

Recommendation: Conditional approval	
20171869	THE FORMER CHAPEL AND 31-37 OVERTON ROAD
Proposal:	REDEVELOPMENT OF THE SITE AND REFURBISHMENT OF THE EXISTING CHAPEL, TO PROVIDE A COMMUNITY CENTRE, ANCILLARY CAFE (D1), 8 RESIDENTIAL FLATS (C3), WALLED GARDEN AND CAR PARK, PLUS ASSOCIATED WORKS OF DEMOLITION, CONSTRUCTION AND LANDSCAPING
Applicant:	DIU KOLI SAMAJ ASSOCIATION
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20171869
Expiry Date:	30 November 2018
LL	WARD: North Evington



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Summary

- This application is brought before the committee as more than 5 objections have been received.
- Fifteen objections and a petition have been received relating mainly to traffic, and noise and disturbance relating to the proposed evening events

- The main issues are the principle of development, traffic, noise and residential amenity
- The application is recommended for approval subject to conditions.

Site Address

The applicant submitted an application with the address "29A-37 Overton Road". However, 29A Overton Road is not within the site. The address has been changed since initial submissions.

The Site

The site is in a densely developed mixed-use area. Overton Road leads north-east off the meeting point of Humberstone Road and Uppingham Road, about 1.5km east of the city centre. Dwellings in the area are small terraced houses, mainly early- and mid-20th century. Several have been converted to flats.

On Overton Road itself are a few small factories and similar units, and 120m to the north is the Hasting Road employment area. The Uppingham Road local centre is nearby.

The site has a 42m frontage to Overton Road, and extends 36m-47m back. There are currently various buildings on the site including a former chapel, which is attached to No 29 by a two-storey garage structure, a mid-20th century two-storey brick building, and various flat-roofed buildings. In the south-west corner of the site is a flat-roofed two-storey building with 7.4m walls to the boundary. This building is not entirely square, and extends into the obtuse angle at the south-west corner of the site. There is a large open area with gates to the street and a vehicular crossing of the footway.

Part of the site is in Flood Zone 2.

To the immediate west is No 29 and 29A, a ground floor shop and two flats above. There is no open garden at the rear of this property, it is almost entirely covered with a single storey building which appears to have been there for some time

To the immediate east is No 39 Overton Road, a detached house which is constructed right up to the boundary. This house appears in the past to have had a two storey structure attached to it, but currently there is a single storey garage building attached to it, set back a few metres from the footway.

Across the street is the junction with Frisby Road. On one side of this corner is a parade of four small shop units with flats over. The shops are not all in use. There are small-scale commercial uses at No 24 and No 14, although there is an application currently under consideration to change the use of the factory at No 24 to a day-centre.

To the rear (south) of the site are the back gardens of 32 to 46 Uppingham Road. There are other facilities in the area. These are:

- The Spinney, Frisby Road (420m from the site, appears to have been originally a Working Men's Club and to have evolved into the current use as a function room over time. There is no planning application history relating to the current use although an Enforcement case in 2016 established that the use is in the same use class and therefore no breach of planning control had occurred.)
- 103 Frisby Road (350m from the site, granted consent for a place of worship in 2010 subject to a condition restricting use to 0800-2330 daily)
- 170 Prestwold Road (500m from site, granted consent for community/education centre in 2017 subject to a condition restricting use to 0900-2200 daily).

Background

The site was until recently used as a scrap yard. According to the planning history, there was a textile waste business on part of the site in the 1960s, and it appears that over time the scrap metal use evolved to occupy the current site without ever receiving explicit consent.

There was refusal in 1998 of an application to change the entire site to a scrap metal use, however in 1992 and 1995 certificates of lawful development were issued which established that there was, through passage of time, a lawful use for the open storage of non-ferrous metals on the rear of 29A, 31-33, and the rear of 35 Overton Road.

The former chapel dates to the late 19th century, when it was identified as a Mission Hall on the OS maps and later as a chapel.

The current application was submitted following pre-application discussions.

The building was used, without planning consent, for celebrations in September 2017. Complaints were made by neighbours about noise late at night, and Pollution Control officers attended.

The Proposal

The proposal is to demolish most of the existing buildings on the site, although most of the former chapel, including the front part which is of some architectural interest, would be retained.

The former chapel would be used as a community hub and café space, and would also form an entrance to the community centre. There would be side doors opening out onto a small seating/garden area between the chapel and the boundary with No. 29. Alongside the chapel to the east, and extending across the remainder of the front part of the site, would be a three-storey building containing the flats at first and second floor, and the kitchen and toilets to the community centre, as well as the access to the car park, bin stores and secondary community centre entrance.

