

Leicester
City Council

MEETING OF THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 2 APRIL 2025

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Surti (Chair)

Councillor Aldred (Vice-Chair)

Councillors Cassidy, Gopal, Joel, Kennedy-Lount, Kitterick, Modhwadia,
Mohammed, Dr Moore and Singh Patel

Members of the Committee are summoned to attend the above meeting to
consider the items of business listed overleaf.

For Monitoring Officer

Officer contact:

**Jessica Skidmore, Governance Services Officer, email: jessica.skidmore@leicester.gov.uk / Sharif
Chowdhury, Senior Governance Services Officer, email: sharif.chowdhury@leicester.gov.uk
Governance Services, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

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PUBLIC SESSION

AGENDA

NOTE:

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

- 3. MINUTES OF THE PREVIOUS MEETING**

Pages 1-12

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 12 February 2025 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Pages 13-16](#)

The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) **20242120 - 69 BRYONY ROAD** [Pages 17-26](#)

(ii) **20240308 - 80 WHARF STREET SOUTH** [Pages 27-52](#)

(iii) **20250190 - 2-4 HAVELOCK STREET** [Pages 53-60](#)

5. ANY OTHER URGENT BUSINESS



Leicester
City Council

Item 3

Minutes of the Meeting of the PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 12 FEBRUARY 2025 at 5:30 pm

P R E S E N T :

Councillor Surti (Chair)
Councillor Aldred (Vice Chair)

Councillor Cassidy
Councillor Gopal
Councillor Joel

Councillor Kitterick
Councillor Modhwadia
Councillor Mohammed

Councillor Dr Moore
Councillor Singh Patel

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1. APOLOGIES FOR ABSENCE

Councillor Surti as Chair welcomed those present and led on introductions.

Apologies had been received by Councillor Kennedy-Lount.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda.

Councillor Kitterick declared an interest in that he had received a call by a member of the public concerning Item 1, Belgrave Gate, and had informed them that he cannot discuss the application and maintains an open mind. Furthermore he had made a representation on Item 2, Granby Street.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 22nd January 2025 be confirmed as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair informed the Committee that according to the recommendations of officers in the supplementary addendum, Item 2, 107 Granby Street be removed from the agenda.

5. 20231011 - 122-132 BELGRAVE GATE & 1 GARDEN STREET

20231011 - 122-132 Belgrave Gate & 1 Garden Street

Ward: Castle

Proposal: Demolition of existing buildings; construction of a single, four & five storey building (with basement) for a storage unit that is ancillary to the printing workshop at 37 Orchard Street, 2 x retail units (Class E) and 14 flats (9 x 1bed & 5 x 2bed) (Class C3) (amended plans) (S106 Agreement)

Applicant: Mr Raj Patel

The Planning Officer presented the report.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

Councillor Kitterick suggested that section 106 refresher training be held for Members of the Committee, which the Head of Planning, Grant Butterworth noted.

The Chair summarised the application and points raised by Committee Members and moved that in accordance with the Officer recommendation, the application be approved. This was seconded by Councillor Aldred, and upon being put to the vote, the motion was CARRIED.

RESOLVED: That subject to the completion of the s106 Agreement as detailed in the report, permission be granted 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. Prior to the commencement of any new build development, the site shall be 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, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented, and a completion report shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development. 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 Local Planning Authority prior to the occupation of any part 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 current UK guidance as outlined in Land Contamination Risk Management (LCRM) from the Environment Agency. (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 saved policy PS11 of the City of Leicester Local Plan.)

3. The development shall be carried out in full accordance with the air quality mitigation measures as set out in Appendix D of the air quality assessment (Miller Goodall, ref: 102885, November 2022). (In the interests of the amenities of nearby residents and in accordance with saved policies PS10 & PS11 of the City of Leicester Local Plan.)

4. Prior to the commencement of any demolition, a Level 3 Building Survey of the slum house at 1 Garden Street shall be carried out, submitted to and approved in writing, by the Local Planning Authority. (To record the details of this heritage asset and in accordance with policy CS18 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. (A) No development, other than demolition of the existing buildings on the site (but excluding the excavation of slabs and foundations), shall take place until the implementation of an appropriate programme of archaeological work has been secured, to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI) which has previously been submitted to and approved in writing by the Local Planning Authority (LPA). The WSI shall include an assessment of significance, research questions and:

- (i) a programme and methodology for site investigation, excavation and recording of archaeological deposits to an agreed depth below final formation levels, or to undisturbed natural geology;
- (ii) the programme for post-investigation assessment;
- (iii) provision for the analysis of the site investigation and recording;

(iv) provision for the publication and dissemination of the analyses and records of the site investigation;
(v) provision for archive deposition of the analysis and records of the site investigation.

(B) No development other than above-ground demolition (but excluding the excavation of slabs and foundations), shall take place, other than in accordance with the Written Scheme of Investigation approved under (A) above.

(C) The applicant shall notify the LPA of the intention to begin any archaeological works or works which require archaeological supervision at least seven days before commencement. The archaeological work and post-investigation assessment shall be completed in accordance with the programme set out in the WSI approved under (A) above.

(D) In accordance with the WSI approved under (A) above, provision for the analysis, publication and dissemination of results and archive deposition shall be secured prior to occupation of the development.

(E) If the results of the archaeological investigations demonstrate the existence of remains to be preserved in situ, then prior to any development taking place (other than demolition, but excluding the excavation of slabs and foundations), details of all below ground disturbance (including but not limited to basements, foundations, piling configuration, drainage, services trenches, highway works and temporary works), covering relevant areas as approved in advance with the LPA, and to include a detailed Design and Method Statement, shall be submitted to and approved in writing by the LPA. The details shall show the preservation of surviving archaeological remains which are to remain in situ. Development shall be carried out in accordance with the approved details.

(To determine the significance of the heritage assets at a national, regional and local level, and to assess the extent of the loss of any heritage assets of archaeological interest that will result from this development, accordance with Core Strategy policy CS18.)

6. Should the demolition, or any phase of the demolition, not commence within 12 months of the date of the last protected species survey (22nd of July 2024), then a further protected species survey shall be carried out of all buildings, trees and other features by a suitably qualified ecologist. The survey results shall be submitted to and approved in writing, by the Local Planning Authority, and any identified mitigation measures carried out before any development of that phase is begun. Thereafter, the survey should be repeated annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat and Species Regulations 2010 and CS17 of the Core Strategy.)

7. Prior to the commencement of above ground development,

details for the design and location for the installation of one bat box and one sparrow terrace, shall be submitted to and approved in writing by the Local Planning Authority. No unit in the building on which they are to be installed, shall be used, until they have been installed in accordance with the approved details. (To provide wildlife habitat in accordance with policy CS17 of the Core Strategy).

8. Prior to the commencement of any new build development, full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the Local Planning Authority. No unit shall be occupied, until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

9. Prior to the commencement of any new build development, details of foul drainage shall be submitted to and approved by the Local Planning Authority. No unit shall be occupied, until the foul 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.)

10. Prior to the occupation of any unit, the bin stores as shown on plan SK-20240802-01 shall be provided. They shall be retained for bin storage purposes thereafter. (To ensure the scheme provides acceptable waste storage and collection arrangements and in accordance with policy CS03 in the Core Strategy.)

11. Prior to the occupation of any unit, the measures in the Energy Efficiency & Sustainability Statement Rev P02 (bec buildings services consulting engineers) shall be implemented. They shall be retained thereafter. Proof of installation and operation shall be submitted to and approved by the Local Planning Authority. (In the interests of energy efficiency and minimizing carbon emissions in accordance with policy CS02 of the Core Strategy.)

12. Prior to the commencement of any new build development, details of carbon reduction compared to the agreed baseline shall be submitted to and approved by the Local Planning Authority. No unit shall be occupied, until the development has been completed in accordance with the approved details and confirmation of this shall be submitted to and approved by the Local Planning Authority. They shall be retained thereafter. (In the interests of minimizing carbon emissions in accordance with policy CS02 of the Core Strategy.)

13. Prior to the commencement of development, a Construction Method Statement (CMS), with consideration being given to highway management and safety, the water environment and flood risk management, shall be submitted to and approved by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for: (i) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors, (ii) the loading and unloading of plant and materials, (iii) the storage of plant and materials used in the development, (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, (v) wheel washing facilities, (vi) measures to control the emission of dust and dirt during construction, (vii) a scheme for storage and management of waste resulting from excavation works, (viii) the proposed phasing of development and a detailed description of the works in each phase, (ix) the temporary access arrangement to the construction site, (x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public, (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works, (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident, (xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01 & UD06 of the City of Leicester Local Plan and policies CS02 & CS03 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

14. Prior to the commencement of any new build development, details of all street works (including alterations to the footway crossings, kerbs, new highway construction and a new loading bay) and the area between the door in the Belgrave Gate frontage and the highway footway, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the storage unit, all street works must be implemented in accordance with a submitted Traffic Regulation Order focused on the approved details and approved by the Local Highways Authority. (To achieve a satisfactory form of development, and in accordance with saved policy AM01 of the City of Leicester Local Plan and policy CS03 of the Core Strategy.)

15. Prior to the occupation of any flat, the cycle parking shall be provided in accordance with the approved details. It shall be retained thereafter. (To meet the cycle parking needs of residents and to promote the use of sustainable means of transport in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan.)

16. Prior to the occupation of any unit, the Traffic Regulation Orders

(TROs) shall be updated to meet the needs of the scheme in accordance with the submitted details (new loading bay, replacement of existing timed waiting restriction opposite the new loading bay to a 'No Waiting at Any Time' with loading restrictions). (To achieve a satisfactory form of development, and in accordance with policy CS03 of the Core Strategy.)

17. All doors, gates and windows on the frontages to Belgrave Gate and Garden Street shall be inward opening or shall open on a vertical plane, save where they are more than 2.3m above the height of the footways. They shall be retained as such thereafter. (In the interest of highway safety and in accordance with policy CS03 of the Core Strategy.)

18. Prior to the occupation of any flat, the noise insulation measures and ventilation system (as detailed in the Acoustic Assessment by Leema Technologies Ltd (March 2023) & Overheating Assessment (TM59) by Briary Energy (October 2024)) shall be installed. They shall be retained thereafter. (To ensure residents are provided with living environments that are acceptably ventilated and do not overheat in accordance with saved policy PS10 of the City of Leicester Local Plan.)

19. Prior to the occupation of any flat, the communal roof terrace and details of planting on the fourth floor shall be laid out in accordance with plan 1622 SK-20240802-01. It shall be retained and made available to all residents at all times. (To provide residents with an acceptable level of amenity in accordance with saved policy PS10 of the City of Leicester Local Plan.)

20. The basement of the block that faces Belgrave Gate shall only be used for plant and for ancillary storage for the retail units and flats. (In order to ensure it is not used for living accommodation to which it will not provide an acceptable level of amenity in accordance with saved policy PS10 of the City of Leicester Local Plan and policy CS03 of the Core Strategy.)

21. Prior to the commencement of development above ground level: A) a full material schedule (with specification and manufacturer information) for all the proposed materials to be used for external parts of the building, B) 1:20 scale plans of the windows and reveals, C) 1:20 scale plan of the sample panel and D) a sample panel (showing the brickwork detailing (including the sawtooth brick detailing), mortar and bond, capping and a section of the window and window reveal), shall be for A), B) & C) submitted to, and for D) constructed and then viewed and approved in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details and sample panel. (In the interests of visual amenity, to maintain the setting of heritage assets, and in accordance with policies CS03 & CS18 of the Core Strategy.)

22. The foundations of any walls of the building which abut the highway footways on the frontages to Belgrave Gate and Garden Street must be designed and implemented so that they do not encroach onto the highway. (To achieve a satisfactory form of development, and in accordance with policy CS03 of the Core Strategy.)

23. The part of the site that is next to Belgrave Gate and currently occupied by the slum house and terrace, shall not be used for car parking or storage following demolition of those buildings. (To avoid that part of the site being a gap in the Belgrave Gate streetscene and to maintain the setting of nearby heritage assets, in accordance with policies CS03 and CS18 of the Core Strategy.)

24. Prior to the commencement of use of the storage unit, the block for the retail units and flats shall be substantially completed. (To avoid the part of the site that is next to Belgrave Gate being a gap in the Belgrave Gate streetscene and to maintain the setting of nearby heritage assets, in accordance with policies CS03 and CS18 of the Core Strategy.)

25. The storage unit shall only be used for purposes that are ancillary to the printing workshop for Meesha Graphics at 37 Orchard Street. (To secure the cohesive redevelopment of the site in accordance with policy CS03 of the Core Strategy.)

26. Development shall be carried out in accordance with the following approved plans:

- Location Plan and Survey, P01, Revision D, received on the 11th of November 2024
 - Proposed Site & Landscape Plan, P10, Revision C, received on the 21st of March 2024
 - Proposed Street Elevations, P30, Revision A, received on the 20th of March 2024
 - Proposed Elevations, P31, Revision B, received on the 4th of April 2024
 - Proposed Elevations, P32, Revision B, received on the 4th of April 2024
 - Materials and Construction, P40, Revision A, received on the 20th of March 2024
 - Indicative Sections, P41, Revision A, received on the 20th of March 2024
 - Proposed Floor Plans, 1622 SK-20240802-01, received on the 4th of August 2024
- (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. Please note this permission is subject to a S106 legal agreement that secures:

- a contribution of £16,028.00 towards the conversion of a tennis

court at Abbey Park into a multi-use games area (MUGA) and/or towards the redevelopment/relandscaping of the open space at the junction of Burleys Way and St. Margarets Way,
- a contribution of £4226.88 towards healthcare provision.

