

COMMITTEE REPORT

20172626	133 Harrison Road	
Proposal:	Demolition of existing factory. Construction of three storey building to provide 42 flats (23 x 1 bed, 17 x 2 bed, 2 x 3 bed). Parking and landscaping. (amended plans 24th July 2023)	
Applicant:	JALPUR MILLERS LTD	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	24 October 2024	
RB	TEAM: PM	WARD: Rushey Mead



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Summary

- Brought to the committee as the recommendation is for approval and objections have been received from more than five different City addresses.
- 17 objections have been received. They raise concerns including: highway concerns, design and impact on the amenity of neighbouring occupiers.
- The main issues are: design, residential amenity and parking.
- The application is recommended for approval subject to conditions.

The Site

The site is located at the corner of Harrison Road and Canon Street and covers an area of 0.26 of a hectare. It is located within a primarily residential area. To the east, south and west of the site are a mixture of terrace and semi-detached houses. The site to the north of the site would remain in employment use. Part of the site to the north is within the same ownership as the application site.

Currently the site contains a large single and two storey factory (Class B1) which will be demolished.

Harrison Road and Canon Street are within Surface flood 1 in 1:1000. To the front on Canon Street are a number of street trees. There is also a wide grassed verge to the front on Canon Street.

Background

Planning permission (20120511) was approved for the 'change of use of 137a Harrison Road from retail (Class A1) to wholesale (Class B8); change of use of 133c Harrison Road from manufacturing and wholesale (Class B2/B8) to retail (Class A1); additional second floor to Harrison Road; alterations to roof; associated car parking; security shutters; metal cladding to side walls; 2 metre high fencing and gates to Canon Street in 2012.

The Proposal

Full planning permission is sought for the demolition of the existing building and for the construction of a three storey building containing 42 self-contained flats (23 x 1 bed, 17 x 2 bed and 2 x 3 bed) (Class C3).

The proposed layouts of each floor are:

Basement: 44 x car parking spaces and 3 x motorcycle parking spaces. Access to the basement would be off Canon Street to the side of the proposed building with a slip road going under.

40 cycle parking spaces and an additional 12 car parking spaces are proposed at ground floor level.

Ground floor: 8 x 1 bedroom flats, 5 x 2 bedroom flats and 1 x 3 bedroom flat.

First floor: 8 x 1 bedroom flats, 5 x 2 bedroom flats and 1 x 3 bedroom flats.

Second floor: 7 x 1 bedroom flats and 7 x 2 bedroom flats.

The design of the building would be one block facing Harrison Road and an attached block facing Canon Street at 90°. The block facing Harrison Road would be positioned close to the back of the footway with a small area of landscaping. The block facing Canon Street would be set back from the edge of the pavement by approximately 13m.

The proposed building is designed with a flat roof with 2 areas dedicated to green roofs, 1 roof area would be dedicated to solar panels and a further area would be dedicated to air source heat pumps.

The following documents have been submitted in support of the planning application:

- Design and Access Statement

- Drainage Strategy
- Energy Statement
- Affordable Housing Statement
- Parking Management Strategy
- Residents Travel Pack
- Transport Statement
- Waste Management
- Landscape Scheme
- Planning Statement

Policy Considerations

National Planning Policy Framework (NPPF) 2023 December

The following sections/paragraphs of the NPPF are of relevance to the proposal:

Section 2 – Achieving sustainable development.

Section 4 – Decision-making.

Section 5 – Delivering a sufficient supply of homes.

Section 8 – Promoting healthy and safe communities.

Section 9 – Promoting sustainable transport.

Section 11 – Making effective use of land.

Section 12 – Achieving well-designed places.

Section 14 – Meeting the challenge of climate change, flooding and coastal change.

Section 15 – Conserving and enhancing the natural environment.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Affordable Housing SPD

Climate Change SPD

Green space SPD and calculations documents

Residential Amenity SPD

Other legal or policy context

Appendix 1 of City of Leicester Local Plan – Vehicle Parking Standards

Achieving well designed homes – Leicester City Corporate Guidance

Leicester Street Design Guide (June 2020)
National Design Guide (NDG)
Nationally described space standards (NDSS)
Building for a Healthy Life

Consultations

Housing: Either:

Affordable Housing Mix to include Intermediate Affordable Housing: Total 8 units:

A. HEDNA Mix (with Intermediate Affordable Housing): total 8 units (100%)

Rent Affordable Housing units: 6 units (81%)

2 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

3 x 2 bed/4 person flats to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Wheelchair Accessible Standard M4 (3)(2)(b) to be located on the ground floor.