The hall would be linked to the front section by a parallel corridor. It would be a single storey building although 7.5m tall at ridge, with an entrance lobby facing the car park, and other entrances through the café and via the corridor. The hall would have some rooflights, and windows facing the car park.

The car park with 32 spaces would occupy about 40 per cent of the site, and there would be a small garden behind the hall, where the rear boundary of the site is not parallel to the front, creating a triangular outside space.

Boundary walls are proposed as follows:

- to the east boundary – retention of existing 2.8m high wall
- to the west boundary – retention of existing walls at 5.3m and 4m in height, and construction of a new 7.4m wall to replace the existing
- to the south boundary – part 7.4m high wall as above, part 4.9m high wall to replace existing, and part 2.4m high wall.

Daytime uses

The applicant is proposing daytime classes, cultural activities and meetings. Weekday classes would also take place in the early evening. In addition, a small ancillary café would be provided within the centre as part of the community hub.

Evening uses

The applicant is proposing evening events running until 11pm on any day. No more than 2 events of more than 150 people would be held each week and no event would accommodate more than 350 people.

The application as submitted was for the centre to be used until 11pm Monday – Thursday, 00.30 am Friday and Saturday, and 10.30pm Sundays.. The hours now proposed were agreed during the application process.

Flats

The proposal includes four dual-aspect two bedroom flats, and four single-aspect one-bedroom flats, across the first and second floors at the front of the site. These would be unrestricted in terms of occupancy and therefore would fall within use class C3.

The flats would be at first and second floor above the front section of the development, with a dedicated entrance and use of three of the car parking spaces.

The flats would have access to bin and cycle stores alongside the entrance, and would each have one or two terraces.

Three of the car park spaces would be allocated for residents.

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development.

Leicester city Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date and the 'tilted balance' in favour of residential proposals comes into play.

Paragraphs 91 and 92 encourage appropriate promote social interaction through mixed use developments and to provide social, recreational and cultural facilities through positive planning of such facilities to enhance the sustainability of communities and residential environments.

In making an assessment Paragraph 108 of the NPPF (2018) states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable level.

Paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Paragraph 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Part 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Paragraph 59 states that a sufficient amount and variety of land needs to come forward to support varying and specific housing requirements and to boost the supply of homes.

Section 11 sets out how land should be used effectively, including brownfield land, and that weight should be given to using brownfield land within settlements.

Paragraph 148 requires the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 170 encourages planning policies and decision to contribute to and enhance the natural environment.

Paragraph 178 places an emphasis on local planning authorities to ensure that development sites are suitable for their proposed use, taking into account ground conditions; after remediation, as a minimum, land should not be capable of being contaminated under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is available to inform these assessments.

The council does not currently have a five-year housing land supply. The NPPF indicates that in this case applications for housing should be approved unless the adverse impacts of doing so would outweigh the benefits, considering the policies in the NPPF as a whole.

Development Plan policies

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

The most relevant Local Plan policies are PS10, PS11, AM01, AM02, AM11, AM12, H07 and BE20.

The most relevant Core Strategy policies are CS2, CS3, CS8, CS14, CS16 and CS17.

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Other legal or policy context

Noise Policy Statement 2010 – government guidance.

Consultations

Local Highway Authority

Amended Travel Plan is acceptable having been considered by the Travel Plan Officer.

It is not clear whether the flats are for shared ownership or rental or not. [This is relevant as the applicant has quoted research indicating that rented or shared ownership flats of this size in this area will have an average of 0.3 cars per household in 2026].

Not all car parking spaces have sufficient clear margin. Spaces should be 5.5m long, 2.4m wide with a 6m aisle width.

Lead Local Flood Authority

The site is located in Flood Zone 2 and in a Critical Drainage Area. The applicant has completed and passed the Sequential Test for the development. Following the receipt of additional information, no objection subject to conditions.

Pollution Control – Land

Due to historic site use, a full contaminated land condition is requested.

Pollution Control – Noise

Concerns relating to breakout noise and general disturbance. The structure of the building will be sufficient to contain noise, subject to conditions. Recommend hours of use restricted to 0900-2200.

Severn Trent

No objection subject to conditions.

Waste Management

No objection subject to clarification on width of access to bin store.

Representations

There have been 15 objections making the following points.