2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk.

4. Temporary direction signing for developments can be provided within the highway. The Highway Authority requires all temporary signing schemes are designed, implemented and maintained to an appropriate and acceptable standard. The temporary signing scheme including details of the sign faces, locations and means of fixing must be submitted for approval. These signs must comply with the Traffic Signs Regulations and General Directions (TSRGD). Applications must be submitted to the Council at least four weeks before the signs are to be erected. Applicants will agree to reimburse the City Council for the full costs involved in the processing of the application and any subsequent planning, design, implementation and maintenance of the signs. The Local Authorities (Transport Charges) Regulations 1998 refers, and charges are set in LCC minor charges report updated annually; available via this link <https://www.leicester.gov.uk/media/181997/minor-fees-and-charges-for-transportation-services-2020-2021.pdf>.

In the event of signs not being removed expeditiously, the Council will remove them and recharge the costs to the promoter. For more information please contact highwaysdc@leicester.gov.uk.

5. As the walls of the building about the highway footways on the frontages to Belgrave Gate and Garden Street, the foundations need to be designed so that they do not encroach onto the highway.

6. The City Council, as Local Planning Authority, has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process and pre-application.

The decision to grant planning permission with appropriate conditions, taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF December 2024, is considered to be a positive outcome of these discussions.

6. 20241710 - CLAREMONT METHODIST CHURCH, CLAREMONT STREET

20241710 - Claremont Methodist Church, Claremont Street

Ward: Belgrave

Proposal: Installation of external ventilation flue to roof of a Place of Worship (Class F1)

Applicant: Mr Mukund Narshi

The Planning Officer presented the report.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Moore and upon being put to the vote, the motion was CARRIED.

RESOLVED: That the application be 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. 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 as shown on the approved plans and it shall be maintained and operated thereafter in accordance with the manufacturer's instructions, submitted in the Design and Access Statement. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
3. Development shall be carried out in accordance with the following approved plans:
RPD_CLAREMONT_200924_01 Rev A - Existing/Proposed Floor and Roof Plans - Received 24/01/2025
RPD_CLAREMONT_200924_02 Rev A - Existing/Proposed

Elevation Plans - Received 24/01/2025
RPD_CLAREMONT_200924_03 Rev A - Location Plan and
Existing/Proposed Site Plan Received 24/01/2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

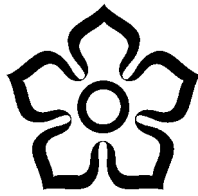
2. The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls. Further information on bats and the law can be found here [Bats: protection and licences - GOV.UK](https://www.gov.uk/government/topics/bats) (www.gov.uk)

3. 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 2024 is considered to be a positive outcome of these discussions.

7. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 6pm.



Leicester
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Wards:
See individual reports.

Planning & Development Control Committee

Date: 2 April 2025

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

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- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Other reasonable arrangements for inspecting application documents can be made on request by e-mailing planning@leicester.gov.uk. Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

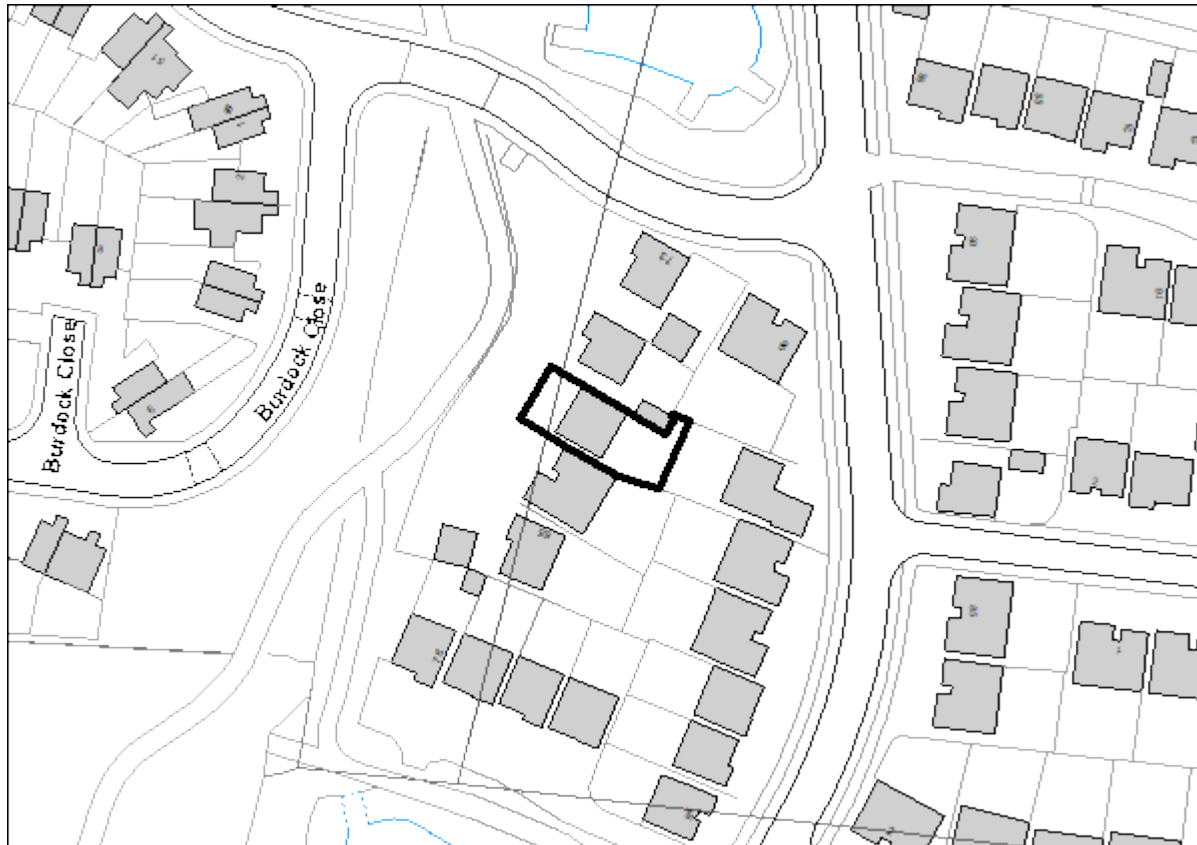
Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

Grant Butterworth grant.butterworth@leicester.gov.uk (0116) 454 5044 (internal 37 5044).

Item 4a

Recommendation: Conditional approval	
20242120	69 Bryony Road
Proposal:	Change of use from dwellinghouse (Use Class C3) to residential children's home (Use Class C2) to accommodate a maximum of three children
Applicant:	Mr Singh
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20242120
Expiry Date:	6 March 2025
SS1	WARD: Humberstone & Hamilton



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Summary

- The application is brought to committee due to more than 6 objections from different addresses within the city having been received;
- The main issues are: the principle of development & character of the area; amenity of neighbouring residents; living conditions for future occupiers and parking;
- Objections from 22 addresses were received;
- The recommendation is to grant conditional approval.

The Site

The application relates to a two-storey detached dwellinghouse located in a suburban residential area, with neighbouring dwellings to both sides and rear. The house is on a small cul-de-sac serving 5 properties, all of which have some landscaping and hardstanding to their frontages. The application site has a back garden, roughly 80sqm in size.

Background

The house was approved as part of the wider estate under application 20130582 (plot 51). There were numerous other associated applications for amendments to this scheme.

Application 20232129 was approved on 11/01/2024 for a rear extension but this has not been implemented. The permission has until January 2027 to be implemented.

The Proposal

The proposal is for the change of use of the property at 69 Bryony Road from a dwellinghouse (Class C3) to a residential care home (Class C2). The home would accommodate a maximum of 3 children (8-18 years).

The house would be laid out with a living room, study, kitchen/diner, WC and utility room at ground floor level and 4 bedrooms and a bathroom at first floor level. A Planning Statement has been submitted that advises that bedroom 1 would be used as an office/staff room.

The statement further advises that the property would house a maximum of three children, with one member of staff on duty at all times (with no more than 2 at any one time), working on a 24-hour shift pattern with shift times of 7am-2:30pm; 2`pm-10 pm and 10pm-7 am.

Residents in care are expected to have 1 or 2 planned professional visitor appointments per month. The operation of the care home would be regulated by Ofsted.

The application was accompanied by a Flood Statement showing the site has low flood risk.

The application was also accompanied by a Noise Impact Assessment.

Policy Considerations

National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Unacceptable highways impact)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 198 (Noise and light pollution)

Paragraph 201 (Planning decisions separate from other regimes)

Local Policies

CLLP policy AM01 (Impact of development on pedestrians)
CLLP policy AM12 (Residential car parking provision)
CLLP policy PS10 (Residential amenity and new development)
CLLP policy PS11 (Protection from pollution)
Policy CS03 (Designing quality places)
Policy CS06 (Housing strategy)
Policy CS14 (Transport network)

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

Representations

Objections were received from 22 separate addresses. One of the objections included a petition with 9 signatures.

Issues raised were:

Principle of Development/Character of the Area

- The residential area should not be for any commercial/business use;
- The proposal would alter the residential character of the neighbourhood;

Neighbouring Residential Amenity

- An increase in noise and disturbance in the area would harm the currently quiet neighbourhood;
- The use could result in noise/disturbance to neighbours if windows are open;
- Lack of soundproofing from the room that has already been converted from a garage;
- There is already noise/disturbance from the property and this would increase;
- Concern regarding safety/security/anti-social behaviour impacts to the area;

Parking/Traffic

- Increased traffic congestion in the area;
- Although there is parking at the front of the property, the two off-street spaces referred to in the application are not legally the application site owner's to use (a letter from the land manager of the area was attached regarding this);
- Parking congestion could result in damage/nuisance to neighbouring property/land, and impede parking/turning on the cul-de-sac;
- Additional maintenance costs for the cul-de-sac from the extra use;

Other Issues

- Impacts on neighbouring house prices;
- Pressure on local services including schools;
- Affect investment from developers/investors in the local area;
- Set a precedent for further care homes in the area;

- Concerned regarding privacy;
- Applicant has not engaged with the neighbours regarding this application;
- Concerns regarding suitability of proposed care facilities for the children, including fire safety;
- Concerned regarding publicity of application;
- Due diligence required for the service provider;
- Objector requires accountability for the care home.

Consultations

Social Care & Education department

Whilst the application is for a children's residential care home the applicant seems to be a property development company and not a care provider. Therefore, it is assumed that the building would be sold or rented to an as yet unknown care provider and, as such, the experience of that provider cannot be assessed. The proposed area for the development of a children's residential home does not raise any immediate concerns. The proposals for shifts, staffing etc seem to be a "boiler plate" proposition rather than based on specific care provider insight or methodology of how care will be provided so a specific profile of children.

Consideration

Principle of Development/Character of the Area

I note the concerns raised by objectors in relation to the proposed use being inappropriate in an existing residential area suitable for families and that objectors consider the proposed care home as being a commercial business. However, the proposed care home will be a managed provision with assisted living provided for the residents, and, as a primarily residential use, its location in a residential area is appropriate in planning policy terms. Given the small scale of the proposal, I consider that the degree to which the managed nature of the site would not be perceptible in the wider area nor would the use be so significant as to have an unacceptable impact upon this suburban locality in terms of general noise and disturbance.

I acknowledge the Social Care department comments in regard to the proposed area for a children's home not raising any specific concerns. In regard to that department's other comments, I note that planning permission runs with the land rather than the applicant and control of the actual provider/their exact care methodologies is not within the scope of planning and is a matter for regulation by Ofsted.

The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents and the Council's Core Strategy Policy CS06 supports the provision of supported housing to meet special needs. As such the principle of the use is in accordance with the aims of this policy and the principle of development is acceptable.

Having reviewed planning history for a 400m radius from the application site, there is one previously approved application recorded for change of use to C2/care home

use (approved in 2024, at 13 Farnley Road, c.260m from the application site – red dot in the below image). I consider that the existence of one other potential care facility in the wider area would not mean that the proposal would contribute to a significant/unacceptable over-concentration of this type of use that would result in significant impacts to the character of the area.

