

COMMITTEE REPORT

20231073	15 Main Street Humberstone	
Proposal:	Change of use of the ground floor from a public house/ restaurant (Sui generis) to a community centre (Class F2); reconfiguration of the car park; and cycle store at rear (amended plans 25/10/2023)	
Applicant:	Abbas Momin	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	16 November 2023	
SS1	TEAM: PD	WARD: Humberstone & Hamilton



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2023). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

Summary

- Brought to committee due to level of objections received.
- Objections received from 6 City addresses (one of which attached a petition with 17 signatures) with main concerns being the principle of development, highways, and air quality.
- Main issues are principle of development, neighbouring residential amenity and highways/parking impacts.

- The application is recommended for approval.

The Site

The application relates to a two storey building in a primarily residential area last in use as a pub on ground floor (now vacant) and flat on first floor.

The building has a front canopy and a single and two storey side and rear extension. There is an area of hardstanding with outbuildings at the rear. There are double yellow lines on the street in front.

There is hardstanding to the front with dropped kerbs for vehicular access.

To the north across the road are dwellinghouses on Main Street Humberstone. To the west is a two storey building with a royal British legion function room and a flat.

To the south are dwellinghouses on Lobbs Wood Close. To the east are dwellinghouses on Main Street Humberstone and further to the east/southeast is Main Street Garage MOT testing and Nags Welding Shop, and further commercial premises including a Chinese takeaway within the 'Humberstone Village' local centre.

The site is within the Old Humberstone conservation area.

Background

1 enforcement case received 19/07/2023. Description: 'Building Works'. Status: Case resolved, no breach.

The Proposal

The proposal is for the ground floor of the building to be used as a community centre which would fall into Class F2. It would have 2 main rooms with ancillary facilities including a kitchen.

There would be 1 part-time member of staff assisted by volunteers.

The rooms would be used for a variety of activities that are likely to include meetings, local group activities, social events, and classes/learning/tutorials/seminars/lectures.

The proposed hours of use would be 10:00-22:00 daily.

A maximum occupancy of 52 people is forecast for the proposed community centre at any one time.

The front yard would be laid out with 10 parking spaces for the community centre and 1 for the flat.

A cycle store with space for 10 bicycles would be installed at the rear of the site.

The submission was accompanied by a planning statement, transport statement, noise assessment, and heritage statement.

Amended plans were received on 25/10/2023 to amend the parking and access layout.

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 81 (Economic growth)
Paragraph 86 (Support town centres)
Paragraph 87 (Sequential test)
Paragraph 88 (Accessible sites)
Paragraph 91 (App refused where sequential test failed)
Paragraph 93 (Community facilities)
Paragraph 104 (Transport impacts and patterns)
Paragraph 110 (Assessing transport issues)
Paragraph 111 (Unacceptable highways impact)
Paragraph 112 (Highways requirements for development)
Paragraph 130 (Good design and amenity)
Paragraph 134 (Design decisions)
Paragraph 185 (Noise and light pollution)
Paragraph 186 (Air quality considerations)
Paragraph 187 (Agent of change)
Chapter 16 (Heritage Assets)

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

- The community centre has a kitchen, however no ventilation plans have been submitted. As there is no ventilation a condition is required to avoid hot food being cooked on the premises;
- The acoustic report states that no events with amplified music, from my understanding community centres are often hired out to third parties, therefore amplified music should have been modelled in the acoustic report, and mitigation methods should have been recommended. However, as long as the recommendations in section 8.6 and 10.5 are adhered to this will be acceptable.

Highways Authority

First Round Consultation

2 issues raised:

- The existing vehicle accesses would no longer operate in an efficient and safe manner due to the redesigned internal layout. The vehicle access needs to be revised; and

- The internal car parking layout does not meet minimum car parking lengths. Areas of the car park are left vacant which would encourage car parking that would obstruct the accesses. Refuse collection and delivery vehicles need to be accommodated. Cycle parking needs to be relocated to a more accessible and overlooked location.

Second Round Consultation following amended parking layout

- The amendments to the proposed layout, and using the existing accesses as an 'in' and 'out' arrangement does overcome the issues raised;
- Acknowledged that the proposed internal car park is a betterment to the existing situation;
- Surface markings and signage required to clarify operations;
- Conditions recommended to secure cycle parking, surfacing/markings out of the parking, details of arrangements during construction.

Representations

6 objections were received, one of which attached a petition with 17 signatures. Issues raised were:

Principle of Development/Submission Details

- The term "community centre" is too vague, it doesn't say what type of centre;
- Other premises at Armadale Drive/St Mary's Church could be used instead;
- If it is a madrassa, there are already 3 in the area;
- Not clear what the actual uses/activities would be, and it is concerning this information has been withheld;
- No details of the first floor use;
- The proposal should benefit all members of the local residents and wider community, but it will not be a place for the whole community;
- The proposal is the last pub in a large part of the city with several having been lost. It would be contrary to NPPF paragraph 93 as it would be replacing a facility for all the local community with one only for part; and
- Humberstone village needs space for general use for the community, and this development would not be for general use, particularly if it would be arranged to segregate the uses by the sexes.