- Correct classification is probably “a nightclub”, as events from November 2017 prove
- Site was used in November 2017 for late night events without planning consent, resulted in loud music until 3am on some nights, with hundreds of people and coachloads of people arriving from London for the day. This caused traffic chaos on Overton Road and surrounding residential streets. Complaints were lodged with LCC Noise and Environmental health, police were called and Planning contacted to investigate.
- I was told to use an alternative route as they had blocked the road
- None of this is covered in the reports [submitted with the application] and it is the type of event that the site will undoubtedly be used for
- Site has residential on three sides, unsuitable for large noisy events
- Site is unsuitable, not supported by the wider community
- During summer months events would be held outside
- Based on proposed 80+ events per year, hours of operation, number of visitors expected, traffic impact and noise likely to be generated both the National Policy Frameworks 2012 and the Noise Policy Statement 2010 are in clear breach
- Proposal contrary to policy CL08 [*officer’s note: this policy, “Development of community, leisure and entertainment facilities”, is no longer in force*]
- Noise report is based on Pubs and Clubs [guidance], site is not a club
- Proposal must be rejected due to impact on local residents
- Local streets have no car parking capacity
- Frisby Road Quenby Road hazardous – blind spots causing traffic build up as two cars navigate the tight streets
- During November 2017 full sized coaches frequented the venue these are not included in the figures provided.
- The traffic report states local use, with most users coming by foot. The coaches were from London.
- No allowance for parallel use of The Spinney, a function room on Frisby Road. If a large event is held at each venue, local streets will be overwhelmed
- Residents also have to put up with reduced parking due to traffic caused by events and functions held at 103 Frisby Road and 170 Prestwold Road
- No allowance for non-event visitors for instance visiting family in the rented flats
- A full year of traffic data should be required
- No requirement for another event hall in the area.
- The Diu Koli Samaj community already have an event hall on Frisby Road [*officer’s note: the applicant has explained that this is a different group*]
- Growth in illegal fly tipping and littering, rodent and pest problems, illegal dumping of food
- Considerable number of houses used as HMOs – many with unsafe numbers of occupants
- Traffic has built up significantly and area cannot meet existing demand
- 29 car parking spaces is not sufficient and will lead to on-street parking demand
- What comparable sites have been used to establish parking demand

- Total number of people using the site could be over 400 including the café and visitors to the flats this figure has not been used in the [traffic] report

A local resident has provided an 11 page document querying the application documentation. This has been considered by Officers, and the key points are included in the list above.

A petition with 52 signatures was also received. The petition stated that signatories objected to the proposed development, and refer to the objections in a report compiled by a resident. The objections are included in the list above. The addresses on the petition indicate that most of the signatories live more than 200m away from the application site.

There have been 2 representations in support as follows:

- Excellent opportunity to uplift the area and support the local community
- A net gain to a community centre from a metal scrap yard
- Very nice project we support.

Consideration

Principle of development

The site is in a mixed use area that has a largely residential character, with some employment uses and commercial uses on Uppingham Road. There are also small-scale employment and commercial uses on Overton Road, as well an existing day care centre at No 44 (related to the current application for No 24).

There is no objection to the loss of the employment use, which has never received explicit consent.

The centre is to serve the local community, and is therefore appropriate in a residential area and in the context of Paras 91 and 92 of the NPPF.

Some objectors have commented that the evening use will be more akin to that of a nightclub. While this is not considered an appropriate classification for that part of the proposed use, some elements of the use will have features in common with function rooms (which are a sui generis use).

Community centre and function room are not in the same use class, however the applicant has not proposed a mixed use. The D1 classification as a community centre is accepted as the application has indicated that there will be community and religious activities most days of the week, and the applicant is a community association.

Policy CS8 states that:

The provision of new community facilities will be supported where they meet the identified needs of local communities and have a viable long term management and funding proposal. Where there are increased demands on existing facilities as a result

of development, the enhancement of facilities or suitable additional provision will be sought.

Policy CS16 states that development should

...create an environment for culture and creativity to flourish by (inter alia):

- Creating or retaining cultural facilities and opportunities, including places of worship, cemeteries and crematoria, that help people who live here to develop a sense of belonging, to value the cultural diversity and heritage of our City and become more confident and proud of Leicester, seeing it as a good place to live;*

The Association as applicant has set out that there is no dedicated meeting space for their community, and they have also stated that there are about 10,500 members of that community (in the widest sense; not all are members of the Association) in the area (LE4 and LE5 postcodes). They have referred explicitly to various classes (eg language, sewing, yoga), and to the centre being:

“...a place to share ... culture and heritage with the people of our new home in Leicester”.

