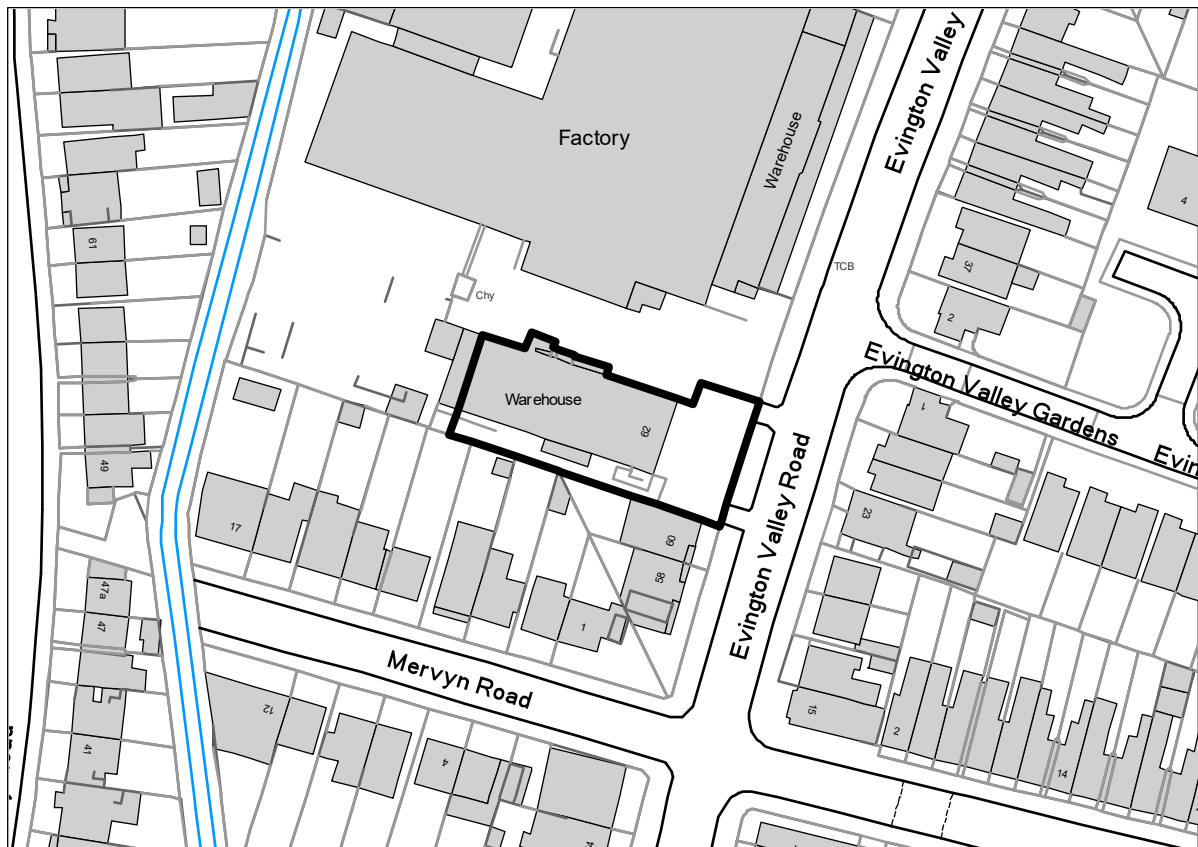


## COMMITTEE REPORT

<b>20240579</b>	<b>62 Evington Valley Road, Unit 14 Ground Floor</b>	
Proposal:	Retrospective application for change of use of the ground floor from religious, education and community use (Use Class F2) to wedding and events venue (Sui generis), external alterations to the front facade	
Applicant:	Mr Salman Patel	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	23 August 2024	
ACB	TEAM: PE	WARD: Stoneygate



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### Summary

- The application is reported to the committee due to the number of objections received.
- 32 objections received on grounds of noise and highway impact.
- 63 comments received in support of the application.
- Main issues are impact on amenity of local residents, impact on the highway and design.

- The application is recommended for approval.

## The Site

The application site is the ground floor of a three-storey building which was originally built as a factory but now has a lawful use as a religious, education and community use under Class F2. The upper floors are vacant and do not form part of the application.

The surrounding area is a mix of residential houses to the south and east on Mervyn Road and Evington Valley Road and a complex of former industrial buildings that are now a play centre, MOT station, place of worship, supermarket and pharmacy.

The building is located within flood zone 2 while the surrounding area is located within flood zone 3a and an area at risk of flooding from a 1 in 1000 year event as well as a critical drainage area.

