

Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 4 OCTOBER 2023

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 Pantling (Chair)

Councillor Aldred (Vice-Chair)

Councillors Agath, Bonham, Gopal, Kitterick, Mohammed, Dr Moore, Singh
Patel and Surti

One unallocated Labour group place

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

For Monitoring Officer

Officer contact:

Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 /

e-mail: aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk

Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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Further information

If you have any queries about any of the above or the business to be discussed, please contact:

Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 or , Democratic Support Officers. Alternatively, email aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. MINUTES OF THE PREVIOUS MEETING**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 23 August 2023 are a correct record.

- 3. 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.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

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.

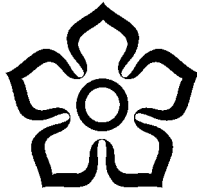
(i) **20230944 103 NORTHDENE ROAD** [Appendix A1](#)

(ii) **20230514 2 MAIDENWELL AVENUE, LAND AT
TESCO EXTRA** [Appendix A2](#)

(iii) **20202281 31-25 ALBION STREET, FORMER
BLACK BOY PUBLIC HOUSE** [Appendix A3](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 04 October 2023

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.

- 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).

**INDEX
APPLICATION ORDER**

Page Main	Page Supp	Application Number	Address	Ward

COMMITTEE REPORT

20230944	103 Northdene Road	
Proposal:	Change of use from dwellinghouse (1x3 bed) (Class C3) to residential care home (Class C2) (amended plans and documents received 14/09/2023)	
Applicant:	Blue Valley Care	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	23 August 2023	
RB	TEAM: PD	WARD: Knighton



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Summary

- The application is brought to committee due to more than five objections received.
- 20 objections have been received from 10 different addresses within the city on grounds of use of the property as care home, neighbouring amenity, loss of

amenity, potential noise and disturbance, inadequate parking and highway safety and impacts on local services.

- Main issues are the principle of the use, the impact on the residential character of the area; increased coming and goings, impact on amenity of nearby occupiers, highway safety and parking.
- The application is recommended for approval.

The Site

The property is a semi-detached house located within a primarily residential area. There is a vehicular access and front courtyard, which is paved with an approximately 1m high brick wall. There is patio area at the rear with a relatively large garden beyond and single storey detached outbuilding close to the rear boundary.

The surrounding area is mainly comprised of two storey semi-detached houses with two bungalows on the corner of Northdene Road, where the road changes direction to the north.

Background

Application 20030016 for the construction of a single storey extension at side and rear of house was approved on 14/02/2003. This application appears to have been implemented.

Application 20080539 for the construction of a first floor extension at side of house (class C3) was approved on 22/05/2008. This application has not been implemented.

The single storey attached garage to the side has recently been converted into a habitable room, with the garage door being replaced with a window.

The proposal

The application is for change of use to care home to accommodate a maximum of three children at any point in time.

The property would provide 1 young person's bedroom with ensuite, a living room/lounge/dining room, kitchen, staff bathroom and support workers office/bedroom at ground floor level and 2 young person's bedrooms, a young person's bathroom, young person's WC and staff office at first floor level.

It is stated that the existing outbuilding at the bottom of the garden would be retained for storage.

There are no external alterations required in order to facilitate the change of use to a care home.

A statement has been provided by the applicant states that:

- The home will provide a home for up to 3 children aged between 8 - 17 years of age, referred by the Local Authorities.
- The home would occupy five people; 3 children and 2 staff.

- Staff will be on the premises 24/7. 2 members of staff would work a 16 hour shift, 7am to 11pm. One would sleep in, going off shift at 8am, and the other one would go home at 11pm. There will be 1 waking night starting at 10pm to 8am to ensure that the young people are safeguarded at night with one staff member awake throughout the night.

A noise insulation scheme for the internal boundary wall with 105 Northdene Road was submitted during the application process.

Policy Considerations

National Planning Policy Guidance (NPPF) 2023

Paragraphs 2 and 11 (Presumption in favour of Sustainable Development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110 and 111 (Highways safety)

Paragraph 119 (Effective use of land)

Paragraphs 130 and 134 (Good Design)

Paragraph 185 (Pollution)

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity

Appendix 1 of the Local Plan – Vehicle Parking Standards

Consultations

Noise Pollution – no objections

Representations

20 letters of objection have been received from 10 different addresses within the city that raise the following concerns:

- The proposal would result in an adverse impact on the quality of life of nearby residents;
- The conversion of the dwellinghouse into a residential care home could lead to increased traffic flow in the area, as well as potential parking issues for both residents and staff. This could disrupt the existing traffic patterns and create congestion, impacting the safety and convenience of the neighbourhood.
- Residential care home for children often involves round-the-clock care, which could lead to increased noise levels during the day and night. This could disturb the peaceful and quiet character of the residential area, affecting the quality of life for existing residents.
- The presence of a residential care home for children in close proximity could potentially have a negative impact on property values. Prospective homebuyers might be hesitant to invest in properties adjacent to or near care facilities due to perceived impacts on the desirability of the neighbourhood.

- The proposed change of use could alter the overall character of the neighbourhood, which is currently zoned for residential use. Introducing a residential care home might not be in harmony with the existing community and could lead to a loss of the cohesive residential feel that currently defines the area.
- The conversion of a dwellinghouse into a care home for children could strain local services and infrastructure, such as utilities, waste management, and emergency services. The potential need for increased resources to support the care home might not align with the capacity of the neighbourhood.
- A care home may be subject to specific regulations and requirements to ensure the safety and well-being of its residents. It is important to thoroughly assess whether the proposed property is suitable to meet these standards without compromising the safety of both the care home residents and the surrounding community.

Consideration

The main issues are principle of the use, level of accommodation, impact on amenity of nearby occupiers and whether the staff working on shift patterns will have significant change in the character of a dwelling-house through increased coming and goings, access and parking demand and representation received.

Principle of development

The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents. The Council's Core Strategy Policy CS06 supports the provision of supported housing to meet other identified special needs.

The property is located outside a restricted hotels, hostels and residential institutions area where saved Local Plan policy H16 states that planning permission will not be granted for a change of use to a residential institution unless it can be demonstrated that there would be no adverse effects on the amenities of neighbours or on the residential character of the area.

There does not appear to be a concentration of such uses in the immediate locality.

The property is surrounded by predominantly residential properties. Although the change of use would result in the loss of a house, the proposed 3 bed care home will be a managed provision where assisted living is provided for the residents.

Saved Policy H05 of the Local Plan (2006) seeks to resist the loss of housing but sets out a number of exception criteria. I consider that a Class C2 use is a residential use and not the type of use that Policy H05 seeks to resist. Notwithstanding, exception criteria (c) allows for the loss of dwellings where this can be justified by other community benefits, and I consider that the benefit of providing special needs housing would apply in this case.

The use of the property would continue to provide residential accommodation within an area allocated for residential use and would not result in an overconcentration of the use within the surrounding area.

I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06 and saved Local Plan policies H05 and H16.

Amenity and character and appearance

The bedrooms and other principal rooms would have a good level of outlook from the existing windows. I consider that an acceptable level of amenity will be provided in terms of privacy, outlook and natural light for each of the residents.

The three children to be housed will be accommodated within the existing bedrooms, and whilst some comings and goings to and from the house may increase due to social and medical needs, this is unlikely to be significantly above the levels expected in a family house.

A noise insulation scheme for internal wall insulation along the rooms adjacent to the common boundary with 105 Northdene Road has been provided during the application process. Although the new use as a care home is residential, I consider that there would be potential for additional disruption in regard to noise, so the insulation scheme is necessary in this instance. I consider that the insulation scheme would be sufficient in protecting the neighbouring property from significant adverse impacts from noise pollution in relation to the proposed use, and can be conditioned.

There are no further internal and external alterations required in order to facilitate the change of use to a care home. I consider that the proposal would not adversely affect the residential character or appearance of the property or have any negative visual impact on the surrounding residential area or the street scene. I conclude that the proposal would comply with Core Strategy policies CS03 and CS08 and saved local plan policy PS10 and is acceptable in visual and residential amenity terms.

There is a medium sized garden area at the rear of the house, screened by a boundary fence which would provide satisfactory private amenity area.

Waste bin storage

The applicant states there is no arrangement for collection of refuse and recyclable waste. The provision of waste storage and collection would likely remain as existing to the front of the property and away from the front boundary with the street scene. I consider it necessary to attach a condition in this respect, which would ensure that the waste storage and collection to be acceptable.

Access and parking

Policy CS14 of the Leicester Core Strategy (2014) states that development should be easily accessible to all future users, and that 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.

Appendix 1 of the City of Leicester Local Plan sets out the parking requirements for the city. The maximum number of parking spaces for a residential institution within Zones 3 and 4 is one space for every four bedrooms, which would equate to a maximum requirement for one off street car parking space.

The front courtyard is bounded by approximately 1m high brick wall and is paved. The applicant has stated that there is space for two car parking spaces on the front courtyard. I consider that although the depth of the drive is 5m and the recommended depth of a car parking space is 5.5m, the layout would be the same as the existing situation on site, so I consider that the arrangement would be acceptable in this instance.

Given the number of residents and the care staff required at any one time and the number of off-street car parking spaces proposed, I consider that the proposal will not have a detrimental impact on local on street parking capacity and the highway/parking impact of the proposal would not so severe to warrant a refusal.

However, within Class C2 the property could be used for a residential school, college, training centre or a hospital. These uses could result in additional comings and goings, general disturbance and greater parking demand. Further consideration for these types of uses is necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

I also consider it necessary that the existing outbuilding is retained for uses incidental to the main building and is not used for living accommodation.

As such I do not consider that the proposal is contrary to saved Local Plan policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS14 and paragraphs 110 and 111 of the NPPF.

Other matters

The issues /concerns over the use of the property, amenity, access and parking raised by the residents have been addressed in the above relevant sections.

The agent has stated that the use will be regulated by Ofsted and the Care Quality Commission. It is stated that the property would be risk assessed and would conform to Children's home Regulations and guidelines as well as safeguarding policies and procedures.

The effect of the proposal on property values is not a planning matter and cannot be considered in the assessment of this application.

The proposal is a managed provision and would meet the needs of the children effectively therefore issues relating to with crime and anti-social behaviour would be managed by care team and by the other law and enforcement agencies. Likewise, emotional needs and behavioural issues, security and supervision and health care provisions are matters for care team, other agencies and regulations.

I consider that the proposed use would not result in a significant impact on services and utilities when compared to a family property.

Conclusion

I consider that the use of the application property as a small three person care home is an acceptable use within a residential area.

The property will be used in a way that is similar to a typical family house and as such, I do not consider the proposal would cause harm to the amenities of neighbouring properties or result in detrimental impact on the residential character of the surrounding area.

The development is not likely to cause severe harm to the local highway network or result in additional parking demand and is considered acceptable in highway terms. I consider that the proposal would be in accordance with the aims of the NPPF 2023 and development plan polices and guidance.

I therefore recommend **APPROVAL** 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. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)
3. The development shall not be occupied until the Rockwool Flexi Acoustic Slab noise insulation scheme submitted on the 14/09/2023 is provided and installed at the property from floor to ceiling in all the locations along the common boundary with 105 Northdene Road as shown within the submitted details. The insulation scheme shall be retained as such for the lifetime of the development. (In the interests of the amenities of future users and of neighbouring properties, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
4. The detached outbuilding shall not be used as living accommodation and shall not be used independently of the main building. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan.)
5. 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, CS06 and CS14 of the Leicester Core Strategy (2014) and saved Policies PS10 of the Local Plan (2006).)
6. Development shall be carried out in accordance with the following approved plans and supporting documents:
Proposed Floor Plans, received 22/05/2023
Planning Statement received on 22/05/2023
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. 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.