Highways

- The proposed parking would be insufficient (as there are 11 spaces but a capacity of 52 people) and concern over the loss of 2 parking space;
- Any spillover of parking onto the main road would be dangerous, including in regard to the site being close to the corner of Tennis Court Drive and Main Street where there is a ramped embankment;
- Considered unlikely that many people will walk/cycle/take the bus – most will use their cars to visit the site;
- Along with the nearby schools and temple there is more and more traffic in the area;
- Increase in traffic would potentially cause more accidents in the area, noting a fatal accident in 2019;
- Increase in traffic would impact the 36/38 bus route and would cause congestion including at school times;

- Main Street Humberstone is already a narrow street which can become overwhelmed adding to the above concerns;

Air Quality

- Increase in traffic would lead to air pollution in a conservation area, contrary to the Council's air quality action plan;

General/Other Issues

- Questions whether constructions/alterations can start before planning consent is given;
- Serenity of the village and community would be disrupted by traffic, noise, pollution and parking; and
- The pub was not attempted to be run as a going concern after covid, and the council were informed in bad faith that the site is not proposed to be a community centre.

Consideration

Principle of Development

Policy Context

NPPF paragraph 93 states that planning decisions should:

“plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. “

Core Strategy policy CS08 provides a principle in favour of ensuring that each neighbourhood will have access to community and leisure facilities.

Core Strategy policy CS16 states that the Council will:

“develop culture and leisure facilities and opportunities which provide quality and choice”

Consideration

The site is outside of a designated town centre where there uses would usually be directed to. However, the existing use is also non-conforming within the residential area. As such there would be no substantive policy conflict or impact on local centres resulting from the change of use.

An objection considers that there is insufficient information in terms of the type of community centre. However, I consider that it is clear that the application is for the change of use of the ground floor to a use that would be within Class F2(b) of the Use Classes Order – a hall or meeting place for the principal use of the local community. The planning statement describes that the expected uses are meetings, local group activities, social events and classes/lectures. As such the proposal is able to be reasonably considered in planning terms.

The principle of the proposed use of a community centre is objected to by some representations and they have quoted that the east part of town has already lost other pubs including the Windmill, Moat, Golden Age, Mayflower, Daniel Lambert, and Conservative club.

It is also contended in representations that the new use would not be for all of the community, whereas the current use is more so.

The above concerns are acknowledged including the loss of the various pubs however having regard to the planning context overall I consider that the change of use is to be given neutral weight. NPPF paragraph 93 requires decisions to plan positively for community facilities, the list of which includes both pubs and meeting places, and this development would be replacing one with another. Section c) of paragraph 93 is noted and in light of the objections it could be argued that the proposal would involve the loss of a valued facility, however the new use would also have the potential to become a valued community facility. Whilst the loss over time of pubs in the area is regrettable, there are no specific current adopted policies to ensure these are retained and the provision of pubs or other general community areas in the wider area would be a more strategic aim rather than being addressed in this specific application. The existence of other community facilities would not be a reason to refuse this one.

For the above reasons, the principle of the change of use would be compliant with the relevant planning policies listed above.

Neighbouring Residential Amenity

Policy/Guidance context

NPPF paragraph 130f requires a high standard of amenity to be provided for occupiers. NPPF paragraph 185 requires planning decisions take into account 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.

Assessment

The existing use class of the site is as a pub/restaurant at ground floor and there are no limiting planning conditions on its use at present. As such the current situation is that the site could produce noise impacts to surrounding residential properties on a regular basis and at anti-social hours. The closest properties including 17 Main Street Humberstone and 4 Lobbs Wood Close would be particularly liable to experience noise impacts from the existing situation if amplified music or voice was played in the site.

The proposed use as a community centre would also have the potential for noise impacts if there were social events or functions taking place. As such, conditions have been considered and agreed with the agent to provide some control of the use of the site to limit future impacts. The hours of use of the community centre are

proposed to be limited to 1000-2200 to avoid use late at night. Also, it is conditioned that the hardstanding at the rear of the site be used only for servicing, cycle parking, bin storage or other storage associated with the community centre use, (as opposed to being partially used for events and with people gathering). The front hardstanding area is also conditioned to be only used for access/parking. As such noise from attendees of the new use gathering outside the building should be limited. I note that there would be the same floorspace as existing therefore the capacity of the building would generally be similar to existing as opposed to significantly increasing. In the circumstances and given the proposed conditions, the potential for noise and disturbance would be no greater than existing and as such acceptable.

A noise assessment was submitted which assesses noise impacts on the flat above. It concluded that the development would be acceptable in terms of noise impacts to that flat subject to installation of suitable glazing/ventilation and ceiling insulation. This can be conditioned.

As such, I conclude that the proposal would be acceptable in terms of noise impacts to neighbouring residents, in compliance with Local Plan policies PS10 and PS11, and NPPF paragraphs 130 and 185.

Highways & Parking Considerations

NPPF paragraphs 104, 110, and 112, 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.