Intermediate Affordable Housing units: 2 unit (19%)

1 x 1 bed/2 person flat to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

Or:

Affordable Rent (without Intermediate Affordable Housing): total 8 units:

B. All Affordable Rent (without Intermediate Affordable Housing): total 8 units.

3 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

4 x 2 bed/4 person flats to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Wheelchair Accessible Standard M4 (3)(2)(b) to be located on the ground floor.

Local Highway Authority (LHA): Revised plans have now been submitted, reducing the number of flats to 42. The original proposal included a scheme for 40 off-street car parking spaces, some of which did not meet current size requirements, and therefore could not be counted as usable parking spaces. The revised proposals have addressed this and now incorporate 56 spaces that meet those size requirements. The number of car parking spaces proposed with the original application fell well short of the Council's current parking standards. However, given the reduction in the number of flats, the proposed provision of 56 spaces almost meets this standard, which would call for 61 spaces. However, the City Councils' residential car parking research' document indicates that future parking demand for this type of development in this ward is likely to be met by the proposed 56 spaces. This therefore addresses the LHA earlier concerns about overspill on-street parking contributing to road casualties. As such the revised proposal is acceptable in this respect. Therefore, in light of the comments above, the Highway Authority does not raise any objections to the proposal, subject to conditions.

Lead Local Flood Authority (LLFA): the following information is still required: full details of the sustainable drainage system, drainage details and water quality assessment. This information can be secured by way of conditions.

Pollution (noise): details have been received regarding the ventilation strategy so that windows can remain shut.

Pollution (land contamination): a land contamination condition should be attached due to the historical use of the site.

Education: The education contribution would be £22,223.24 towards primary schools and £12,874.17 towards secondary schools. Primary schools within 1 mile of the site and secondary schools within 2 miles of the site have been identified. The total contribution towards education would be £35,097.41.

Open Space:

The proposed residential development, within the Belgrave ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are severely limited and therefore we will be looking to make quality improvements to existing green space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD and the amended proposals for this site the following contributions are required:

- £21,513 for path improvement works and tree planting at Cossington Recreation Ground
- £5,841 for improved play provision at Cossington Recreation Ground
- £23,935 towards improvements to the Cossington Street MUGA and/or the provision of cricket nets at Cossington Sports Centre.

Total = £51,289.

Archaeology: although the current building retains the original factory frontage the site has been significantly altered over time. Therefore, it is considered there to be little to no archaeological significance affected.

Better Buildings (sustainable energy): It is agreed that the site is too far away from the district heating network. The details of the solar PV panels and Air Source heat Pumps in the Energy Statement are accepted. Therefore, full design details for these systems can be conditioned.

Waste strategy

Access paths and doors must have a minimum width of 2 metres as per Leicester City Council planning guidance.

A maximum distance from the bin store entrance to the refuse collection vehicle of 10m is required for bins to qualify for an assisted collection.

Communal properties that share bins require an assisted collection. These bin areas appear to exceed the maximum distance of 10m for an assisted collection & there is no proposal for the management of presenting the waste.

Representations

17 objections have been received who have raised the following issues:

- Too dominant and overbearing at 3-4 storeys in height;
- Would block out light, loss of privacy and outlook. Issues with right to light;
- Proposal would create flooding issues;
- Decrease in the value of the property. (Not a material planning consideration);
- Release of hazardous substances when existing building is demolished;
- The proposal would lead to traffic and parking issues; and
- The proposal would have an impact on the vulnerable people in the area.

Consideration

The main issues to consider in terms of the application are: townscape, massing and urban form, design, residential amenity, SuDS/landscaping, access, affordable housing and traffic.

Principle of Development

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, inter alia, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing.

As the Council cannot currently demonstrate a 5 Year land supply, in determining the application the benefits of the site's potential contribution to housing should be considered positively in line with the 'tilted balance' as expected by Government guidance.

The proposal lies within a residential area consisting of terraced and semi-detached houses. Notwithstanding the site and the adjoining site are in employment use. There is no objection to the loss of the employment use. Therefore, the principle of the proposal is accepted subject to the issues covered in the report.

I consider the proposal is in accordance with local and national policy subject to appraisal of other material considerations detailed within this report.