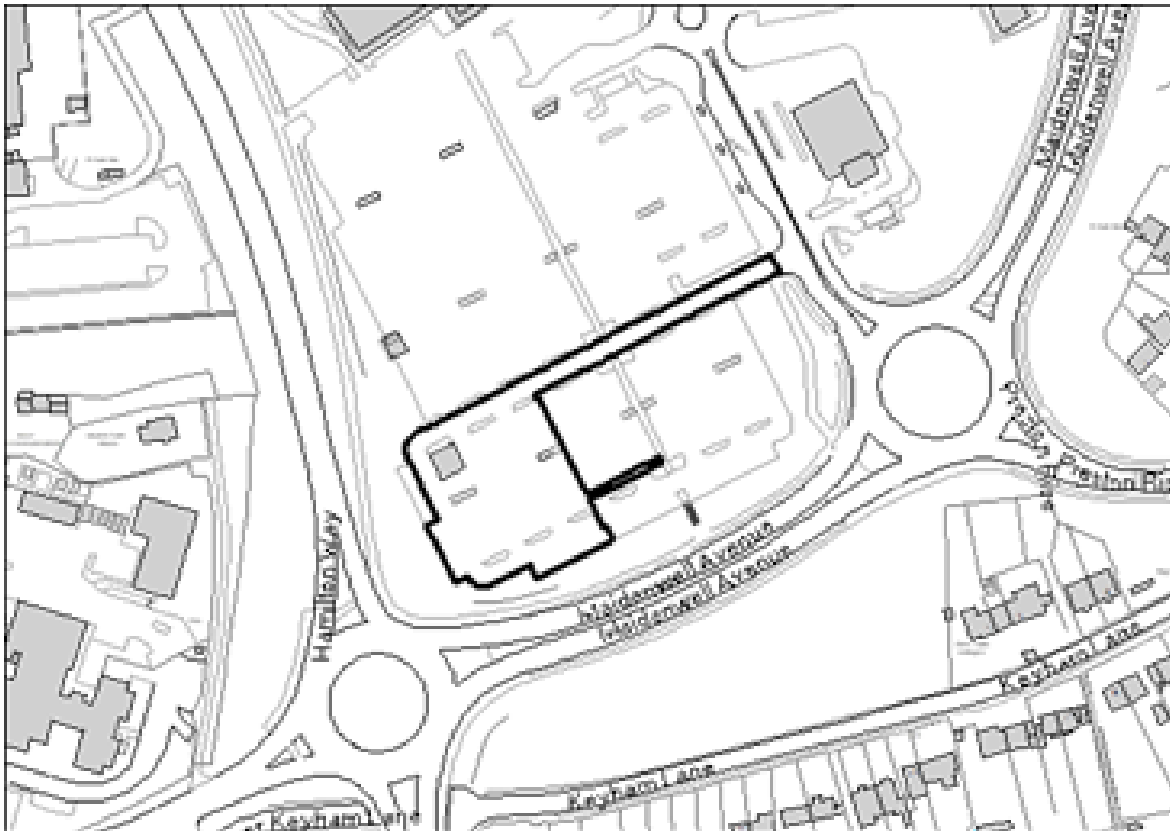
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

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_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_H05	Planning applications involving the loss of housing will be refused unless they meet criteria.
2006_H16	Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_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_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.

COMMITTEE REPORT

20230514	2 Maidenwell Avenue, Land at Tesco Extra	
Proposal:	Construction of drive-thru restaurant including hot food takeaway (Class E & Sui Generis) to south of supermarket and carpark; associated landscaping; access (Amendments received 17th April 2023)	
Applicant:	Boparan Restaurant Group	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	5 October 2023	
CY1	TEAM: PD	WARD: Humberstone & Hamilton



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Summary

- Application deferred at 21st June Committee

- Brought to committee due to level of objections.
- 7 objections and 1 comment received from 8 City addresses with main concerns regarding litter, anti-social behaviour, traffic congestion, number of similar uses in the area and sustainability
- 1 representation was also received from Councillor Bonham regarding the relationship between the proposal and the local Park and Stride initiative.
- Main issues are acceptability in principle, amenity, design, archaeology, highways, and waste
- The application is recommended for approval

The Site

The application relates to the southernmost part of a supermarket carpark that borders Maidenwell Avenue. The site is above a Romano-British Field system wherein 1997 an evaluation revealed iron age features.

The site is set around 3m higher than Maidenwell Avenue dual carriageway and pavement. It is somewhat screened by hedging and trees.

Background

Outline planning permission was granted condition approval in 2014 for the relocation of the supermarket recycling centre and click and collect canopy a public house and family restaurant, restaurant with ancillary take away, and drive through restaurant including hot food take away. (application 20140838)

The reserved matters application was granted conditional approval in 2017. Within this application, details of 9 of the conditions in 20140838 were approved. This permission however was never implemented.

The Proposal

The application is for the construction of a drive-thru restaurant and hot food takeaway to the southern part of the supermarket carpark. The building would have a footprint of approximately 126m² and a maximum height of 6.8m with the majority height being around 4.2m. The property would have a flat roof. Materials are proposed to be a mix of cladding and paint which are shown in detail on drawing F100.

The site would have an integrated bin storage area and have an external ramp each for the main entrance and the back of house.

The works would propose access and landscaping alterations to the carpark. There is a proposed loss of 80 parking spaces, along with a circular one-way route for customers, and a separate delivery bay for goods. A new pedestrian crossing is proposed from east to west along with a hedge running north to south.

The application was to be taken to the Planning and Development Committee on 21st June 2023, but deferred for more consideration regarding the highways impact and parking in relation to the Park and Stride initiative.

Amendments were submitted on the 5th September including:

- Confirmation from Tesco that the Park and Stride arrangement has been relocated to elsewhere within the car park as agreed with the school.
- Updated Transport assessment to confirm the parking capacity would still be adequate given the park and stride scheme.

Policy Considerations

National Planning Policy Framework (NPPF) 2023

Paragraph 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraph 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraph 81 (Creating conditions for economic and business growth)

Paragraphs 86 to 91 (Ensuring the Vitality of Town Centres)

Paragraphs 111 and 112 (Highways impacts)

Paragraphs 126, 130, 132 and 134 (Good design and ensuring high standard of amenity)

Paragraph 131 (Trees)

Paragraphs 154 and 157 (Climate Change)

Paragraphs 185 to 188 (Noise Pollution)

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Appendix 01 Parking Standards – City of Leicester Local Plan (2006)

Leicester Street Design Guide (2020)

Climate Change SPD (2011)

Consultations

Pollution (Noise) – no objections

Local Highways Authority – no objections subject to conditions

Representations

7 objections and 1 comment have been received from 8 addresses within the local authority boundary with the following concerns based on the concerns they have regarding the existing 'drive thru's' in the area:

- Increase in litter in the area and increased vermin issues.
- Increase in loitering and anti-social behaviour.
- Increase in traffic and congestion.
- Overprovision of drive thru's in area.
- Increase in noise, air, and odour pollution.
- No benefit to local community.
- Increase in non-local traffic and footfall.
- Obesity inducing development.
- Recommend a family pub or community facility.
- Recommend this is built beside the Aldi/Porsche garage on Fletton Road away from residential dwellings.
- Have detrimental impact upon park and stride initiative.
- Need more park and water space including flood reduction schemes not more buildings.
- Will not help with climate change and increase in urban heat island effect.

5 comments have been received supporting the application as it would support the local area, utilise underutilised space in the carpark, and bring more life to the area.

A representation was also received from Councillor Bonham querying the relationship between the proposal and the local Park and Stride initiative. As a result, further information has now been provided on this and is within the "Highways and Parking" section of this report.

Consideration

Drive-thru restaurants and hot food takeaway are both identified as main town centre uses according to the National Planning Policy Framework. Core Strategy Policy 11 outlines the retail hierarchy for Leicester:

- City Centre
- Town Centre (Beaumont Leys)
- District Centres (5 including Hamilton)
- Local Centres
- Neighbourhood parades

The site lies within Hamilton District Centre, which is identified within the retail hierarchy for Leicester. Commercial uses such as these are expected in district centres in the first instance. As such I consider the scheme complies with CS11 and paragraph 87 of the National Planning Policy Framework.

Concerns have been raised regarding the overprovision of drive thru's in area. It is noted by the objectors that there are two additional Drive thru's in the area. One is sited north of the site at 10 Waterside Road sited around 1.2km away from the application site, and the other is sited around 0.4km to the south of the site on Netherhall Road. Planning does not manage competition nor specify levels of appropriate provision so I do not consider this to be an unacceptable concentration of drive thru's in the area.

Recommendations were made by objections for a family pub or community facility instead, or the use being built out in a different location. A restaurant/takeaway is acceptable in principle in this location under planning terms. It would be unreasonable to request that the proposal is moved to a different location that the applicant may not own, or request that a different use is proposed. Further requests have been raised for the area to be used as a park or water space. Again, it would be unreasonable to request that a different use is proposed given the drive thru is acceptable in principle.

Residential amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, privacy and overshadowing, noise, and the ability of the area to assimilate development.

Saved policy R05 of the 2006 Local Plan states proposals for the use of food and drink premises within the district centres will not be permitted where the development either individually or cumulatively with other food and drink uses would be likely to prove significantly detrimental to the amenities of the occupiers of nearby residential properties, would not cause problems of noise and fumes for the occupiers of nearby properties, and would not be detrimental to visual amenity.

Concerns have been raised regarding an increase in noise, air, and odour pollution generated from new use. Due to the location and distance from the nearest residential

property (approximately 145m away), and taking into account the sites existing use and hours, I do not consider that the application would be harmful to neighbouring occupiers. Hours of opening are proposed as 11:00 while 23:00 Monday through Sunday. I consider these opening hours acceptable and attached as a condition should the application be approved.

I note that the land directly south of the site across Maidenwell Road is allocated as residential under the next local plan. No application has been received for housing on this land as of yet, and I still consider the dwellings would be sited far enough away to not be harmed by the proposal.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Character and Design

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high-quality architecture. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

Saved policy R03 of the 2006 Local Plan states that proposals for new retail development within district centres, whose scale is consistent with the size and function of the centre concerned, will be required to demonstrate that the scale and design is sympathetic to the character of the area.

The development would be sited higher than the streetscene however due to the gradient and vegetation it would not appear dominant when viewed from the public realm. The building would be quite compact in size and set in substantially from the highway. Materials proposed are considered acceptable and can be conditioned should the application be approved.

Advertisements are indicated on the visuals. These would be assessed under an advertisement consent application. I recommend a note to applicant is attached to the decision stating that no permission is granted or implied for advertisements should this application be approved.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of the character and appearance of the area.

Archaeology

The proposal is located in an area with known and significant archaeological features and deposits, notably Iron Age settlement activity.

The archaeological desk-based assessment has placed known archaeology with the local and regional context, highlighting significant Iron Age settlement evidence and artefacts recovered within 200m of the site's boundary. Archaeological Evaluation trenching in 1997 within the site itself further identified the presence of Iron Age features and artefacts. Roman and medieval activity is also attested in the wider landscape, including evidence of a Roman period corn-dryer and kiln.

The City Archaeologist broadly agrees with the conclusions outlined in the assessment, with the potential for archaeological remains being disturbed as a result of the development proposal considered to be high.

It is recommended that a pre-commencement condition is attached to this application to ensure that a written scheme of investigation is submitted to and agreed by the LPA, that a programme of archaeological investigation is carried out in accordance with this scheme, and that a post investigation assessment is then submitted to the LPA. The agent was sent a draft of the condition on the 21st April 2023 and given the mandatory 10-working day period under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 to object or comment on this condition. The condition was agreed to on the 27th April 2023.

With this condition attached I consider that the application would comply with policy CS18 of the Core Strategy (2014) and is acceptable in terms of the archaeology.

Highways and Parking

Core Strategy Policy CS14 states 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.

Saved policy R03 of the 2006 Local Plan states that proposals for new retail development within district centres, whose scale is consistent with the size and function of the centre concerned, will be required to demonstrate that the traffic generated by the development and the arrangements for loading, unloading and servicing will not have a significant detrimental impact on parking and traffic problems and pedestrian and highway safety.

Saved policy R05 of the 2006 Local Plan states proposals for the use of food and drink premises within the district centres will not be permitted where the development either

individually or cumulatively with other food and drink uses would be likely to prove significantly detrimental to parking and traffic problems which could not reasonably be controlled by way of condition.

Saved Policy AM11 states level of parking for non-residential development shall be determined in accordance with Appendix 01 referenced above.

