parking Standards require developments to provide a sustainable and effective transport network, appropriate levels of parking for non-residential development, ensure suitable access, and preserve safety for highway users including motorists, cyclists and pedestrians. Local Plan policy PS10 requires consideration of potential additional parking and vehicle manoeuvring on neighbouring residential amenity.

Taken together, Local Plan policy AM11 and Appendix 1 of the Local Plan set a maximum of one parking space per 22sqm for developments within Use Class D1, which is now F1, outside the central commercial zone. The internal floorspace of the two buildings would be 262sqm following the development. 14 parking spaces are indicated on the site plan although the spaces shown would only be c.4.8m deep which may be insufficient for some modern larger cars and the turning space becomes quite narrow towards the west end of the hardstanding area. Overall, it would be considered that it would be likely that there would be 13 usable spaces that could be accommodated within the hardstanding. This means that there would be at least 1 usable space per 20.1sqm.

As such, appendix 1 is clear on the maximum standard and the proposal is already in excess of that. In this case given there was no parking prior to this development and the fact that the increase in capacity from the new portacabins is only temporary, it would not be reasonable to refuse the application on the lack of parking provision. Overall, the application would have some degree of betterment in terms of parking.

The concerns in the objection that there is a high amount of traffic at the site are noted. There would be potential for there to be a substantial number of visitors by car at prayer times and at times of classes for children between 5pm-7pm and the proposed buildings would increase capacity of the site. It is noted that Armadale Drive is of a relatively narrow width and on-street parking could affect the free-flow of traffic of the highway. However, again the proposed additional capacity is only for a temporary period. The proposed cycle parking for 16 bicycles would ensure that attendees would be able to cycle to the site to reduce reliance on private cars and this can be secured by condition. In the context of the place of worship having existed on the site in the long term and the potential for the traffic situation to be reviewed at the end of the temporary permission, I consider the proposal would not be likely to have an unacceptable impact on traffic/parking congestion.

As such, acknowledging the potential the existing site has for congestion in general, this application itself would not be unacceptable in highways terms and accord with NPPF paragraphs 108, 114 and 116.

In regard to a representation which details potential measures to encourage sustainable methods of travel to/from the site, the Highways Authority commented that the applicant can be provided with material to address inconsiderate parking behaviour and that the Highways Authority will consider measures to support highway functioning.

#### Neighbouring Residential Amenity

NPPF paragraph 130f requires a high standard of amenity to be provided for occupiers. NPPF paragraph 185 requires planning decisions take into accounts effects of pollution on living conditions, including avoiding noise giving rise to significant adverse impacts on health and quality of life. Local Plan policy PS10 requires the noise, vibrations and smell caused by the development to be taken into account in respect of amenity of residents. Policy PS11 states that proposals which have the potential to pollute by reason of noise, vibrations, or smell will not be permitted unless the amenity of neighbours can be assured.

The Planning Practice Guidance on Noise states that decision making needs to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. The Guidance advises that as noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

The proposed metal cabin would be situated in the north part of the site. To the north and northwest are the rear principal room windows of residential properties which are c.20m from the proposed cabin. The addresses are the odd numbers from 153 to 175 Netherhall Road and the odd numbers from 99 to 119 Netherhall Road.

The cabin would also be within c.18m of the rear garden areas of the closest of those properties.

As per the report on the previously refused application 20230662, there was no information on additional noise levels that could be caused within the use of the new buildings, despite a noise impact assessment being requested at validation stage. As such there could have been an unsatisfactory harm to living conditions of neighbours.

I consider that the new noise impact assessment submitted with this re-submission is robust and that its scope is appropriate and conclusions are suitably evidenced. The calculated activity levels would be comfortably below the existing noise climate levels.

The noise pollution officer comments that she is satisfied with the findings subject to control of house of use between 0800-2000 daily. I recommend a slightly altered condition to control hours of use between 0800-2000 Monday to Saturday. I consider this is reasonable as the noise climate in the noise assessment was measured on a Thursday evening and there would be likely to be a noticeably lower noise climate on Sundays, meaning noise from comings and goings and full classrooms could have a more pronounced impact in regard to disturbance to neighbours on Sundays.

I also recommend a condition to control the use of the portacabins to F1(a) provision of education because that is the use that was considered in the noise assessment and other Class F1 uses could attract different/greater levels of noise.

