



Leicester
City Council

Wards: see individual reports

Planning & Development Control Committee

Date : 23rd August 2023

SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS:

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APPLICATION ORDER

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5		20230641	66 Burleys Way	CA
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Recommendation: Conditional approval	
20230641	66 Burleys Way
Proposal:	Change of use of part of ground floor and all of first floor from shop (Class E) to place of worship, public hall, and day care centre (Classes F1 and E) (Amendments received 4 July and 2 August 2023)
Applicant:	Mr Omorinola Osunmakinde
App type:	Operational development - full application
Status:	
Expiry Date:	8 June 2023
CY1	WARD: Castle

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Further Representations:

Two further objections have been received.

The first raises concerns that the unit could be better put to an alternative use and that an additional church would cause friction amongst the groups.

The second raises concerns regarding lack of existing parking in the area and the exacerbation of parking created should the proposal be approved. They note that there are businesses in the area operating at the same time as the proposal who require the use of the parking facilities in the immediate vicinity of the site. They refer to a lack of compliance with Council Parking Standards within Appendix 01 of the Saved 2006 Local Plan, road safety, and concerns that this would create added congestion, poorer air quality, and poorer accessibility primarily for the elderly and those with disabilities. They add concerns about lack of electric charging spaces in the scheme. The objection goes on to state that the site is within an Air Quality Management area with unsatisfactory and illegal levels of air quality and questions how the scheme would help to reduce Air Quality. The objection also notes a former refused application for a place of worship (situated at Belper Street) as precedent for refusing this application.

Two emails have been received from an objector with concerns over the officer report in terms of how representations have been reported- considers them be defamatory and misleading and not to be clear in respect of what are material planning considerations.

Further Considerations

With regard to the further Objections:

Concerns regarding the principle of the use, parking, congestion, and accessibility are covered in the officer report.

Air quality – the proposal is a partial change of use from a commercial to community purposes within the Air Quality Management Area. The city council has published the “Healthier Air for Leicester: Leicester’s Air Quality Action Plan (2015-2026)”.

Air quality impacts are more relevant in considering residential proposals as opposed to commercial or community activities. Nevertheless, condition 3 secures implementation of the Travel Plan submitted on the 2nd August 2023, which promotes measures to increase the uptake of more sustainable transport options, and as such the proposal is in line with the objectives of Actions 8 and 15 of the Air Quality Action Plan. Constrained car parking, especially so close to the City centre, is also likely to encourage more use of bus, cycle, car-sharing and walking also in line with these objectives.

Road safety – Orchard Street is a regulated one-way street, and I do not consider that the proposal will have a significantly detrimental impact upon highway safety.

Parking - With regard to the Council’s parking standards and with this site being in zone 2 of those standards, then those standards call for less provision than asserted (1 space per 70msq as opposed to 22m2 as mentioned in the comments which is the ratio for zones 3 and 4). Based then on the floor area stated in the application, if this had been either a new-build or replacement build project the starting point would have been to seek 18 car parking spaces plus 1 mobility space. When it comes, however, to changes of use, particularly in long established sites, this rate is frequently problematic, calling for a much more pragmatic, site specific approach. The impacts and implications of any such change of use of a building or site can only ever be considered in the context of the net changes in those impacts.

Nevertheless, even if this had been a new-build project in the light of the site’s close proximity in relation to zone 1, and it is highly likely an allowance would have been considered.

Electric vehicle charging points is a matter for Building Regulations as opposed to planning policy which requires via “Approved Document S: Infrastructure for the charging of electric vehicles” that 1 of the provided parking spaces must have access to one electric vehicle charge point.

Precedent is not a material planning consideration. Even if it was, the refused application referred to in the second objection was a place of worship in a terraced area in a residential part of the city and is not comparable to this site.

With regard to the Summary of Representations:

The report has summarised all representations appropriately and these can be viewed in full on the council website. Any asserted/alleged motives behind representations should not be considered as material planning considerations.

In correction to the officer report, the text:

“many objectors are from the neighbouring church and points out the lack of support from these followers does not correlate with Christian values”

should read:

*“many objections are from the neighbouring church and points out the lack of support from these followers does not correlate with **British** values”.*

Recommendation: Conditional approval	
20231045	44 Thurnview Road
Proposal:	Change of use from dwellinghouse (Class C3) to a children's home (Class C2) (AMENDED PLAN RECEIVED 26/07/2023)
Applicant:	Mr Masoom Bhatt
App type:	Operational development - full application
Status:	
Expiry Date:	25 August 2023
PB	WARD: Evington

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Representations

One additional representation has been received from a neighbouring property. The representation raises concerns regarding:

- increased noise and disruption resulting from housing children and young people with specific behavioural challenges,
- increased traffic and parking with an anticipated increase in staff and visitor traffic,
- privacy and security concerns from the regular presence of visitors, including social workers and disruption to the usual flow of the residential area,
- the change of use affecting the residential character of the area, and similarly
- a change of the cohesion and integration of the local community balancing the behavioural difficulties with the comfort and stability of existing residents.

Further Considerations

The issues raised above are covered in the officer's report. The degree to which the proposed use would operate would mean that increased noise, disruption, privacy, security would not be so significantly perceptible to be unacceptable. The report describes how there are more parking spaces proposed than recommended for the Class C2 use but how the retention of the three proposed spaces is prudent.