Parking –

Currently the car park contains 905 car parking spaces. The location of the proposed drive-through is on an underused section of the car park and will result in a loss of 80 spaces, reducing the overall parking provision to 825 spaces. As part of the application a Transport Statement has been submitted, which was revised in September to take into account details of the new 'Park and Stride' initiative between Tesco and Kestrel Mead Primary Academy. The revised Park and Stride would allow parents to use an area of the carpark to drop off children in order to reduce congestion around the school. The location has been revised for the 'Park and Stride' scheme so it no longer overlaps with the application site, and is located in the parking area north of application site in a fairly under-utilised part of the carpark.

The initial Transport Statement includes a parking accumulation study of the existing car park, taken over a weekend in January 2023. The parking accumulation survey revealed that at peak times, the car park operated at 41% of capacity. Based on these results, the loss of 80 parking spaces required to accommodate the proposed drive-through, the car park would operate at around 51%, and therefore the proposal should not lead to any parking difficulties.

A further assessment has been undertaken on a weekday (outside of the summer holidays) when the 'Park and Stride' would be in effect to which shows that the proposal should not lead to any parking difficulties when the initiative is in effect.

Access –

The proposed drive-through arrangement includes a one-way system and the Transport Statement suggests that there will be space for up to 15 cars to be queuing at any one time. However, the 15 spaces suggested have not been demonstrated on the submitted plans, and it is perhaps likely that in practice that slightly less than 15 spaces would be available. Nevertheless, the distance from the building back to the public highway is over 100 metres and therefore it is highly unlikely that even at busy times, that the proposal would lead to queuing that would have an adverse impact on traffic entering the Tesco site or impact on movements at the roundabout junction on Maidenwell Road.

The proposal also includes staff parking as well as parking for food couriers, such as Deliveroo, Just Eat for example. As such there would be no need for vehicles associated with either staff or couriers to have to join a queue of customer vehicles.

The Transport Statement includes a likely trip generation based on TRICS data, which suggests that the level of traffic likely to be generated at peak times, would not result in any highway capacity issue and the 15 spaces provided in the drive-through lane, would be sufficient to cater for the likely use. Whilst it is perhaps unlikely that 15 cars could be accommodated within the queue, as cars are unlikely to drive bumper to bumper in the queue, as stated previously, it is unlikely that the length of queue would extend so far back that it would result in vehicles blocking access into the main car park.

It is noted that some objections have referred to queuing problems associated with drive through establishments close by, however this site would be different to those sites, in that not only would there be far more parking spaces available, but there would be a much greater distance from the premises to the public highway and therefore vehicles queuing for the proposed drive-through is most likely to be contained within the limits of the site and extremely unlikely to extend out on to the public highway.

With the other sites, it is likely that vehicles that are visiting those sites and wishing to park to use the restaurant facility rather than use the drive-through facility would get caught up with any queuing that takes place for the drive-through. However, at this location, vehicles looking to park would not need to join the queue for the drive-through and if necessary use other internal accesses within the main car park, to access the parking spaces and therefore would be no need to add to the queue. In which case I would view this proposal differently from the other establishments and am not concerned about the potential for queuing vehicles to cause the same issues as referred to at the other sites.

Given the 'Park and Stride' initiative would result in a larger proportion of more children close to the vicinity of the site. I recommend a Construction Method Statement and Delivery Management Plan are added as conditions, to ensure construction activities and deliveries avoid times when the 'Park and Stride' are operating to avoid large vehicle movements when there would be more children on site and more vehicle movements at the access.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM11 of the Local Plan (2006), and is acceptable in terms of highway impact and parking.

Waste

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area including potential litter problems.

Waste storage created by the use is proposed to be embedded within the building. Concerns have been raised about increased littering by customers from the drive thru. In

amended plans bins are provided on site, near the Tesco entrance, and there are also bins in the in the public realm.

Concerns were also raised regarding possibility of increased vermin issues and increased littering. This is outside the remit of the planning authority. However, there are agencies that can investigate this matter. The wider site may already have measures in place to manage this that could be extended by agreement. If any issues arise, they can be reported to 'Love Clean Streets' phone app, or website.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of waste storage and management.

Other matters

Concerns have also been raised regarding the increase in loitering and anti-social behaviour, the application bringing no benefit to local community, and the development being obesity inducing. These are not material planning considerations. Matters of anti-social behaviour and loitering would be a matter for the premises to manage. In addition, the main premises may have security measures that could be utilised through an agreement.

Lastly, concerns have been raised regarding climate change, urban heat island effect, and the need for more flood reduction schemes in the city. The development is located on land without any flooding constraints and the proposal is of a size where it would be onerous to request flood risk mitigation and drainage reduction on the site. With regards to climate change and urban heat island effect, I consider that the proposal would have a negligible impact on the urban heat island effect. The proposal includes cycle parking and additional landscaping, which would be an improvement to the existing site. The site is well positioned to allow sustainable modes of travel should customers choose that option, and the proposal is considered to comply with saved 2006 Local PPlan Policy AM01, 2014 policy CS14 of the Core Strategy, and the Climate Change SPD which require all development should be accessible by alternative means of travel and should address issues around walking, cycling and public transport. It also complies with policy CS02 which states 'All development must mitigate and adapt to climate change and reduce greenhouse gas emissions' and 'Development will be located where it is accessible by sustainable transport to support the use of public transport, walking and cycling as an alternative to the car'.

I consider any further sustainability measures such would be onerous for a development of this size in planning terms, but I am mindful that further opportunities to address climate change mitigation could also be taken at building regulation stage in terms of thermal performance, through avoiding using fossil fuels for heating/hot water, or the use of PVs on the roof. On balance, I find that the resulting impact on climate change is unlikely to be significant or adverse, and so this would not warrant a reason for refusal.

Conclusion

I therefore recommend that the application be APPROVED 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. The use shall not be carried on outside the hours of 11:00 while 23:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. The external elevations shall be constructed in materials indicated in the approved plans. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. A. No groundworks or new development shall take place or commence until a programme of archaeological investigation has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by 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.
- B. No new development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.
- C. 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 approved under (A) above, and the

provision made for analysis, publication and dissemination of results and archive deposition has been secured. (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

5. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with the approved site plan. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
6. The parking and service area shall be provided before the occupation of any part of the development and shall be retained and kept available for that use. (To ensure that parking and servicing can take place in a satisfactory manner; and in accordance with policies AM01, AM02, AM11, R03, and R05 of the City of Leicester Local Plan and Core Strategy policy CS03)
7. 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 City Council as 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 and/or measures to control debris being deposited on the highway during construction. (To ensure the satisfactory development of the site, and in accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
8. Prior to the occupation of the development a Delivery Management Plan, indicating all scheduled times for delivery and waste collection to and from the site, shall be submitted to and approved in writing by the City Council as local planning authority. The Delivery Management Plan shall be adhered to for the lifetime of the development. (To ensure the satisfactory development of the site, and in accordance with saved policy AM01 of the City of Leicester Local Plan.)
9. Development shall be carried out in accordance with the following approved plans:
 - Issue Sheet, ISS, revision F, received 27th April 2023
 - Existing Site Plan, L100, revision F, received 27th April 2023
 - Existing Site Plan, E100, revision F, received 27th April 2023
 - Existing Site Section AA, E101, revision F, received 27th April 2023
 - Existing Site Section BB, E102, revision F, received 27th April 2023
 - Proposed Site Plan, S100, revision F, received 27th April 2023
 - Proposed Floor Plan & Roof Plan, G100, revision F, received 27th April 2023

- Proposed 1000sqft Pod Elevations A & B, C100, revision F, received 27th April 2023
- Proposed 1000sqft Pod Elevations C & D, C101, revision F, received 27th April 2023
- Visualization A, V100, revision F, received 27th April 2023
- Finishes Schedule, F100, revision F, received 27th April 2023
- Bin Store Detail, D100, revision F, received 27th April 2023
- (For the avoidance of doubt).

NOTES FOR APPLICANT

1. No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.
2. 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/or 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.

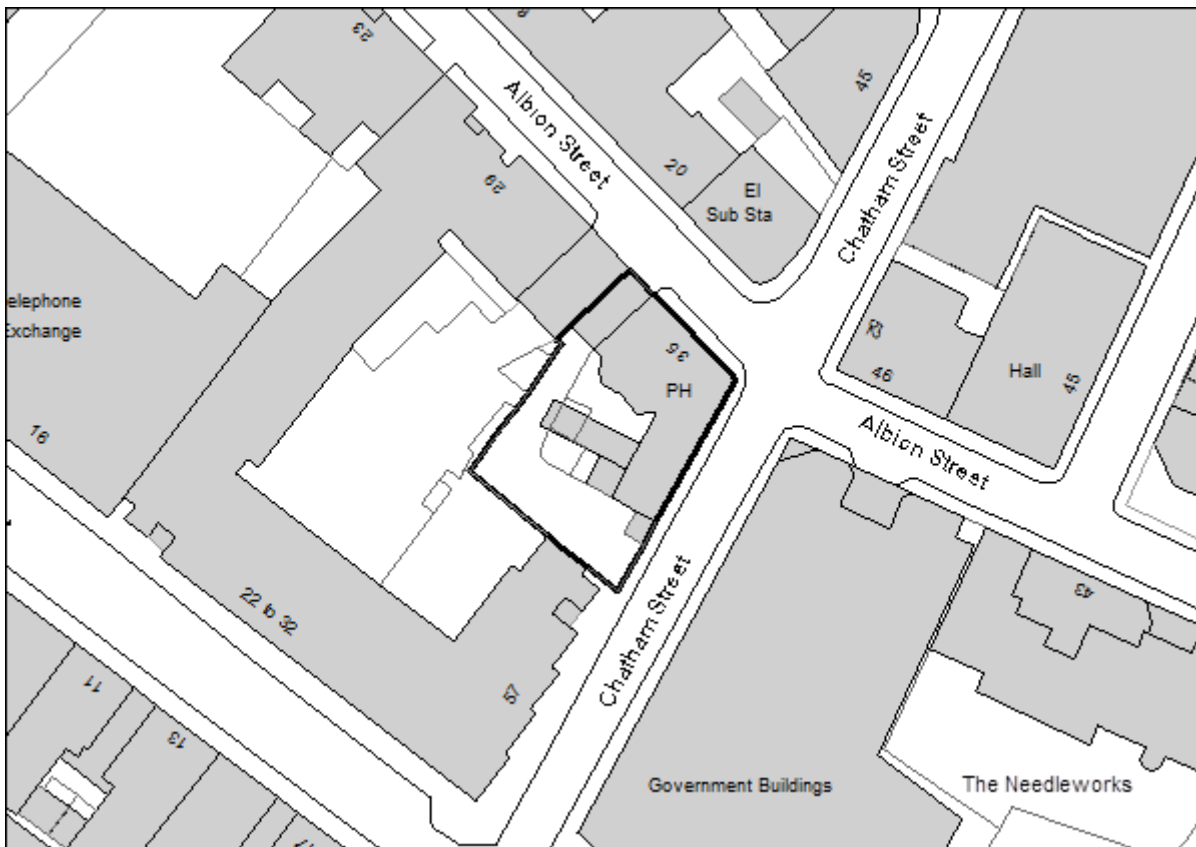
Policies relating to this recommendation

- | | |
|-----------|---|
| 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_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_BE10 | In developments involving a new shopfront, the design should be an integral part of the whole building and should be in proportion to the lines of the facade of which it forms a part. |
| 2006_BE22 | Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria. |
| 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_R03 Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.
- 2006_R05 Proposals for the use of premises within existing shopping centres for food and drink purposes (Use Classes A3, A4 and A5) will be permitted subject to criteria.
- 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_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Appendix A3

Recommendation: Conditional approval	
20202281	31-35 Albion Street, former Black Boy public house
Proposal:	Change of use from public house (sui generis), partial demolition and extensions to sides and roof to form a five-storey building with 38 flats (26 x studio, 12 x 1bed) (Class C3) (Amended plans)
Applicant:	Mr Vijay Patel
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20202281
Expiry Date:	5 October 2023
WJJ	WARD: Castle



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Summary

- The application is brought to the Committee as Councillor Kitterick as ward Councillor objects to the scheme and wishes the Planning Committee to consider the application on the grounds of the space and amenity provided for residents, the interest and architectural value of the former Black Boy public house.
- Four individual letters of objection and an objection from the Twentieth Century Society have been received regarding: loss of heritage asset, impacts of concentration of flats and student occupancy on infrastructure and

amenities in the area, lack of demand for student accommodation, design of the scheme in terms of size and amenity of occupants, inappropriate access for the disabled and bin storage provision.