Townscape, massing, heights and materials

The existing two storey terraced residential dwellings surrounding the application site are mostly constructed in red brick. The industrial building to the north of the site and the existing factory to be demolished are three storeys in height and are also constructed in red brick. The side of the existing industrial building to be demolished is finished in light grey cladding.

The design has changed during the application process. The development was originally proposed as a two to four storey building. During the course of the application, the proposal has been reduced to three storeys in height. The frontage to Harrison Road would be flat roofed, echoing the design of the existing factories to the north. The proposed red brick façade is punctuated with projecting pilasters

constructed in grey brick, which adds interest to the elevation. Additional interest and detailing are provided to the elevation by the grey brick cornice, corbelled brickwork adjacent to the main entrance and window reveals. A brick wall is proposed to the front with steel railings painted black.

The façade facing Canon Street is three storeys but includes accommodation within the mansard style roof. This part of the proposal is set back from Canon Street with landscaping and an in out access separating the building from the highway. The same materials are proposed on this elevation, but there are larger sections of grey brick, the mansard style roof would be constructed with light grey cladding and textured grey brick detailing would surround the doors, resulting in a more contemporary appearance.

I consider that the amended proposal successfully respects the immediate townscape and surrounding area, as the mass, height and materials respect the surrounding townscape.

Materials

The material specifications have been provided within the proposed elevation drawings. The specifications have also been shown on material specification documents received during the course of the application process. These details establish a 'quality benchmark' in line with paragraph 140 of the NPPF and to avoid a reduction in quality post approval. It is understood that substitutions for selected materials may be required post approval, given material availability; however, any substitutions will need to be of similar quality to those approved (tested via a sample panel). I consider it necessary to condition that the quality of materials is secured by way of a condition, that window and door details are provided and that a sample panel is constructed on site for inspection.

A boundary treatment plan and sections have been provided during the application process. The details provided are acceptable and I consider it necessary for details of the boundary treatments to be conditioned to be provided and retained thereafter.

Subject to conditions being addressed satisfactorily, the development will be in accordance with policy CS03.

Living conditions (*The proposal*)

Saved City of Leicester policy H07 states '*Planning permission will be granted for new flats and the conversion of existing buildings to self-contained flats, provided the proposal is satisfactory in respect of the location of the property and the nature of nearby uses, the creation of a satisfactory living environment, the arrangements for waste bin storage and car or cycle parking, the provision, where practicable, of a garden or communal open space and the proposed or potential changes to the appearance of the buildings, and their settings.*'

Saved policy PS10 states the factors that will be taken into account concerning the amenities of existing and proposed residents when considering planning applications. These factors include things such as noise, light, smell and air pollution, the visual quality of the area, additional parking and vehicle movements, privacy and overshadowing, safety and security, access to key facilities.

Flat sizes

The proposal is for a mix of one, two and three bed self-contained flats. The flats range in size from 37sqm for the smallest one bed one person flat to 81.8sqm for the

three bed four person flats. 17 of the 18 proposed one bedroom flats are suitable for 1 occupant and meet the Nationally Described Space Standards (NDSS). The remaining one bedroom flat is just under 50sqm, which is the standard for a two person one bedroom dwelling. The two proposed three bedroom flats both meet the standards for a three bedroom four person flat. I consider that the sizes of the one and three bedroom flats meet the NDSS and are acceptable.

None of the proposed two bedroom flats meet the NDSS standards for a two bedroom three person dwelling. There are two flats that are approximately 12sqm under the recommended space standard. The majority of the two bedroom flats are 5-8sqm below the recommended space standards with four of the two bedroomed flats 1sqm under the recommended space standards. Although the two bedroom flats are under the NDSS, the Council has not yet formally adopted the Nationally Described Space Standards within planning policy. As such, I consider that the provision of the large number of dwellings proposed would outweigh the under provision of floorspace in some of the larger flats. Moreover, the proposal provides much needed housing, including dwellings suitable for families, which I consider weighs the tilted balance firmly in favour of approval.

Amenity space

The Residential Amenity SPD sets out that 1.5sqm of private amenity space should be provided for each one bedroomed flat and 2sqm of private amenity space should be provided for two or more bedroomed flats. The scheme would require 72.5sqm of private amenity space based on the number of one and two bedroomed flats (with three bedroomed flats requiring 2sqm of amenity space due to the absence of an equivalent requirement for flats of that size).

The five ground floor flats to the rear would have double doors that open directly onto landscaped amenity space to the rear, which would be sufficient to meet the requirements.