Subject to conditions, I consider that it has been evidenced that there would be no significant impact in terms of noise/disturbance to neighbouring residents, in accordance with Local Plan policy PS11.

### Trees

Local Plan policy UD06 requires developments to retain features of landscaping which contribute to visual amenity.

There is a protected tree near the siting of the proposed cabins. An arboricultural assessment, including tree protection methods during installation of the buildings, and approved by the Trees and Woodlands Officer within the previous similar application and has been submitted again within this application. It is considered to be acceptable. Therefore, subject to a condition to ensure the procedures listed within the assessment are adhered to, the proposal would retain features of landscaping which contribute to visual amenity.in the area and be acceptable in regard to trees in accordance with policy UD06.

### Ecology

Core Strategy policy CS17 requires developments to avoid impacts to wildlife habitats and species. The existing building on the development site will not be impacted by the proposed works and the area within the redline boundary is mostly buildings, car park and managed amenity grassland therefore ecology surveys will not be required on this occasion. As such, the proposal would be acceptable in regard to avoiding impacts on biodiversity and comply with policy CS17.

### Flood Risk/Drainage

Core Strategy policy CS02 requires developments to avoid increasing flood risk and provide suitable and sustainable drainage.

The proposed development is located within Flood Zone 1. Therefore, the site is considered 'Low' risk to fluvial flooding. The proposed building is of modest scale and as such will not have a significant impact on flood risk in the area.

The site is in a critical drainage area. The LLFA reviewed the previous similar application and requested further details of SuDS and drainage. The development within this application is the same build/footprint therefore these comments are still valid. The agent has agreed in writing to the conditions being attached.

I therefore consider that there is scope for the development to facilitate appropriate sustainable drainage and details of this can be agreed with the LLFA prior to commencement of the siting of the portacabins. The development would accord with Core Strategy policy CS02.

### Conclusion

The proposal is acceptable in principle and as a relatively modest size of development with the buildings being subject to limited period consent for 2 years, for the above reasons I consider that there would be no other unacceptable long-term impacts resulting from the development. I therefore recommend conditional approval.

### 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 classroom portacabin buildings shall be removed and the land restored to its former condition not later than 2 years from the date of this permission. (The proposal does not represent a satisfactory form of permanent development; and to allow a period to assess parking impacts of the proposal; in accordance with Core Strategy policy CS03 and National Planning Policy Framework 2023 paragraph 114d.)
3. The use of the portacabin buildings shall be limited to Use Class F1(a) provision of education and no other use. (Because other Class F1 uses could attract different/greater levels of noise, and in accordance with Local Plan 2006 policy PS11).
4. The use shall not be carried on outside the hours of 0800-2000 Monday-Saturday. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Prior to commencement of the use of the portacabin classrooms, the cycle shelter with 16 cycle spaces shall be installed in accordance with the shelter details submitted (BDS Cycle Shelter- 16 Space Cycle Shelter & Bike Stands, Bikedock solutions.) (In the interests of sustainable transport and managing traffic impacts, in accordance with Local Plan 2006 policy AM02)
6. Construction shall take place in strict adherence with the procedures detailed in chapters 3-11 inclusive of the submitted arboricultural implication study (J.A.G. arboricultural consultancy, dated April 2023) (to ensure landscape features of visual amenity are retained in accordance with Local Plan 2006 saved policy UD06).
7. Prior to the installation of the portacabins full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. The use shall not commence until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details.

Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

8. Prior to the installation of the portacabins details of drainage, shall be submitted to and approved by the local planning authority. The use shall not commence until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).

9. Development shall be carried out in accordance with the following approved plans:

Proposed Site Plan PL-A203, Revision A  
Proposed Plan & Elevations, PL-A200, Revision A  
Cycle Stand, PL-A203, Revision A  
(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 planning considerations, including planning policies and representations that may have been received and subsequently determining 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 2023.
2. This consent is partially for a limited period only. The relevant condition above must be complied with unless a further consent is obtained. If you or anyone else wishes to apply for a further consent, this should be done at least two months before the expiry date given by the condition, and you should contact the City Council before making your application to ask whether further consent might be granted. **YOU SHOULD NOT EXPECT ANY FURTHER REMINDER REGARDING THIS LIMITED PERIOD CONSENT.**

#### **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.
- 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\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 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.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.