- The main issues for this scheme are the principle of the loss of a public house and creation of dwellings (Class C3) in this location, the impact on the residential amenity of neighbours, the residential amenity of residents, the impact on the character and appearance of the heritage asset and area, and the impact on highway safety and parking.
- The application is recommended for approval subject to conditions and a S106 Agreement to secure developer contributions towards landscape improvements and the provision of ornamental perimeter railings at Museum Square, and towards buying and/or building affordable housing in the city.

The Site

The application site, as defined by the red edge, is the former Black Boy public house and the yard at the side and rear. There is a blue edge, denoting ownership by the applicant, around the neighbouring Wellington House.

The Black Boy building is a 1920's former public house in the art deco style. To the side and rear is a yard. The building is a landmark that is unlike any other building in Leicester. It is a non-designated heritage asset on the Local Heritage Asset Register (the Register). It is on the Register as it is a good example of an early-20th century public house, of high architectural quality, on a prominent corner plot. In terms of the National Planning Policy Framework (NPPF) it is a non-designated heritage asset. It is also subject to an Article 4 Direction, which removes the Permitted Development Rights for the property.

The site is within the Primarily Office Area (2006 Local Plan) and the Professional Office Area (Core Strategy). This is an area typified by high quality office accommodation that makes a valuable contribution to the function and economy of the city. It is also within the Central Commercial Zone, and the Strategic Regeneration Area. On the other side of Albion Street is the Albion Hill Potential Development Area.

On the far side of Wellington Street is the New Walk Conservation Area and further down Albion Street, towards Belvoir Street, is the Market Street Conservation Area. Down Wellington Street is the Grade II Listed 50 & 52-54 Belvoir Street.

The following are also on the Register:

- Down Chatham Street and Albion Street are the Electricity Sub-Station adjacent 45 Chatham Street (LL/071), 45 Chatham Street (LL/090) and the Gospel Hall on York Street (LL/157).
- Along Wellington Street is the Pick Building at 70 Wellington Street (LL/147) and the Adult Education College at 4 Wellington Street (LL/148).

The site does not fall within areas with wildlife designations. However, it is close to the New Walk wildlife corridor and Biodiversity Enhancement Site Main Line Railway. These provide suitable commuting and foraging habitat for birds and bats.

With regards to flooding from Main Rivers (MR) and Ordinary Watercourses (OW), the site is within MR & OW Flood Zones 1, with a very low estimated risk. With regards to flooding from Surface Water (SW), the site is within SW Flood Zone 2, with a moderate estimated risk of flooding of between 1 in 100 and 1 in 1000 years. The site is also

with a Critical Drainage Area. This means that while flooding from SW is only of moderate risk here, rapid SW runoff from this area may lead to flooding in Hotspots nearby.

Background

The history for this site is lengthy and complicated. This is the relevant history for this scheme.

The 1828 map indicates the existing streets were laid out by that time.

Maps from the late nineteenth century show the area was developed with numerous small buildings in a variety of uses.

The site has been the location of a public house since the 1820's. The current Black Boy building dates from the 1920's. The building was built to the designs of the Burton architects, Coussmaker & Armstrong, for the Woodville based brewery Brunt, Bucknell & Co Ltd. The brewery was acquired by the Bass Brewery in 1927.

The existing five-storey office building on the neighbouring site of Wellington House was built as offices in the 1970's.

Former Black Boy public house (the application site)

Various minor alterations have taken place to the property over the years. Relevant recent history is as follows.

Extant permissions

20131289 - Change of use from public house (Class A4) with extensions to sides and roof to form 54 student bedrooms in 25 flats (no use class) (S106 Agreement) – Approved. A start was made on planning permission 20131289 on the 17th of May 2017 with foundations for the extensions. This was inspected and recorded by Leicester City Council Building Control.

20180427 - Minor-material amendment to 20131289 by varying condition 18 (plans) to change the floorplans and elevations to provide 54 bedrooms in 27 flats.

Under applications 20170289 & 20170487 details have been approved for the following conditions attached to planning permission 20131289: 2 (materials), 3 (details - existing), 4 (details - new build), 10 (renewable energy), 11 (energy efficiency) and 12 (district heating).

Application and Appeal

20151948 - Demolition of building; construction of seven storey building for 35 student flats (76 bed spaces in 7 x studio, 15 x 2bed, 13 x 3bed) (sui generis) – Refused. An appeal was made (20178032A) and dismissed by the Inspector. In their Appeal Decision the Inspector found:

- That in reference to permission 20131289 the Council 'took a bold step in permitting the majority of the building to be demolished with only the facades retained and with significant extensions above.' (Paragraph 20)
- That if permission 20131289 were to be implemented then 'the significance of The Black Boy would be compromised' but that 'there would be greater harm from the total loss of the building.' (Paragraphs 20 & 21)

- That from the evidence available the Inspector ‘simply cannot be certain that there is no other reasonable prospect of a viable alternative scheme which would not necessitate the wholesale loss of The Black Boy’. (Paragraph 32)
- That the proposed building ‘would take reference from adjacent buildings in the area in terms of its scale and height’ and ‘would be fairly simple in its form and detailing and would represent an uncomplicated structure’. The Inspector considered that ‘In itself, the design of the development would not cause harm to the character and appearance of the area.’ (Paragraph 33)
- That the ‘The Framework places a great emphasis on the conservation of heritage assets so that they can be enjoyed for their contribution to the quality of life of this and future generations’ and the ‘total loss of The Black Boy as a non-designated is not justified.’ (Paragraph 51)

The Inspector did address the living conditions of residents (Paragraphs 40-42), but only in relation to privacy in the light of the proximity of the ground floor windows to the streets. In Paragraph 42 they stated that the ‘living conditions of future occupants would be acceptable.’

Wellington House (neighbouring site within blue edge)

The following permissions and notifications are extant:

20200368 - Notification of change of use from offices (Class B1(a)) to 105 flats (Class C3). This falls within the Permitted Development Rights for the property. This has been implemented.

20211204 – Façade alterations – Approved. This has been implemented.

A number of applications for discharge of conditions and non-material amendments have been made and approved.

The Proposal

The scheme involves converting and extending the existing public house to create thirty-eight flats. These will be managed on a Build to Rent basis.

The existing two storey façades of the Black Boy public house to Albion Street and Chatham Street will be retained. The rest of the building will be demolished. Behind and around the existing two storey façades, will be a five-storey building. At the rear of the site will be a yard.

The existing entrances to Albion Street and Chatham Street will be retained. The one on Albion Street will open on to a lobby. Most flats will be accessed internally. Three flats will have access onto Albion Street and Chatham Street. The building will have a lift. All the flats are single aspect and either look onto Albion and Chatham Streets or onto the rear garden. The smallest flat is 31.9sqm and the largest is 47.8sqm. There is a roughly even spread of flats of a size between the smallest and largest flats.

A water tank is proposed for the existing basement.

A bin store and a cycle store are proposed on the ground floor. They will be accessible from Chatham Street. No car parking will be provided.

The building will have a flat roof. The following are proposed for it: photo-voltaic (PV) panels, a blue roof, lift overrun, smoke shafts and automatic opening vents (AOV).

While the application was being processed, amended plans were submitted. The changes included:

- The removal of the internal electricity substation (as not needed for electricity supply to the scheme) and replacement with an internal cycle storage area. The cycle storage that was previously proposed in the communal rear yard was removed; so freeing up the yard for amenity purposes.
- Providing invertebrate, bat, Black Redstart and Swift boxes.

The scheme is similar to the extant schemes (20131289 & 20180427), but differs from them in the following ways.

The style of the new elevations has changed from a simple modern form to one that incorporates a number of the stylistic features and forms of the existing front elevations of the Black Boy PH.

There is no alleyway proposed down the southern elevation from Chatham Street to the rear yard, where the bins and cycles were to be stored. The alleyway has been removed and the bins and cycles stores are no longer within the yard, but within the building and accessed from Chatham Street. The rear yard is smaller than on the extant schemes, but minus the bin and cycle stores, of singular purpose.

There are changes to the elevations and floorplans that will enable the corridor running through each floor to potentially connect with the flats at Wellington House along the southern boundary.

The following supporting information has been submitted with this application:

- Design & Access Statement
- Daylight, Sunlight & Overshadowing Assessment
- Travel Plan
- Archaeological Assessment
- Air Quality Assessment
- Sustainable Drainage Systems Strategy
- Building for Life Assessment
- Heritage Statement
- Townscape and Visual Appraisal
- Viability report and Affordable Housing Statement
- Verified Views Methodology
- S106 Draft Heads of Terms
- Planning Statement
- Floorspace Schedule
- Overheating Assessment
- Transport Statement
- Noise Impact Assessment
- Sustainability and Energy Statement

- Preliminary Ecological Appraisal and Preliminary Roost Assessment
- Confirmation that an electricity substation is not required for this scheme.
- Confirmation that the scheme complies with current Building Regulations regarding means of escape in the event of fire.

Policy Considerations

National Planning Policy Framework (NPPF) September 2023

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

Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means:

'c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

The city does not currently have a five-year deliverable land supply for housing.

Paragraph 8 contains a definition of sustainable development consisting of three objectives *'which are interdependent and need to be pursued in mutually supportive ways'*. In shortened form, these are as follows:

a) an economic objective

b) a social objective

c) an environmental objective

Aspects relating to pre-application engagement. Paragraph 39 states that *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.'*

Aspects relating to developer contributions. The following paragraphs are particularly relevant to matters relating to developer contributions to affordable housing, green space and education.

Paragraph 55 states that *'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

Paragraph 57 states that *'Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.’

Paragraph 63 states that ‘Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (footnote 29), and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.’

Footnote 29 states ‘Applying the definition in Annex 2 to this Framework.’

‘Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) *Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent). ...’*

Paragraph 65 states that ‘Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership (footnote 31), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes; ...’

Footnote 31 states ‘As part of the overall affordable housing contribution from the site.’

Paragraph 66 states that ‘Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.’

Promoting healthy and safe communities. The following paragraphs are particularly relevant to Promoting healthy and safe communities.

Paragraph 92 states that *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'

Transport aspects. The following paragraphs are particularly relevant to the transport related aspects of the scheme.

Paragraph 110 states that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

Paragraph 111 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Paragraph 112 states that *'Within this context, applications for development should:*

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Making effective use of land. The following paragraphs are particularly relevant to matters relating to making effective use of land.

Paragraph 120 states that *'Planning policies and decisions should: ...*

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.'

Paragraph 124 states that *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.'

Design aspects. The following paragraphs are particularly relevant to design matters.

Paragraph 126 states that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

Paragraph 130 states that *'Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Paragraph 134 states that *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

Paragraph 135 states that *'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

Climate change aspects. The following paragraph is particularly relevant to climate change matters.

Paragraph 157 states that *'In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

Sustainable Drainage aspects. The following paragraph is particularly relevant to sustainable drainage matters.

Paragraph 168 states that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) *where possible, provide multifunctional benefits.'*

Habitat and biodiversity aspects. The following paragraphs are particularly relevant to habitats and biodiversity matters.

Paragraph 174 states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 180 states that *'When determining planning applications, local planning authorities should apply the following principles:*

c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

Pollution. The following paragraphs are particularly relevant to pollution matters.

Paragraph 186 states that *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.*

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

Heritage aspects. The following paragraphs are particularly relevant to heritage matters.

Paragraph 195 states that *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

Paragraph 197 states that *'In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

Paragraph 202 states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

Paragraph 203 states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

Other planning and material considerations

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

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty of local planning authorities to have special regard to the desirability of preserving the setting of listed buildings.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty of local planning authorities to have special regard to the desirability of preserving or enhancing the character and appearance of conservation areas.

