

Leicester
City Council

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

DATE: WEDNESDAY, 15 NOVEMBER 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, Kennedy-Lount, Kitterick, Mohammed, Dr
Moore, Singh Patel and Surti

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

For Monitoring Officer

Officer contact:

Jess Skidmore, Democratic Support Officer / Jacob Mann, Senior Democratic Support Officer

e-mail: jess.skidmore@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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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact:
Jess Skidmore, Democratic Support Officer or Jacob Mann, Senior Democratic Support Officer, Democratic Support Officers.

Alternatively, email jess.skidmore@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 will be asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 25 October 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.

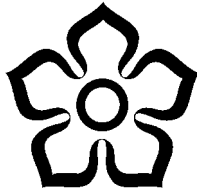
4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

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) 20221898 48 LITTLE HOLME STREET [Appendix B](#)**
- (ii) 20221467 LAND REAR OF 268-270 UPPINGHAM ROAD [Appendix C](#)**
- (iii) 20231073 15 MAIN STREET HUMBERSTONE [Appendix D](#)**
- (iv) 20231278 335 LONDON ROAD [Appendix E](#)**
- (v) 20231214/5 48A LONDON ROAD, THE PARCEL YARD [Appendix F](#)**
- (vi) 20231313 2-4 GOPSALL STREET [Appendix G](#)**

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 15 November 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

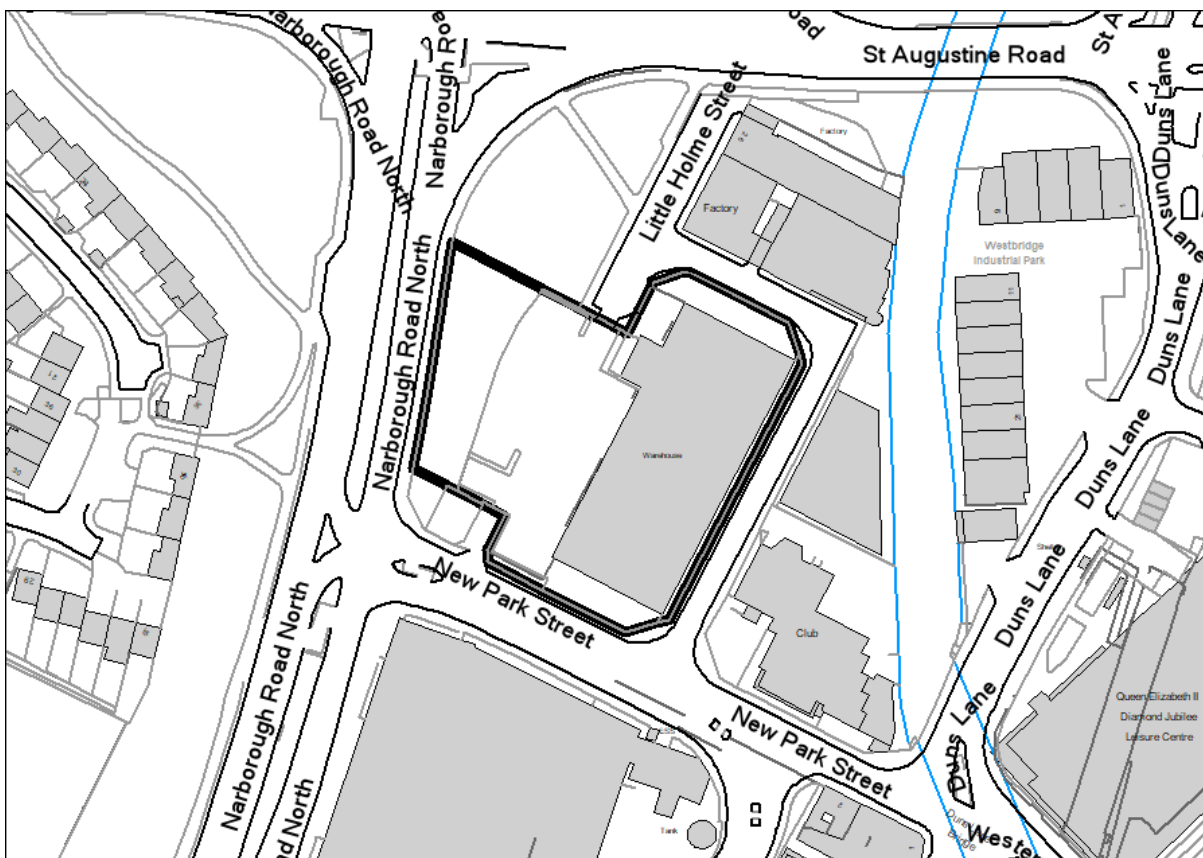
- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, 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.