A limited company has been set up to provide the centre, and is closely related to the Association. Revenue will come from the flats and the café and it is understood that funding for the community centre has been provided by members of the community and Association. It is intended to establish a Management Board for the centre to deal with the practical management issues.

I therefore conclude that the provision of a community centre in this location is appropriate and acceptable.

The café is acceptable as an ancillary part of the centre. It was initially proposed that the café be an A3 use, but it will be an integral part of the community centre and is therefore considered to be ancillary. I recommend a condition restricting operation of the café to times when the centre is open, to avoid the establishment of an independent outlet in this out of centre location.

In respect of the flats, policy CS08 states that small scale infill can play a key role in the provision of new housing and the NPPF supports the provision of housing on brownfield land within settlements. As the site has no particular allocation, and is in an area with substantial existing residential use, there is no objection in principle to the provision of residential units in this location although the detailed considerations of policy H07 will have to be met (see below). The provision of dwellings on a windfall site will contribute towards meeting the city's housing shortfall.

I consider that the proposal is acceptable in principle.

Design

The site frontage will include the retained chapel, and a new three storey element extending about 30m between the chapel and No 37 Overton Road. The design would include at ground floor windows to the kitchen, the glazed stairwell and residential entrance, and then a wide underpass (8m wide) giving access to the car park and service areas. The upper levels of the new building would be to the flats, and would be of brick with large windows, and balustrades along the terraces.

The frontage would include a glazed element to all floors, behind which would be the residential staircase. This section would have a flat roof, other sections of roof would have a very shallow pitch to allow for the three floors of accommodation within the equivalent height of a two-storey-plus-roof of the house at No 39. The building would be attached to No 39 with the side wall of the new flats being slightly higher than the main wall of No 39, and therefore visible over the roof. However something similar to this arrangement is already evident elsewhere in the street, and I do not consider that it would be harmful.

There would be slight adjustments necessary at No 39, as the end of the guttering and the telephone connection appear to encroach slightly over the development site. These details would be secured through the Party Wall process, outside the planning system.

The retained chapel building would be repainted, with new windows and doors put into the existing openings. The plans show that the circular window in the gable would retain its existing glazing, which includes a hexagram feature probably related to the previous use as a place of worship.

The design of the community centre is suitable for the proposed use, and appears a well-proportioned response to the site and the requirements of the applicant. There is sufficient variation to the building to provide interest without appearing overly fussy or clashing with the local context.

The local context is low scale, and although most of the houses are terraced late-Victorian and Edwardian properties there is some variation of design, including variation to ridge and eaves heights. Numbers 25, 27, 29 and 39 are all of differing designs and heights. There are several later commercial buildings in the immediate area, of varying heights and designs although not extending above the prevailing overall height.

I consider that the proposed design would not be unduly obtrusive, is suitable for the proposed use, and would contribute positively to the local area.

I recommend conditions to secure details of the materials and features such as gates and balustrades prior to development above ground, to ensure that the good quality development shown is achieved.

I consider that the proposal is in accordance with policy CS3.

Living conditions

The proposal includes eight flats. These would be four dual-aspect two bedroom flats, and four single-aspect one-bedroom flats, across the first and second floors at the front of the site.

The plans show that each flat would have some outside space, the layouts would offer adequate space, privacy, light and outlook, and residents would have access to refuse

and cycle stores. The site will have a small garden which will be primarily for the community centre users.

The internal areas of the flats would be 43 square metres for the one-bedroom flats, and 64-66 square metres for the two-bedroom flats. I consider that this, taking into account the layouts shown, would provide a reasonable living environment with space for usual day-to-day activities and storage.

Outlook from the flats would be to the street and over the site itself. The separation distance would be slightly less than 19m to the front, but this would only affect the dual aspect flats as the other flats to this side would be looking directly up Frisby Road, where there are no buildings. This separation distance to the dual-aspect flats is in line with that to other nearby dwellings facing each other across the street.

To the rear, the separation distance would be much greater for most rooms as windows to the rear would look over the site and then over the rear gardens to properties on Uppingham Road. One of the dual aspect flats would have its rear windows looking towards the roof of the main hall however the roof would slope upwards away from the flats and while this would restrict direct outlook from the bedroom windows, and also restrict outlook for people sitting on the rear balcony, this would only materially affect one flat which also has a front balcony and I therefore consider that the relationship is acceptable in the context of the scheme as a whole.