New Walk Conservation Area Character Appraisal (2004)

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

City of Leicester Local Plan (2006). Saved policies. Appendix 1: Parking Standards

Leicester Street Design Guide (First Edition)

Leicester City Council Waste Management guidance notes for residential properties

Technical housing standards – Nationally Described Space Standards – March 2015 (NDSS).

National Design Guide 2019 (Ministry of Housing, Communities & Local Government)

Leicester City Corporate Guidance – Achieving Well Designed Homes 2019

Building Research Establishment (BRE) - Site layout planning for daylight and sunlight: a guide to good practice (BR 209), Second Edition. *(Case Officer note – This application was validated in December 2021. At that time the Second Edition was in use. On the 8th of June 2022 the Third Edition was published. Given this, I consider it appropriate to use the Second Edition for this application.)*

Consultations

Western Power

No comments provided.

Environmental Services, Noise Team

A TM59 assessment has been submitted for this scheme. A previous acoustic report has concluded that windows must remain closed to achieve acceptable (BS8233) internal noise levels. The assessment, concludes that a suitably designed mechanical ventilation and heat recovery system (MVHR), can ensure acceptable noise levels and internal temperatures in each flat, although at times the curtains/blinds will need to be closed to achieve this.

Local Highway Authority

The scheme does not include any off-street car parking. In this location, close to the city centre, no car parking provision is acceptable, and will encourage the use of sustainable means of transport.

The Parking Standards indicate that, for dwellings, one cycle parking space should be provided for two bedspaces for residents, plus one cycle parking space per twenty bedspaces for visitors. The twenty-six studio flats are for one person. The twelve one-bedroomed flats are for two people. This gives a total of fifty bedspaces. The Parking Standards therefore indicate that twenty-five cycle parking spaces should be provided for residents, plus three cycle parking spaces for visitors, giving a total of twenty-eight cycle parking spaces. The scheme provides twenty-four sheltered and secure cycle parking spaces for residents within the building and two for visitors just outside the front of the building, next to Chatham Street. Therefore, the scheme is short the guidance by two cycle spaces.

The planning application also includes a Travel Plan which will hopefully reduce car travel and encourage walking, cycling and use of public transport. However, the Travel Plan that has been submitted does not fully meet Council requirements. An acceptable Travel Plan should be secured.

The existing building does have some extended vehicular footway crossings, and as these will no longer be required, should be reinstated as footway in the interests of pedestrian safety, especially as this application could increase pedestrian movement around the building.

Air quality

The Air Quality Assessment carried out for this development identified that a set of mitigating measures should be implemented during the Construction Phase to decrease the risk of dust pollution, and the measures have been listed within the Assessment.

The Assessment has not identified any measures to be implemented during the Operational Phase of the development. Nevertheless, the issuing of Travel Packs to residents is recommended in order to encourage the use of less polluting forms of transport.

Better Buildings

The proposed design includes windows for all habitable areas. Given the constraints of the site in a densely built part of the city centre, I consider the daylighting these windows provide will be acceptable.

Despite the close proximity of the site to the local district heating network, the relatively low number of dwellings proposed and small amount of space, means that a connection is unlikely to be viable.

The proposed heating and hot water strategy is for electric units with time and temperature controls. Due to the ongoing decarbonisation of UK electricity, future carbon emissions of this system are likely to be lower than predicted by the current SAP model. As such, this approach is acceptable.

The scheme will have acceptable insulation.

A 7.6kWp array of solar PV panels is proposed for the roof of the building, to provide a source of renewable electricity.

The energy statement commits to giving consideration to sustainable materials with reference to the BRE's Green Guide to Specification and the use of sustainable timber. The implementation of a Site Waste Management Plan and aim to minimise the amount of waste sent to landfill is also welcomed, and I would encourage the applicant to set a target for the percentage of waste to be diverted from landfill.

The above measures can be secured by conditions.

Lead Local Flood Authority (LLFA)

The site is currently impermeable. The scheme incorporates a Sustainable Drainage System (SuDS) that will reduce the rate of surface water runoff through a blue/brown/green roof, tanked permeable paving and a hydrobrake. Given the nature of the scheme is that of conversion and extension, a relatively modest reduction in the rate of surface water runoff is acceptable. The permeable paving will provide some filtration. Surface water will finally discharge into the public foul water sewer, and in this location, this is acceptable. The system has been designed to address storm events of an acceptable magnitude. There are some small outstanding queries with the design details and maintenance of the drainage.

Severn Trent Water

Foul and surface waters will connect into the public foul water sewer. This will be subject to a section 106 sewer connection approval between the applicant and Severn Trent Water. The public sewers may need to be improved. Severn Trent Water have requested that an informative be attached to the permission, alerting the applicant to the potential presence of unrecorded public sewers on the site.

Waste Management

The development requires sufficient space for the storage of refuse bins and recycling bins to accommodate a capacity of 3325 litres for refuse and 1900 litres for recycling: e.g. 4x 1100 litre refuse bin and 2x 1100 litre recycling bin. The scheme includes an acceptable bin storage area.

Environmental Services, Parks Service

The proposed residential development, within the Castle 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 limited and therefore we seek to make quality improvements to existing green space provision, to ensure that residents are catered for. Based on the formula from the Green Space SPD, a contribution of £34,579.00 is sought for this scheme. The contribution will be used towards landscape improvements and the provision of ornamental perimeter railings, at Museum Square.

Housing Service

Core Strategy policy CS06, requires schemes to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households within the city. The proposed studio and one-bedroomed flats will meet some of the current identified priority housing needs within the city.

Government guidance states that affordable housing on build to rent schemes should be provided in the form of 20% of the dwellings being for affordable private rent and that the affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord. Based on the proposal to provide a total of thirty-eight dwellings, the policy required affordable housing is therefore eight Affordable Private Rent dwellings.

Leicester, Leicestershire & Rutland Integrated Care Board (ICB) (NHS)

No comments made.

Representations

Conservation Advisory Panel

The application was considered by the Panel at their meeting on the 17th of February 2021.

The Panel agreed that the scheme is an improvement on the previously approved development. While the significant level of demolition and the substantial increase in height were acknowledged, most members thought the scheme was successful in adding mass and volume in a manner that was architecturally cohesive with the retained element. However, some members expressed concern with the level of demolition and considered that the retained structure lacked integrity and was essentially facadism.

The members sought clarification on the external finish of the scheme; in particular, the proposed green panelling and brickwork. The use of brickwork for the other elevations was suggested as being more cohesive. The inconsistencies in visuals and submitted drawings and lack of adequate detail were noted.

The Panel requested that amendments be sought. Since the Panel meeting, amended plans have been submitted.

Twentieth Century Society

The Society objects to the proposal.

The proposal to demolish all but the principal elevations of the public house (on the LHAR) will involve the loss of a significant amount of the building's historic structure and will result in a case of façadism. The proposed scheme is not a sensitive reuse of a historic building, which the Council encourages in its Core Strategy. In the Society's opinion, the application will cause substantial harm to a LHAR listed non-designated heritage asset. The Society considers that the public house could be sympathetically refurbished and converted for reuse.

The Society is concerned about the negative impact that the partial demolition of the public house and the erection of the new five storey building will have on the setting of the 1930's electricity substation (on the LHAR) that sits on the other side of Albion Street from the Black Boy. As outlined in the LHAR, the substation has group value with the Black Boy, and this will, in the Society's opinion, be lessened by the proposed scheme.

Councillor Kitterick

Councillor Kitterick objects to the scheme on the grounds that it is lacking in merit and, in particular, the space and amenity provided for residents is poor, for what is effectively a new building.

Councillor Kitterick wishes the Planning Committee to consider:

1. The space and amenity provided for residents.
2. The interest and architectural value of the former Black Boy public house.
3. In the light of events at the Crooked House in the West Midlands, and the neglect of public houses which, after falling into disrepair, have planning applications submitted for them.

Four individual objections have been received. Grounds:

- Loss of heritage asset.
- The proposed extension will visually overwhelm the remaining parts of the former Black Boy public house. It will harm the public realm.
- The existing infrastructure in this part of the city may struggle to support this scheme with many flats in a small area (roads, sewage, rubbish collection, deliveries, etc).
- The area currently suffers from a lot of rubbish on the streets. This may get worse.
- The area already has a lot of students* living here. A significant number of student* schemes have been permitted recently, but not yet built.
- Flats that are larger than those proposed may attract residents who may be of greater benefit to the neighbourhood and may make a greater contribution to the prosperity of local businesses.

- Families and young professionals are needed in the city centre and this scheme does not provide for them.
- There may not be much demand for student* accommodation following the Covid pandemic related shift to remote working.
- The community in this area will not have balance and will become an over occupied slum.
- Overdevelopment
- The proposed flats are very small.
- Little space is provided for domestic amenities and access for the disabled.
- There will be little communal space for relaxation and wellbeing.
- Bin storage provision may not be sufficient for a scheme of this size. The area currently has a problem with litter and fly tipping, and this may make it worse.

**Case Officer Note - This application is for dwellings that are not restricted to any group of people. This application is not for accommodation that is specifically for students.*

Consideration

Principle

This existing former public house building has an extant permission to be converted and extended; to provide student accommodation. I therefore consider that the change of use away from a public house is acceptable in principle.

No offices are being lost as part of this application so the function of the Professional Office Area and the provision of offices in the city will not be affected. Flats do not prejudice the provision of offices nearby. New flats are therefore acceptable in principle.

Heritage

The former Black Boy Public House, is on the register of Local Heritage Assets for the city, is subject to an Article 4 Direction and sits close to other heritage assets and the New Walk Conservation Area.

The current scheme follows two more notable recent planning applications relating to the property. The first, an approved and started (hence extant), but undelivered scheme (20131289), involved some similar aspects to the current proposal, such as an upwards extension of three storeys, but also some notable differences that will be explored below. The second (20151948), was for total demolition of the heritage asset and the construction of a new block of flats. It was refused and the appeal that was made against the Council's decision was dismissed by the Planning Inspector. The current proposal involves a new design and presents both advantages and disadvantages over the previously approved scheme, whilst being substantially better than the scheme proposing total loss of the heritage asset.

Despite the poor current condition of the former public house, the existing building is a good example of a 1920's Art Deco public house on a prominent corner plot. The building has group value with the adjacent local heritage assets and enhances the setting of both the New Walk Conservation Area and the locally listed Gospel Hall on Albion Street. These points were supported by the Planning Inspector in her

assessment relating to the appeal (APP/W2465/W/17/3177241) that followed the refusal of planning application 20151948, and endorsed the principle of retention and redevelopment as opposed to the proposed demolition and new build proposal.

The buildings status as a non-designated heritage asset is clear and is detailed on page 59 of the Leicester Local Heritage Asset Register (2016). The value of the Local Heritage Asset Register was considered in the aforementioned appeal assessment, with the Planning Inspector concluding that the assessment relating to that entry on the register was sound. As such, the heritage status of the building is clear, both in terms of documentation produced by Leicester City Council and in terms of the recent assessment by the Planning Inspector.

The current proposal broadly acknowledges the heritage status of the building in question and includes elements that seek to either renovate retained historic material or add new bulk in a format that is responsive to the architectural context. The proposed scheme is architect designed and a design framework has been set out for the upper storey extensions proposed, with a 'mould and cast' approach. This approach aims to pay homage to the architectural ornamentation for the original pub and a detailed study, within the Design and Access Statement, explains how the upper floor detailing responds to the historical architectural features found on the host building.

Regrettably, this element involves the loss of the parapet, chimneys and roof, which are integral to the existing architectural composition and are of value. It is acknowledged that the retention of the parapet would result in a significant change to the design, potentially resulting in an increase in height and a change to window proportions. Therefore, the harm is balanced somewhat with reference to the existing consent that involved an upwards extension of similar scale, but one that lacked the architectural quality of what is currently proposed. The design in this particular section is broadly acceptable, in that it will be read as a separate development in the history of the building, whilst appearing contiguous in terms of certain key aspects of detailing. Although the upwards extension more than doubles the height of the existing structure, fundamentally altering the architectural integrity of the local heritage asset, the architectural quality helps mitigate the harm and ensure the impact on the setting of the other heritage assets is more modest. The larger scale of those structures adjacent is relevant in townscape terms and mitigates the visual impact of the increased scale. As such, I consider that this aspect is acceptable and presents an improvement over the previously approved scheme.