I acknowledge the representations received in terms of highways/parking issues. I also acknowledge that the crossroads c.180m to the west has an accident history, Main Street Humberstone is a narrow road, and there are schools in the vicinity of the site.

The existing use class of the site is as a pub/restaurant at ground floor and there are no limiting planning conditions on its use at present. The pub/restaurant could also host social events or be busy during the evenings and weekends on a regular basis and there are no markings on the front hardstanding at current. As part of the application the agent has provided drawings showing a details parking layout with space for as much parking as could fit on the site. Conditions have been agreed with the agent to ensure that the site is marked out as shown prior to the commencement of the use and for the front hardstanding to only be used for access/parking for the lifetime of the use. There will also be a clear entry and exit point included in the proposed signage on site. As such, these are conditions and markings that would provide beneficial regulations in use of the access and parking within the site, that do not exist at present.

The site is located within a residential area and there would be likely to be a substantial amount of attendees that would be able and likely to walk/cycle to the venue and as noted, the site is on a bus route meaning some would be able to use the bus also. The proposal includes a condition to provides secure and covered cycle facilities prior to the commencement of the use to allow for this also.

Having regard to the floorspace of the site and the fact that there is no increase proposed I consider that, given the proposed conditions, overall the proposal would have a limited impact over and above what could be involved at present. The proposal should not lead to significant amounts of indiscriminate parking and this would be also controlled through traffic/parking officers. Appendix 01: Parking Standards of the Local Plan recommends 1 space per 22sqm in this location and the proposal meets this therefore the proposal would not be considered to provide insufficient parking.

The Highways Authority note that the proposed internal car park is a betterment to the existing situation. Overall I consider the proposal is acceptable and recommend that the development is compliant with national and local planning policies in respect of highways/parking. I do not consider a condition in respect of building arrangements during construction works is necessary for this minor development.

Other Issues

There would be no external alterations or operational development save for a new cycle store to the rear, details for which can be agreed through condition. Subject to this there would be very limited impacts on the heritage asset and no harm caused.

It was raised in representations that other sites should be considered for the proposed use. However, that is not relevant to the application that has been submitted which must be considered on its own merits.

Another issue from a representation was that there already are madrassas in the area. However the application is for a community centre and based on the use classes order and the relevant policies, the existence of madrassas nearby would not be a material consideration.

Another issue from a representation was that the first floor use was not detailed. However first floor plans were provided with the application.

An objection to the change of use was made on the grounds of harm to air quality from extra traffic. However were this principle to be taken up on minor developments such as these, there would be limited potential for any new development outside the city centre. The site is not in an air quality management area. The development does not propose large numbers of additional floorspace, is sited on bus routes and within a residential area where people may use sustainable transport. As such the proposal could not be considered to have an unacceptable impact on air quality.

A query from a representation was if works can start before planning permission was issued. Having regard to my site visit, the change of use has not commenced yet.

It was raised in a representation that the use as a pub was not tried to be continued especially after the pandemic. However that is not part of the consideration of this planning application on compliance with the development plan.

I would not consider it reasonable or necessary to add a condition requiring no hot food on the premises given the existing use.

Conclusion

I have found above that the principle of development is acceptable and the development would not have unacceptable impacts in terms of residential amenity and highways. The development is compliant with the national and local planning policies in Leicester. I have considered matters raised in representations and

conclude that there are no material considerations that would override the compliance with the development plan. Approval is therefore recommended 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 community centre use shall not be carried on outside the hours of 1000-2200 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. The use as a community centre shall not commence until the front area of hardstanding has been marked and laid out in accordance with details shown on the revised parking layout (Drawing No.: 25058-02C-1 Rev C), including the "sign with diagram 616 at entrance". The markings shall be retained and the front area of hardstanding shall not be used for any purpose other than access and vehicle parking for the lifetime of the use. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. The external enclosed areas at the south and west of the site shall not be used for any purpose other than servicing, cycle parking, bin storage or other storage associated with the community centre use. (In the interests in neighbouring amenity, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan and NPPF 2023 paragraph 130f)
5. The use as a community centre shall not commence until the glazing/ventilation package A referred to in paragraph 8.6 and one of the secondary ceiling options referred to in paragraph 10.5 of the Noise Assessment (Acute Acoustics, Ref 2782, Rev B) have been installed. These measures are to be retained in situ for the lifetime of the development. (In the interests of residential amenity in accordance with policy H07 of the City of Leicester Local Plan 2006)
6. The use as a community centre shall not commence until the cycle shelter has been installed in the rear courtyard in the location as shown on the approved site block plan and in accordance with details of the appearance of the cycle shelter which will have been agreed in advance in writing with the City Council as local planning authority. The shelter shall be retained for the lifetime of the use. (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).
7. Development shall be carried out in accordance with the following approved plans:
MPD-1235-PLA-02-B – SITE LOCATION PLAN & EXISTING/PROPOSED PLANS
MPD-1235-PLA-04-B – PROPOSED ELEVATIONS
received on 25/10/2023.
(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 (and/or pre-application).

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 2023 is considered to be a positive outcome of these discussions.

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. |
| 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_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_CS18 | The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. |