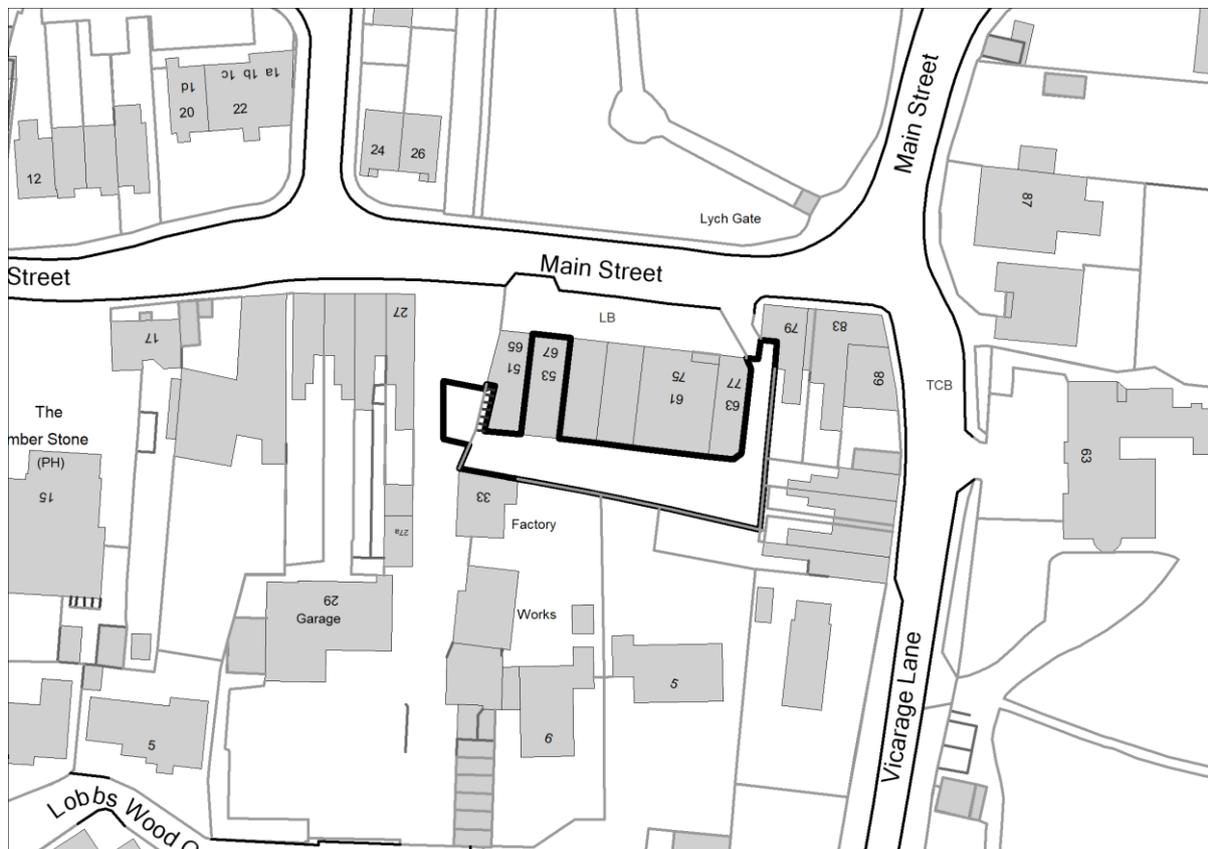


Recommendation: Conditional approval	
20201157	53 Main Street, Humberstone
Proposal:	Change of use from retail (Class A1) to education (Class D1)
Applicant:	Mrs Shikha Kapur-Gopal
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20201157
Expiry Date:	14 September 2020
CW	WARD: Humberstone & Hamilton



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Summary

- The application is at committee as there are objections from more than six city addresses
- There are 7 objections on the grounds of traffic, parking and the proposed change of use to an educational use
- The main issues are the principle of the use, highway and parking impacts of the development and the potential impact on the residential amenity of nearby properties
- The recommendation is for conditional approval

The Site

The property is located in the Humberstone Village local shopping centre as shown on the 2006 City of Leicester Local Plan.