Although the previously submitted Design and Access Statement detailed that the scheme would 'retain the existing building and extend upwards (and to the side)', with imagery presented in that document showing the ground floor elements retained, the current proposal just retains the street facades. As acknowledged above, the case for losing the roof detailing is considered an acceptable loss in terms of intensifying development on the site, but the total loss of all elements beyond the front façade is disappointing. Facadism involves a superficial approach to building conservation that does not conserve the building as a three-dimensional piece of architecture and involves the loss of the integrity of the heritage asset and substantial harm to its significance. It is worth noting that the previously approved scheme did retain other elements of the host building, including the more interesting rear elements, such as the principal curved bay window at ground floor level.

Since that scheme was approved, the heritage status and interest of the building have been clarified and further protected through the adoption of a detailed document on Local Heritage Assets in Leicester and the confirmation of an Article 4 Direction that controls any demolition of the heritage asset. In her assessment of the appeal (APP/W2465/W/17/3177241), the Planning Inspector critiqued the previous approval, writing: 'were that scheme to come forward, the significance of The Black Boy would be compromised.'

Although the applicant has placed significant emphasis on elements of the demolition detailed in the previously approved scheme, planning controls and guidance relating to the heritage asset have changed since that approval was granted and subsequent advice has critiqued the approach displayed. Moreover, the previously approved scheme did retain more of the local heritage asset and preserved more of its significance as a result.

More generally, in terms of the proposed side extensions, the scale of these are considered acceptable, as are the general arrangements of fenestration. During the course of this application the materials have been changed, removing the originally proposed green panelling and relacing this with contrasting brick which is welcomed.

Although aspects of the proposed design are commendable, such as the elevational detailing of the upper floors of the frontage, the scheme involves substantial harm to the integrity of the heritage asset. Although this facadism scheme is broadly acceptable in terms of the setting of nearby heritage assets, the large-scale loss of historic material and loss of the historic integrity of the heritage asset as a building is regrettable. However, in the context of the extant permissions (that would cause similar harm) and the benefits that the proposed scheme will bring and the improved appearance compared with the extant schemes, on balance I consider this is acceptable.

Design

While the massing of the proposed extension is similar to the extant schemes, the appearance is quite different. The style of the new elevations has changed from a simple modern form to one that incorporates a number of the stylistic features and forms of the existing Black Boy PH front elevations. As such, while the elevations of the extant schemes strongly contrast with the front elevations of the Black Boy PH, that proposed will clearly be a later extension, but one of evolution rather than revolution.

An indication of the proposed materials has been provided including the colour of window frames, brick types, the location of the cast stone and glazing detail but the exact specifications for all materials has not been provided.

I recommend that the detailed specification of materials is addressed by condition. This condition should firstly require that the specifications of the materials and details of a sample panel be provided and secondly that a sample panel be constructed on the site, to show the brickwork, mortar and bond, cast stone, capping and a section of the window and window reveal, in accordance with drawings first submitted and approved.

The location and design of rainwater goods can have a significant impact on the appearance of a building. I recommend they are addressed by condition.

Residential amenity

Of neighbours

As the scheme will result in a building that is taller than the current building, the daylight and sunlight of neighbouring dwellings will be affected.

The light that flats receive can be evaluated using the Building Research Establishment (BRE) - Site layout planning for daylight and sunlight: a guide to good practice (BR 209), Second Edition. A Daylight, Sunlight & Overshadowing Assessment has been submitted that uses the BRE guide. On the 8th of June 2022 the Third Edition was published, and this is used for new planning applications. However, this application was validated in December 2021; before the Third Edition was published. Given this, I consider it appropriate to use the Second Edition for this application.

The Daylight, Sunlight & Overshadowing Assessment considers both the amenity of the proposed flats and the amenity of neighbouring buildings. Part 4.3 of the Assessment (Page 19) indicates that, with the exception of two windows, one at 44 Albion Street and one at 52 Chatham Street, the impact on the daylight received by neighbouring buildings accords with the BRE guide. These are only marginally short of the daylight guidance. For sunlight, Part 4.4 of the Assessment (Page 21), indicates three windows, two at 44 Albion Street and one at 46 Albion Street, will not accord with the BRE guide.

The outlook of neighbouring dwellings will be reduced as the scheme will result in a taller building than at present.

The privacy of neighbouring dwellings will be reduced as the scheme will result in a taller building with many more windows than is the case with the existing building.

The proposed scheme is similar in height (five storeys) to the extant schemes (20131289 & 20180427). Given that that scheme could continue to be implemented and given the dense nature of the urban form in this part of the city, I consider the impact on the daylight, sunlight, privacy and outlook of neighbouring dwellings is acceptable.

Of residents

Communal spaces

The rear yard is smaller than on the extant schemes (20131289 & 20180427). However, the yard will no longer store the bin and cycle stores. As such, it will be fitter for purpose without the conflicting demands that it had on the extant schemes. I therefore consider that it is acceptable.

The rear yard no longer has external access down the side of the building from Chatham Street, as it did on the extant schemes (20131289 & 20180427). Access is now from the corridor within the proposed building. The applicant has confirmed that external access to the rear yard is not required in order to comply with fire related regulations.

As with the extant schemes, the proposed scheme does not provide balconies. I consider that on balance their absence is acceptable.

A rooftop garden would provide a greater level of amenity for residents. However, one was not secured on the extant schemes (20131289 & 20180427) and the proposed PV panels, service plant and/or the blue and/or green and/or brown roof, would need to be removed and or reduced in size, to make space for one. On balance, I consider that the absence of a rooftop garden is acceptable.

Overall, I consider that the low provision of communal external amenity space and the absence of private external amenity space to be a weakness of the scheme. However, on balance I consider it acceptable, given the two extant schemes and the design, appearance and the practical implications of seeking higher levels of amenity space.

The scheme has two communal entrances; one from Albion Street and one from Chatham Street. The one from Albion Street has a lobby area and post boxes. Both entrances lead into the communal corridors, lifts and stairwell. The entrances make use of the existing entrances to the Black Boy PH, which are desirable to keep. I therefore consider the two entrances are acceptable.

The cycle store and bin store are both accessed directly from Chatham Street. This is acceptable and will avoid cycle and bins being taken through communal corridors. I consider this to be a strength of the scheme.

Accessibility

Core Strategy policy CS06 states that in order to meet the needs of specific groups residential schemes should:

- have an appropriate proportion of new housing units designed to meet wheelchair access standards and
- that all new housing units are, where feasible, designed to 'Lifetime Homes' standards so that they are adaptable enough to match lifetime's changing needs.

To comply with the first, some flats should comply with Category M4(3) in the Building Regulations. To comply with the second, all new build flats should comply with Category M4(2) in the Building Regulations, following their introduction in the Building Regs 2010, as a standard to be used as the closest alternative to the now obsolete Lifetime Home Standards. These regulations do not apply to the conversion of buildings. Although this scheme is, strictly speaking a conversion and an extension, the extension is constrained by the retention of parts of the existing building. I therefore consider it is not reasonable to insist on these standards being achieved in this instance.

Noise & ventilation

The reports submitted with this application indicate that the flats are capable of providing residents with acceptable ventilation and ensuring they are not subjected to excessive noise disturbance and overheating, although at times the curtains/blinds will need to be closed to achieve this. Full details of the mechanical ventilation, noise insulation and heat protection measures have not been provided. However, the submitted reports provide enough information for confidence at application stage that the amenity of residents will be acceptable. I recommend that full details of the mechanical ventilation, noise insulation, heat protection measures and their implementation prior to occupation, be secured by condition.

Amenity of each flat – space, outlook & light

Many of the dwellings in this area have windows that abut the streets. All of the proposed flats have windows that abut Albion Street or Chatham Street. I consider this is acceptable.

The flats range in size from 31.9sqm to 47.8sqm and many are in between these sizes. While the National Space Standards are of relevance to schemes such as this, the

Council have not adopted them, and therefore their weight is limited. The National Space Standards for a one-bedroomed flat is a minimum of 37sqm, and 61sqm for a two bedroomed flat. All of the flats fall short of these standards. However, while below these standards, I consider that the shortfall is not large. Consideration must also be given that the scheme is subject to the limitation of the parts of the building that will be retained, such as the location of entrances. For some of the flats the impact of the small size is exacerbated by an irregular shape. However, most of the flats do have a regular shape, and those that are both small and irregularly shaped, are not so extreme as to provide an unacceptable level of amenity. On balance, I consider the size and layout of the flats to be acceptable.

All of the proposed flats have a single aspect. Dual aspect dwellings are preferable as they are more flexible. They allow for better ventilation as windows on two sides can be opened. They also allow for the dwelling to be better managed when it is hot. For example, people can go to rooms that are not subject to direct sun for most of the day during a heatwave, and those rooms can be closed off from hotter rooms using doors. This reduces the need for ventilation and air-conditioning measures. While single aspect flats are less than ideal, they are common in the city centre and they allow space to be saved and a greater density achieved, as one communal corridor can serve flats on each side.

The proposed flats will have outlook to the front, over the streets, or to the rear, over the rear yard and the courtyard of Wellington House. Given the dense nature of this part of the city, I consider the outlook of the flats that face over the streets will be acceptable. The rear yard is very small, and the application does not indicate whether there will be a boundary treatment between the rear yard for the Black Boy and the larger courtyard for Wellington House. One of the downsides of this, is that the outlook of the rear ground floor flats could be very limited, were a boundary treatment installed. It could be towards a 2m high boundary wall between the application site and Wellington House. I consider this is one of the weaknesses of the scheme. However, given it is similar to that of the extant schemes and the scheme overall will provide many planning benefits, I consider it is acceptable. Whether a boundary treatment is installed may depend on how the two sites are managed and I do not believe it would be appropriate to seek to prohibit a boundary treatment being installed as a 2m high boundary treatment could be installed on the Wellington House side under the Permitted Development Rights for that property. The rear flats on the upper floors may look over any boundary treatment to the rear yard of Wellington House. I consider their outlook will be acceptable.

Another weakness of the scheme is the lack of communal and/or private balconies. However, given the constraints given by retaining parts of the existing building and the overall benefits the scheme will provide, I consider this is acceptable on planning balance.

Given the dense nature of development in this part of the city centre, I consider that the flats at both the front and rear are an acceptable distance from windows that are either on the other side of the streets or across the rear yard with Wellington House. The proposed flats will have an acceptable level of privacy.

The Daylight, Sunlight & Overshadowing Assessment indicates that fifteen rooms in the proposed scheme fall short of the BRE guide, and that eleven of these are by a small margin. Given the scheme has thirty-six rooms, for twenty-six studio and twelve one-bedroomed flats (excluding the water tank in the basement, cycle, bin, utility, and

communal rooms/areas), this is a moderately significant proportion. I consider that it is a weakness of the scheme. However, I consider it acceptable on planning balance, given the benefits that the scheme will provide.

The proposed scheme is similar in massing (five storeys) to the extant schemes (20131289 & 20180427). The windows of the proposed scheme are of different sizes and type to that of the extant ones. However, I consider that while the windows could be designed to be larger and hence would provide a greater amount of light for residents, this needs to be balanced with the appropriateness of their design in relation to the appearance of the parts of the Black Boy PH that will be retained. Given this and the dense nature of the urban form in this part of the city, I consider the proposed flats will receive acceptable levels of light.

The criteria of Achieving Well Designed Homes 2019

I consider that the proposed dwellings and communal areas of this scheme do not comply with the Criteria 3, 4 & 7 on page 9 of the 'Leicester City Corporate Guidance – Achieving Well Designed Homes 2019'. These are addressed as follows *in italics* following the policy:

1. The number of small units proposed as a proportion of the development – *The size of the units is acceptable, as addressed earlier in this report. Given the scheme is relatively small and the mix of flats in this area, I consider the mix of studio and one bedroomed flats to be acceptable.*

2. The nature of the mix and nature of units e.g. numbers of bedrooms, tenure (social, affordable, intermediate), type (ownership, rent, co-operative), occupancy (student, family, old persons) – *The scheme is for studio and one-bedroomed flats and none of them are secured as affordable housing. Given the small overall size of the scheme, I consider the mix and nature of units is acceptable.*

3. Whether or not a unit layout provides enough space for day to day living for the proposed occupants resulting in an unacceptable impact on residential amenity.