Each flat would have a small balcony or terrace; the dual aspect flats would have a balcony to each aspect. The Residential Amenity SPD requires that a 1-bed flat has at least 1.5 sq m per flat, and 2 sq m per 2-bed flat. The balconies/terraces would exceed this requirement.

Given the very close relationship with the community centre, and the proposal to hold evening events, the impact of noise on residents has to be considered. The public use of the community centre will cease at 2300, with all activity ceased by midnight.

Subject to a scheme of noise insulation, including ventilation so that residents will not have to open their windows to get fresh air at the noisiest times, I consider that amenity for residents will be acceptable as required by policy.

Policy H07 sets out criteria for new-build flats. These are:

- a) *the location of the site or property and the nature of nearby uses*: - acceptable
- b) *the unacceptable loss of an alternative use*: - loss of scrap yard is acceptable
- c) *the loss of family accommodation*: - not applicable
- d) *the creation of a satisfactory living environment*: - acceptable
- e) *the arrangements for waste bin storage and car or cycle parking*: - acceptable
- f) *the provision, where practicable, of a garden or communal open space*: - acceptable
- g) *the effect of the development on the general character of the surrounding area*: - acceptable
- h) *the proposed or potential changes to the appearance of the buildings, and their settings*: - not applicable.

Subject to the conditions set out above, I consider that the criteria would be met.

Policy CS6 requires that all new dwellings are constructed to the Lifetime Homes standard. As that national standard is no longer in effect, instead the “accessible and adaptable” standard of the Building Regulations is used (category M4 (2)). Normally, having established that the development is capable of meeting the standard, a condition would be used to ensure that new dwellings are constructed to the standard.

However, the standard requires step-free access and that is not proposed in this case. The only practical way to provide step-free access to the flats would be to install a lift, and the plans as submitted do not include sufficient space to accommodate a standard lift. Taking into account the nature of the site, which is a mixed use where the flats are intended to support the community centre financially, and the nature of the area where there are many small flats without lifts, and the design context which would make the accommodation of a lift tower awkward, I consider that in this case, as an exception, the provision of new dwellings that do not fully comply with this requirement is acceptable.

Residential amenity – noise

Many objections have been made in respect of the likely noise from the use. This relates to evening events rather than to the smaller daytime uses.

The applicant is proposing a building with noise insulation. The applicant has stated that the structure will be capable of containing noise to an expected level. In order to ensure that noise from within the hall can be contained by the structure as-built, the noise level should be set after construction when the building can be tested, and the noise level set on site in real terms, rather than setting a limit beforehand. I recommend a condition to secure this prior to the building being brought into use.

The sound check should take place from the balconies to the proposed flats; this means that the owners of the site will have access to the area to check sound levels for compliance on an ongoing basis. As these will be the closest dwellings to the hall, an acceptable level here should ensure an acceptable level in respect of other nearby dwellings.

There are concerns around breakout noise, relating to noise spilling out through open windows and doors. There are doors into the hall via the café and the corridor, which would act as a lobby helping to prevent noise breakout. The doors leading from the main hall to the car park would be locked at 9pm to avoid breakout noise from that part of the building.

The above measures should prevent unacceptable levels of noise spilling out from the building.

There are concerns relating to noise from activity, particularly from people using the garden and car park, and as people depart and the site closes. The events will close at 11pm. The type of events anticipated mean that people are likely to leave gradually rather than all at once. There may be an intensification of people leaving at about 11pm but the applicant’s Management Plan indicates that there will be staff on site to help manage this,

The boundary walls to the site will be higher than boundary walls usually are, but mainly to the same heights as there are already in place. These will help to contain noise.

The noise conditions have been drafted carefully to avoid residents of the flats being unreasonably restricted by limits on activity at the site. Residents with a car parking space are likely to be provided with fob access to the car park to allow them access while the car park is locked to the public.

I recommend a condition to secure a site management plan which will set out how the applicant will manage the site to minimise impact on neighbours, particularly when there are large events held. The plan will include car park management. The applicant has already provided draft plans, but these are partially incorporated into other documents and do not include all details discussed, so a revised plan will be required.

Residential amenity – other matters

The site may include external lighting although none is explicitly included in the proposal. This could affect surrounding residents, although the requirement that the site cease use at 2300 will reduce this impact as lights are likely to be turned off once the site is left for the night. There is currently no control over light from the site, and as light to the entrances and car park could easily be provided on a precise basis I do not consider it necessary to control external lighting.