In addition, five of the flats proposed on the second floor would have access to private balconies, which would be sufficient to meet the private amenity space requirements for their size.

The landscaping plan shows that areas of communal amenity space are proposed to the rear of the site. There would be a provision of approximately 150sqm to the rear of the site, which would be sufficient to meet the private amenity space provision guidance. I consider that the provision of additional private amenity space on the site would be difficult, and, in this instance, communal amenity space is sufficient.

Light and outlook

The Residential Amenity SPD sets out that within outer areas of the city where a wall with no window faces a wall with windows to a principal room on an adjacent property, the distance must not be less than 15 metres. The SPD also sets out that the minimum distance between any principal room windows in an extension and the boundary with undeveloped land, including gardens, should be 11 metres.

The separation distance of the windows on the rear elevation of the proposed building to the rear boundary of the gardens of the properties along Redcar Road to the north is 11 metres. I consider that the separation distance is compliant with the guidance.

There would not be a 15 metre separation distance directly in front of the windows to the rear of the proposed building facing at ground floor level to the north, due to existing boundary treatment and the single storey industrial structures at 137a Harrison Road. However, oblique views would be possible from these windows above the structures to the required 15m. In addition, there are some secondary windows that face directly towards boundary treatments or walls; however, sufficient light and outlook would be provided by the principal window to these rooms. Aside from this, I consider that there would be sufficient light and outlook to all other habitable rooms within the development to meet the guidance set out within the Residential Amenity SPD .

On balance, I consider that the scheme as a whole provides suitable levels of light and outlook to the future residents of the flats.

Residential amenity (*neighbouring properties*):

The site is located within a primarily residential area and is surrounded by existing residential properties apart from the industrial buildings at 137 Harrison Road to the north.

The Residential Amenity SPD sets out that within outer areas of the city, the distance between directly facing windows must not be less than 21 metres. The SPD also sets out that the minimum distance between any principal room windows in an extension and the boundary with undeveloped land, including gardens, should be 11 metres.

The closest residential properties are located on the opposite side of Harrison Road with a separation distance of approximately 11 metres. I consider this to be a typical separation distance between the fronts of properties. There would be an increase in the mass of the new building in relation to the existing building on site, with an increased height of approximately 2.5 metres; however, I consider that the height difference would not be significant and the proposed building would have a similar relationship that the existing building at 137 Harrison Road has with the terraced properties opposite.

The element of the proposal fronting Canon Street is set back from the highway and the properties on the southern side of Canon Street are adequately set away from the proposal. I consider that the proposal would have minimal impact on the residential amenity of these properties.

The rear gardens of residential properties along Redcar Road to the north back onto the application site. The separation distance from the rear of the properties is in excess of 25 metres, which is more than a sufficient distance to avoid any overlooking or privacy issues between these properties and the rear windows of the proposed block of flats as set out in the Residential Amenity SPD . With 11 metres separation distance between the rear elevation of the proposed block of flats and the northern boundary of the site, I consider that there would not be any significant privacy or overlooking issues of the rear gardens of the properties along Redcar Road.

The existing building on the site has an approximately 3m separation distance to the common boundary on the eastern side of the site with the residential property at 74 Canon Street. The proposed building would be set away from the eastern boundary by approximately 7.5 metres. The height of this part of the proposal would be similar to the existing building and, as such, I consider that the proposal would result in

some improvement in the level of light and outlook afforded to the neighbouring residential property, due to the increase in separation distance.

There are some secondary windows proposed to the eastern side of the proposed block of flats that would overlook the rear garden of 74 Canon Street. Due to the separation distance and that these are only secondary windows, I consider it necessary to attach a condition to ensure that the first and second floor windows on this elevation are obscure glazed to prevent overlooking and a loss of privacy.

I consider that the proposal as amended will not impact upon the relationship with neighbouring properties in terms of overlooking, loss of privacy and noise in accordance with saved policy PS10 of the City of Leicester Local Plan.

Waste storage and collection:

The waste storage would be located within two storage areas at the rear of the site behind the proposed buildings. The amount of bin storage would be sufficient for the proposed number of flats.

The maximum distance from the bin store entrance to the refuse collection vehicle of 10m is required for bins to qualify for an assisted collection. The bin store is over 10m from the public highway on Harrison Road and Canon Street and so the development does not qualify for assisted collection unless additional information can be provided as part of a Management Plan regarding how waste collection is managed on site on bin days. As such, I consider it necessary to condition that additional details of waste collection and management be submitted to and approved in writing as part of a Management Plan.