- The degree to which some or all of the units are particularly small bearing in mind the context of the NDSS – *Whilst not meeting NDSS standards, the size of the units are acceptable, as addressed earlier in this report.*

- The overall layout, in terms of the access to the property - *The accesses to the building are acceptable, as addressed earlier in this report.*

- Circulation inside dwellings, including the extent of compliance with national accessibility standards – *This is acceptable, as addressed earlier in this report.*

- Access to both internal and external shared amenity areas, this will be particularly important in larger schemes and those with significant communal areas - *The proposed small external shared amenity area and lack of internal shared amenity areas is one of the weaknesses of the scheme and is addressed earlier in this report. Given the benefits that the scheme will provide, they are acceptable on planning balance.*

- Adequate provision of and access to both bin stores and bike stores - *The proposed bin store and bike store are acceptable, and are addressed elsewhere in this report.*

- The availability and functionality of on-site communal space and provision of balconies or other available external space which might mitigate the amenity impacts - *The proposed small external shared amenity area, lack of internal shared amenity*

areas and lack of either communal and/or private balconies are weaknesses of the scheme and are addressed earlier in this report. Given the benefits that the scheme will provide, this is acceptable on planning balance.

4. The quality of proposed privacy, light and outlook of each unit - *As addressed earlier in this report, the flats will provide acceptable privacy, light and outlook.*

5. The proposed management arrangements – *I consider that management arrangements can be addressed by a condition and are not a significant consideration on schemes of this small size.*

6. The availability of nearby amenities such as parks/other public spaces and day to day facilities – *The site is located close to the city centre (with its many amenities) and the squares and parks in and near it (such as Museum Square and Victoria Park). The area has good public amenities and new residential development is acceptable here in principle.*

7. Sustainability of location in terms of transport (promote the use of public transport, cycling and walking and to secure provision of adequate parking) – *In terms of walking, cycling and public transport, the site is within a highly sustainable location. As addressed earlier in this report, I consider the absence of off-street car parking for this scheme to be acceptable. The scheme will provide good cycle parking.*

Highway & parking matters

The site is close to the city centre; well-placed for access to amenities and public transport. Car parking is not needed here. Cycle parking is needed to make use of the sustainable transport opportunities that this site offers, and I recommend it be secured by condition. The cycle parking shown on plan 100-554/(P)040H is short of the guidance by two cycle spaces. I think it likely that it can be tweaked to provide an extra two spaces and I recommend that twenty-five cycle parking spaces be secured for residents, plus three cycle parking spaces for visitors, giving a total of twenty-eight cycle parking spaces. This can be secured by condition.

With the doors to the bin store opening onto Chatham Street, bin collection will be as swift as it can be and therefore noise and the blockage of Chatham Street by the refuse collection vehicle will be minimised. The bin store is acceptable and I recommend it be secured by condition.

The scheme has a lobby with post boxes and storage. This will enable deliveries to be swiftly dropped off.

The planning application also includes a Travel Plan which will hopefully reduce car travel and encourage walking, cycling and use of public transport. However, the Travel Plan that has been submitted does not fully meet Council requirements. I recommend that an acceptable Travel Plan be secured by condition.

I recommend that the reinstatement of dropped kerbs be secured by condition.

Air quality

I recommend that measures to minimise air pollution during construction be incorporated into a Construction Management Plan (CMP) that is secured by a condition.

The promotion of sustainable means of transport and associated benefits, such as improved air quality, can be addressed through the issue of Travel Packs to new residents. I recommend this is secured by condition.

Energy

The scheme has been designed with acceptable windows, electric heating and hot water, PV panels and insulation. I recommend that conditions be attached to secure the installation of these features and their acceptable operation.

The proposed design includes windows for all habitable areas. Given the constraints of the site in a densely built part of the city centre, I consider the daylighting these windows provide will be acceptable.

Despite the close proximity of the site to the local district heating network, the relatively low number of dwellings proposed and small amount of space, means that a connection is unlikely to be viable.

The proposed heating and hot water strategy is for electric units with time and temperature controls. Due to the ongoing decarbonisation of UK electricity, future carbon emissions of this system are likely to be lower than predicted by the current SAP model. As such, this approach is acceptable.

The scheme will have acceptable insulation.

A 7.6kWp array of solar PV panels is proposed for the roof of the building (which also has a blue and/or green and/or brown roof and building services elements), to provide a source of renewable electricity.

The energy statement commits to giving consideration to sustainable materials with reference to the BRE's Green Guide to Specification and the use of sustainable timber. The implementation of a Site Waste Management Plan and aim to minimise the amount of waste sent to landfill is also welcomed, and I would encourage the applicant to set a target for the percentage of waste to be diverted from landfill.

Substation

The applicant has confirmed that the site already has a 260kVA supply and therefore a substation is not required within the scheme.

Water environment

Surface water drainage

The scheme incorporates an acceptable Sustainable Drainage System (SuDS) that will reduce the rate of surface water runoff through a blue and/or green and/or brown roof, tanked permeable paving and a hydrobrake. The permeable paving will provide some filtration. Surface water will finally discharge into the public foul water sewer, and in this location, this is acceptable. There are some small outstanding queries with the design details and maintenance of the drainage, and these can be addressed by a condition.

Foul drainage

Foul drainage will connect to the public foul water sewer. Severn Trent Water have no objection to this.

Wildlife

The site is not designated and is located within a dense urbanised area with little vegetation within the site.

A Preliminary Ecological Assessment of the building, based on a survey on the 21st of August 2023, was carried out by Estrada Ecology. In the absence of any significant evidence, it concludes that it is unlikely that protected species are using the building. The Assessment is accepted.

Given the transient nature of bats and the state of the building, a repeat ecology survey will also be required should development not commence within eighteen months of the date of the last survey (21st of August 2023). This can be secured by condition.

It is unlikely that birds and bats will occupy the building. However, there is some chance that they will. I therefore recommend a condition be attached to ensure development is carried out in accordance with the recommendations in the Bat Activity Report (Estrada Ecology, 31st of August 2023).

There is an opportunity to achieve biodiversity net gain (BNG) on this site through the creation of wildlife habitats. These include nesting boxes for bats, Black Redstarts, invertebrates and Swifts, and a blue and/or green and/or brown roof on the proposed flat roof of the building. These can be secured by condition.

Archaeology

This site is located south of the historic core of the Roman city and Medieval town. Within the immediate environs, there is sparse evidence for archaeological activity pre-dating the post-Medieval period and later 18th to 20th century urban expansion. As highlighted in the archaeological desk-based assessment submitted with this application, a cartographic reference to Roman pottery is identified in the area and encompassing the site. I agree with the assessment, that due to the uncertainty of the location of this Roman 'site', that a field evaluation is undertaken to determine the nature and extent of any archaeological remains pre-dating the construction of the public house. This can be secured by condition.

Developer contributions

The scheme is likely to increase the number of residents in the area. The new residents are likely to make use of green space and healthcare facilities. In order to provide housing to those in significant need and of limited means, the Council also seeks contributions to affordable housing. Contributions are sought towards green space and affordable housing. Contributions are not sought for healthcare as the ICB has not requested them.

Viability

The applicant has provided a viability assessment for this scheme that indicates that the scheme may not be viable, should the developer contributions sought be higher than £90,892. The assessment has been examined and I am of the opinion, that the conclusion is likely to be correct. The Black Boy is a heritage asset that has been deteriorating for many years. It is desirable that a scheme that will see its presence retained, and the site redeveloped and brought back into use, goes ahead. I consider that the benefits of seeing this scheme go ahead with a reduced level of developer contributions significantly outweigh the harm of no development taking place. As such, I have reduced the developer contribution sought to a maximum of £90,892.

Contribution to off-site affordable dwelling

Contributions are sought towards green space and affordable housing. As the flats are likely to be managed on a Build to Rent basis, normally affordable units that would be managed as part of the Build to Rent scheme, would be sought. Unfortunately, the maximum developer contribution of £90,892 is unlikely to be able to cover the cost of a single on-site Build to Rent affordable dwelling. It would need to be combined with developer contributions from other schemes to deliver an affordable dwelling. There is no guarantee that developer contributions from other schemes would be available and so an affordable dwelling may not be deliverable for a considerable time after payment of the developer contribution. This gives rise to the risk that a claim may be made for the payment to be repaid. It also gives rise to the risk that the dwelling allocated for affordable housing in this Build to Rent scheme would remain unoccupied for some time, awaiting payment of developer contributions from other schemes. Given that the city does not currently have a five-year deliverable land supply for housing, an un-occupied dwelling is not desirable.

Paragraph 63 states that *'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (footnote 29), and expect it to be met on-site unless:*

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.'*

I consider that, in the light that the maximum developer contribution of £90,892 is not enough to cover the cost of a single on-site Build to Rent affordable dwelling, that criteria a) of NPPF paragraph 63 is met. The contribution can be used towards the provision of affordable housing on other sites, once it is combined with developer contributions from other schemes. Our Housing Service have confirmed that the contribution is likely to be spent in a 3-5 year time frame.

With regards to criteria b) of NPPF paragraph 63, there are numerous schemes coming forward within the city and numerous existing dwellings for sale. The Council both seeks through policy, and secures through planning applications decisions, schemes of a mixed and balanced nature. I do not believe that new schemes are significantly contributing to unmixed and unbalanced communities and I think it highly unlikely that the purchase of a single existing dwelling that is for sale would do the same. As such, the combination of a developer contribution from this scheme with developer contributions from other schemes to secure the purchase of an affordable dwelling would comply with criteria b) of NPPF paragraph 63.

Overall, I consider a developer contribution towards the provision of an off-site affordable dwelling is NPPF compliant and is acceptable.

Allocation of developer contribution of £90,892 between affordable housing and green space

Were this full amount (£90,892) to be allocated solely to affordable housing, then it would need to be combined with developer contributions from other schemes, to deliver an affordable dwelling. While our Housing Service have indicated it is likely to be spent in a 3-5 year time frame, there is no guarantee that this is the case and that an affordable dwelling could be delivered shortly after payment. This gives rise to the risk that a claim may be made for the payment to be repaid. In contrast, the amount of £34,579.00 that is sought for landscape improvements and the provision of ornamental

perimeter railings at Museum Square, is easily covered by the total developer contribution figure of £90,892 and those improvements can be achieved shortly after payment. If £34,579.00 is allocated towards those improvements, then this still leaves a substantial sum of £56,313.00 towards buying and/or building affordable housing in the city. I therefore recommend that the developer contribution be allocated in this manner, which I summarise below:

- £34,579.00 towards landscape improvements and the provision of ornamental perimeter railings, at Museum Square.
- £56,313.00 towards securing affordable housing in the city.

The applicant has agreed to enter into a S106 Agreement, to secure these.

Conclusion

Considerable time has been spent by Council officers to negotiate small but significant alterations to the scheme. This was to ensure that the scheme takes as many of the opportunities as possible, that the site and nature of the development offer. While the outline of the scheme is unchanged (retention of part of the former Black Boy PH, extensions and change of use to create flats), the details are much improved, and I consider the scheme will now make a positive contribution to the city. This scheme takes the opportunities to:

- Put a building and site that has been unused for many years to a use that will make a positive contribution to the city.
- Provide a use that complements the existing uses in this part of the city.
- Will provide much needed housing and make a modest but significant contribution to addressing the shortfall in the city's housing supply.
- Retain the existing two storey façades of the former Black Boy public house to Albion Street and Chatham Street that make a significant positive contribution to the character and appearance of the area.
- Extend the building in a style that respects the existing two storey façades to Albion Street and Chatham Street.
- Provide one good entrance with a lobby/entrance hall with post boxes and storage space for deliveries.
- Provide flats with a level of amenity for residents that is acceptable on balance.
- Provide good cycle parking that is accessible from the street.
- Provide good refuse storage that is accessible from the street.
- Reduce the rate of surface water runoff and associated wildlife habitat and water cleansing (blue/brown/green roof).
- Provide wildlife habitats with nesting boxes and a blue/brown/green roof.
- Provide an energy efficient building and PV panels on the roof.
- Make a developer contribution towards landscape improvements and the provision of ornamental perimeter railings at Museum Square, and towards buying and/or building affordable housing in the city.