It is a mid-terrace unit located on ground floor level, above the unit is a residential flat. The site is within the Old Humberstone Conservation Area and opposite the Grade II* listed St Mary's church.

The unit has been vacant since 15th December 2019.

The Proposal

The proposal is to change the use of the ground floor of the unit from retail (Class A1) to an educational use (Class D1).

The applicant intends to offer additional tuition in mainstream school subjects to school children at times when they are not in main school.

The proposed opening hours are between 0800 and 20.00 daily.

The applicant has access to and rights to use the parking and servicing area to the rear of the units.

Policy Considerations

Paragraph 85 of the National Planning Policy Framework (NPPF) states that policies should promote the long-term vitality and viability of town centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries and define the extent of primary shopping areas making clear the range of uses permitted in such locations.

Paragraph 108 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Paragraph 127 states that planning decisions should ensure safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 192 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

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

Consultations

Pollution (noise, premises and light): A condition should be attached to the planning permission (if granted) to limit the hours of use to protect the residential amenity of the first-floor flats

Traffic and Travel Planning: The site is located on Main Street, within a row of various shops and takeaway premises. Fronting the site is a wide footway, with a parking lay-by which allows parking on-street. There are no time restrictions over the length of use of the parking bay. Main street is a narrow and operates in a one-way westbound direction only from the junction of Tennis Court Drive. Whilst Main Street operates in a two-way direction past the site, on-carriageway parking on sections of Main Street reduces traffic flow to one lane. There are two bus services that operate along Main Street, and a bus stop is provided directly fronting the application site. Again, due to the width of the road opposing vehicles are unable to pass when a bus is stopped.

The existing unit has a potential to be used as a retail premises and generate vehicle trips throughout hours of opening. Standard trip formula calculations indicate that traffic generation could be significantly lower than for a retail use of the same size.

The applicant has provided further information that the proposed hours of use are 8am to 8pm, and the expected number of users will be approximately 20 during the course of the day. There would be a total of 4 members of staff, although the applicant has stated that they may all not be required at the same time. The applicant has further stated that the age range of the users is to be between 5 and 11 years old. This means that they would be more likely to be dropped off by a parent, rather than travelling to the site independently by bus, cycle or on foot, although this may be the case for older children. It would also be reasonable to assume that the majority of trips would be between 3pm and 8pm, after school during the term.

The team advise that they consider the traffic and parking demand would not be greater than that associated with a retail use.

Representations

The application has received 7 objections summarised below:

- Parking – limited parking in the area / not enough parking / Main Street can't cope with the traffic it gets now / more traffic is detrimental to the village / village not designed for extra traffic / roads are already difficult to negotiate without additional traffic
- This part of the village is very busy, there are now ten buses an hour going by these shops and the road is very narrow
- School children walk along the pavements twice a day and the number of cars parked can be very dangerous for them
- The parking bay outside the shops is often filled with cars and other vehicles for long periods of time by people not using the shops
- If all parking is brought or commandeered by this one premises, where do staff and customers of other retail units park? Delivery drivers, or tenants and visitors of flats above the unit?
- Is the owner going to charge for parking spaces?
- Row of shops have fire exits which lead out onto the area which is proposed for parking, if people park and block the exits this would be a breach of health and safety.
- What will happen in an emergency situation? Would emergency services be able to access?
- Local business will suffer if people can't park as they will go elsewhere. This could result in the local shops closing which would impact the elderly and disabled in the area, who can only access these shops
- There is already a large influx of traffic from Humberstone School without more parents dropping and collecting children
- The parking/servicing area at the rear is not well maintained and subject to fly-tipping
- The community is lacking in shops such as cafes, florist, post office, charity shops etc to give locals more amenities close to home.
- Educational use means that users will be on the premises for long periods of time meaning they are going to be parked for long periods on time, or the area will be inundated with school traffic; more than the area can cope with.
- Concern over people loitering in the space behind the shops
- Already an educational centre located on Gypsy Lane which is within a 5-minute drive
- The unit cannot be used for anything other than shop