Appendix B

Recommendation: Conditional approval and subject to a Section 106 Agreement/Undertaking	
20221898	48 Little Holme Street
Proposal:	Demolition of factory (Class B2); construction of a 6 and 7 storey building containing student accommodation (Sui Generis), 2 storey building housing plant and cycle/bin storage, with associated ancillary works and landscaping (as amended) (S106 Agreement).
Applicant:	CC Leicester Limited
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20221898
Expiry Date:	21 September 2023
SR	WARD: Westcotes



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Summary

- The application is brought to the Committee as 12 objections have been received including those from Councillor Clarke and Councillor Russell.
- Twelve objections have been received regarding: the provision of student accommodation; issues relating to traffic, noise impacts; impact on existing business in the area; and the impact on historic environment.

- The main issues for this proposal are the design of the new buildings; built conservation impacts; archaeology; and residential amenity (specifically relating to noise impacts).
- The application is recommended for approval subject to conditions and a S106 Agreement to secure developer contributions towards open space, highways improvements and healthcare provision.

The Site

The site is a previously developed urban site. In terms of the surrounding road network St. Augustine Road (A47) is located to the north, Narborough Road North (A5460) to the east, New Park Street to the south and Little Holme Street to the east. The land is situated in the defined Central Commercial Zone and the Strategic Regeneration Area.

The site is currently occupied by the Gill Knitwear building along with an associated car park to the west. Tesco is located to the south of the site, the 2 Funky Music Café to the east and industrial buildings to the north,

The Site lies within an Archaeological Alert Area, a Critical Drainage Area and is within flood zones 3a. The Air Quality Management Area is located to the north and west of the Site boundary.

Background

Planning permissions of relevance to the Site are as follows:

- **20111214** – Change of use of part of car park ancillary to factory (class B2) to car rental (no use class); portacabin. Approved October 2011.
- **19850754** – Erection of knitwear factory including storage area two-storey office building and parking loading/landscaped areas. Approved July 1985.

The Proposal

The proposal involves redevelopment and a change of use from the site's current occupation as a light-industry warehouse (Class B2) to student residential accommodation (Sui Generis). The initial application proposal (submitted in September 2022) comprised 646 beds of managed student accommodation, varying from studios to multi-level cluster apartments with the proposed building varying in height from seven to eleven storeys with a six-storey connecting spine.

However, the proposal was amended during the determination period. The amended proposal (provided in July 2023) comprises a development at primarily 6 storeys, but with a central element at 7 storeys comprising 466 beds of managed student accommodation, varying from studios to various cluster apartments. A separate single storey building is proposed to include the plant, cycle parking and bin storage. The buildings are supported by associated landscaping, ancillary and communal facilities.

The mix of studios/apartments to be provided as part of the proposal is as follows:

Type	Number	Bedspaces	Percentage
6 bed apartment	2	12	3%
7 bed apartment	10	70	15%
8 bed apartment	1	8	2%
10 bed apartment	12	120	26%
11 bed apartment	5	55	12%

Studio	201	201	43%
Total		466	

Documents submitted in support of the application are listed below. Those marked with an Asterix were updated during the determination period:

- Planning Statement (including Planning Obligations - Draft Heads of Terms)
- Design and Access Statement
- Design and Access Statement Addendum
- Sustainable Drainage Strategy*
- Fire Statement*
- Accurate Visual Representations*
- Air Quality Assessment*
- Dust Management Plan
- Arboricultural Assessment*
- Archaeological Assessment
- Biodiversity Assessment*
- Biodiversity Net Gain Assessment
- Building for a Healthy Life Assessment
- Daylight/Sunlight Assessment*
- Statement of Community Involvement
- Flood Risk Assessment*
- Below Ground Drainage Strategy
- Heritage Statement
- Heritage Statement addendum note
- Phase I Geo-Environmental Report
- Noise Impact Assessment
- Façade assessment
- Letter setting out position relating to the Overheating Assessment
- Statement of Student Need
- Sustainability Design and Construction Statement*
- Transport Statement (TS) & Travel Plan*
- Townscape and Visual Impact Assessment
- Townscape and Visual Impact Assessment - addendum note
- Design Principles
- Waste Management Plan

Pre-application advice was provided on the proposal in August 2022.

Policy Considerations

National Planning Policy Framework (NPPF) (revised 2023)

The relevant sections of the NPPF are as follows:

Section 1 – Introduction. Paragraph 2.

Section 2 – Achieving sustainable development. Paragraphs 7, 8, 11 and 12.

Section 4 – Decision-making. Paragraphs 38, 39, 40, 41, 42, 43, 47, 48, 55, 56, 57 and 58.

Section 5 – Delivering a sufficient supply of homes. Paragraphs 60 and 68.

Section 6 – Building a strong, competitive economy. Paragraph 81.

Section 7 – Ensuring the vitality of town centres. Paragraph 86.

Section 8 – Promoting healthy and safe communities. Paragraphs 92, 93 and 98.

Section 9 – Promoting sustainable transport. Paragraphs 104, 105, 110, 111, 112 and 113.

Section 11 – Making effective use of land. Paragraphs 119, 120, 123 and 124,

Section 12 – Achieving well-designed places. Paragraphs 126, 130, 131, 132, 134 and 135.

Section 14 – Meeting the challenge of climate change, flooding and coastal change. Paragraphs 152, 154, 157, 159, 167, and 169.

Section 15 – Conserving and enhancing the natural environment. Paragraphs 174, 180, 183, 185, 186 and 187.

Section 16 – Conserving and enhancing the historic environment paragraphs 194, 195, 197, 199, 200, 201, 202, 203 and 205.

Development Plan policies

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

Supplementary Planning Documents (SPD)

- Tall Buildings SPD (adopted 2007)
- Waterside SPD (adopted 2015)
- Student Housing SPD (adopted June 2012)
- Residential Amenity SPD (adopted 2008)
- Climate change SPD (adopted January 2011)
- Green Space SPD (adopted July 2013)
- Biodiversity in Leicester SPG (adopted 2003)
- Tree Protection Guidance SPG (adopted 2003)

Other legal or policy context

- Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
- Planning (Listed Buildings and Conservation Areas) Act 1990

Other Guidance

- National Planning Practice Guidance (published 2016, as amended)
- City of Leicester Local Plan Appendix One – Vehicle Parking Standards.
- National Design Guide (published 2019, as amended)
- National Model Design Code (published 2021).
- Building for a Healthy Life (2020)
- Leicester City Council Waste Management guidance notes for residential properties.
- Emerging Leicester City Council Local Plan (Regulation 19 submission, January 2022)
- Local Plan evidence base document: Tall Development in Leicester (Regulation 19 submission, November 2022)
- Castle Conservation Area Character Appraisal (2007)
- Tall Buildings: Historic England Advice Note 4 (2002)

Consultations

Local Highways Authority

The highway authority does not object to the basic principle of the proposals. At the pre-application stage several issues of detail which were of potential concern were raised, which have been largely addressed as part of this submission.

Cyclists and pedestrians

Pedestrian access arrangement to the site as shown on the proposals appear to be broadly acceptable. The footway along the western edge of Little Holme Street is currently relatively narrow. For much of this length this will not be a significant issue. It is not fully clear, however, from the proposed ground floor layout what the paved area will be at the main pedestrian entrance fronting Little Holme Street. It may require the adjacent section of the current highway verge behind the footway to also be paved and changes to the existing footway to create a continuous paved area with that entrance. It would also be advisable to visually delineate the highway boundary within the design of this continuous paved area for the purposes of future reference and maintenance.