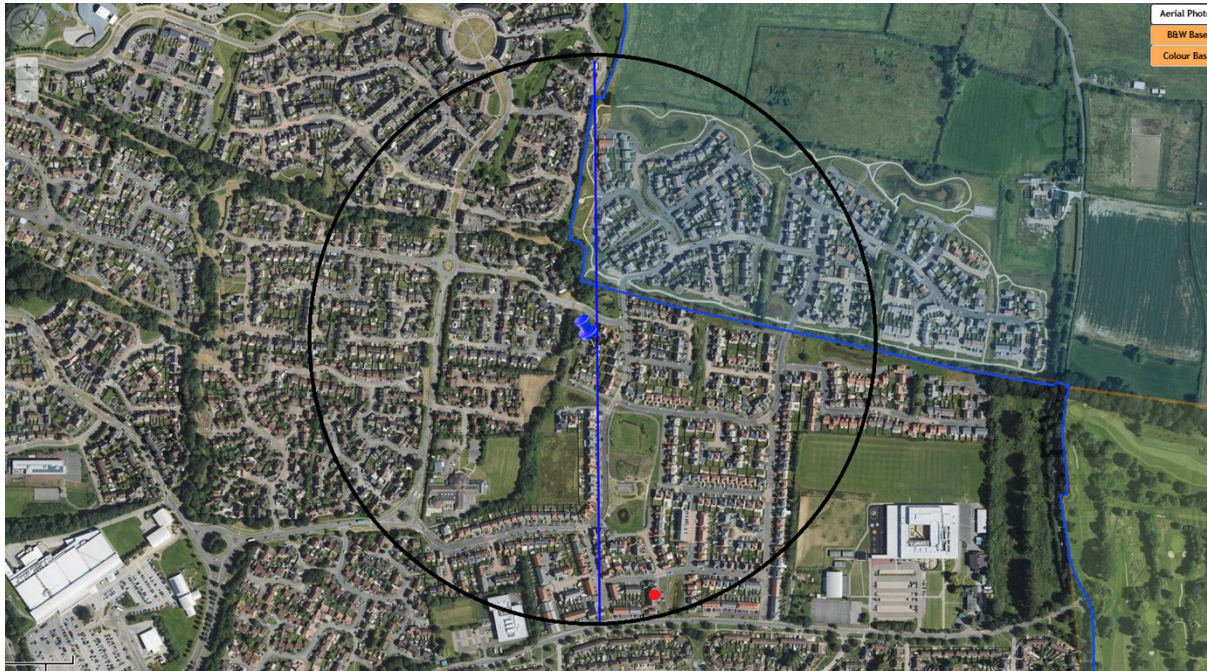


Figure 1: There is 1 other approved care home within 400m of the application site.

Neighbouring Residential Amenity

Taken together, NPPF paragraph 135f & 198, and Local Plan policies PS10 and PS11 require amenity to be retained for neighbouring residents from developments.

The proposal is to provide organized care with carers always present for professional oversight and supervision. Whilst there would be potential for more people to be present in the house regularly during the daytimes than may be expected in a family home, the use is for residential care which is not an inherently noisy use that would be out of character for a residential area (including use of the house and rear garden by the staff and children). Whilst neighbours may experience different activities, such as staff changes and possibly more transient occupiers over the longer term, these differences do not of themselves equate to harm.

I conclude that the proposal would not conflict with NPPF paragraph 135f, and saved Local Plan policies PS10 and PS11, and that the proposal would be acceptable in terms of impact upon amenity.

I note that the concerns raised in objections in relation to current noise impacts from the site, including from the room that was a garage conversion and in relation to the proposed use. However, the house is a detached property with no shared walls with neighbours. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis for the reasons given above. Risks of anti-social behaviour are not limited to care home use and can be generated by occupants of houses in any residential area. NPPF paragraph 201 states that: *'The focus of planning policies and decisions*

should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.' As the proposal would be an acceptable use of land, contributing to providing a home for young residents with specific residential needs, there is no planning reason to refuse the application on the grounds of noise/disturbance/anti-social behaviour which would be dealt with by the police or other environmental control regimes.

In reaching the above conclusion I have noted the Noise Impact Assessment, but it does not appear to have been completed by an environmental health professional. I have not given its contents any weight in favour of the application.

Living Conditions for Occupiers

Saved policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents. The house has good levels of light to and outlook from its window openings and acceptable floorspace and garden space for 3 residents in care with staff working shift patterns. I note the concerns raised in objections in regard to this issue. However, I consider that the proposal would provide good living conditions for its future occupiers. Detailed considerations of the internal layout/fire safety are not a planning matter and are overseen by other regulatory bodies.

Highways/Parking

Saved Local Plan policies AM01 and AM02, and NPPF paragraphs 109, 115, and 117 require developments to provide suitable facilities for traffic and parking and avoid harm to highway safety. It is also noted that NPPF paragraph 116 states that development should only be prevented on highways grounds in cases of unacceptable impact on highway safety or if cumulative impacts on the road network would be severe. Local Plan Appendix 01 sets out maximum requirements for car parking. The requirement in this case is for one car parking space per 4 bedrooms for Class C2 residential institutions, and as such the application proposal generates a standard requirement for 1 space.

There is space for 2 cars on the front drive and the other dwellings in the cul-de-sac also have 2 parking spaces in front/to the side of their curtilages. As such, the cul-de-sac is considered to provide enough spaces for the residents and the existing situation should not be inherently likely to cause any parking or traffic congestion.

It is noted that the use would require 1/2 staff members on site at all times and it could be expected that other support staff or families may visit the house regularly meaning that there may be some on-street parking required at times. However, the site is close to bus stops on Maidenwell Avenue (bus routes no.58 & orbital 40); therefore, staff & visitors would be able to use public transport or alternative methods to the private vehicle.

I acknowledge that excessive parking on the cul-de-sac would not be appropriate. I note the issue raised by objectors regarding the area opposite the application site house that has been laid with hardstanding and is used for parking, despite the management of the area appearing not to permit this. I accept that area should not be used for parking given the letter by the management, and accordingly the space should not be accounted for as being able to be used by the application site in considering the parking impacts of the application.

Notwithstanding this, I consider that the proposed use would be likely to require to accommodate a maximum of 2 staff during the majority of the use and the additional visitors would be able to park in close proximity to the cul-de-sac without being likely to cause unacceptable or severe highway safety/parking impacts above the existing situation as a C3 house. This would be in accordance with NPPF paragraph 116 and the proposal would not warrant refusal on highways grounds.

I also consider that the proposed use would not cause any material impact to traffic in the area or be inherently likely to cause significant maintenance issues to the cul-de-sac that would amount to a planning issue rather than a private matter.

Other Issues

I note issues raised in objections relating to impact on nearby property values. However, planning decisions are determined in accordance with policies in the development plan for Leicester and private/civil matters are not material considerations.

I note an issue raised in objections requiring diligence to be carried out on the provider. However, planning decisions run with the land, rather than be tied to any specific applicant. The identity of the applicant is not relevant to a planning application which is only concerned with the merit of the use of land. It would not be reasonable or enforceable from a planning legislation perspective to police licences of social care homes.

Objections consider that a precedent would be set for these types of uses; however each application is considered on its own merits against the provisions of the development plan.

An objection refers to the consultation of the planning application. Letters were sent to all adjoining neighbours and a site notice was displayed at the start of the consideration process. The publicity has been carried out in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, because notice has been served on adjoining occupiers and details of the application have been published on the website. As such, appropriate publicity has been carried out and the level of responses received confirm local public awareness of the proposal.

An objection has raised the issue of privacy as they work in the field of child protection and live in the local area. This is not a planning matter.

The change of use would not be liable to cause material planning impacts in regard to pressure on local services or impacts to investment in the local area.

Conclusion

The application is acceptable in principle, and I recommend approval.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. Further/altered consideration for these types of uses would be necessary, and for this reason I recommend a condition that restricts the uses of the property to a care home.

The proposal is for 3 children in care and I recommend a condition to limit this to 3 as any increase would also require further/altered consideration.

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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved policy PS10 of the Local Plan (2006)).
3. The premises shall not accommodate any more than 3 residents in care at any one time. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).
4. Development shall be carried out in accordance with the submitted plans received by the City Council as Local Planning Authority on 02/12/2024. (For the avoidance of doubt).

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

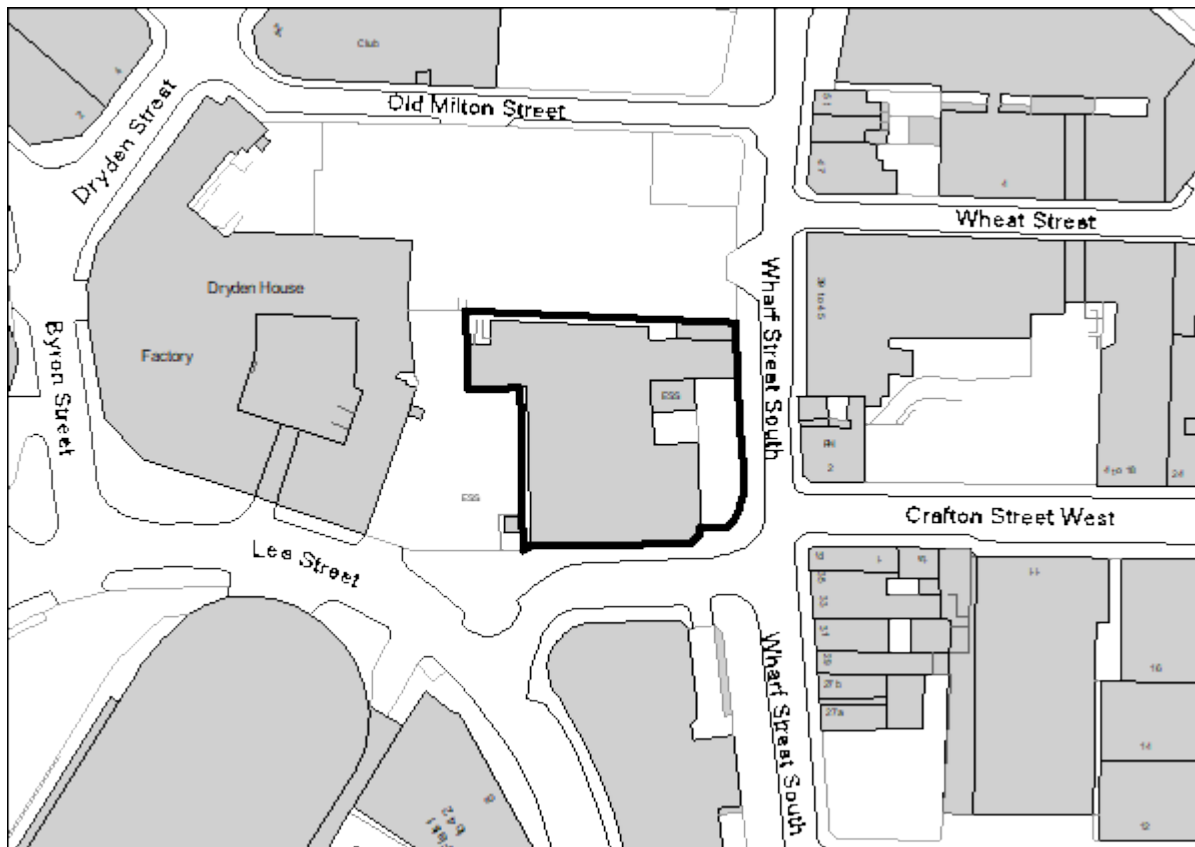
- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining

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 2024.

Item 4b

Recommendation: Delegate Authority to approve to officer subject to receipt of further bat surveys	
20240308	80 Wharf Street South
Proposal:	Part demolition; Conversion of 80 Wharf Street South & construction of 6 storey building to form flatted residential development (Class C3); associated access and landscaping (amended plans)
Applicant:	Mr Mohammed Al Rais
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20240308
Expiry Date:	3 April 2025
SS1	WARD: Castle



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Summary

- The application is to construct a 6-storey flatted residential development providing a total of 54 1 and 2 bed flats on a disused site in the city centre
- Delegated authority to officers to approve the application is recommended subject to receipt of further bat surveys
- The application is brought to committee as 8 objections have been received
- The main issues are housing supply, design, impact on the settings of local heritage assets, proposed living conditions, impacts on neighbouring residential

amenity, highways/parking, ensuring a satisfactory build-out & meeting technical requirements, ensuring no other adverse impacts to the area in planning terms, and developer contributions/viability.

The Site

The application relates to a site approximately 0.14ha in size covered by buildings 1-3 storeys in height. It is within the City Centre, and the Strategic Regeneration Area.

The buildings were previously in commercial use but have long been vacant. The main 3-storey building fronting Wharf Street South is on the Council's Local Heritage Asset Register (LHAR), as a good example of a late-19th century Boot & Shoe factory with a distinctive buff brick Gothic Revival frontage.

To the west of the site is a recently constructed 6-storey block of flats. To the north/northwest, the land is vacant, but part of a recent extant permission to construct 5-6.5 storey blocks of flats (being built out under S73 application 20240264).

To the south, on the other side of Fleet Street, are 5 and 6 storey residential buildings, and a multistorey car park. The boundary of St George's Conservation Area is also to the south with 5 Lee Street lying within the Conservation Area.

Across the road to the east, is 4-18 Wharf Street South which is also on the LHAR as an excellent representative of a late-19th century large-scale hosiery works complex.

The site is in Flood Zone 1, so is at low risk of flooding. It is also within a Critical Drainage Area, an Air Quality Management Area, and an Area of High Archaeological Potential. It is within 250m of a known air pollutant site (33 St Matthew's Way).