I also consider it necessary to attach a condition to ensure that the details in relation to the design of the bin stores are submitted to and approved prior to the first occupation of the flats.

Subject to the condition, I consider that the proposal is acceptable in relation to waste management in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan and policy CS03 of the Leicester Core Strategy.

Highways and parking:

Appendix 1 of the City of Leicester Local Plan locates the site within the outer zones of the city where the car parking standard is a maximum of one space for dwellings with one bedroom dwelling and two spaces for dwellings with two or more bedrooms.

Core Strategy policy CS14 states that development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel.

Vehicle Parking

Revised plans have been submitted during the course of application process to reduce the number of flats proposed from 48 to 42. The original proposal included a scheme for 40 off-street car parking spaces, some of which did not meet current size requirements, and therefore could not be counted as usable parking spaces. The revised proposals have addressed this and now incorporate 56 spaces that meet those size requirements.

The number of car parking spaces proposed with the original application fell well short of the Council's current parking standards. However, given the reduction in the number of flats, the proposed provision of 56 spaces almost meets this standard, which would call for 61 spaces. However, the City Councils' residential car parking research' document indicates that future parking demand for this type of development in this ward is likely to be met by the proposed 56 spaces. Therefore, I consider that the provision addresses the Local Highway Authority's earlier concerns about overspill on-street parking. A parking Management Plan was submitted with the application. Although the number of car parking spaces has been increased during the application process, I consider that the principles outlined in the Parking Management Plan can be conditioned. As such, I consider that the revised proposal is acceptable in this respect.

The Vehicle Parking Standards guidance (2006) on cycle parking for 'high density' residential developments requires (a) 1 cycle space for every 2 bed spaces and (b) 1 visitor cycle space for every 20 bed spaces. Using the above method of calculation, the proposal would result in a requirement for 25 cycle spaces.

Secure cycle storage is proposed for the scheme, providing 60 spaces for the development to the western side of the site. The number of cycle spaces provided exceeds the required number of spaces recommended through policy, which is acceptable. The cycle storage can be accessed externally with level access from Canon Street and Harrison Road. I consider it necessary to attach a condition to ensure that the cycle parking is provided and retained.

I consider that the net increase in vehicle traffic movements generated by the proposals would not result in a significant impact within the existing surrounding highway network in terms of capacity or highway safety. As such, I consider that the details set out within the Transport Statement is acceptable.

Access and footway provision

The development would result in a new vehicle egress onto Canon Street, which along with an existing access onto Canon Street, would form an in-out access to the site. I consider it necessary to attach conditions to ensure that footway crossings and 2 by 2 metre sight lines are provided at the vehicular access points. I also consider it necessary to attach a condition to ensure that any damaged or altered areas of the footway or highway are repaired and any redundant footway crossings are reinstated.

Travel Pack

A Travel Pack has been submitted upfront with the application. I consider that the contents are broadly acceptable. However, I consider that the Travel Pack will need to be updated, as it refers to the previous scheme and will need to be updated as it was produced over six years ago. As such, I consider it necessary to attach a condition to ensure that an updated Travel Pack is submitted prior to first occupation of the flats and will need to include updated public transport information.

Construction and Demolition Method Statement

I consider it necessary to attach a condition for a construction method statement to be submitted prior to the commencement of any works to ensure that construction works result in minimal disruption and impact (this will also cover necessary air quality issues addressed in that section of the report).

Conclusion

Subject to the requirements of the proposed conditions I consider the proposal to be in accordance with Core Strategy policy CS14.

Pollution (noise)

The application site is adjacent to an existing industrial building. However, 192-202 Harrison Road are existing properties directly opposite with a separation distance of approximately 14m between the facades, which would also have to be considered in the event of changes to industrial activities or risk the occupants making complaints about noise nuisance.

Should any significant change to operations occur leading to increased noise from the industrial building, the dwellings directly opposite are considered to be more likely to be impacted, given that the front façade of the industrial building is largely glazed whereas the side façade facing the proposed development is solid brickwork with no openings.

The nearest proposed apartment has an approximately 10.5m separation distance from the side wall of the industrial building with windows that do not face directly towards the building. Therefore, I consider that the proposed flats would be subject to a lower noise impact than the existing dwellings and any changes to industrial operations that were deemed to be satisfactory for existing nearby dwellings would also be acceptable to the proposed dwellings.