Based on the information provided in the Transport Statement, the great majority of trips will be made wholly or partly on foot (more than 900 per day when the walking part of bus and train trips are included). And most of these will be either via New Park Street to/from its Western Boulevard end or via the footpath link to A47 St Augustine's Way. The latter would also be an attractive route for a substantial proportion of cycling trips to and from the site. It is considered there is a clear case to upgrade the pedestrian link from Little Holme Street to St Augustine's Road to make it suitable for cyclists as well as pedestrians to manage potential conflicts.

There is also a case for reconfiguring the Little Holme Street / New Park Street junction to better accommodate the increase in walking between the site and the De Montfort University main campus. A potential contribution towards the cost of a more extensive scheme would therefore be warranted. However, a scheme of this nature could require its own formal separate consultation and could be complicated with respect to the needs of trips associated with other businesses on Little Holme Street.

Section 106

The cost of the two interventions recommended above are as follows:

- £20,000 – Upgrading the footpath link from Little Holme Street to A47 St Augustine's Road to safely accommodate cyclists.
- £50,000 – Reconfiguration of Little Holme Street to better ensure pedestrian safety (the contribution being to cover the costs of paving the western verge alongside the proposed building and measures at or close to the Little Holme Street / New Park Street junction where the majority of pedestrians will need to cross).

The mechanism for securing the costs of both of these mitigation measures would be a planning obligation.

Planning conditions

Planning conditions are recommended to ensure street works and car parking is delivered in accordance with the Leicester Street Design Guide and to ensure the

development is not occupied until the secure and covered cycle parking and pool of loan bikes has been provided.

Pollution – Land

The recommendation set out in the ground contamination report stating that no further intrusive ground works are necessary is accepted. A condition is required ensuring that any unexpected contamination previously unidentified shall be remediated.

Air Quality

The application site is not located within the Air Quality Management Area (AQMA), where concentrations of nitrogen dioxide (NO₂) are expected to exceed national air quality objectives, primarily attributed to emissions from transport. A change of use from industrial to residential represents the creation of sensitive receptors and where these end users may be exposed to pollutant concentrations in exceedance of national air quality objectives, mitigation must be applied.

Periods of demolition and/or construction may give rise to excess dust emissions (including PM_{2.5} and PM₁₀ pollution) which could adversely impact on the amenity of those living nearby. The submitted Dust Management Plan (Air Quality Consultants Ltd, ref: J10/14034B/10A/1/F2, June 2023) concludes an overall Medium risk site for these emissions and suggests suitable methods of mitigation in Section 2. The conclusion of the report are accepted in that it is appropriate to request submission of a revised and site-specific Dust Management Plan by condition, once a suitable contractor has been appointed.

During the operational phase, additional vehicle movements generated by the proposal are expected to be minimal, largely due to the lack of car parking spaces. The air quality assessment (Air Quality Consultants Ltd, ref: J10/14034A/10/1/F2, July 2023) has scoped out an assessment of road traffic emissions on this basis, as the proposed does not meet the requisite criteria set out in EPUK/IAQM guidance. With regards to end user exposure, background concentrations of NO₂ and PM₁₀ are reported at below their respective air quality objectives meaning residents are unlikely to be exposed to pollutant levels exceeding national limits. Additionally, the site is set back from the main road network (and AQMA), likely resulting in dispersion of pollutant concentrations to levels below national air quality objectives.

Although mitigation of operational phase emissions is not strictly required, proposals to limit car usage and provide cycle storage spaces will encourage more sustainable methods of transport and may provide mitigation to any contribution to local NO₂ concentrations associated with the development.

Archaeology

This proposal is located in an area with known and significant archaeological remains and deposits, and close to a number of nationally and locally designated heritage assets.