## Background

In October 1983 planning permission 19831374 was granted for the change of use of the ground, first and second floors of the building from industrial to recreation and community use. The permission was personal for the use of the Leicester Asian Youth Association only.

Condition 4 of the permission stated *“The premises shall not be used as a banqueting hall or function room in association with wedding or birthday celebrations or similar.”*

The permission was implemented and the premises operated until 2010.

In May 1989 planning permission 19890665 for the removal of the conditions attached to planning permission 19831374 was granted but restricted the use to a place of worship and education only.

In August 1994 planning permission 19940513 was granted for a variation of the conditions attached to planning permission 19831374 to allow the premises to be open until 11.00pm on 15 occasions in the year to 31 July 1995.

## The Proposal

The application is for retrospective permission for the change of use of the ground floor of the premises from religious, recreation and community use (Class F2) to a wedding and events venue. (Sui Generis)

The application is accompanied by a Planning Statement which states that the events that would be carried out are weddings and charitable and community events.

The proposal is also for alterations to the front of the property which involve the removal of windows and the installation of new windows and doors.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

Paragraph 2: applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11: A presumption in favour of sustainable development.

Paragraph 97 states that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) 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;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 115 states that development should only be 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.

Paragraph 131: the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being.

This paragraph, specifically 135(f), also requires development to afford a high standard of amenity for existing and future occupiers and is consistent with policy PS10 of the City of Leicester Local Plan.

Paragraph 173 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where

appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 174 states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59.

Paragraph 193 states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

### Development Plan policies

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

## Consultations

Local Highway Authority – No objections.

Noise and Pollution Control – Initially assessed that the details in the Noise Assessment were acceptable but requested further details relating to delivery times and operating hours. On receipt of the requested information they raise no objections subject to the premises operating in accordance with the submitted details.

Local Lead Flood Authority (LLFA) – Request a sustainable drainage scheme and a flood risk assessment.

## Representations

32 objections have been received. The grounds of objection are.

- Loss of community facility.
- The premises does not have sufficient parking for the proposed use and would exacerbate existing parking problems.
- Noise from drumming, car horns, people cheering and fireworks.
- Blocking of driveways by people attending weddings.
- Increase in litter in the area.
- Change of use has occurred without planning permission.
- There are flashing bright lights on the front of the property.

A petition with 101 signatures in objection to the application has also been received. The petition states "We the residents of Evington Valley Road, Evington Valley Gardens, Mervyn Road, Bannerman Road, Ethel Road oppose the retrospective application for the change of use of the ground floor from community use (Use Class

F2) to a wedding and events venue (Sui Generis). The new use has introduced significant disturbances including excessive noise, invasive lighting, increased traffic and parking problems and uncontrolled waste management all of which negatively impact our residential area.”

63 comments in support of the application have also been received.

## Consideration

### Principle of development

Policy CS10 of the Leicester Core Strategy states that designated employment land will be retained for employment purposes.

Whilst the property is located within a primarily employment area, it has been operating as a religious, educational and community facility since the 1980s. I therefore consider that the proposal would not result in the loss of an employment use and would not be contrary to policy CS10 of the Leicester Core Strategy.

Policy CS08 of the Leicester Core Strategy states that the Council will seek to retain existing places of worship in order to ensure provision for the wide variety of religious groups active in the City.

The application site was limited by condition to the use by the Leicester Asian Youth Association only. The association folded in 2010 and there appear to have been no other proposals from other religious groups to use the property. The proposal involves the use of the premises mainly for holding weddings. I consider that this is a similar use in planning terms to a place of worship through assemblies of visitors for purposes which represent community use of the building. I therefore consider that the proposal is acceptable in principle.

### Design

Policy CS03 of the Leicester Core Strategy states that good quality design is central to the creation of attractive, successful and sustainable places. We expect high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. Development must respond positively to the surroundings, be appropriate to the local setting and context and take into account Leicester’s history and heritage.

The proposed alterations to the building are the removal of two windows to the front and windows above the door and a replacement door. I consider that these are minor alterations to the building that do not have a significant impact on the design of the building and are therefore not contrary to policy CS03 of the Leicester Core Strategy.

### Residential amenity (*neighbouring properties*)

There are a number of residential properties in the vicinity of the site on Evington Valley Road, Mervyn Road and Bannerman Road. The properties on Mervyn Road have rear gardens that face the side of the building.

The proposed operating hours for events are 10.00 to 23.00 on Monday to Saturday and 10.00 to 20.00 on Sunday. The building would be open between 08.00 and 00.00 on Monday to Saturday and 08.00 to 21.00 on Sunday. The additional times before and after events are to allow for setting up and taking down of events.