The roads are not regularly subject to significant amounts of noise from traffic, so it is considered that open windows for rapid ventilation is reasonable in this location. As such, I consider that the addition of mechanical ventilation to the proposed scheme would be unreasonable, given that the noise impacts are unlikely to be significant and are unlikely to be used in the location with occupants instead being able to opt for opening windows instead.

I consider that sufficient background ventilation can be supplied by standard trickle vents and a noise insulation scheme is not necessary in this instance.

However, I do consider it necessary to attach a condition regarding construction operation hours, due to the location of the site within a primarily residential area.

I consider that the living conditions of the future occupants of the flats are acceptable in accordance with saved policy PS10 of the City of Leicester Local Plan and policy CS03 of the Leicester Core Strategy.

Pollution (land)

Due to the historic industrial use of the site, I consider it necessary to attach a condition to ensure that the risks from land contamination to the future users of the land and neighbouring land, to controlled waters, property and ecological systems are minimised. The condition will need to ensure that the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment is submitted to the local planning authority prior to any works other than demolition. If required by the report, I consider that the condition would also need to require a scheme of remedial works to render the site suitable and safe for the development to be submitted to the local planning authority and implemented on site.

Concern has been raised regarding the disturbance of asbestos on the site. I consider that this would be covered with the above recommended condition.

Subject to the condition I consider that the proposal is acceptable in relation to land contamination risks and is in accordance with saved policy PS11 of the City of Leicester Local Plan.

Sustainable Energy

Core Strategy policy CS02 states that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions. Best practice energy efficiency and sustainable construction methods should be incorporated in all aspects of the development.

The information submitted with the application in relation to carbon reduction and sustainable energy, including the provision of PV panels and Air Source Heat Pumps on the roof, is considered acceptable subject to the full design details being submitted and approved and this is required by a proposed condition. I consider it necessary for the condition to also require the submission of information to show satisfactory operation of the approved measures.

I consider the proposal to be in accordance with Core Strategy policy CS02.

SuDS / Drainage

Core Strategy policy CS02 states that development should be directed to locations with the least impact on flooding or water resources. Both greenfield and brownfield sites should be assessed for their contribution to overall flood risk, taking into account climate change. All development should aim to limit surface water run off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of sustainable drainage techniques in developments.

The Local Lead Flood Authority considers that their requirements can be met through further details submitted by conditioning that additional SuDS and drainage information is provided at a later stage. I have proposed that their recommended conditions are attached.

Subject to the conditions, I consider the proposal to be in accordance with Core Strategy policy CS02.

Nature conservation / Landscape

A Preliminary Roost Assessment (PRA) survey report (August 2023) has been provided, which confirmed that no protected species were identified on the site at the time of the survey. The findings of this report are acceptable; however, its validity is for two years from the date of survey (surveys carried out August 2023). I consider it necessary to attach a condition to ensure that the survey is repeated biennially if the development does not commence within the period that the survey is valid. I also consider it necessary to attach a condition to ensure that the mitigation measures provided in section 4 (page 13) of the report are followed. In addition, information has been submitted which indicates a Preliminary Ecological Report is now not required.

The Biodiversity Net Gain Assessment report (August 2023) and accompanying DEFRA Metric have been amended during the course of the application process. I am satisfied that they now provide sufficient clarity of the baseline habitat value and landscaping proposals to meet Biodiversity Net Gain (BNG) requirements. The revised Proposed Landscaping Plan is shown to provide landscape enhancements on site.

The submitted Defra Metric 4.0 is acceptable and confirms a biodiversity net gain can be achieved on the development site. A Biodiversity Metric 4.0 report (August 2023) has also been submitted. The submitted Metric table is acceptable and confirms a biodiversity net gain can be achieved on the development.

Additional biodiversity enhancements can be achieved through additional features that add value to local ecological networks and support local Biodiversity Action Plan (BAP) species such as integrated nest boxes to include Bat & Bird boxes, which do not contribute to BNG. A report entitled Integrated Bat and Bird Bricks (June 2023) shows the details, location, management and maintenance of the bird and bat bricks proposed. This includes 4x bat bricks, 3x swift bricks and 3x nest bricks. I consider it necessary to attach a condition to ensure that the bricks are provided and maintained in accordance with the submitted details.

Therefore, as per the above, and as confirmed in the ECiA report, I consider it necessary for a 30 year Landscape and Ecological Management Plan (LEMP) based upon recommendations and landscaping proposals detailed within the Biodiversity Net Gain Assessment report (August 2023) to be submitted by condition.

