



Leicester  
City Council

Wards: see individual reports

Planning & Development Control Committee

Date : 12<sup>th</sup> June 2024

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SUPPLEMENTARY REPORT ON APPLICATIONS AND  
CONTRAVENTIONS:

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APPLICATION ORDER

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<b>Recommendation: Conditional approval</b>	
<b>20240076</b>	<b>Gervas Road, The Mayflower</b>
Proposal:	Change of use from public house (& ancillary flat) (Sui Generis) to place of worship and community/education centre (Class F1) (amended plans 15/5/24)
Applicant:	Gervas Properties Ltd
App type:	Operational development - full application
Status:	
Expiry Date:	13 June 2024
SS1	WARD: Thurncourt

### **Correction to report**

It is noted that as drafted there were typing errors relating to the number of general comments and the number of objections. It was stated that there were 15 general comments and 41 objections. However there were in fact 16 general comments and 42 objections. However the content within all comments/objections had been adequately summarised in the report.

### **Updated Highways Authority comments**

The Highways Authority have made further comments as follows:

- Agree with the consideration of the amendments submitted on 15/5/24
- Whilst the proposed level of parking would be sufficient for day-to-day use of the site, we would need more details on how they would propose to manage the additional parking at peak times
- A further travel plan condition is requested.

On the basis of the above comments **I recommend a new condition** in relation to traffic management which would assist with ensuring traffic impacts remain acceptable in planning terms. New condition 4 is recommended as follows:

*Notwithstanding the submitted Travel Plan, no part of the development shall be occupied until a Travel Plan for the development has been 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 a 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;*

*(d) provide details on how additional parking will be provided and managed during peak times of the use of the building, and shall include (i) the peak times when the additional parking spaces will be brought into use, so that for general day to day use the car park shall be used in accordance with the approved site layout; (ii) a plan showing how the additional parking will be arranged within the site when required, (iii) how the use of the additional spaces will be stewarded and managed within the site, (iv) how the flow of vehicles into the site will be efficiently stewarded so vehicles can enter the site unhindered and do not have to unduly wait or queue within the highway (v) how off-site parking will be monitored and discouraged (vi) how a route through the site will be maintained for emergency access;*

*(e) 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).*

### **Further Representations Received**

3 further objections have been received through the planning portal. Issues raised were:

- It is already dangerous when crossing the road from Elmcroft Avenue to the shops on Gervas Road;
- The nearby car garage attracts on-street parking congestion;
- Gervas Road is too narrow for modern, wider vehicles, including buses and fire engines;
- Site is near 2 very busy junctions
- Enough religious establishments in the area already;
- Housing should be built on the site; and
- Nothing for youths in the area – a youth centre should be built on the site.

A further objection was sent directly to the City Mayor and subsequently to the Planning service, raising the following issues:

- There has been work done on site previously including cutting down trees;
- Site on a crossroads, busy bus route and the area suffers from parking congestion;
- Already sufficient religious establishments in the area;
- Land should be used for social housing;
- Unsure on whether locals support the plans; and
- Unsure on publicity of application being sufficient.

### **Updated comments from agent**

The agent has sent some further brief notes as follows:

- Timings could be considered summer 4:00-11:00, winter 6:00-9:00, with exceptions for Ramadan.

- Additional 15 onsite parking with stewards managing the site during prayer times and supplementary classes
- We will have noise protection sound proofing which will help with noise pollution
- We will work close with local businesses and residents to address points raised in the report.

## **Further Considerations**

### Highways/Parking

The high number of objections on highways grounds are again noted in the report including the proximity to other commercial uses and potential for parking congestion in the area. The nature of the surrounding roads are also noted. However, the existing site as a pub has no limiting planning conditions on its use. A pub could already attract significant numbers of visitors and/or host social events during evenings/weekends on a regular basis. The highways impacts of the change of use was assessed in the committee report and it was concluded that given the floorspace of the site and the 23 parking spaces to be provided, the proposal would provide an acceptable number of spaces to produce a policy compliant development. Conditions in relation to ensuring the layout is provided and retained for access use only and traffic management would assist with ensuring traffic impacts remain acceptable in planning terms. As such I conclude that the proposal would not raise unacceptable conflicts with highway policy.

### Principle of Development

In relation to further points, planning applications must be assessed on their own merits. As places of worship would be an acceptable use in principle, the local planning authority could not consider or require an alternative use at this stage and there is no planning ground to refuse the development on the principle of too many similar uses. As such I consider that the principle of development is acceptable.

### Other Issues

In relation to previous work taking place on site, I do not consider that any works requiring planning permission have taken place prior to this application and this application can be considered on its own merits.

In relation to publicity, residents surrounding the site were notified at the start of the consideration process and a site notice displayed near the site on 6/2/24 and as such the required statutory publicity requirements have been carried out.