- Use should bring the community together not segregate as this does
- Proposed use of the shop unit is inappropriate for the location
- Approval for the application would be totally counter to the Humberstone Village Action Plan agreed as a result of two public meetings in 2019. The objective was to make Humberstone more attractive after years of neglect
- Need to protect the integrity of the ancient village

Consideration

Principle of Development:

The property falls within a local shopping centre allocation. Core Strategy policy CS11 seeks to:

‘protect and enhance retail centres as the most suitable location for retail development by the following measures:

b) safeguarding the retail character and function of the centre by resisting development that would detract from their vitality and viability.

Educational uses such as training and tutorial centres are not identified as a main town centre use (NNPF annex 2). However, it is not unusual to find them located within a shopping centre as they are often sustainable locations which benefit from access to public transport. There are no saved local plan policies or current core strategy policies that specifically relate to this type of use. Each application is therefore treated on its individual merits.

The site is located within a small local centre that has a reasonable mix of uses including local convenience shopping provision. The proposed training centre would allow a vacant unit to be brought back into use. I do not consider that the proposed change of use would detract from the vitality and viability of the local shopping centre. The proposal is therefore acceptable in principle.

Design:

The proposal does not include any external alterations that need planning permission and I do not consider it will have an impact on the character and appearance of the area. The proposal is therefore not contrary to Core Strategy Policy CS03.

Heritage Assets:

The site under consideration is located in the Old Humberstone Conservation Area, adjacent the Grade II* Listed St Mary’s church to the north. The building was purpose built in the 1970’s as part of a row of commercial properties (shops) with residential accommodation above. The building is of limited heritage significance and negligible architectural merit. I therefore consider that the proposed change of use which includes no external alterations will not significantly impact the character of the

Old Humberstone Conservation Area. The proposal is therefore in keeping with Core Strategy (2014) CS18.

Residential amenity:

The application unit is located at ground floor level within a row of shops. The first-floor level of the row of buildings is in use as residential flats. In order to protect the residential amenity of the flat above the unit and the other nearby residential properties a condition restricting the hours of use is recommended. The applicant's predicted hours of use are between 0800 and 20.00 hours. I consider that there is a relatively low risk of unreasonable disturbance from the use and that the planning use only needs to be controlled with regards to use before 0730 and after 22.00.

I consider that with such a condition attached, the impacts of the proposal can be reasonably controlled so that it is consistent with the objectives of saved policies PS10 and PS11.

Waste storage and collection:

I do not consider that the proposal will have an unacceptable impact on the management of waste at the site.

Highways and Parking:

I agree with the highway team's conclusions that the potential vehicle trips generated by the site as a result of the proposed change of use would be comparable to or even lower than could be generated by the existing use.

I do not consider that the change of use is likely to lead to severe impacts on highway safety or highway function.

I therefore do not consider that the proposal conflicts with the objectives of Core Strategy (2014) CS14 and is consistent with the objectives of Saved City of Leicester Local Plan (2006) Policy AM11.

Conclusion:

The proposed change of use from retail (Class A1) to Education (Class D1) is acceptable in principle as the proposed use would bring a vacant unit back into use and not detract from the vitality and viability of the local centre.

As the proposal does not consist of any external alterations it is acceptable in terms of both design and conservation

With the appropriate condition attached restricting hours of use, the residential amenity of the nearby properties would not be unreasonably affected.

The proposal would not result in increased levels of traffic in the area so as to have a severe impact on the highway.

I recommend APPROVAL 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 use shall not be carried on outside the hours of 08:00 hours and 22:00 hours 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 premises shall not be used for any use other than an Educational Centre applied for notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended). (Leicester City Council as local planning authority would wish to assess the particular impacts of other D1 uses at this location before determining whether such proposals would be acceptable in planning terms.)

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.? 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 2019 is considered to be a positive outcome of these discussions.?

Policies relating to this recommendation

- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 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.