Therefore, subject to conditions, I consider that the proposal is acceptable in relation to ecology and is in accordance with saved local plan policy UD06 and Core Strategy policy CS17.

Developer Contributions / Section 106 agreement / viability

The statutory tests for the use of section 106 obligations are set out in Regulation 122 of the CIL Regulations 2010. This states that obligations should be:-

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

Given the number of flats proposed the Service Director for Housing has requested the proposal provide affordable housing in line with Policy CS07 of the Core Strategy. Contributions have also been requested towards enhancing open space and towards education places. The applicants have submitted a Viability Statement and this has been checked and verified by the Council's Development Team. They concur that the profit that will be generated by the proposal is such that it would not be viable to provide affordable housing or the other contributions.

It is regrettable that no financial contributions can be provided. Policy CS07 of the Core Strategy does require developers to provide clear evidence of why they cannot provide affordable housing. I consider this has been carried out by the applicant and therefore consider the proposal without affordable housing is acceptable.

Other matters

Some objections received include concerns that the proposal would have an impact on house prices in the surrounding area. This is not a material planning consideration and this issue cannot be considered as part of the planning process.

Conclusion

The proposed development is considered to be high quality, well designed and contributes positively to the character and appearance of the built environment. The details for all aspects of the proposal as submitted are accepted and conditions will

be attached to secure those details are implemented. The agreement of the materials as submitted will be reinforced through condition. Paragraph 140 of the NPPF prevents the 'watering down' of schemes following permission.

I consider that the proposal would also make a significant contribution towards meeting the City's five year housing land supply, which currently falls short of Government expectations in the City. The level of accommodation that would be provided is acceptable and there would be no significant adverse impact on neighbouring amenity.

The lack of contributions towards education, open space and affordable housing is regrettable; however, satisfactory evidence has been provided to demonstrate that the scheme would not be viable if included.

I therefore consider that the proposed development as amended is acceptable and is in accordance with the NPPF, Core Strategy and the saved City of Leicester local plan policies.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)

2. No development shall take place, including any works of demolition, until a Construction Method Statement has been 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 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 recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team.

The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf.

(In the interests of the amenities of nearby occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

4. No development (other than demolition) shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved 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 before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the Local Planning Authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy PS11 of the City of Leicester Local Plan To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.).

5. No development (other than demolition) shall be carried out until full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system have been submitted to and approved in writing by the Local Planning Authority. No dwelling 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 ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

6. No development (other than demolition) shall be carried out until details of foul drainage, have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

7. A) No development (other than demolition) shall be carried out until a materials schedule in broad accordance with the materials shown on the approved plans and the submitted materials details all received on 24/08/2023, including all external materials with product specification and RAL colours, and a materials sample panel drawing (at a scale of 1:20) showing (but not necessarily limited to) brick, bonding & mortar, colour of mortar, window frames, reveals, ventilation panels/louvres materials and coverings, paint finish, fenestration profiles, lintels, sills, window dressings, reveals and cladding, have been submitted to and approved in writing by the Local Planning Authority.

B) Prior to any development above floor slab level the approved sample panel(s) and approved materials to be used on all external elevations and roofs shall be constructed on site for inspection showing (but not necessarily limited to) brick, bonding & mortar, colour of mortar, window frames, reveals, ventilation panels/louvres materials and coverings, paint finish, fenestration profiles, lintels, sills, window dressings, reveals and cladding. The development shall be constructed in full accordance with the approved details.

(In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

8. Should the development not commence, including any demolition, within 24 months of the date of the last protected species survey (23/08/2023), then a further protected species survey shall be carried out of the building by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the Local Planning Authority and any identified mitigation measures carried out in accordance with the protected species survey. Thereafter the survey shall be repeated biennially and any mitigation measures 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 CS17 of the Leicester Core Strategy).

9. No works above ground level shall commence until a detailed landscape and ecological management plan (LEMP), in conjunction with the approved Landscape Proposals ref 23.1762.001 rev A received 24/08/2023, showing the treatment and maintenance of all parts of the site which will remain unbuilt upon has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the LEMP has been implemented in accordance with the approved details. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations, as shown in the approved Landscape Proposals ref 23.1762.001 rev A received 24/08/2023; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots), (vii) a detailed plan of the biodiversity enhancements on the site such as the rain garden and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction. (viii) details of planting design (ix) details of the make and type of 3x bird boxes/tiles/bricks, 3x swift boxes/tiles/bricks and 4x bat

boxes/tiles/bricks to be installed on buildings or trees under the guidance and supervision of a qualified ecologist.