Odours from the site kitchen can be controlled by use of a suitable flue and extraction equipment, details of which will be secured by condition.

Waste storage and collection

The application indicates that there will be a residents bin store and a separate store for the community centre, both of which open onto a path access to the highway. There will need to be management arrangements put in place between the site operator and the Waste Management team, but the layout of the site allows the necessary space for waste storage, and access to the Highway for collection. The applicant will be advised of the comments issued by Waste Management, and if a slight adjustment to door width is required this can be accommodated easily within the details shown.

Highways and Parking

The proposal includes 32 car parking spaces in the car park, and 14 cycle parking spaces.

Cycle parking

The cycle parking would include 8 spaces on the forecourt, and 6 spaces in a store for residents. The cycle parking for residents is below the standard required by policy (one per two bedspaces; so twelve spaces should be provided), however if extra cycle parking is required for residents or centre users it can easily be provided within the site. The site will be secure, and so informal cycle parking during daytime classes, and additional Sheffield stands where needed, could be accommodated. I therefore

consider that the cycle parking as shown is acceptable subject to being reconsidered if required through the Travel Plan process.

Car parking

The applicant has indicated that three of the car parking spaces would be for residents, the others for the community centre. The site is located about a 200m walk from bus stops on Uppingham Road, providing services to and from the city centre. There are services and facilities in the area including the shops of the Uppingham Road local centre, which are a very short walk away from the site. The site is about 270m from bus stops which serve the Hamilton Centre.

The area around the site is mainly residential, but with some employment uses. There is little off-street parking for the houses in the area, and on-street parking is normal with streets heavily parked. It is acknowledged that introducing new dwellings without car parking might lead to an increase in demand for on-street car parking, but the applicant has had regard to research which shows that car ownership in rented flats in the area is and is likely to remain low. Occupants would not need to have a car to live here, and Policy AM12 states that the provision of car parking below the maximum standard may be acceptable in locations within 250m of good public transport. I consider that this is such a site, and that therefore the maximum level of car parking (which would be 12 spaces) need not be provided.

The layout of the car park indicates that most of the car parking spaces would be 4.8m by 2.4m, and there would be a 6m access between. This is below the usual standard of spaces being 5.5m by 2.4m. However, the car park is enclosed so any manoeuvring will take place within the site, and many users will be regular visitors who become familiar with the layout. The applicant has committed to managing the car park during evening events, and during the day it is unlikely that there will be such high levels of attendance that the car park becomes full. It is not clear from the plans whether the gates to the car park will open to the full 6m; I recommend a condition requiring this to ensure that drivers parking in the spaces nearest to the entrance have room to manoeuvre their vehicles.

The policy requirement for car parking at community centres is one space for each 22 sq m. The proposal would, by this standard, require about 29 spaces. This is a maximum standard, and although there is provision within policy AM11 for reductions below the standard I do not consider that it would be appropriate to seek a reduction in this case.

Two car parking spaces are shown as accessible. Level and/or ramped access is shown into the various parts of the centre including to the main entrance/hub (the former chapel) which currently has stepped access.

The car park would not accommodate the level of car parking that might be generated by an event of 350 people. Objections have been received on this point. The applicant carried out parking surveys at various times and these indicated that there were between 95 and 165 spaces available on-street. The surveyor counted spaces 5m long as a parking space, which is a little shorter than is usually required for parallel parking (6m is usual), but the survey indicates that there is on-street car parking

available. Several of the parking restrictions in the locality are lifted on evenings and weekends.

The larger events held at the premises would be of the kind typically attended by families, so it is likely that people would travel in groups rather than every attendee using their own vehicle. The applicant has stated that most of these events would be for members of the Diu Koli community, many of whom live within walking distance.

The site is well located in respect of public transport, and the applicant has stated that they could have an arrangement with a local cab company if that would help to make non-car travel easier.

A Travel Plan has been submitted and is accepted,

On this basis, I consider that the level of car parking is acceptable.

Coaches

The applicant has stated that coaches are unlikely to be used, but objections have been made stating that coaches were used during events at the site in November 2017. The applicant has set out that coaches would have to drop off at the site and then leave to park up elsewhere, and that arrival times could be agreed in advance to avoid more than one coach arriving at a time.

In order to ensure that the car parking area is used most efficiently, and any coach drop-off and pick-up is organised to minimise impact, these matters should be included in the condition to secure a management plan prior to the site being brought into use.

Sustainable Energy

Policy CS2 requires that all development mitigates and adapts to climate change and reduces greenhouse gas emissions.