The archaeological desk-based assessment (dated January 2022) has placed the known archaeology with the local context and identified the recovery of items and the presence of archaeology within the site's boundary. Found below a riverine deposit c. 2.4m below the current surface, these finds attest to the presence here, or nearby, of pottery production, industrial and extra-mural settlement activity dating to the Roman period. Significant archaeological remains have been found to the south, around Great Holm Street (a historical street) and the present day Tesco store. The area is also

known as an extra-mural settlement dating to the Medieval period. It should also be noted that due to the site location waterlogged and preserved environmental evidence may also be preserved here.

Although the site's use history indicates there will be disturbance to archaeological remains, we know from this site, adjacent locations and elsewhere in the city that archaeological deposits survive in undisturbed areas and beneath foundations, cellars and basements.

Due to the scale and massing of the proposal it is anticipated that a pile construction technique will be required, with associated engineering and construction related activity. It is anticipated that the pile design will require the use of numerous clusters of piles and associated pile caps, with intervening pile locations. In addition, it is noted that new services, including modular attenuation tanks, will be required (Document: Below Ground Drainage Strategy). Consequently, there is considered to be significant cumulative impact upon any surviving archaeological deposits/remains.

Ideally, the pile design and related construction and services should be informed by the results of an archaeological evaluation. This is not currently possible due to a sewer and easement to the left of the current building, and access to the internal spaces of the structure on site would be needed; or demolition.

Guidance on piling and archaeology has been issued by Historic England and the principle here will be to strip the footprint of the building and attenuation tanks to the archaeological horizon to characterise the extent, extant and type of archaeology and excavate those areas and any significant archaeology affected by the construction, including areas beneath pile caps.

Due to the presence of the sewer west of the current building an evaluation along this zone will not be feasible. Archaeological mitigation will be required, and due to the depth of deposits this will be potentially logistically challenging (e.g. stepping/battering of sides for safety reasons, leading to further cumulative 'loss' of archaeology). Adequate resources must be submitted for approval prior to commencement of development through planning conditions to secure the successful implementation of a programme of archaeological works and post-excavation analysis.

Parks and Green Spaces

The proposed residential development, within the Westcotes 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 will be looking to make quality improvements to existing open space provision to minimise the impact of this development. Based on the formula from the Green Space SPD a contribution of £288,146.00 is required in response to this application. The contribution will be used towards one or more of the following open space enhancements:

- for replanting of over-mature shrub beds and seating improvements at Castle Gardens
- for the refurbishment/re-landscaping of the small plaza area on Western Boulevard
- for pitch improvements (including drainage works) at Victoria Park and/or towards the
- development of a new pump track at Rally Park.

Police (Crime Prevention Design Advisor)

Crime in respect to cycle thefts is high when left in the public domain insecure, but in designated secure storage areas is low due to the additional security and potential for detection via CCTV and increased likelihood of detection on entry.

There is Open Space to the west side. Enclosure of the perimeter is recommended to 1.8m in materials in keeping with the site such as railings which allow a clear field of vision but do not look oppressive, whilst deterring potential offenders from accessing the cycle stores and other key areas.

Communal access points are recommended to be to BS6375 as listed below to allow effective communal access security for residents. Individual flats are recommended to have alarm systems to BS7958 in the event the communal access points are compromised.

CCTV coverage of the vehicle access points is recommended to include number plate recognition capability, and at communal door entry points the ability to capture facial recognition is recommended. Appropriate Data protection signage would be required.

Cycle storage facilities are recommended for CCTV coverage and any other vulnerable areas. Recording capability is recommended to be on site in a secure area without general public access. Consideration of off-site real time monitoring could be achieved using the Leicester City Council control room or appropriately approved private provision. Park Mark accreditation is recommended to maintain standards and deter potential offenders from accessing the car parking or cycle storage areas within the new development.

Also, pedestrian walkways are recommended to be included. In this case I do recommend consideration of CCTV prior to occupation as the level of occupancy would offer greatly improved levels of security for residents and their visitors should this be in place. Also, the system would deter potential offenders from committing crime within the site if CCTV was supported by effective illumination. Off-site monitoring of the CCTV system should be considered with the use of a communal alarm system which has a personal attack capability only by wall mounted activators. Individual flat alarms are recommended to BS7958.