Background

The existing building has seen historic applications for alterations and advertisements. More recently, there have been 5 applications at the site for changes of use, described below.

20072342 8-11 storey building comprising 72 1 and 2 bed apartments (Class C3) and 4 retail units (Class A1), communal facilities, car parking and access off Fleet Street.

- Conditional approval/not implemented.

20172259 Demolition of existing buildings; Construction of 8-11 storey building to accommodate 4 retail units (Class A1) on the ground floor and 72 flats above (18 x 1 bed and 54 x 2 bed) (Class C3)

- Refused. 8 reasons relating to loss of non-designated heritage asset; harmful to character & appearance of the area; retail sequential test not passed; insufficient driveway/parking spaces; insufficient cycle parking; entrance halls would provide poor amenity; lack of information on waste management; & failure to meet affordable housing/wheelchair accessible housing standards.

20190380 Demolition of existing buildings; Construction of 8-11 storey building to accommodate 4 retail units (class a1) on the ground floor and 72 flats above (18 x 1 bed and 54 x 2 bed) (class c3)

- *Refused. Same 8 reasons as 20172259.*

20191186 – Notification of proposed change of use from offices (Class B1(a)) to 76 studio flats

- *Refused. 1 Reason: The property was not in the correct use class to benefit from being permitted development.*

20192177 Change of use from club (Sui Generis) to aparthotel (Class C1) (32 bedrooms) (Amended plans 16/4/2020)

- *Refused. 9 Reasons relating to lack of details submitted; harm to the non-designated heritage asset; lack of ecological information; no biodiversity net gain; lack of information on windows/outlook for residents; lack of noise assessment; lack of transport statement; lack of cycle parking; and lack of information on energy related matters.*

The Proposal

The proposal includes alterations to the locally listed building including new timber sash windows and creating a new opening and altered fenestration at ground floor.

All of the other buildings would be demolished.

Subsequently, the locally listed building would be converted to 3 flats and new buildings up to 6 storeys in height would be constructed to accommodate 51 further flats.

All flats would be Class C3. There would be 31 1-bed flats (ranging from 38sqm to 54sqm in size) and 23 2-bed flats (ranging from 62sqm to 73sqm in size).

At ground floor, there would be main entrances on both Wharf Street South and Fleet Street. There would be a bin store and cycle storage near the Fleet Street entrance, and sub-station, parcel room and plant room near the Wharf Street South entrance. There would be 2 main staircases and lifts for access to upper floors, and a further staircase retained within the locally listed building.

There would also be a vehicular entrance from Fleet Street, leading to 3 parking spaces – 2 disabled spaces and 1 staff space. There would be landscaped areas in a courtyard to the rear of the new buildings.

In terms of design and appearance, substantial design iterations through the submission of various applications have resulted in the current design; the new building to the side and rear of the existing locally listed building would be constructed with buff brick, anthracite grey fenestration and balconies. It would be visually separated from the locally listed building by curtain walling. Its 6th storey would be set well back and finished with bronze standing seam cladding.

The new building fronting Fleet Street would be constructed with buff brick at ground floor, with red brick on the upper floors, and anthracite grey fenestration and balconies.

Living rooms on upper floors would have French balconies.

There would be railings and landscaping to the front on the corner of the site.

The application was submitted with the following supporting information:

Accommodation Schedule

Air Quality Assessment
 Accurate Visual Representations
 Archaeology Desk Based Assessment
 Biodiversity Impact Assessment and Metric
 Building for a Healthy Life Assessment
 Design & Access Statement
 Drainage Strategy
 Energy Statement
 Financial Viability Assessment
 Flood Risk Assessment
 Heritage Statement
 Internal Daylight Analysis
 Key Views document
 Landscape Management Plan
 Materials Schedules
 Model Views document
 Noise Levels Assessment
 Phase II Ground Investigation report
 Planning Statement
 Preliminary Roost Assessment
 Sustainability Design and Construction Statement
 Transport Assessment
 Visuals

During the course of the application the proposals were amended to amend the ground floor layout, landscaping, the locally listed building alterations, and the access arrangements.

During the course of the application it has also been necessary to require the submission of amended and/or additional supporting information as detailed below:

Provide a Phase I Ground Investigation Report
 Provide a Demolition Method Statement
 Clarify conclusions of the Financial Viability Assessment
 Correct the plans to ensure they are consistent and accurately depict the existing/proposed site/development.

Policy Considerations

National Planning Policy Framework 2024

Chapter 2 (Achieving sustainable development)
 Chapter 4 (Decision-making)
 Chapter 5 (Delivering a sufficient supply of homes)
 Chapter 9 (Promoting sustainable transport)
 Chapter 11 (Making effective use of land)
 Chapter 12 (Achieving well-designed places)
 Chapter 14 (Climate change & flooding)
 Chapter 15 (Natural environment)
 Chapter 16 (Historic environment)

Core Strategy 2014

CS01 (Location of development)

CS02 (Addressing climate change and flood risk)
CS03 (Designing quality places)
CS04 (Strategic regeneration area)
CS06 (Housing strategy)
CS07 (Affordable housing)
CS08 (Existing neighbourhoods)
CS12 (City centre)
CS14 (Transport network)
CS15 (Managing demand for car use)
CS17 (Biodiversity)
CS18 (Historic Environment)

Local Plan 2006

PS06 (St George's residential and working community)
PS10 (Residential amenity and new development)
PS11 (Protection from pollution)
UD06 (Landscape design)
AM01 (Considerations for pedestrians & people with limited mobility)
AM02 (Cycling and development)
AM05 (Buses and development)
AM12 (Residential car parking provision)
H03 (Density)
H07 (Flat conversions and new build flats)

Further Relevant Documents

Department for Communities and Local Government - Nationally Described Space Standard
Leicester City Council – Leicester Street Design Guide 2020
Local Plan Appendix 001 – Vehicle Parking Standards
The National Heritage List for England
Planning (Listed Buildings and Conservation Areas) Act 1990
St George's Conservation Area Character Statement
Leicester City Council - Local Heritage Asset Register 2023

Consultations

Historic England

Responded to advise they have no comment to make.

Highways Authority

First Consult:

- Principle of a near zero car development would be broadly acceptable;
- Loss of 2 on-street parking spaces & 4 on site spaces;
- Bin collection may impede traffic flow on Fleet Street;
- 43 cycle parking spaces shown, but 74 should be provided.

Second Consult following revised plans:

- Loss of 3 on-street parking spaces which could be in demand;
- Further information on waste management is still required;
- 76 cycle parking spaces would be acceptable;

- Notes gates should be set back 6m from the highway;
- Costs will need to be paid in amending the on-street parking spaces;
- Existing Wharf Street South dropped crossings should be re-instated to full height kerbs;
- Travel packs to encourage sustainable transport should be provided for residents;
- Parking spaces should be clearly marked for either disabled people or staff;
- Contributions should be sought for pedestrian/cycle routes in the city centre.

Noise Pollution Officer

The acoustic report considers several options in relation to ventilation and windows. Requires an overheating assessment utilising the proposed window/ventilation set up.

Air Quality Officer

First Consult: Recommends that further information is supplied in the form of a Dust Management Assessment/ Construction Dust Impact Assessment

Second Consult: As long as the mitigation measures in Appendix D are followed - happy with the development from an AQ perspective.

Private Sector Housing

The bedrooms in the majority of the flats have an escape route is through the kitchen/living room (access room). Inner rooms are a safety concern due to the risk of fire in the access room. (however fire safety is a matter for Building Regulations as opposed to planning permission)

One of the bedrooms in apartment 605 on the fifth floor does not have provision for natural light or ventilation. (this has since been corrected)

Severn Trent

No response received.

Lead Local Flood Authority

No objection subject to conditions to confirm full details of proposed drainage and SuDS.

Building Sustainability Officer

Notes that, in regard to building fabric and airtightness, the proposed energy statement improves upon the limiting parameters under Part L and meet the values for the notional building. Satisfied that this represents a good approach to building fabric efficiency.

Requests consideration of the use of air source heat pumps as a heating source. Details of the proposed amount of solar PV panels, and for them to be shown on the roof plans provided; and details of the proposed carbon emissions performance of the development.

Waste Management Department

Plans show space for the required amount of bins, however requests clarification on the route for bins to the collection point and how collection will be made. Bin stores must meet criteria in LCC Waste Management guidance.

Contaminated Land Officer

First Consult: Phase 2 assessment has been submitted but no Phase I assessment – this is required.

Second Consult following receipt of Phase 1 assessment: Satisfied with the assessment and proposed remediation measures. Condition required to cover implementation of these.

The report recommends further testing post-demolition and this will also need to be part of the condition.

Education Authority

There is a surplus of primary and secondary school spaces. No contribution required.

NHS

Requests a S106 contribution (£26,400).

Parks/Green Spaces

I can confirm that we will be seeking a contribution of £66,231.

Economic Regeneration

First Consult: Whilst it appears that the scheme will be unviable with imposition of affordable housing, some of the assumptions and methodology in the report are not clear.

Second Consult following further comments from agent 14/01/2025: Concludes that the applicant has shown that there is no surplus viability for affordable housing or s106 contributions.

Conservation Area Panel

Welcomed investment and repurposing of the locally listed building including reinstatement of window bays.

Disappointed by infill treatment to carriageway and lack of elegant detailing. The locally listed building would be encased by tall buildings. Approach to the street scene would be monolithic, not responding to the two different streets the site fronts. Cues should be taken from surrounding buildings and the locally listed building. The corner should be better emphasised. Some blank walls are a missed opportunity. Object on design grounds.

Representations

2 supportive comments were received, on the following grounds:

- The local heritage asset would be preserved;
- Design of the new buildings would be acceptable;
- Development would contribute to regeneration in the area; and
- Development would add to housing supply.

8 objections were received, on the following grounds:

Design/Heritage

- Adversely affects setting/heritage of the existing main building;
- Design does not fit with the area;
- Design should follow the existing main building;

Proposed Living Conditions

- Privacy and noise impacts to ground floor flats;
- Insufficient communal space and courtyard space;
- Poor outlooks and layouts to some bedrooms;
- Unsafe and unattractive pedestrian entrances;

Neighbouring Residential Amenity

- No assessment has been completed regarding light impacts to a neighbouring flat;

Access/Parking

- Unclear vehicle/pedestrian accesses;
- Disabled parking spaces poorly located;
- Lack of parking on site could result in parking congestion/highway safety impacts;

Other Issues

- Plans show 4th storey for existing building; this is inaccurate;
- Failure to address climate impact;
- Flats do not meet disability standards; and
- Balconies in city centres often have a cluttered appearance.

Consideration

Principle of Development

The application site is a brownfield site in the city centre in close proximity to a full range of shopping, leisure and public transport facilities. Recent amendments to the NPPF place a very strong emphasis on supporting the principle of such developments

The development would provide 54 flats, all of which would meet Nationally Described Space Standards, to make a significant contribution to the city's housing supply in a sustainable location. The mix of 1 and 2 bed flats would provide accommodation for an appropriate range of future occupiers. The future occupiers would add to the vitality of the city centre. The very high density (c.371 dwellings per hectare) would see a highly efficient use of the site.

In light of this, the development would accord with:

- Core Strategy policies CS01, CS04, CS12 which focus major developments on the city centre/strategic regeneration area;
- Core Strategy policy CS06 and NPPF paragraphs 61 and 73 which require the Council to meet the housing needs of city residents including on small and medium sized sites; and

- NPPF paragraphs 124, 125, and 129 which encourage efficient re-development of brownfield sites.

Accordingly, great weight is to be placed on the benefits of the scheme in regard to housing provision in a suitable location.

Character and Appearance, & Built Heritage Consideration

Core Strategy policy CS03 and NPPF paragraph 135 require developments to be well-designed and appropriate to the character and appearance of the area.

As the northern boundary of St George's Conservation Area is across Fleet Street to the south, and the site includes, and is in the setting of, locally listed buildings, Core Strategy policy CS18 and NPPF chapter 16 are also relevant. These policies require developments to preserve or enhance the setting of designated and non-designated heritage assets. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires this decision to pay special regard to preserving the setting of the Conservation Area.

South (Fleet Street) Elevation

Currently, the Fleet Street frontage of the site consists of a two storey, grey flat roof building, c.30m in width. There is an area of hardstanding on the corner with the blank side wall of the locally listed building behind. This existing frontage adds no positive impact to the character of the area. Given the very recent Fleet House development directly to the west which is a modern 6 storey residential development, the current application site appears tired, unattractive and incongruent when viewed from the south.

The proposal, as shown on drawing PL04, would be of appropriate appearance and massing to continue the Fleet Street south elevation along from the block to the west. It would complete the urban block that has been created by the Fleet House development. The buildings themselves would have reasonably amenable fenestration layout and articulations, and there would be landscaped areas to the frontage. The 6th storey on the corner plot would be set well back from the street scene which is appropriate as existing buildings on the east side of Wharf Street South are lower in height.

Given the above, I consider that the development would make a significant positive impact on the character and appearance of Fleet Street when viewed from the south, and preserve the setting of St George's Conservation Area. In reaching this view, I have paid special regard to preserving the setting of the Conservation Area in accordance with the legislative requirement.