### Agents Comments

In response to the updated comments from the Agent, the hours of use are proposed to be controlled as per the recommended condition and it is considered that this remains appropriate given consultations with noise pollution officers. The proposal for stewards are noted. The full consideration on highways is provided in the committee report with the further discussion as above and it is considered that conditions can manage highways functioning suitably. The final two points above are noted.

## Revised Recommendation

**Recommend approval subject to the additional condition 4** as set out below:

4. Notwithstanding the submitted Travel Plan, no part of the development shall be occupied until a Travel Plan for the development has been 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 a 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;
  - (d) provide details on how additional parking will be provided and managed during peak times of the use of the building, and shall include (i) the peak times when the additional parking spaces will be brought into use, so that for general day to day use the car park shall be used in accordance with the approved site layout; (ii) a plan showing how the additional parking will be arranged within the site when required, (iii) how the use of the additional spaces will be stewarded and managed within the site, (iv) how the flow of vehicles into the site will be efficiently stewarded so vehicles can enter the site unhindered and do not have to unduly wait or queue within the highway (v) how off-site parking will be monitored and discouraged (vi) how a route through the site will be maintained for emergency access;
  - (e) 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).

<b>Recommendation: Conditional approval</b>	
<b>20212876</b>	<b>190 London Road</b>
Proposal:	Construction of detached three storey building to provide 8 flats (2 x Studio, 6 x 2 bed) (Class C3); provision of soft and hard landscaping, car and bicycle parking, bin store, drainage infrastructure and boundary treatment; removal of trees; alterations to existing accesses and frontage boundary wall; and demolition of single storey structures adjacent to 190 London Road. (amendments received 26/10/2023)
Applicant:	Mr Shameet Thakkar
App type:	Operational development - full application
Status:	
Expiry Date:	1 July 2023
TEI	WARD: Stoneygate

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### **Amended Conditions**

11. Prior to the commencement of development and notwithstanding the approved plans a revised Arboricultural Impact Assessment shall be carried out and submitted in writing to the local planning authority and shall include provisions for the retention of tree T9 in addition to the measures outlined in the Arboricultural Impact Assessment submitted by Bea Landscape Design and received by the City Council as local planning authority on 26.10.23. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
12. Prior to the commencement of development and notwithstanding the approved plans a revised Tree Protection Plan to show tree T9 to be retained shall be submitted in writing to the local planning authority carried out to include provisions for the retention of tree T9 in addition to the measures detailed at Appendix C of the Arboricultural Impact Assessment submitted by Bea Landscape Design and received by the City Council as local planning authority on 26.10.23. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
13. Prior to the occupation of the flats a scheme for 15 replacement trees to compensate for those removed to facilitate the scheme shall be submitted to and approved in writing by the City Council as local planning authority. The replacement trees shall be planted within one year of the approval of these details. For a period of not less than thirty years from the date of planting, the applicant or owners of the land shall maintain all planted trees. The trees shall be replaced if they die, are removed or become seriously diseased. The

replacement planting shall be completed in the next planting season. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

16. Notwithstanding the approved proposed site plan the boundary treatment at the front of the site fronting London Road shall be retained as existing. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).

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

Proposed Site Plan, ref. no. DSA-20075-PL-PRO-01, rev J, received 26.10.2023

Proposed Floor Plans and Elevations, ref. no. DSA-20075-PL-PRO-02, rev D, received 26.10.2023

(For the avoidance of doubt).

### **Further Considerations**

After the officer's report and recommendation were finalised it was established that the tree T9 at the front of the site, shown to be removed as a result of the development, could be retained. The tree is at the front of the site and provides a high amenity value to the surrounding area. As such, the wording of conditions 11 and 12 are proposed to be amended to allow for additional details in relation to the retention and protection of the tree to be submitted prior to commencement of the development.

Condition 13 is also proposed to be amended for clarity to ensure that the 15 trees shown to be provided on the proposed landscaping plan are secured within the condition.

A new condition, condition 16, is proposed to be added to ensure that the boundary treatment fronting London Road is retained to ensure the character and appearance of the Evington Footpath Conservation Area is maintained.

With the introduction of a new condition, the plans condition that was previously noted as condition 16 is now amended to be condition 17.

### **Revised Recommendation:**

**Approval subject to the revised amended conditions** as set out above.

<b>Recommendation:</b>	
<b>20231161</b>	<b>65 Kirkwall Crescent</b>
Proposal:	Retrospective application for construction of dormer extension at rear of house with increased ridge height (Class C3)
Applicant:	Ms Leanne Fowell
App type:	Operational development - full application
Status:	
Expiry Date:	13 June 2024
SS1	WARD: Thurncourt

### **Withdrawal from Agenda**

This Item is proposed to be withdrawn from the Agenda at the request of the Head of Planning. Following amendments to the implemented structure the development is now considered acceptable and it is proposed to approve the application under delegated powers.