A Section 38 Agreement is recommended at the nearest Lamppost to the Little Holme Street entry point to allow consideration of CCTV at that point should it be required externally to view the vehicle and pedestrian entry point in this area.

Lighting is recommended to be to BS5489 at the entry points as well as across the remainder of the site including pedestrian walkways. There are no permeability issues due to the single vehicle entry point to this site and the advantage of a single vehicle entry point.

Foliage at ground level to the front is recommended to be to 1m with trees trimmed to have no foliage lower than 2m. This will allow a 1m field of vision. Wheelie bins and Cycle storage are recommended to be secured in appropriate stores to avoid criminal use to climb into areas, remove property in or to ignite.

General Recommendations

Door sets will be to PAS 24 (2022), which is now included in building regulations for doors and windows. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems.

Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also, BS EN 50131 and PD 6662 in relation to wired systems. It is also recommended consideration be given to Secured by Design accreditation as a deterrent to potential offenders and to provide effective security for residents.

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Lampposts at vehicle entry points recommended to have electrical spur to allow power supply for CCTV. (Section 38 Agreement Recommended)
5. Natural surveillance is possible via ground level foliage trimmed to 1m high. Trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
6. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
7. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
8. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
9. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.
10. Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.
11. Consideration of Safe Routes through open space and walkways should take account of the use by women and girls.

Environment Agency

Flood Risk

The original Flood Risk Assessment submitted with the planning application did not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA did not therefore adequately assess the flood risks posed by the development. In particular, the FRA failed to demonstrate how the reception area and other areas below 55.64mAOD would remain resilient during the design flood.

The flood risk assessment during the determination period was updated to address this comment. The Environment Agency subsequently confirmed that the proposal will meet the NPPF's requirements in relation to flood risk and a planning condition should be included requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and the submitted Landscape Strategy Plan.

Protection of controlled Waters

The report 'Phase I Geo-Environmental Report', Ref.: MAN.160.001.GE.R.001.A' detail's the proposal, including previous historical use, geo-environmental settings, and associated risks. Previous contaminative use of the site poses potential risk from metals/metalloids and chemicals associated with previous work activities. These constitute potential sources of contamination to groundwater. In addition, the Old River Soar is located approximately 26 m east of the site. This will therefore require that a full assessment of the risks to controlled waters be undertaken.

The exploratory hole records indicated that the site is underlain by extensive made ground, relatively low permeability Alluvium deposits and Mudstone. This suggested surface water drainage is unsuitable for use with infiltration, SUDS infiltration or soakaway. In addition, a site-specific piling risk assessment will also be required to be undertaken to ensure that no creation of preferential pathways occurs during the piling works.

Overall, the Environment Agency consider that planning permission could be granted for the proposal as submitted if planning conditions are included relating to the following:

- Submission of a remediation strategy to deal with the risks associated with contamination of the site and a verification report demonstrating the completion of works set out in the approved remediation strategy.
- Control of piling or any other foundation designs using penetrative methods.
- Controls relating to contamination not previously identified.
- Ensuring no infiltration of surface water drainage into the ground via SUDS or soakaway on land affected by contamination is permitted other than with the express written consent of the local planning authority.

Without these conditions, the proposal poses an unacceptable risk to the environment and the Environment Agency would object to the application. The Environment Agency have also recommended a series of informatives be attached to any subsequent decision notice (which are included at the end of this report).

Local Lead Flood Authority

The site is located within Flood Zone 3a. The fluvial flood risk (from Main Rivers) in this zone is between the 1 in 30 year (3.3%) and 1 in 100 year (1%) annual chance event. Therefore, the site is considered 'High' risk to fluvial flooding. The site is at 'Medium' risk to the impacts of pluvial flooding (from surface water), which means the pluvial flood risk is between 1 in 100 year (1%) and 1 in 1000 year (<0.1%) annual chance event. There is a modelled surface water flow route along Little Holme Street and New Park Street. Measures in the form of Flood Resilience Measures (FRM) should be integrated to address this flood risk.

