

Agenda Update

19 November 2015 Development Control Committee

Item 2 Cuisine of India, Wigston

Page 17

Since the publication of the main agenda, a further consultation response has been received from Leicestershire County Council (Highways) who confirm that the relocation of the ATM to a position inside the proposed convenience store will help to mitigate concerns relating to on-street parking on Kelmarsh Avenue and on Meadow Way in the vicinity of the junction with Kelmarsh Avenue.

The Highways Authority has advised that a £3000 contribution should be sought toward the making of a Traffic Regulation Order to restrict parking on Kelmarsh Avenue along the site frontage and in the proximity to the adjacent Meadow Way/Kelmarsh Avenue junction in the interests of highway safety.

Further, the Highway Authority advises that all parking spaces on site, including disabled parking bays, should be made available for parking in connection with either business.

On the basis of the above the Highway Authority would not seek to resist the proposal as it is unlikely it would be possible to sustain a reason for refusal on highway grounds in the event of an appeal, subject to the suitable conditions relating to the provision of all 30 parking spaces, drainage, a construction traffic/site management plan and cycle parking provision.

The Applicant has (today) amended the application to include the parking spaces not previously part of the application site so that the parking spaces are shared between the existing use and the proposed development. Given that this has resulted in an enlarged planning application site, it would be prudent of the Local Planning Authority to re-consult the immediate neighbours in respect of this change.

The applicant has also requested alterations to the proposed hours of operation and deliveries to the proposed store from that outlined in the recommended conditions in the main report.

In relation to the store opening hours it has been requested that the store is allowed to open from 7am on Sundays and Bank Holidays. On balance, it is considered that this alteration would have limited additional impact on the surrounding properties and is considered to be acceptable.

In relation to the hours of delivery, this was recommended to be restricted to be between 7am and 6pm Monday to Saturday and between 10am and 6pm on Sundays. The applicant has requested for deliveries between 7am and 8pm Monday to Saturdays (none on a Sunday).

The reason for the recommended hours of deliveries was to protect the amenity of surrounding residential properties and to ensure that there is sufficient parking available as the delivery vehicles would render some of the spaces unusable whilst unloading/loading took place.

Whilst I am of the opinion that the additional 2 hours Monday to Saturday would not have any significant impact on the amenity of neighbouring residential properties, it would have an impact on the use of the car park at a time when the demand for spaces would be higher from the restaurant use. In consideration of this it is considered that this extra time when deliveries could occur is likely to result in issues over available parking spaces and also whilst manoeuvring takes place (which given the layout of the site is tight if cars are parked in certain spaces). Therefore, it is considered that the delivery hours restrictions should remain as originally recommended.

In relation to the number of parking spaces provided on the overall site, it is noted that the plans show 28 proposed spaces (although the annotation indicates 30 spaces). The existing on site provision is 33 spaces.

Agenda Update

19 November 2015 Development Control Committee

Amended Recommendation

Subject to the receipt of no substantiative objections relating to additional area of the planning application where the parking spaces are included as a result of the new public consultation (in consultation with the chair of the committee) and subject to the receipt of suitable Section 106 Agreement by the 16 December 2015 (or any such alternative date extending the time period for the determination of the application as first agreed in writing by both the Applicant and the Local Planning Authority) and for the reasons set out in the main agenda and the following additional/amended conditions :-

- 6 The use hereby permitted shall not be open to customers prior to 07:00 hours and after 23:00 hours daily.
Reason: In the interests of the amenities of local residents and the locality in general in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 9 Prior to the first occupation of the building hereby granted permission the access and parking areas shown on the approved plan shall be re-marked out and provided in a bound material and thereafter made available at all times for their designated purposes for both the proposed development and the existing use.
Reason: As recommended by Leicestershire County Council (Highways) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.
- 13 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area and in accordance with the aims and objectives of the National Planning Policy Framework.
- 14 Prior to the commencement of development details of secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the building and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development.
Reason : As recommended by Leicestershire County Council (Highways) and to encourage sustainable alternatives to the motor car and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.