The applicant has provided limited information relating to sustainability in the application. There is mention within the Sustainability Statement of exploring several techniques, but no evaluation of those techniques in respect of the specific development. Passive design features such as improved fabric, low air-leakage, and maximising daylight and use of low energy fittings are all mentioned, but these are general statements and have not been quantified.

I therefore recommend a condition requiring that details of sustainable construction and renewable energy installations (if proposed) are agreed with the LPA prior to any works above ground, to ensure that the proposal complies with the relevant sections of policy CS2.

Drainage and Flood Risk

The site is in Flood Zone 2. This requires that a Flood Risk Assessment is submitted, and the applicant has provided one. The community centre use is classified as "less

vulnerable” and is therefore compatible with Flood Zone 2. The residential element is classified as “more vulnerable” and is also considered compatible.

A sequential test has been completed, and passed.

Surface water drainage information has been submitted and is acceptable. A condition is recommended to secure implementation of the Sustainable Drainage System proposed.

A condition is recommended to secure compliance with the mitigation measures within the Flood Risk Assessment.

Severn Trent has requested a condition requiring details of foul and surface drainage. Surface water details have already been provided, as above, however I recommend a condition requiring details of foul drainage.

I therefore consider that the proposal meets the requirements of policy CS2 in respect of flood and drainage.

Nature conservation/Trees/landscaping

The site is currently of little value in this respect. Bat surveys have been carried out to check for bats in the old buildings, and show that there is no/negligible risk of a bat roost being disturbed during demolition and development, and a licence from Natural England is not required.

External lighting is likely to form part of the development. It would be possible to use a condition to control external lighting, to avoid harm to protected species, but there is no existing control on the site, and no control on the sites around it. I therefore consider that controlling outdoor lighting would be disproportionate in respect of impact on wildlife.

Although not all of the options for the site have been incorporated into the design, and there is some lack of clarity about the exact landscaping to be implemented, the plans show adequate outside areas with planting and sitting areas. Subject to further details, including measures to support biodiversity, this is acceptable and I recommend a condition to secure suitable landscaping including bat and invertebrate boxes

I consider that subject to the conditions mentioned above the proposal would be in accordance with policy CS17.

Contamination

The site has been in industrial use for many years. There is the potential for contamination that could detrimentally affect users and residents. I therefore recommend a condition requiring investigation and remediation, to ensure that the proposal meets the requirements of policy PS11.

This must be a pre-commencement condition, as the presence of below-ground contamination has to be investigated, and the mitigation/remediation agreed, before groundworks begin to ensure that no harm is caused.

Other matters

Objectors have commented that *“The Diu Koli Samaj community already have an event hall on Frisby Road”*. The applicant has commented that *“there is an association of another community from Diu. They do not have a community hall but during Navratri they hire The Spinney on Frisby Road for their events.”*

Objectors have commented regarding the level of local Houses in Multiple Occupation, but this is not relevant to consideration of this application.

Conclusion

- The proposal would provide a community centre to serve the local community
- Impacts on amenity could be controlled by condition
- The provision of eight flats providing an acceptable living environment will contribute to meeting local housing need
- Parking demands can be accommodated within the area
- Suitable contributions to biodiversity and sustainability can be secured
- The site can be remediated, and the users and occupiers protected from flood risk

I recommend that this application is APPROVED subject to 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. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient

- monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Prior to the commencement of development details of drainage including foul drainage shall be submitted to and approved by the local planning authority. No part of the development shall be occupied or brought into use until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
 4. Prior to any above-ground development (excluding demolition), the materials to be used on all external elevations and roofs, including details of cladding, doors, windows, gates, balconies, glazing and framing shall be submitted to and approved by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3).
 5. Development shall be carried out in accordance with a scheme of sustainable construction and energy efficiency, including details of renewable energy installations if proposed, that has previously been submitted to and approved in writing by the city council as local planning authority. (To ensure that the development can mitigate and adapt to climate change and reduce greenhouse gas emissions in accordance with policy CS2).
 6. Prior to any above-ground development, details of an insulation scheme to prevent the transmission of noise into the flats within the development shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include mechanical ventilation to the flats including purge ventilation, and shall not require that windows are fixed shut. The use authorised by this permission shall not commence until the approved scheme has been installed and is operational. The insulation and ventilation shall be retained thereafter. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan).
 7. The use authorised by this permission shall not commence until the ventilation system to control the emission of fumes and smell from the premises has been installed in accordance with written details approved in advance by the City Council as local planning authority and the system shall be maintained and

