

<b>Recommendation: Conditional approval</b>	
<b>20180607</b>	<b>FOSSE ROAD SOUTH, SHOPPING PRECINCT TO SHOP UNITS 1-21</b>
Proposal:	ALTERATIONS TO FORECOURT TO FRONT AND SIDE OF SHOPPING PARADE TO PROVIDE 16 CAR PARKING SPACES (ANCILLARY TO SHOPS); VEHICULAR ACCESS FROM FOSSE ROAD SOUTH AND EXIT TO HINCKLEY ROAD; ASSOCIATED LANDSCAPING. (AMENDED PLANS RECEIVED 30/10/2018)
Applicant:	MR H & P PARMAR
View application and responses	<a href="http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20180607">http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20180607</a>
Expiry Date:	11 October 2018
SSA	WARD: Westcotes



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**Summary**

- This application is brought to committee as there have been seven objections
- The main issues are: the principle of car parking in this location; highway safety; loss of trees; noise and anti-social behaviour
- The application is recommended for APPROVAL subject to conditions.

## **The Site**

The site is on the south-west corner of the Hinckley Road / Fosse Road South junction, which is controlled with traffic lights. The site as a whole comprises a terrace of shops facing Fosse Road South, with open space to the front and side and parking to the rear. However, the application red line encompasses only the open space to the front and side.

The site including the shops, forecourt and rear parking area is 76m north-south and 55m east-west. The area subject this application is the forecourt to the front and side, facing the two roads, which is about 16m deep between the buildings and the back edge of the adopted footways.

The shops date to the 1960s, and are two storey, although the upper floor does not extend across the entire footprint. To the immediate south is a two-storey pub, attached to the south end of the shopping parade. The parade includes 11 units, used variously for hot-food takeaway, a window/door shop, launderette, pharmacy, a convenience store across three units and a bed shop (now closed) in two units. To the immediate south of the pub is the side street, Linkway Gardens, which leads to the parking area at the rear of the shops and a residential area.

The area to the front is paved, with some planting beds and trees and a few items of street furniture such as a litter bin, telephone box and bench. Although there is a layby on the highway for public car parking, it appears also that people will park vehicles informally on the area along the front of the site, which is contiguous with a similar area in front of the pub.

There is a slight level difference between shops and highway, which is not very noticeable at the south end of the site. However towards the north end of the site there are a few steps taking people up from the footway to the shops forecourt area. Just to the south, on the opposite corner of Linkway Gardens, is a private pay and display car park. To the south of that is a health centre.

There is a small non-designated shopping parade, with parking to the front, about 40m to the west on the north side of Hinckley Road. This parade includes the Tesco referred to elsewhere in this report.

The shopping parade is designated as the Fosse Road South local centre. A short distance away is the Narborough Road/Hinckley Road District Centre. The West End Conservation Area is opposite the site to north and east.

## **Background**

The applicant has explained that the shopping precinct is suffering from lack of passing trade, and that the tenants of the shops indicate that this is partly due to there being very little free car parking in the vicinity. Although there is a pay and display car park nearby, the applicant has suggested that people will not pay for car parking there when visiting the shops for only a short period. The layby to the front is, according to the applicant, used by local residents and people going on to the city centre.

The applicant reports that the shop tenants have asked the landlord whether any car parking could be created for the retail parade. There is a small Tesco round the corner on Hinckley Road, and the applicant has explained that this has a parking area for customers.

### **The Proposal**

The proposal is to reconfigure the area between the shops and the highway to provide formal vehicular access on a one-way basis, 16 car parking spaces of which three would be accessible, some cycle parking, and pedestrian access from the street including the retained steps to deal with the levels difference. Two level access points have been indicated for pedestrians/wheelchair users. A height barrier would be used to prevent vehicles larger than cars from entering the site.

The proposal has been amended since initial consultation. The initially submitted plan included 24 car parking spaces, and some of the representations refer to this plan. The amendment also moved the exit slightly further away from the bus stop, increased the planting areas, and shows a better non-car access and wider pavement in front of the shops.

### **Policy Considerations**

#### National Planning Policy Framework (NPPF)

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.

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.

#### Development Plan policies

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

### **Consultations**

#### Local Highway Authority

The amended plans are generally acceptable, having taken into account the objections relating to highway safety matters. The LHA has some concerns however the proposal is acceptable.

## Representations

There have been 7 representations raising the following concerns, received before the scheme was amended.