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 interest of biodiversity, amenity and the character and appearance of the area, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

10. No development (other than demolition) shall be carried out until full design details of the Photovoltaic Panels, Air Source Heat Pumps and any other externally mounted plant and machinery have been submitted to and approved in writing by the Local Planning Authority. The details of the Photovoltaic Panels and Air Source Heat Pumps shall be in full accordance with the information provided within the Sustainable Energy Statement (dated 28/06/2021) received on 12/07/2021, No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme, including on-site installation of energy efficiency measures and solar PV panels, has been submitted to and approved in writing by the Local Planning Authority, in line with the approved details provided. The installations shall be retained and maintained thereafter. (In the interests of securing carbon reduction and energy efficiency and in accordance with Core Strategy policy CS02).

11. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

12. No part of the development shall be occupied until the following works have been carried out in accordance with written details approved in advance by the Local Planning Authority: (a) footway crossing at the vehicular access; (b) alterations to footway crossing(s); (c) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway. (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).

13. Within one month of the first occupation of any flat, the occupiers of each of the flats shall be provided with a 'Residents Travel Pack'. The contents of this shall be submitted to and approved in writing and in advance by the Local Planning Authority and 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 policy AM02 of the City of Leicester Local Plan and Core Strategy policy CS14).

14. No part of the development shall be occupied until secure and covered cycle parking has been provided and it shall be retained thereafter, in accordance with written details previously submitted to and approved by the Local Planning Authority.

(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).

15. Before the occupation of any part of the development, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The premises shall be managed in accordance with the approved parking management plan thereafter. All parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with saved policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS03).

16. The development shall not be occupied until the store for refuse bins has been provided in accordance with plans to be submitted to and approved in writing by the Local Planning Authority and is accessible to all occupiers. The bin store shall be retained thereafter for the storage of refuse in connection with the use and occupation of the development and all refuse bins shall be kept within the designated area other than on refuse collection days. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester Local Plan and Core Strategy policy CS03).

17. The development hereby permitted shall at all times be managed and operated in full accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development. 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).

18. No part of the development shall be occupied until the first and second floor east facing windows facing 74 Canon Street are fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) with the exception of a top opening light and retained as such. (In the interests of the amenity of the future occupiers of 74 Canon Street and in accordance with saved policy PS10 of the City of Leicester Local Plan).

19. All flats and associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of any of the flats a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard. (To ensure the flats are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

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

Received 24th August 2023

- Proposed Site Plan, A1333 P001 rev D
- Proposed Basement Plan, A1333 P002 rev A
- Proposed Ground Floor Plan, A1333 P003 rev B
- Proposed First Floor Plan, A1333 P004 rev B
- Proposed Second Floor Plan, A1333 P005 rev B
- Proposed Roof Plan, A1333 P006 rev C
- Proposed Elevations, A1333 P007 rev C
- Proposed Balustrade Detail, A1333 P008 rev B
- Proposed Detailed Elevations, A1333 P009 rev C
- Proposed Boundary Walls, A1333 P010 rev A
- Proposed Skin Section A-A, A1333 P011 rev C
- Proposed Skin Section B-B, A1333 P012 rev C
- Proposed Skin Section C-C, A1333 P013 rev C
- Proposed Skin Section D-D, A1333 P014 rev C
- Feature Brickwork Details, A1333 P015 rev A
- Feature Brickwork Details, A1333 P016 rev A
- Landscape Proposals, 23.1762.001 rev A

(In order to ensure compliance with the approved plans).

NOTES FOR APPLICANT

1. To meet condition 19 All those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2) and M4(3). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) and M4(3) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

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.

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.

Any barriers, scaffolding, hoarding, footway closure etc. required for the demolition or construction works to be undertaken will require a licence. This should be applied for by emailing Licensing@leicester.gov.uk.

4. With regards to the Travel Plan and Travel Packs, it is intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact Bal.Minhas@leicester.gov.uk for advice.

5. The costs for the alterations of the TROs should be funded by the Applicant. The average cost of a TRO scheme is currently in the region of £5,000, but this cost may rise depending on the complexity. The Applicant is advised to contact Ed Kocik in the Traffic Management section, tel. 0116 4543714 to discuss the requirements to enable the TRO to be processed.

6. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

7. 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 2023 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