East (Wharf Street South) Elevation

Turning to the east elevation, this frontage contains the locally listed building. It is a good example of a late-19th century Boot & Shoe factory with a distinctive buff brick Gothic Revival frontage. The building adds to the appreciation of Leicester's boot and shoe industry; one of three key industries in Leicester during the 19th & 20th centuries that improved the local economy and transformed the townscape of the city. The building has important group value with 4 Wheat Street & the Gilbros Business Centre. The building, however, has been vacant for many years.

Adjacent to the locally listed building however, the frontage also includes hardstanding with mostly blank single and two storey flat roof buildings which add no

further positive impact to the area. To the north (i.e. the right hand side of the locally listed building), the neighbouring site is vacant, however it is part of the Fleet House development that is currently under construction. Part of that permission includes the construction of a 5 storey residential flatted building adjacent to the north elevation of the locally listed building (plan 1718-P21-14A of approval 20240264). I have borne this in mind given this is likely to be constructed in the near future.

The redevelopment of the site includes the re-use of the locally listed building, including making minor alterations that would be sympathetic to its historic appearance. The curtain walling system will provide a lightweight link to the new buildings allowing the heritage asset to retain a distinct but cohesive relationship with the new development. The brickwork proposed on the east elevation would be of a colour to appear consistent with the locally listed building. Whilst I acknowledge that the new buildings would be significantly greater in massing than the locally listed building, and the locally listed buildings across the road to the east (and acknowledging the cumulative impact of the forthcoming development to the north), the viability assessment indicates that achieving a scheme in this context where the heritage asset retains more dominance would be unlikely to be readily forthcoming. I acknowledge an objection which considers that the new buildings should be built in the style of the original however given the existing site and viability considerations, I do not consider it would be reasonable to require this. Given the 6th storey would be set well back from the front elevation, the proposed main 5 storey frontage would match the proposed development to the north in terms of height. Overall, the redevelopment of the site in a manner that retains and re-uses the heritage asset is welcomed. Subject to achieving high quality materials, the general scale and mass of the development would be acceptable in terms of the east elevation and impact on the locally listed heritage assets. I acknowledge that concerns have been raised in objections and by the Conservation Advisory Panel, however in light of the above considerations I do not consider that the design or impact on heritage assets would be inappropriate or unacceptable.

A demolition method statement was submitted during considerations. It makes recommendations including ensuring that the original external walls of the building to remain must be provided with a temporary propping/shoring system. I am satisfied that the demolition works would not therefore cause structural harm to the retained building. This can be conditioned.

North and West Elevations

The existing site adds no value to the visual amenity of the area in terms of views from the north, or views from the neighbouring residential development to the west. As above, the proposed development would improve this through a comprehensive residential re-development. The north side of the locally listed building and the north side of the new wall directly to the rear would appropriately include curtain walling to the rear of the locally listed building. It is likely that the neighbouring development will obscure the mostly blank north elevation from public view. Even if that development was not constructed, the proposal would not result in significant/unacceptable harm to the character of the area.

Conclusions and Conditions (heritage and design)

In terms of the detailed design of the proposed alterations to the locally listed building, conditions will be required to secure a schedule of works including

conservation cleaning to ensure that the works are carried out sensitively, cross section drawings and sample panels to ensure appropriate bricks/stone/mortar mix/pointing are implemented.

In conclusion, subject to conditions to confirm specifications of high quality materials and sensitive works procedures to the locally listed building, the development would overall have a positive and regenerating impact on the character of the area, and would represent a complementary and satisfactory completion of the new “urban block” established by the Fleet House development. It would also retain and incorporate the heritage asset on site and as far as viably possible, respect the historic character of the area. Accordingly, the development would comply with the design and heritage policies listed above.

I acknowledge a comment received which states that balconies can cause a cluttered appearance. However I do not consider that this would be inherently likely to be the case or result in an overall poor appearance of the development.

Proposed Living Conditions

Floorspaces, Outlooks & Light for Flats

NPPF paragraph 135f and Local Plan policies H07 and PS10 require a high standard of amenity to be provided for residents of flatted accommodation.

The plans show that all flats would have floorspace to meet the Nationally Described Space Standards (NDSS) which would be appropriate. 26 flats would exceed the NDSS by over 5sqm and 5 further flats would exceed the NDSS by over 10sqm, and this is a significant positive feature of the proposal. All flats would be laid out sensibly with good living room space and adequate bedroom space, and storage cupboards.

All south and east facing flats on upper floors (i.e. Flats 203-208, 211, 303-308, 403-408, 411, 503-508, and 603-605) would have outlooks across the street and this would be acceptable (an initial version of the plans had the flat 605 bedroom with no window however this has been corrected in the up-to-date plans).

All west-facing flats (104, 105, 209, 210, 309, 310, 409, 410, 509, 510, 606) would have good outlooks over the courtyard. The ground floor units would have some landscaped defensible space in the interest of reasonable privacy for occupiers.

In terms of north facing flats, the western flats (202, 302, 402, 502 and 602) would have good outlook over the courtyard. The eastern flats (201, 301, 401, 501 and 601) would have reasonable outlook for living rooms although less outlook for bedrooms given the wall to the north. However, overall, this would be a minor issue in the context of the scheme and not result in poor or unacceptable living conditions.

Flats 101, 102, 103, and 106 would have outlooks at ground floor facing the public realm so passers-by could cause some sense of overlooking to occupiers. However, flats 101-103 would have some landscaping for defensible space. Given the small number of flats that are impacted by this, and the acceptability in other aspects of living conditions, this would also be a minor issue in the context of the scheme and not result in significantly poor or unacceptable living conditions.

In terms of light, I consider that the south and east facing flats would receive a good amount of natural light, particularly the south facing flats. It is acknowledged that flats facing the internal courtyard would have overshadowing from nearby walls of the development and nearby walls of the neighbouring development to the west/north.

Some of the flats would also be single aspect and north facing. In this respect (and also to provide more cycle parking), a north facing flat on the ground floor was removed from the scheme during the consideration period. The living rooms would all have large windows and given this, I consider that the remaining flats would not have unacceptable light, and would overall have an acceptable standard of residential amenity. The daylight assessment submitted with the application notes that the rear of some of the living rooms would not receive a high amount of natural light, so they do not meet the overall BRE criteria. However the assessment acknowledges that they are “mixed use” spaces (i.e. open plan living areas and kitchens) and does not consider this aspect to be unacceptable. I agree and am satisfied that there would be at least reasonable light to the front of all the main living areas in the flats.

I note comments from the Private Sector Housing department that flats are laid out with the escape route from many of the bedrooms in case of a fire would be through the living room/kitchen areas. This is not a matter for planning control and in any event is the same in other developments recently approved with no similar objection being received from Housing. I consider that the layout would be acceptable in planning terms and that it would not appear likely to inherently fail on other regulations.

Site Layout/Facilities

There would be two main entrances for residents in acceptable/safe locations with acceptably spacious entrance lobbies with the staircases and lifts in reasonably close proximity. I acknowledge a comment that the Wharf Street South entrance is at a point where the pavement is relatively narrow, however the entrance is set back into the site. The cycle storage would be accessible for all residents given its proximity to both rear accesses. The waste storage would also be accessible from within the building. It has been put forward in an objection that the flats would not meet disability standards, however it is not clear which standards are being referred to. 51 of the 54 flats can be accessed via a lift. I consider that the flats would be acceptable in terms of layout.

The landscaped courtyard space within the site would be of modest size given the number of residents and overshadowed by the surrounding buildings but nevertheless would be a space where residents could spend some time outdoors. The site is a 10 minute walk from Abbey Park and as such residents would have ready access to a sufficiently amenable opportunity to spend time outdoors. Whilst a landscape plan and landscape management document were submitted, the landscape plan was not clear on landscaping for the whole site and also, the proposed site plan has since been amended but the landscape plan has not. A condition is therefore recommended to secure the details and implementation of the landscaping on site.

It will be required to confirm details of lighting on the site by condition to ensure an amenably lit environment for residents.

Noise & Disturbance

In accordance with Local Plan policies PS10 and PS11, and NPPF paragraphs 135f, 198, and 200, it will need to be ensured that residents do not suffer from noise/disturbance impacts at anti-social hours, whilst also ensuring that the development integrates effectively with existing businesses.

The noise impact assessment explains the maximum decibels that the site/dwellings should receive that would maintain a peaceful environment for residents (chapter 3.0), how measurements of current noise levels at the site were taken (chapters 4.0 and 5.0), and then conclusions are reached on how the facades of the building would need to be constructed to ensure sound levels are reduced to acceptable levels for future residents (chapters 6.0 and 7.0).

The Noise Pollution Officer has reviewed the assessment and requested an overheating assessment utilising the proposed window/ventilation setup so we can be sure it will work at this site. The agent was advised of this and asked for these details to be included as a condition.

I accept that the applicant has produced a professional noise assessment of the current noise levels at the site and consider that it would be reasonable for the final details of the windows/ventilation to be assessed through a condition. However, the units on the east side of Wharf Street South are currently vacant, but have lawful uses as a public house (2 Crafton Street West) and commercial units (4-18 Wharf Street South) and there do not appear to be restrictive planning conditions on those uses in regard to e.g. limited hours of use. The noise assessment has noted the vacant public house at chapter 2.0, but not given significant consideration to the potential for the neighbouring commercial buildings to be brought back into use without control of planning. I consider that a condition should require an amended noise assessment to take account of this to ensure future residents are protected from any potential re-use of the adjacent buildings, and this should inform the final insulation/ventilation arrangements for the use.

Air Quality

The site is in an Air Quality Management Area.

The Air Quality Officer has reviewed and accepted the assessment submitted, which confirms (paragraphs 5.2.1, & 4.3) that the future occupiers would not be exposed to excessive levels of air pollution.

The proposal would therefore not cause harm in regard to air pollution to future occupiers and therefore accord with NPPF Paragraph 199 (Air quality considerations).

Conclusion (living conditions)

The flats would in all cases meet and in several cases materially exceed the NDSS and this is a positive feature of the submission. Many flats would have very good outlook and light and all would be at least reasonable in this regard in the context of this city centre site which is suitable for high density development. I acknowledge the concerns raised in objections in regard to this issue, however overall I consider that the development would provide a high standard of amenity overall, subject to conditions to ensure acceptable technical details. The proposal is therefore acceptable in terms of proposed living conditions for future occupiers and in accordance with saved policies H07 and PS10 of the Local plan.

Neighbouring Residential Amenity

Local Plan policy PS10 and NPPF paragraph 135f also require developments to avoid impacts to amenity of neighbours.

I note that in the approved layouts for the neighbouring development to the north/northwest (e.g. the upper ground floor plan 1718-P20-02F of approval 20240264) there are south facing flats (e.g. Flat 2 of block D1) which would be facing in the direction of the new building to the rear of the locally listed building. Whilst they would have outlook to their own courtyard, their outlook and light would be impacted by the proposed development. However, in the context of this city centre site, I do not consider that it would be so overbearing as to result in significantly poor/unacceptable amenity for the future occupiers of the neighbouring development.

There are no residential windows that would be impacted on at 5 Lee Street to the south.

The development would be a considerable distance from flats at 8 Lee Street to the southwest and would not impact amenity of those residents.

There are nearby flats on the east side of Wharf Street South. In terms of those with west-facing windows on the south side of Crafton Street West on the corner with Wharf Street South (i.e. 1a Crafton Street West at ground floor, and 1a and/or 1b Crafton Street West at first/second floors), the development will change the view of those occupiers however they would still have the view across the street. 1a Crafton Street West at ground floor also has a further window to the north. The development would not be considered to significantly harm those neighbours' amenity

There is also a first floor flat at 2 Crafton Street West opposite the site to the east. There would be a significant change in view from the west facing windows of this flat following the development and there would be less direct sunlight later in the afternoons. However, again, the occupiers would still have the view across the street and I consider that given this, the occupiers at 2 Crafton Street West would retain an acceptable level of amenity. This is a city centre site within the Strategic Regeneration Area where it is common for outlooks to be across streets facing buildings of significant massing. It would generally not be reasonable to protect views across private land where there are views across a public highway as in this case.

I note comments raised in objections regarding "right to light" laws, however this planning decision must be taken in accordance with policies in the development plan and relevant planning documents.

Accordingly, the development would not cause significant/unacceptable impacts on neighbouring amenity in accordance with the policies listed above.

Highways/Transport Considerations

NPPF chapter 9, Local Plan policies AM01, AM02 and AM12, and Core Strategy policy CS14 set out guidance for highways considerations.

Parking

The development would provide 76 cycle parking spaces, which is an increased amount from the initial submission, in response to the Highways Authority advice that the requirement would be 74. The proposal would therefore provide ample opportunity for residents to use a bicycle in accordance with Local Plan policy AM02. This can be secured by condition prior to occupation (as part of a site plan condition). As outlined above, the development is also located within short walking distance of Leicester's two main bus stations and the main train station, and is also

within short walking distance to a full range of city centre shopping and leisure facilities.

Accordingly, future residents can access all typical facilities and services by sustainable transport methods.