A Noise Management Plan has been submitted which states that pre-recorded amplified music would be played until 22.30 at the latest and guests are required to leave by 23.00 on Monday to Saturday and 22.00 on Sunday. The premises would also be fitted with a noise limiting device which can be controlled through the premises licencing process.

Objections have been received over noise outside the premises particularly from drumming and car horns. The submitted Noise Management Plan states that outdoor activity would be prohibited.

I consider that the Noise Management Plan is clear and that subject to a condition being attached that the premises operates in accordance with this plan, the impact on the residential amenity of the occupiers of nearby properties would not be significantly harmful to justify refusal and should be controllable through planning powers if contravened in a way which is detrimental to local people.

Such action would not be possible in the absence of the proposed condition. This application also allows further conditional controls to be secured which would not be possible should the use become immune from enforcement action through operation for 10 years.

### Highways and Parking

Policy CS14 of the Leicester Core Strategy states that development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel.

Policy CS15 of the Leicester Core Strategy states that to meet the key aim of reducing Leicester's contribution to climate change, opportunities should be provided that will manage congestion on the City roads.

A Transport Statement has been submitted with the application which states that the proposed capacity of the premises would be 200 people. The statement also states that the property has 7 car parking spaces to the front of the site and an agreement with the operators of the Fun Valley play centre at 70 Evington Valley Road that the car park for this premises can be used for visitors to the premises. This car park has 43 spaces. The proposed site plan shows that the spaces to the front of the premises would also be marked out as they are not currently clearly defined. The proposal would also provide four cycle parking spaces

The statement presents the results of a parking survey that was carried out during an event being held at the premises on 27 January 2024. This showed that despite the Fun Valley car park not being available on that day there was sufficient capacity in terms of on street parking available for the visitors to the premises.

The site is also within walking distance of regular bus routes on both Evington Valley Road and Evington Road.

The lawful use of the premises as a religious and education centre would be likely to generate a similar amount of visitors to the premises as the proposed use would, and I therefore consider that the proposal would not result in harm to the highway network to justify refusal.

### Flooding

The site is within an area at risk of flooding. There is no change in the built form of the development and the proposed change does not increase the vulnerability of the use in terms of flooding. I therefore do not consider that there is justification for a sustainable drainage system to be provided and that the proposal is not contrary to policy CS02 of the Leicester Core Strategy.

### Other matters

In relation to the change of use having occurred without planning permission, it is not an offence for development to take place without planning permission. Unauthorised use of the premises had been reported to the Compliance and Monitoring Team in 2016 but no breach of planning control was identified at that time. Following the lifting of restrictions due to covid-19 the premises has been clearly operating as a wedding venue and a breach of planning control was established leading to the submission of the current application which allows consideration of appropriate controls through new planning condition.

In relation to the objections relating to blocking of driveways, this is not a matter that can be controlled under planning legislation and can be addressed through enforcement.

In relation to the concerns about lights on the premises, these are installed to the front of the premises and do not require planning permission as they are fixed to the building.

### **Conclusion**

In conclusion I consider that the proposal is acceptable and provides an opportunity to attach planning conditions to an unauthorised use to enable it to operate without causing harm to residential amenity and highway safety.

I recommend that this application is APPROVED subject to conditions.

## CONDITIONS

1. Within 6 months of the date of this consent, all parking areas shall be surfaced and marked out in accordance with details shown on plan 1195-MPD-XX-ZZ-DR-A-1101 revision P02 received by the City Council as Local Planning Authority on 16 May 2024, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with saved policy AM11 of the City of Leicester Local Plan and Core Strategy policies CS03, CS14 and CS15.)
2. The use shall not be carried on (except preparation of events and cleaning/taking down after the events) outside the hours of 0800-2300 Monday to Saturday and 0900-2100 on Sundays. (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 shall only operate in accordance with the details in the Noise Management Plan received by the City Council as local planning authority on 24 July 2024. (In the interests of the residential amenity of the occupiers of nearby properties and in accordance with saved policy PS10 of the City of Leicester Local Plan.)
4. Development shall be carried out in full accordance with the following approved plans:
  - Proposed Elevations, 1195-MPD-XX-ZZ-DR-A-1400, rev P02 received 16 May 2024
  - Proposed Ground Floor Plan, 1195-MPD-XX-ZZ-DR-A-1200, rev P02 received 16 May 2024
  - Location Plan and Proposed Site Plan, 1195-MPD-XX-ZZ-DR-A-1101 rev P02, received 16 May 2024(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 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_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.
- 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\_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\_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.