- operated thereafter in accordance with the manufacturer's instructions (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
8. Before the development is brought into use, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved by the City Council as local planning authority. This scheme shall include details of: (i) new tree and shrub planting, including plant type, size, quantities and locations; (ii) other surface treatments; (iii) fencing and boundary treatments; (iv) any changes in levels; (v) measures to support biodiversity including 2 x bat bricks/tiles/box; 2 x bird bricks/boxes; 2 x invertebrate boxes to be incorporated within the elevations of the proposed building and/or landscaped grounds. The locations of the boxes shall be determined by an ecologist who shall also supervise their installation. The approved scheme shall be carried out no later than one year after the development is first brought into use. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
 9. No construction or demolition work shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
 10. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with the Council's standards. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
 11. Prior to the community centre being brought into use, a sound check shall be carried out to the satisfaction of the local planning authority, in accordance with details that have previously been submitted to and agreed in writing by the local planning authority, to demonstrate that no noise from within the community centre building shall be perceptible at the facade of the nearest dwellings. The use shall be operated in accordance with the agreed levels thereafter. (In the interests of the amenity of nearby residents and in accordance with policy PS10 and PS11 of the local plan).
 12. No part of the development shall be occupied or the use commence until the Sustainable Drainage System (SuDS) for the site has been completed in accordance with the approved details. The Sustainable Drainage System shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. (To reduce surface water runoff and to

- secure other related benefits in accordance with policy CS02 of the Core Strategy.)
13. The community centre shall be operated in accordance with the following hours of operation:
Amplified voice/music shall not be played outside the hours of 0800 - 2245
The use shall not be open to the public outside the hours of 0800 - 2300
There shall be no activity at the community centre between midnight and 0800
The car park shall be closed to the public between the hours of 2300 - 0800. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
 14. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 3857 FRA dated May 2018 and the following mitigation measures detailed within the FRA:
 - Paragraph 6.6 - Finished floor levels (FFL) to be no lower than 59.24m AOD and the residential use to be confined to the first floor and with FFL no lower than 59.54m AODThe mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority. (To minimise the risk of damage in times of flooding, and in accordance with policy BE20 of the City of Leicester Local Plan and Core Strategy policy CS02).
 15. The development shall not be brought into use until the facilities for disabled people have been provided as shown on the approved plans. These shall include: (a) parking; (b) route from car park to the buildings; (c) level/ramped entrance(s); (d) sanitary provision. (To ensure adequate provision for the needs of disabled people and to comply with policy CS3.)
 16. Before the occupation of any part of the development, all cycle and car parking areas shall be provided, surfaced and marked out as appropriate in accordance with the approved details, 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 policies AM01, AM02, AM11 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
 17. Prior to the development being brought into use, a site and car park management plan shall be submitted to and approved in writing by the local planning authority. The development shall be operated thereafter in accordance with the approved plan. (In the interests of the amenities of the area and to comply with policy PS10 of the City of Leicester Local Plan).
 18. No noise from any plant/machinery shall exceed 5dB below the existing background noise level, or 10dB(A) below the existing background noise level if the noise contains distinguishable characteristics (whine, hiss, screech, hum, etc.) or is irregular enough to attract attention, when measured at one metre

from the facade of any nearby residential properties. (In the interest of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

19. The gates to the car park shall achieve an opening width of six metres and shall be kept open while the site is open to the public. (To ensure adequate space for the manoeuvring of vehicles in the interests of the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
20. There shall be no amplified music or voice played outside the building. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
21. The cafe shall be open to the public only when the community centre is open to the public and shall not be operated as a separate undertaking. (The proposal has been assessed on the basis of the cafe being ancillary and the city council would need to assess an independent retail use against retail policy).
22. This consent shall relate solely to the following submitted plans received by the City Council as local planning authority, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)
Ground floor plan - P001 revision B 19/5/2018
First floor plan - P002A 1/8/2017
Second floor plan - P003 8/8/2017
Elevations - P005 revision B 2/8/2018
Sections - P006 revision B 19/5/2018.

NOTES FOR APPLICANT

1. Further to condition 10 above, the applicant is advised that the sound levels should be established at the balconies of the flats hereby approved, to ensure that levels can be monitored by the operator of the site on an ongoing basis.

Policies relating to this recommendation

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| 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_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented. |
| 2006_H03 | Provides guidance on minimum net densities to be sought for residential development sites according to location. |

- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 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_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_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.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.