The development would not provide any regular parking spaces for residents and this was noted by objectors. However, in light of the above finding, these would not be necessary for the development to be viable and attractive to future occupiers. Future residents would be aware of the lack of off-street parking spaces prior to moving into one of the flats. As such, the development would not be likely to result in on-street parking congestion from residents parking.

The development would be likely to attract visitors to the residents. Again, the site is very accessible by public transport, and there is a large multi-storey public car park across the road to the southwest, along with several other public car parks in the city centre. As such, the development would not be likely to result in on-street parking congestion from visitor parking.

In any case, given the high density required to produce a viable scheme on this site and the limited size of the site, car parking would be a highly inefficient way of using the site given the overall regeneration requirement to provide high quality new city centre residential development.

As noted by the Highways Authority, given the lack of off-street parking, the applicant should provide occupiers with travel packs upon occupation, including measures and vouchers to encourage walking cycling and public transport and this can be conditioned.

The Highways Authority have noted that the proposed vehicle access from Fleet Street would result in the loss of 3 on-street parking spaces. This would not be significantly material in the overall consideration of this development and given other parking available in the area.

Site Management/Waste Collection

In terms of waste collection, the Transport Statement notes that the refuse collection point would be to the south of Fleet Street. The Highways Authority and Waste Management service both have queried how this will operate and I agree that further details are needed of this. I also note that there is limited space within the site for service vehicles. A condition to confirm details of site management including servicing/deliveries, security of the development, and refuse management is recommended accordingly.

Layout

The Highways Authority require the disabled spaces and staff space to be laid out clearly. The marking out of the hardstanding prior to occupation of the flats can be conditioned accordingly (as part of the site plan condition).

I acknowledge that objections have queried the disabled parking spaces not being directly adjacent to a pedestrian access to the buildings. However, they are just across the hardstanding from the paths to the rear accesses to the building and there would be very low levels of vehicular comings and goings in this area. I consider that the proposal would not be unacceptable in this regard.

Gates & Relationship of the Site with the Highway

The Highways Authority have requested that the gates be set back 6m from the highway. However, I consider that this would introduce an awkward covered space that could result in implications for the amenity of the area and lead to potential Anti social behaviour and given the limited vehicular movements expected to take place at the site, on balance I do not consider that this set back requirement should be pursued.

The Highways Authority also require the applicant to undertake amendments to the on-street parking bays on Fleet Street to prevent the access being impeded by parked cars, and the existing dropped crossings on Wharf Street South to be reinstated to full height kerbs and I agree that these outcomes must be achieved to ensure a satisfactory relationship of the highway with the residential development, and recommend a condition accordingly.

Demolition and Construction

Details of demolition and construction processes in relation to traffic management will be required to ensure the development is managed safely and efficiently, and these details will need to be agreed under further conditions.

The Air Quality Assessment provides mitigation measures in Appendix D relating to impacts from the construction phase of the proposed development on dust soiling and human health. A condition is recommended to ensure development is carried out in accordance with the construction mitigation measures.

Conclusion (Highways)

Having regard to the above and the several recommended conditions, I am satisfied that the development will be able to proceed without resulting in severe impacts to the area in regard to highway safety during the works and operational phase of the development. The development will fully facilitate the opportunities for residents to use sustainable transport methods in accordance with national and local policy and I consider that the proposal is acceptable in these regards.

Building Sustainability

Core Strategy policy CS02 and NPPF chapter 14 require developments to be sustainably designed.

The submission included an Energy Assessment by a suitably qualified professional which acknowledged the 8 principles within policy CS02.

Pages 6-11 provide a detailed assessment of how the building can be designed to be energy efficient, have low carbon emissions, incorporate sustainable design, be water efficient, and incorporate sustainable ventilation and solar panels.

The Sustainability Officer accepts that the development would provide a good approach to building fabric efficiency and I am satisfied that this would be the case.

The officer requested some further clarification in some aspects as noted above, however the agent requested these to be addressed via condition. These include some proposals for consideration of air source heat pumps and solar panels. Given these proposals could be permitted development and given the proposal is acceptable in any case in regard to building sustainability, I consider it would be reasonable to assess the queries from the consultee by condition. I am satisfied that the building can be designed to a high level of sustainability and would accord with the above policies. I acknowledge that a comment in an objection considered that

the application has not addressed the climate impact, however I do not agree with this conclusion given the detailed report submitted.

Drainage

The site is located within a Critical Drainage Area and is identified as at low risk of flooding. The applicant has provided an FRA and Drainage Strategy from professional consultants which have been considered by the LLFA. The LLFA advise that further details are required to ensure the proposed drainage will be suitable, and this can be secured by way of conditions in the event of planning permission being granted. The agent agreed in writing to the conditions by email on 20/09/2024.

Subject to such conditions I consider the proposed development would accord with Core Strategy policy CS02.

The LLFA have also recommended a note to applicant regarding a proposed pumping system.

Nature Conservation & Biodiversity Net Gain

Core Strategy policy CS17 and NPPF paragraphs 187 and 193 require developments to preserve and enhance the ecological environment.

Additionally, Schedule 7A of the Town and Country Planning Act 1990 provides a legislative requirement for all developments to provide biodiversity net gain (BNG) and the applicant has indicated on the application form that BNG would apply to this development.

In terms of BNG, the applicant submitted a BNG metric in excel spreadsheet form and a Biodiversity Impact Assessment and Enhancement Plan carried out by a qualified ecologist. The Plan sets out that there would be the loss of 0.02 habitat units (shrubs) and implementation of landscaping as part of the development would provide 0.14 habitat units and 0.1 hedgerow units. This would therefore well exceed the 10% gain requirement and it can be concluded that sufficient information has been submitted to indicate that the biodiversity gain plan can be successfully discharged post-permission. In accordance with Gov.uk guidance, associated with this will need to be a habitat monitoring and management plan and I recommend such a condition to secure these details.

In terms of protected species considerations, the applicant also submitted a preliminary roost assessment undertaken by a qualified ecologist. It was concluded at paragraph 3.2.3 that the site has high potential for nesting birds and moderate potential for bat roosts. Recommendations (chapter 5) include two bat activity surveys undertaken between May and September; works on the structure to either take place outside of March-August or if not, the building to be inspected by an ecologist 24 hours before the start of works; and bird boxes to be installed on site.

I consider that these recommendations should be secured by condition, however in the case of the bat surveys, it will be required for these to be undertaken prior to issuing the decision so I recommend Committee delegate authority to officers to approve the application subject to receipt of satisfactory bat survey reports. In the case of the bird boxes, these are part of the landscaping plan condition.

I have recommend above that a condition relating to lighting is attached, and this also is relevant in regard to avoid undue disturbance to wildlife.

I also note that the preliminary roost assessment is valid for 2 years (page 33). As such, if the development has not commenced within 2 years, a revised survey would need to be undertaken and this should also be conditioned.

Subject to this, the development would be acceptable in regard to nature conservation having regard to the policy and legislative requirements listed above.

Archaeology

This site is located in an area with known archaeology, dating primarily from the Roman, Medieval and post-Medieval period. The archaeological desk-based assessment concludes there is potential for archaeology to be found on site (see pages 35, 38-39); Low for prehistoric, Moderate for Roman, and Low to Moderate for Medieval and post-Medieval archaeology to be found.

A condition is therefore required to complete a site investigation and post investigation assessment in relation to potential archaeology. With this condition, any archaeological materials underground can be saved and the development would therefore comply with NPPF paragraph 207 and Core Strategy policy CS18.

Groundworks & Land Contamination Considerations

As described above, the application is a former factory. Accordingly, Phase I and Phase II ground assessments by professional consultants have been submitted. The Phase 1 assessment provides an analysis of the history of the site, and advise on the basis for a ground investigation. The Phase II assessment (chapters 4-7) advises that samples of the ground at the site were assessed in a laboratory and analysed for potential contamination (chapters 8-11). It is concluded that, subject to further testing post-demolition and implementation of protective measures, there is no evidence to suggest that the site is not suitable for its intended purpose. The Land Contamination Officer has suggested a condition to secure the recommended procedures to be following.

I conclude that, subject to condition, the development would be safe from ground contamination impacts in accordance with NPPF paragraph 196.

Developer Contributions – Affordable Housing, NHS, Parks/Green Spaces, Education & Transport

No affordable housing is proposed. The NHS requested developer contributions, the Parks/Green Spaces department requested contributions, and the Highways Authority requested contributions to cycle/pedestrian paths in the city centre. However, the agent provided a viability report from a qualified professional consultant which concludes that the development would not be viable were affordable housing provided or S106 funds requested. Having regard to NPPF paragraph 59, I am satisfied, following review from the Council's Economic Regeneration Officer who agrees with the conclusions reached in the report, that it would not be viable for the development to accommodate affordable housing or provide S106 funds. Given the benefit and retention of 80 Wharf Street South and wider redevelopment of this major housing proposal, I consider that the scheme should still be supported in the absence of contributions. The development would therefore not cause unacceptable conflict with Core Strategy policies CS07 or CS14, or NPPF paragraph 66.

The Education authority has not requested contributions on the basis that there is a surplus of both primary and secondary school spaces in the area.

Other Issues

The Leicester Local Plan 2020-2036 is the emerging Local Plan (eLP) for the city and is expected to be adopted later in the year (Summer 2025). I do not consider that this alters the acceptability of the principle of development or other considerations in this case.

In terms of one of the comments in objections, it is noted that the floor plans show flat 411 on the third floor, even though it would be on the second floor of the locally listed building. This was queried with the agent pre-validation. However he did not amend this, presumably as the floor level of flat 411 is closer to the floor level of the third floor of the new buildings than the second floor. I do not consider that this has significantly impacted consideration of the application.

Conclusion of Considerations

As outlined above, the principle of providing a high-density residential development in this sustainable location is very significantly favourable and is the result of substantial efforts to amend and improve upon previous, unacceptable schemes by my officers.

The proposal would meet the NDSS in the case of all flats and materially exceed this standard in many cases. The buildings will improve on the current appearance of the site, provide a suitable conclusion of the 'urban block' around the adjacent Fleet House development, and be of appropriate materiality and acceptable massing having regard to local built heritage. The future occupiers would be provided with acceptable living conditions, particularly in the context of the city centre location, and the development would not result in unacceptable impacts to neighbours.

The applicant has provided a full suite of supporting technical information and whilst several conditions will be required to confirm compliance with recommendations in the reports or confirm final details of technical requirements, I am satisfied that it is clear that the development will be set to meet the policy requirements and be of a high quality. It has been shown that it is not viable for the development to provide developer contributions.

In addition to the conditions listed above, I recommend conditions for the development to commence within 3 years, to define the quantum and mix of proposed accommodation, and to list the approved plans. The Council has worked positively with the agent on the development who has accepted the approval will need to be conditioned as detailed in this report.

Subject to the receipt of satisfactory bat survey reports during the appropriate survey period as set out above, **I RECOMMEND THAT COMMITTEE DELEGATE AUTHORITY TO OFFICERS TO APPROVE THE APPLICATION** 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. Development shall proceed in strict accordance with all recommendations within Section 4 of the "Demolition Method Statement for the part of the building to be demolished adjacent to the building to be retained" (PRP, ref 82592-06) (to

ensure the locally listed building is not adversely impacted by demolition works, in accordance with Core Strategy policy CS18).

3. Prior to the commencement of development other than demolition, a materials sample panel drawing (at a scale of 1:20), a materials specification schedule of all external materials used in building works and boundary treatments including gates, and design details of the Juliet balconies shall be submitted to and approved in writing by the local planning authority. Prior to the construction of any above ground works of the new buildings, the approved sample panel shall be constructed on site, showing all external materials, including brick, brick bond and mortar colour and thereafter approved in writing by the City Council as local planning authority. The development shall be constructed in strict accordance with the approved sample panel and materials specifications. (In the interest of visual amenity and character and appearance of the area and in accordance with Core Strategy policy CS03).

4. Details of all alterations, improvements and restoration works to 80 Wharf Street South, shall be submitted to and approved in writing by the local planning authority prior to any such works taking place. The details shall include detailed cross-section drawings, samples of any new bricks or cast stone, a sample panel that demonstrates the mortar mix and pointing. details of materials specifications, and details of conservation cleaning. The development shall be carried out in strict accordance with the approved details. (In the interest of heritage and building conservation, in accordance with Core Strategy policies CS03 and CS18).

5. Prior to commencement of works above slab level and notwithstanding the submitted details, a detailed landscaping plan shall be submitted to and approved in writing by the local planning authority. This shall include:

(i) new tree and shrub planting, including plant type, size, quantities and locations - this should include bat-friendly planting as outlined on p18 of the submitted Preliminary Roost Assessment; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) all hard surface treatments including manufacturers specifications; (iv) details of the location, make and type of 6x bird boxes/bricks to be erected on buildings; and (v) details on the after-care and maintenance of all soft landscaped areas. The approved details shall be carried out within one year of completion of the development. For a period of not less than 30 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 saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

6. Prior to any development other than demolition above slab level, a detailed design of all external lighting for that phase, including locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented prior to occupation of any flats in strict accordance with the approved details and retained thereafter. No additional external lighting should be installed without prior written agreement from the local planning authority. (In the interests of providing an amenable development and protecting

wildlife, in accordance with Core Strategy policy CS03 and policy CS17 of the Core Strategy).