- Junction is busy and cars regularly speed at more than 30 mph. Some cars not stopping at red lights. Bikes on a daily basis on the pavement, and motorbikes [being ridden] on the pavement in order to cross over the junction without stopping for a red light
- Bus stop directly opposite the proposed entrance and bus stop and bench next to the proposed exit, with the busy Tesco entrance almost opposite that. While waiting for a bus will have to look out for vehicles across the pavement.
- Cars already mount and damage the public footpath and speed along the pedestrian area, 24 cars will be dangerous for the many elderly and disabled people who use the area.
- Plans wrongly state that the material is concrete, it is a number of different materials
- No mention of the height difference between the roadway and the top parking bays
- Water run off soaked up by trees and then into the public drain, after heavy rain there is a lot of water lying by the road edge. By reducing any tree soak up and removing the soil squares, there will be more water to run off, so is the soakaway proposed a large one within the property? Or is the owner proposing to flood the public sewers even more?
- Loss of mature trees detrimental to the area
- No marked provision on the plans for pedestrians to enter the precinct and leave onto Hinckley Road
- There are 98 parking spaces within the area. If these 24 bays were made short stay bays and monitored this would alleviate some of the parking problems
- Entrance with a height barrier is very near to the traffic lights on Fosse Road south is this going to affect traffic flow
- On the large car park we have [various anti-social behaviours]. How will this be stopped from happening on the precinct? Concern about cars being set on fire, drug dealing, dangerous cycling etc
- Who will be responsible for maintenance?
- No prior consultation before the notice went up
- The notice disappeared placed near the crossing on 3 June [*Officers note: the notice was posted on the 11 May and so was up for the required three weeks*]
- Unclear what and for whom the benefits are aimed at
- No consideration for local residents
- The trees and shrubs were put in when the block was erected due to the design contrasting with the local area. This to allow the local wildlife a minimum of disturbance. Have already lost much of the wildlife habitat together with owls, sparrowhawks, etc
- Block is surrounded by conservation areas. If the plan is passed home owners and tenants will look onto a car park with associated noise which echoes everywhere
- Loss of a safe area for pedestrians to access the shops

- New parking spaces are unnecessary and intrusive in this area. There is already a large car park in the area which is underutilised so where is the need for further parking

## **Consideration**

### Principle of development

Policy CS11 sets out the measures to be used to support existing local centres. None of these measures refer to additional car parking being provided.

The applicant has indicated that the car park would be pay and display with a two hour limit, and the option to refund the charge to persons using the shops. A condition is recommended to state that the car parking shall be used only as ancillary to the shops. This will avoid the car park becoming a general-use public car park, which would have to be assessed against policy CS15, which seeks to constrain public car parking. Subject to this condition, I consider that the proposal is acceptable in principle.

### Residential amenity

Comments have been made regarding noise and anti-social behaviour, and the outlook for nearby residents.

The outlook for residents of the properties opposite will change as instead of a pedestrian precinct there will be car parking. However the outlook from these properties already includes a road, and although some trees will be removed from the site there will remain some trees within the site, as well as the existing street trees which will not be affected by the development.

Anti-social behaviour can be carried out on a pedestrian precinct as well as on a car park.

Closure of the car park between say 11pm and 6am could be considered, the car park further down the road, which is also close to dwellings, is not so controlled I do not consider that it would be reasonable to require overnight closure of this proposed car park. Such a closure in any case would not prevent misuse.

I do not consider that the proposal would have a significant impact on residential amenity.

### Highways, Parking and Access

The shops are a non-residential use, with a floor area of about 2000 sq m including the upstairs areas. There are already 22 garages behind the shops, some of which are used in relation to the retail units, and some of which are sub-let to local householders. Policy AM11 sets out that the parking provision for retail developments should not exceed one space per 20 sq m for general retail. This indicates a figure of 100 spaces for the existing development. The proposal appears to accord with this policy in respect of the amount of car parking proposed.

It is explicitly stated in the Appendix to the local plan that for smaller stores in local centres no parking will be required on site where adequate off-site public parking is already available and no serious road safety or amenity problems would otherwise be created. However, this statement does not say that such car parking cannot be permitted.

Neighbours have commented on the danger of people driving cars onto the precinct, but this particular hazard would be designed out if the proposal were implemented.