The low quantity and quality of outdoor amenity space for residents and the potentially poor outlook of the rear facing ground floor flats, were a boundary wall to be installed, are weaknesses of the scheme.

I also consider that the scheme causes harm to the former Black Boy public house as a heritage asset. However, in the context of the extant permissions (that would cause similar harm) and the benefits that the proposed scheme will bring and the improved appearance compared with the extant schemes, on balance this is acceptable.

The scheme is acceptable in all other respects.

I consider that the proposed development complies with the NPPF and relevant Core Strategy and Local Plan policies and that it would contribute to the shortfall in the City Council's housing supply.

As detailed earlier in the Policy section of this report, NPPF Paragraph 11 contains a presumption in favour of sustainable development and the city does not currently have a five-year deliverable land supply for housing. I consider that on balance, the adverse impacts of approving the scheme (detailed above) do not significantly and demonstrably outweigh the benefits of providing new housing within the city and the other benefits (listed above) that this scheme will provide.

I therefore recommend **APPROVAL** subject to the following conditions and the **SIGNING OF S106 AGREEMENT** to secure the agreed financial developer to green space and affordable housing.

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. Should the development (including demolition) not commence within 18 months of the date of the last protected species survey (carried out by (Estrada Ecology on the 21st of August 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 approved in writing by the Local Planning Authority and any identified mitigation measures carried out in accordance with the approved details. Thereafter, the survey should be repeated annually 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 Core Strategy.)
3. Development shall be carried out in accordance with the working practices in the Bat Activity Report (Estrada Ecology, 31st of August 2023) and especially sections 9 & 10 regarding bats and birds. (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 Core Strategy.)

4. A. No development (including demolition) shall take place, until the applicant has secured the implementation of an appropriate programme of archaeological fieldwork undertaken by a competent and experienced organisation and in accordance with a Written Scheme of Investigation (WSI), which has first been submitted to and approved in writing by the Local Planning Authority. The WSI must include an assessment of significance and research questions; and:

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

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

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

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

B. No development shall take place other than in accordance with the WSI approved under (A) above.

C. No flat shall be occupied, until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the WSI approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their economic and social significance is advanced, in accordance with Core Strategy policy CS18.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. With the exception of the demolition of part of the existing building, no development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any flat, 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 flat, 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. 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, pets, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan.)

6. Prior to the occupation of any flat, a lighting scheme (to minimise light pollution for residents and wildlife), shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. No additional lighting shall be installed without prior approval from the Local Planning Authority. (To minimise the impact of lighting on residents and wildlife in accordance with saved policies PS10 & PS11 of the City of Leicester Local Plan 2006 and policy CS17 of the Core Strategy.)

7. Prior to the occupation of any flat, two bat boxes shall be installed in accordance with the details in Paragraph 4.2 of the Arbtech Bat Emergence and Re-entry Survey dated 8/9/2021. Prior to the occupation of any flat, two invertebrate boxes/structures and one Black Redstart box shall be installed within the blue and/or green and/or brown roof area and six Swift boxes on the facades of the building, in accordance with details first submitted to and approved in writing by the Local Planning Authority. They shall be retained thereafter. (To provide wildlife habitat in accordance with policy CS17 of the Core Strategy.)

8. Prior to the commencement of above ground construction (excluding the demolition of the existing buildings), full design details of the PV panels for the roof, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any flat, the PV panels shall be installed in accordance with the approved details and evidence demonstrating satisfactory operation of the PV panels, shall be submitted to and approved in writing by the Local Planning Authority. The PV panels shall be retained thereafter. (In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy.)

9. Prior to the occupation of any flat, evidence demonstrating satisfactory operation of the details, including on-site installation, of all measures in the Sustainability and Energy Statement of February 2021 and email dated the 28th of June 2021 that have been submitted with this application, shall be submitted to and approved in writing by the Local Planning Authority. They shall be retained thereafter. (In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy.)

10. With the exception of the demolition of part of the existing building, no development shall be carried out until full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system, has been submitted to and approved in writing by the Local Planning Authority. No flat 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 (including the blue and/or green and/or brown roof), (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.)

11. With the exception of the demolition of part of the existing building, no development shall be carried out until details of foul drainage have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any flat, the foul drainage shall be 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.)

12. Prior to the commencement of above ground development (excluding demolition) the design of a sample panel (with a drawing and materials schedule), to show the brickwork, mortar and bond, stone trim and a section of the window and window reveal, shall be submitted to and approved in writing by the Local Planning Authority. No above-ground development shall take place until the sample panel has been built in accordance with the approved drawing and materials schedule, inspected and approved in writing by the Local Planning Authority. No flat shall be occupied until the development has been carried out in accordance with the approved details. (In the interests of visual amenity, to maintain the setting of heritage assets, and in accordance with policies CS03 & CS18 of the Core Strategy.)

13. Prior to the commencement of above ground development (excluding the demolition of the existing buildings), details of rainwater goods (which should ideally be located to the rear) shall be submitted to and approved in writing by the Local Planning Authority. No flat shall be occupied, until the rainwater goods have been installed in accordance with the details approved. They shall be retained as such thereafter. (In the interests of visual amenity, to maintain the setting of heritage assets, and in accordance with policies CS03 & CS18 of the Core Strategy.)

14. No construction, 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 first been submitted to and approved in writing by the City Council Noise Team. The methodology shall be submitted at least 10 working days before such work commences and approved by the City Council Noise Team. The City Council Noise 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. (To protect the amenity of residents in accordance with policies PS10 & PS11 of the City of Leicester Local Plan 2006.)

15. Prior to the commencement of development (excluding demolition of parts of the existing building), full details of measures to ensure residents of the scheme will receive acceptable ventilation and be protected from unacceptable levels of heat and noise, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any flat, the approved measures shall be installed in accordance with the approved details. The system shall be retained thereafter. (To

ensure residents have acceptable levels of noise, ventilation and temperature in accordance with saved policy PS10 of the City of Leicester Local Plan 2006.)

16. Prior to the occupation of any flat, the bin store as shown on the approved plans, shall be provided. It shall be retained thereafter. (To allow waste to be stored and collected in an acceptable manner in accordance with policy CS03 of the Core Strategy.)

17. Prior to the first occupation of any flat, a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority and it shall be carried out in accordance with a timetable to be contained within the Travel Plan. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM12 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

18. Within one month of the occupation of any dwelling, the residents of that dwelling shall be provided with a 'New Residents Travel Pack'. The contents of this shall first be submitted to and approved in writing by the Local Planning Authority. It shall include walking, cycling and bus maps, the latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).

19. Prior to the occupation of any flat, twenty five secure and sheltered cycle parking spaces for residents and three cycle parking spaces for visitors shall be provided, in accordance with details first submitted to and approved in writing by the Local Planning Authority. They shall be retained thereafter. (To meet the needs of residents and visitors and to promote sustainable forms of transport in accordance with saved policies AM02 and AM12 of the City of Leicester Local Plan and policy CS14 of the Core Strategy.)

20. Prior to the commencement of development (including demolition), a Construction Method Statement (CMS), with consideration being given to highway management and safety, air quality, the water environment and flood risk

management, shall be submitted to and approved in writing 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 policies AM01, AM12, PS10, PS11 of the City of Leicester Local Plan 2006 and Core Strategy policy CS02 & CS03.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

21. No flat shall be occupied, until any redundant footway crossings and/or damaged or altered areas of footway or other highway, have been reinstated in accordance with the Leicester Street Design Guide, June 2020. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

22. All street works shall be constructed in accordance with the Leicester Street Design Guide, June 2020. (In order to enable the highway to function in a safe manner and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

23. Prior to the occupation of any flat, a Management Plan shall be submitted to and approved in writing, by the Local Planning Authority. The Management Plan shall set out procedures for the security of the development and its residents, dropping-off and collection at the beginning and end of terms, use and allocation of parking spaces and cycle storage, the safe use of the vehicle access, restriction of car ownership and use by residents, refuse collection arrangements, and dealing with any issues or complaints arising from occupiers of nearby properties. At all times the scheme shall be managed and operated in full accordance with the approved Management Plan. (To ensure the impact of the scheme on highway safety, the surrounding area and in the interests of the safety and security of its occupiers, is acceptable, and in accordance with policies CS03, CS06, CS14 & CS15 of the Core Strategy and policies AM12 & PS10 of the City of Leicester Local Plan 2006.)

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

- Site Location Plan, 100-554/(P)005, Rev A, received on the 17th of November 2020.
- Chatham and Albion Street Proposed Elevations, 100-554/(P)035, Rev L, received on the 10th of November 2021.
- Internal Court Proposed Elevations, 100-554/(P)036, Rev H, received on the 16th of August 2021.
- Chatham and Albion Street Proposed Sections, 100-554/(P)037, Rev E, received on the 28th of June 2021.
- Proposed Ground Floor Plan, 100-554/(P)040, Rev H, received on the 10th of November 2021.
- Proposed First Floor Plan, 100-554/(P)041, Rev G, received on the 14th of January 2021.
- Proposed Second - Third Floor Plan, 100-554/(P)042, Rev G, received on the 14th of January 2021.
- Proposed Roof Plan, 100-554/(P)043, Rev B, received on the 28th of June 2021.
- Proposed Fourth Floor Plan, 100-554/(P)046, Rev E, received on the 28th of June 2021.
- Proposed Basement Plan, 100-554/(P)047, received on the 17th of November 2021.
- Demolition Plans & Elevations, 100-554/(P)051, received on the 14th of January 2021.
- 1:20 section F-F and Sample Panel, 100-554/(P)060, Rev A, received on the 16th of August 2021.
- 1:20 section G-G and Sample Panel, 100-554/(P)061, Rev B, received on the 18th of November 2021.
- 1:5 Detail of new Upper floors to existing building junction, 100-554/(P)062, Rev A, received on the 16th of August 2021.
- 1:5 Detail of new Upper floor junction with proposed façade, 100-554/(P)063, Rev A, received on the 16th of August 2021.
- 1:5 Plan detail of new to existing connection (at 1st floor level), 100-554/(P)064, Rev A, received on the 16th of August 2021.

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. This permission is subject to an S106 Agreement that secures a developer contribution of £34,579.00 towards landscape improvements and the provision of

ornamental perimeter railings at Museum Square, and £56,313.00 towards buying and/or building affordable housing in the city.

2. Please note that, under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to remove, damage or destroy the nest or roost of European Protected Species while it is in use or being built and/or it's an offence to deliberately capture, injure or kill, or deliberately disturb European Protected Species. An extant planning permission for a development does not provide a defence against prosecution under these statutes.

3. The implementation of the approved scheme could cause pollution to the water environment. The Environment Agency (EA) advise, that in order to prevent pollution, developers should follow best practice as follows: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>, and, in particular, the 'Construction, inspection and maintenance' section. Please contact the Environment Agency, to arrange a site meeting, to agree measures necessary, to prevent pollution of the water environment, during the implementation. The EA can carry out pollution prevention visits. Please contact EastMidWaterQuality@environment-agency.gov.uk for further information and advice.

4. Severn Trent Water advise that, although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution, which protects both the public sewer and the building.

5. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed above, unless the City Council Noise Team is satisfied that:

- a) the work will not be detrimental to occupiers of neighbouring properties, or
- b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

6. With regards to Condition 16 and the revisions/amendments required to the Travel Plan submitted with this application, please contact Leicester City Council's Highway Development Control (highwaysdc@leicester.gov.uk) to address the issues.

7. With regards to the Travel Pack (Condition 17), the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact highwaysdc@leicester.gov.uk for advice.

8. 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/> As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

9. 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 2021, 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_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_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_CS04	The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.

- 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_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 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.