7. Prior to construction works above slab level and occupation of any flats, full details of insulation (including proposed building materials and insulation performance), means of fresh air ventilation, and an overheating assessment utilising the proposed window/ ventilation set up to prevent the transmission of noise into the development whilst allowing windows to remain closed. Prior to occupation of any flats, the approved details shall be implemented in full and shall be retained and maintained thereafter. Notwithstanding the submitted details, the above details shall be informed by a further noise assessment taking into account potential re-use of the commercial buildings on the east side of Wharf Street South between Wheat Street and Crafton Street West within their lawful planning use (In the interests of residential amenity and in accordance with Saved Policies H07 and PS10 of the City of Leicester Local Plan).

8. No flats shall be occupied until the following aspects of the development have been provided in full in accordance with the approved site plan (21121 PL01-B):

- a) provision to accommodate 76 cycle parking spaces;
- b) Waste storage for 13 1100l bins; and
- c) surfacing and marking out of parking areas.

These aspects of the site shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).

9. Prior to the first occupation of each flat, the occupiers shall be provided with a Residents Travel Pack, the details of which shall have been submitted to and approved in writing by the local planning authority in advance. The contents of this shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with saved policies AM01, AM02 and AM05 of the City of Leicester Local Plan and Core Strategy policy CS14).

10. Prior to occupation of any flats, a detailed Management Plan shall be submitted to and approved in writing by the local planning authority. The management plan shall set out procedures for: (i) how servicing and deliveries will be managed; (ii) the security of the development and its occupiers; (iii) dealing with refuse bins, dealing with bins on collection days and maintaining the external areas of the site. The premises shall be managed in accordance with the approved management plan thereafter. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policies CS03, CS06 and CS15).

11. No part of the development shall be occupied until the following access works have been carried out in full: (a) implementation of a footway crossing at the vehicular access including amendments to the on-street car parking bays on Fleet Street; (b) reinstatement of the existing dropped crossings to Wharf Street South with full height kerbs (c) reinstatement of damaged or altered areas of footway or other highway during the course of construction of the access and reinstatement

works. (To ensure a satisfactory means of access to the highway, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

12. Prior to the commencement of the development, a Demolition Method Statement shall be submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the demolition period. The Statement shall provide for:

i. The parking of vehicles of site operatives and visitors; ii. The loading and unloading of plant and materials; iii. The storage of plant and materials; iv. The erection and maintenance of security hoarding; v. Wheel washing facilities; vi. Proposed hours of work vii. A scheme for recycling/ disposing of waste resulting from construction works. (To ensure the satisfactory development of the site, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.).

13. Prior to the commencement of the development other than demolition, a Construction Method Statement shall be submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i. The parking of vehicles of site operatives and visitors; ii. The loading and unloading of plant and materials; iii. The storage of plant and materials used in constructing the development; iv. The erection and maintenance of security hoarding; v. Wheel washing facilities; vi. Proposed hours of work; vii. A scheme for recycling/ disposing of waste resulting from construction works. (To ensure the satisfactory development of the site, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.).

14. All demolition and construction procedures shall incorporate dust mitigation measures wherever feasible as set out in Appendix D of the Air Quality Assessment (Aeolus Consulting, dated July 2023) (to mitigate impacts to air quality of the area during the development, in accordance with Core Strategy policy CS02).

15. Prior to any development above slab level other than demolition, full design details of on-site installations to provide energy efficiency measures shall have been submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of any flats evidence demonstrating satisfactory operation of the approved scheme including on-site installation of that phase shall be submitted to and approved in writing by the City Council. The approved scheme shall be retained and maintained thereafter. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).

16. Prior to any development other than demolition, details of drainage shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the drainage for that phase has been installed in strict accordance with the approved details. The drainage systems shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).

17. Prior to any development other than demolition, full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the system has been implemented in full for that phase in strict accordance with the approved details. It shall thereafter be managed and maintained in strict accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

18. The development shall not commence other than demolition works until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Preparation of a works schedule, including annual works schedule;
- f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
- g) Details of the persons responsible for the implementation and monitoring;
- h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

(To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990)

19. Development shall take place in strict accordance with the procedure to protect birds at paragraph 5.2 of the Preliminary Roost Assessment (Elite Ecology, dated October 2023) (to protect nesting birds in accordance with Core Strategy policy CS17).

20. Should the development not commence within 24 months of the date of the Preliminary Roost Assessment (Elite Ecology, dated 12 October 2023) then a further protected species survey shall be carried out of all species by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing by the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated biennially and any mitigation measures submitted and reviewed by the local planning authority until the development commences. (To comply with the

Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2017 and Core Strategy policy CS17).

21. i) No groundworks, including slab removal, all associated engineering and drainage works, or new development shall take place or commence until a programme of archaeological investigation, including a Level 2 Historic Building Survey, has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include:

(1) an assessment of significance and how this applies to the regional research framework;

(2) the programme and methodology of site investigation and recording;

(3) the programme for post-investigation assessment;

(4) provision to be made for analysis of the site investigation and recording;

(5) provision to be made for publication and dissemination of the analysis and records of the site investigation;

(6) provision to be made for archive deposition of the analysis and records of the site investigation;

(7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

ii) No groundworks or new development shall take place other than in accordance with the Written Scheme of Investigation approved under (1) above.

iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation or updated project design approved under (1) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in advance in writing with City Council as the local planning authority. (to ensure that the site can be examined for archaeological assets in accordance with Core Strategy policy CS18).

22. i) Following demolition and prior to any other construction works, further ground testing shall take place in accordance with Section 10.3 of the Phase II Ground Investigation Report (ref 82592-05, Revision A) and details of such testing and any necessary further proposed ground remediation measures shall be submitted to and approved in writing by the Local Plan Authority.

ii) Development shall take place in strict accordance with ground remediation measures outlined within the Phase II Ground Investigation Report (ref 82592-05, Revision A) and any further measures agreed under part i) above.

iii) Within 6 months following commencement and completion of the approved remediation strategy, a verification report shall be submitted to the City Council, showing the implemented remediation scheme and, if required, details of long-term maintenance and monitoring.

(To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with saved policy PS11 of the Local Plan).

23. The dwellings hereby permitted shall comprise 54 flats (31 x 1 bed; 23 x 2 bed) in accordance with the approved plans (Ground Floor Plan ref 21121 PL-01B, Floor Plans levels 02-07 ref 21121 PL-02C) (to ensure a suitable mix and layout of

dwellings and in accordance with policies CS03 and CS06 of the Core Strategy and saved policies PS10 and PS11 of the City of Leicester Local Plan).

24. Development shall take place in strict accordance with the following approved plans:

Demolition Plan 21121 PL03 X received on 19/09/2024

Ground Floor Plan Ref 21121 PL-01 B received on 19/09/2024

Floor Plans levels 02-07 21121 PL-02 C received on 19/09/2024

Roof Gardens detailed landscape proposals 23-065-P-02 received on 13/02/2024

Window bay detail dated 25.07.2023 received on 19/09/2024

South Elevation 21121 PL04 B received on 19/03/2025

East Elevation 21121 PL05 A received on 25/10/2024

North Elevation 21121 PL06 A received on 25/10/2024

West Elevation 21121 PL07 C received on 25/10/2024

West & North Elevation 21121 PL20 A received on 19/03/2025

(for the avoidance of doubt).

NOTES FOR APPLICANT

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

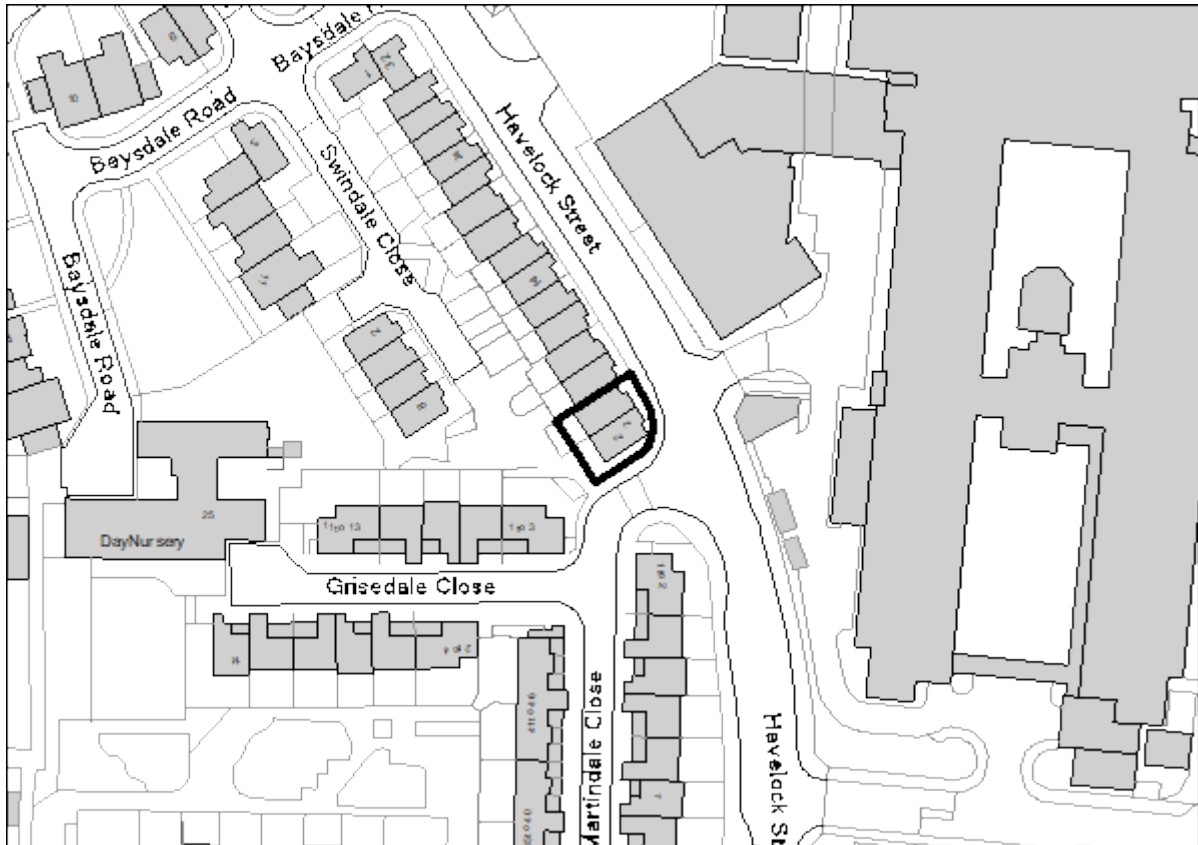
2. A surface water pumping system has been proposed within this development. However, pumping systems require ongoing maintenance and in the event of a malfunction could increase flood risk. It is recommended that STW are consulted to determine whether a gravity connection into the public sewer can be made to manage surface water runoff, providing an alternative to a pumping system.

3. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.

Item 4c

Recommendation: Refusal	
20250190	2 & 4 Havelock Street
Proposal:	Change of use from two dwellings (Class C3) to residential care homes (Both Class C2) (Both max 2 residents in care)
Applicant:	Sublime Care Solution Limited
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20250190
Expiry Date:	15 April 2025
SS1	WARD: Saffron



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Summary

- The application relates to 2 terraced dwellings and proposes changes of use to both for small residential care homes
- The application is brought to committee because the agent is the husband of a councillor.
- The main issues include the principle of the development, neighbouring residential amenity, living conditions for occupiers and parking.
- Refusal is recommended on the grounds of erosion of the character of the area; and poor living conditions for care residents.

The Site

The application relates to two adjoining 2-storey dwellinghouses. No.2 Havelock Street is end-of-terrace and no.4 is mid-terrace. Both dwellings are 3-bedroomed. No.2 has a rear yard c.19sqm in size. No.4 has a rear yard c.14sqm in size.

The dwellings front Havelock Street, which is a small but relatively busy road. Opposite the site is Leicester Royal Infirmary with a goods access to the LRI directly opposite.

To the rear of the dwellings is an area of hardstanding with soft landscaping. Rear elevations of dwellings on Grisedale Close and front elevations of dwellings on Farndale Close are also in close proximity.

The site is in an area where an Article 4 Direction has removed Permitted Development rights for Houses in Multiple Occupation (HMO) due to an overconcentration of these uses.

The site is in a drainage hotspot area and critical drainage area.

Background

Planning History

The dwellings were approved as part of the application for the wider residential area of 49 dwellings, reference 19990209.

Other Development

It is apparent from street view imagery and my site visit that, since August 2023, timber boarding has been added to the rear gates and the metal fencing above the brick wall element of the rear boundary treatment.

The Proposal

It is proposed to change the use of both dwellings to residential care homes (Class C2).

The application is supported by a "care package summary" which advises that the care homes may be occupied *either* by 1 child (age 8-17) *or* up to 2 adults (age 18+) at any one time.

Whilst the ground floor layouts would remain the same with lounges to front and kitchens to rear, the first floor layouts would be altered depending on which occupancy is taking place. Where 1 child is the resident in care, the first floors would have the bedroom to front, and an activity room and staff room to rear. Where 2 adults are being looked after, there would be the bedroom to front, and 2nd bedroom and staff room to rear.