Policy AM01 requires that planning permission is only granted where the needs of pedestrians and people with disabilities have been successfully incorporated into the design. The plans show two points at which people including wheelchair users would be able to enter the site and cross the vehicular route directly onto the footpath in front of the shops. One of these would be next to the bus stop on Hinckley Road, and would serve people approaching from that direction; the other would be closer to the other end of the site, on Fosse Road South. These areas should be indicated as pedestrian priority through use of surfacing, details of this can be agreed by condition.

There is an additional access point shown, being the existing steps up from Fosse Road South. I do not consider that it is necessary to have a priority marking here, as the pedestrian area is wide, with good visibility, and close to the access to vehicles are unlikely to be moving fast.

The location of the vehicle entrance, 28m behind the traffic lights on Fosse Road South, and the location of the vehicle exit, 40m beyond the junction on Hinckley Road, are likely to encourage drivers who want to turn left at the lights to use this as a short cut to avoid the traffic lights. A pinch point is proposed within the driveway, just before one of the crossing points, to encourage vehicles to slow down. The entrance is 3.5m wide, and is a sharp left off the carriageway, so vehicles are unlikely to be moving fast when entering.

Bollards are proposed in places where vehicular access is not intended, to prevent unauthorised use/access. This includes the footpath in front of the shops, to avoid drivers parking informally on the edge of the footway and thereby obstructing passage for others. The bollards would be spaced to allow pedestrians and wheelchair users through. Some slight adjustment is required to the positioning shown on the plan, and I therefore recommend a condition requiring details of the final positions of the bollards. Access is also shown on the plan for pedestrians and wheelchair users across the forecourt of the pub. However this land is not public or within the control of the applicant, so cannot be relied on. However, the two access points described above will ensure adequate safe access.

I consider that the proposal is therefore in accordance with policy AM01.

### Drainage

Some comments have been made relating to rain water drainage. It is not clear how the site currently drains, although there are some grassed areas and planting beds which will take some of the surface water.

The proposal is for the parking area to be paved with porous block paving. There will be some retained and some new planting beds, which will take some of the surface water.

The site is not in a critical drainage area.

### Heritage Assets

The West End Conservation Area is opposite the site to north and east. I do not consider that the proposal would cause any harm to the character of the Conservation Area and therefore the proposal would not be contrary to Policy CS18.

### Trees/landscaping/ecology

Comments have been made regarding the loss of trees, however this was based on the initial plan showing the removal of five trees. The revised plans show the removal of three trees. Five trees/large shrubs will be retained. The trees to be removed are a Japanese purple maple at about 5.5m tall, a False Acacia at about 5m, and a Japanese Flowering Cherry at 8m.

There is no objection to the removal of these trees. None of them is subject to a TPO or worthy of being so protected. It is also proposed to remove a ground of six self-set sycamores, at an overall height of 17m.

Some areas of existing landscaping will be lost however new areas will be created. The details of this should be secured by condition.

The references by objectors to wildlife appear to relate to the situation before the precinct was built.

I consider that there would be no unacceptable harm to biodiversity or trees and that the proposal is therefore in accordance with policy CS17.

### Conclusion

The proposal would support the viability of a small local centre. The design of the area would provide safe access for all, and would encourage slow vehicle movements through the site. Existing informal parking would be discouraged.

There would be no material harm to residential amenity, and no unacceptable harm to highway safety, trees or biodiversity.

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. Prior to the car parking spaces being brought into use, details of pedestrian priority features shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the features retained thereafter. (In the interests of safe access for all and in accordance with policy AM01 of the City of Leicester local plan).
3. Prior to the installation of any parking meters or ticket machines, details shall be submitted to and approved in writing by the local planning authority. The meters or machines shall be installed only as approved. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3).
4. Prior to the installation of the height barrier, details shall be submitted to and approved in writing by the local planning authority. The barrier shall be installed only as approved. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3).
5. No later than six months after the car parking spaces are brought into use, a scheme of landscaping shall be installed in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The landscaping shall be retained thereafter. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. The car parking spaces shall not be brought into use until space for the parking of ten cycles has been provided in accordance with the approved plan. The cycle parking shall be retained thereafter. (In the interests of encouraging travel by sustainable modes and in accordance with policy AM02 of the City of Leicester Local Plan).
7. This consent shall relate to the submitted plan 3590/8R received by the City Council as local planning authority on 30 October 2018, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

**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_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.  |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.                    |

- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_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.
- 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.