The care package summary also advises that:

- Care provision specialism to include people with learning difficulties and/or autism with provision of medium to long term care- providing a home for residents;
- There will be a shift pattern (8am to 8pm and 8pm to 8am);
- There will be 2 full time staff on duty based on a 1-1 or 2-1 care per service user
- There will always be staff present;

- 2 parking spaces are at the rear of both properties and these will be designated for staff use only. Visitors will be advised at the time of booking of available pay-per hour car parking providers in the area as well as details of the regular public transport options;
- Staff movement limited to shift pattern/daily activities of the residents. Visitors restricted to Sundays and by prior appointment; and
- Registered taxi providers will be the mode of transportation of service users and carers.

Subsequently to the application being submitted, near the end of the publicity period, the applicant submitted a noise assessment technical note and a transport technical note. The noise assessment technical note considers that it is highly likely that no adverse noise impacts shall arise for future occupiers or nearby residents. The transport technical note considers that site management would allow one parking space per care home to be sufficient for operational needs.

Policy Considerations

National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Unacceptable highways impact)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 198 (Noise and light pollution)

Paragraph 201 (Planning decisions separate from other regimes)

Local Policies

CLLP policy AM01 (Impact of development on pedestrians)

CLLP policy AM12 (Residential car parking provision)

CLLP policy PS10 (Residential amenity and new development)

CLLP policy PS11 (Protection from pollution)

Policy CS03 (Designing quality places)

Policy CS06 (Housing strategy)

Policy CS14 (Transport network)

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards

Residential Amenity SPD

Consultations

Pollution Control Officer

- Raises concerns regarding noise and disturbance to neighbouring residential properties.
- Notes that no insulation scheme has been submitted.
- Recommends a noise management plan to manage potential noise complaints.

Social Care & Education department

It is very unclear as to what the proposal is for the property. Children's homes, supported accommodation and adult care all have separate regulatory regimes and it is very unlikely that any regulatory regime would allow an age mix as described by the applicant as described. This raises concerns about the skills, knowledge and experience of the provider despite the fact they seem to have been operating in the West Midlands since 2016. It is noted that they are rated "good" as an adult provider by CQC. Havelock Street is in a high crime area, likely due to the proximity to the football stadium and hospital, which has an accident and emergency department. This does raise some concerns as to the suitability as a care setting for vulnerable children or adults and the contribution that there might be to local crime and anti-social behaviour from residents.

Consideration

Principle of Development/Character of the Area

The proposed care homes will be managed provisions where assisted living is provided for the residents. Notwithstanding this, they are intended to function as uses similar to typical residential dwellings and represent supported housing which is a type of housing that is accommodated under the aims of Core Strategy policy CS06.

However, it is unusual for 2 separate two-storey residential dwellings next to each other on a typical residential street to both be within such a use. The area to the rear of the site, including the parking spaces and small rear gardens at the site, is relatively dense in terms of the close relationship of the terraced Havelock Street dwellings with each other, the small gardens and narrow access/parking spaces, and the rear of similar terraced rows on Grisedale Close and Farndale Close.

Given the above, the managed nature of two care dwelling sites together would be likely to be significantly perceptible in the locality. Staff would need to present at all times. Several staff would be arriving and leaving daily across both the properties. The use would have potential to introduce other regular visitors associated with the function of the care dwellings over and above what might be expected of two dwelling houses in this terraced location. Given this, and given the single parking spaces to the rear of each site, there would be likely to be regular occasions where the properties would attract more cars than can be catered for. This could result in parking congestion on the hardstanding at the rear, particularly given the limited parking spaces available to the wider residential area and the double yellow lines on Farndale Close. Further to the above, given that all trips by car would be required to be taken on Farndale Close and the close relationship with surrounding dwellings, the comings and goings associated with the properties would be clearly perceptible to the surrounding dwellings. Additionally, the uses could result in a more transient nature of occupiers at the site and for this to occur on two adjacent properties would also be likely to be perceptible in the area, particularly given the very small gardens with a high degree of mutual overlooking between properties in the area. These points above are all inherent issues that come with the changes of use. I am also aware of the noise pollution officer's concern regarding potential noise impacts from properties within the proposed use class. I consider that the 2 changes of use would significantly alter the residential character of the locality and, taking the above issues cumulatively with 2 properties, this would be to the detriment and erosion of the

existing primarily residential character of the area. The proposal would be contrary to Local Plan policy PS10 which requires consideration of the ability of the area to assimilate development in taking account of proposals, Core Strategy policy CS03 which requires developments that contribute positively to the character of the local built environment, and NPPF paragraphs 135, which requires developments to function well over their lifetimes, and be sympathetic to local character.

Adding to my concerns raised above, I note that the dwellings are in an area covered by an article 4 direction which removes Permitted Development rights for changes of use from C3 to C4 HMOs. The background reports that led to this direction indicate that the character of the area has already been affected by the high proportion of changes of use away from typical residential dwellings to alternate residential uses. The 2021 background report to extend the article 4 area indicates that 12.46% of housing stock in the Saffron ward are HMO's which is the 4th highest in the city.

I acknowledge that the planning statement sets out management proposals to attempt to mitigate some of the potential issues described above. However, such detailed plans would not be feasible to enforce in planning. The planning system is focused on assessing development and use of land rather than applying such detailed controls. Planning permission runs with the land rather than the applicant and this also limits the weight that can be given to the management statement. I also note the concerns from the Social Care and Education in that it is considered very unlikely that any regulatory regime would allow an age mix as described by the applicant and I consider that this undermines the soundness of the planning statement and proposal. Even if the detailed management of the properties was feasible to enforce, it would not deal with all of the issues described above resulting in the change to the character of the area.

I acknowledge that the applicant has, at a late stage in the application process, submitted the noise and transport assessments by relevant professionals. Notwithstanding these comments, they are also based on the management statement and as such do not alter my conclusions above. Whilst the transport statement notes that there may be parking congestion with the existing property, I consider that a permanent residential occupier would be more likely to account for this when purchasing the property.

Having reviewed planning history for a 400m radius from the application site, there is one previously approved application recorded for change of use to C2/care home use (approved in 2022 81 Grasmere Street – red dot in the below image). As this property is c.300m away, I do not consider that impacts further to those described above would occur to the wider area from the proposal which fall to be considered in this case.

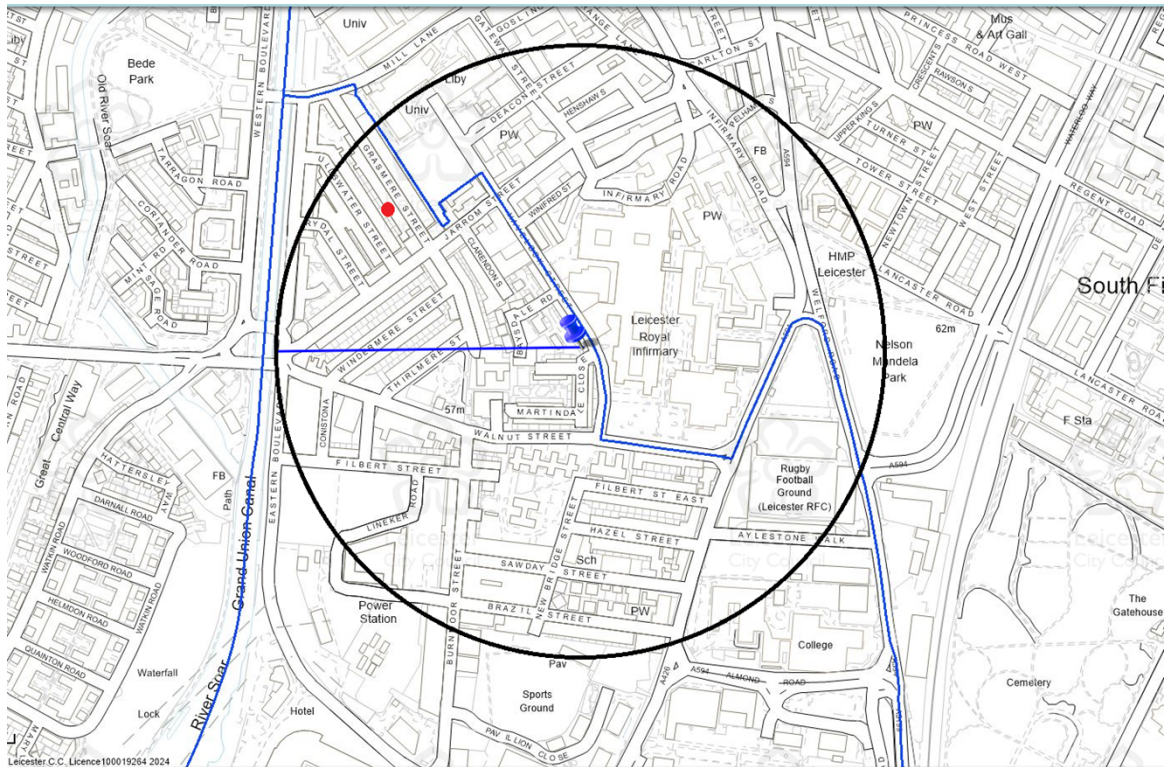


Figure 1: There is 1 other approved care home within 400m of the application site.

Noise Insulation

Were the development considered otherwise acceptable, I would have requested details of insulation of the shared walls between 2 and 4, and 4 and 6 Havelock Street, to ensure the insulation is high quality and noise escape from the proposed care dwellings to their direct neighbours is limited.

Living Conditions for Occupiers

Layout of Properties

Local Plan policy PS10 and NPPF paragraph 135f require a high standard of amenity to be provided for future occupiers. The dwellings have acceptable floorspace for up to 2 residents in care with staff working shift patterns.

However, the gardens to the rear of the appeal site are only 3m in depth. The gardens and rear outlooks have an enclosed and cramped character. At 14sqm and 20sqm, they fall well below current guidance of 75sqm for a 3-bed terraced dwelling (P28 of the Residential Amenity SPD). They do not contribute to a high standard of amenity and residents in care would not have a suitable outdoor private amenity space. Even if the new boarding on the metal fencing was removed, reducing the enclosed nature of the gardens, this would then mean that the space was not private and would be overlooked by surrounding properties and the public realm.

It is noted that the dwellings were approved in 2000 with these gardens. However, this was as part of the wider development to deliver a major housing scheme near to the city centre. Furthermore, all policies and guidance have been substantially updated since 2000.

I note the recent Planning Inspectorate appeal decision 3350799 for a refused application in Hinckley & Bosworth Borough which was for a proposed “*change of*

use from two dwellinghouses Class C3 to Childrens Care Home Class C2". In that appeal, the Council was concerned about the poor quality garden space available for the proposed occupiers. The Appeal Inspector noted the following:

"...children residing within the appeal proposal would not be allowed to leave the premises without adult supervision... This emphasises the importance of outdoor amenity areas within the appeal site to cater for children's needs. Given the sensitive nature of occupation of the proposal and the associated restrictions on access to public open space, the limited size and degree of enclosure of the gardens would not provide suitable outdoor amenity space for children residing at the site."

The Inspector went on to conclude

"The appellant submits that the appeal proposal would not change the maximum levels of occupancy compared to the permission for housing. However, the appeal proposal is for a different use to a typical family dwelling. Even if a couple or family could occupy the properties and foster children, then I consider that there would be more flexibility in providing supervised access to public open space compared to a care home reliant on staff supervising a number of children."

In conclusion on this issue, the appeal proposal would not provide suitable outdoor amenity space for residents, with significant harm to their living conditions. The proposal would therefore be contrary to the Framework which seeks to create places that promote health and well-being, with a high standard of amenity."

I have found that the gardens do not provide suitable outdoor amenity space and consider that, given the comments above within a case where the description of development is the same as this proposal, this would be particularly necessary for residents in care including children in care. I conclude that the proposal would therefore be contrary to NPPF paragraph 135f and unacceptable on proposed living conditions.

Fear of Crime

The Social Care and Education department also note that the site is in an area of high crime and raise concerns as to the suitability as a care setting for vulnerable children or adults. I appreciate this point. However it is likely that the residents in care would be monitored by staff at all times. I do not find that, in planning terms, the changes of use would result in an unacceptable impact in regard to this issue.

Conclusion

I conclude that the proposal would result in unacceptable erosion of the character of the area and unacceptable proposed living conditions for residents in care. I therefore recommend that planning permission should be refused.

REASONS FOR REFUSAL

1. Given the cumulative impacts in relation to disturbance, parking, and character of the use of the properties resulting from additional comings and goings and managed nature of the 2 proposed residential care dwellings in this dense locality, the proposal would result in significant erosion to the residential character of

the area, contrary to Local Plan 2006 saved policy PS10, Core Strategy 2014 policy CS03, and National Planning Policy Framework 2024 paragraph 135.

2. The dwellings would not provide suitable outdoor amenity space for residents in care, resulting in unacceptably poor living conditions. The proposal would therefore be contrary to National Planning Policy Framework 2024 paragraph 135f.

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given at pre-application process. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.