The site is within a Critical Drainage Area (CDA), CDA's are the catchments associated with the modelled pluvial hotspots found in the 2012 Surface Water Management Plan (SWMP). Measures in the form of Sustainable Drainage Systems (SuDS) are required to limit surface water volumes and discharge rates. Below ground attenuation tanks are proposed within the Below Ground Drainage Strategy (ref: Issue P02 – 23rd June 2023) and it is also outlined within section 5.8 of the Design Addendum that soft landscaping, planters, permeable paving and green roofs have

also been proposed within the development. The use of these SuDS measures will need to be confirmed through condition.

The total site area has been defined as 0.46ha (4,468m²). Within the Below Ground Drainage Strategy (ref: Issue P02 – 23rd June 2023) it is stated that the existing site is entirely impermeable (hardstanding) and it is understood that the entire site is to remain as impermeable as proposed.

The site is considered Brownfield and to comply with Leicester City Council's Strategic Flood Risk Assessment (2022), a 50% reduction of current surface water runoff/discharge rates is required. The development should aim to achieve the Greenfield runoff rate of 5l/s/ha, where practically possible. It has been stated within the Below Ground Drainage Strategy (ref: Issue P02 – 23rd June 2023) that the proposed surface water discharge rate will be restricted to 2.2l/s. This will provide a minimum of 95.8% betterment on the existing surface water runoff rate.

The lifetime of the proposed development has been outlined as 100 years within the Flood Risk Assessment (ref: 21-340-60-030-02). Therefore a 30% climate change allowance for peak river flow has been included and 40% climate change allowance for peak rainfall intensity has been included within the Below Ground Drainage Strategy (ref: Issue P02 – 23rd June 2023).

The LLFA has no objection to the proposal subject to the inclusion of conditions requiring submission of additional detail relating to SUDs, drainage, construction method and emergency flood planning.

Better Buildings (Sustainability)

Following the submission of the application, a number of items were raised in relation to sustainability, most notably on the following:

- Further consideration was required in relation to internal daylighting in particular the inclusion of windowless shared spaces on the first and fifth floors.
- Further details were requested in relation to the proposed heating controls to be fitted and whether the use of natural ventilation or heat recovery within the ventilation system.
- Further details relating to the extent of solar photovoltaic panels.
- Consideration given to whether demolition of the existing building can be avoided (as demolition and construction generally has a much higher carbon footprint than the re-use of existing buildings).

An updated Sustainability Design and Construction Statement was provided during the determination period addressing the above points. The proposal is acceptable from a sustainability perspective subject to the imposition of a planning condition requiring approval of full design details of on-site installations to provide energy efficiency measures.

Pollution (Noise)

Following a review of the acoustic report by MACH Acoustics Ltd ref 1804 and the note about the overheating assessment, provided all the recommendations are installed as per these documents, there are no objections.

Arboriculture

There are no objections to the plans and tree removals. The mitigation planting is acceptable and there are no objections to this proposal. Although, as trees on Council land require removing to facilitate a fire escape route, the contractor will need to contact the city council to either use the Council's trees teams to carry out the works or to find out what documentation is required to have an outside contractor carry out the works.

Waste Management

Concerns have been raised in relation to the size of the bin store as it is not large enough for a once-a-week collection that would be undertaken by Leicester City Council (LCC). However, the applicant has stated that a private waste collection service will be used for the site, which mitigates the issues that could arise as LCC would have no responsibility for collection. The planning permissions would need to include that a private collection is the only option for the property.

Health and Safety Executive (Fire Safety)

The fire statement states that the adopted fire safety design standards are British Standards 9991 and 9999, and Approved Document B. HSE has assessed the application accordingly.

Initial concerns were raised by the HSE following submission of the original proposal. Following a review of the amended proposal and the updated fire statement, the Health and Safety Executive is content with the fire safety design, to the extent that it affects land use planning. Drawings appear to show that the means of escape from clusters lead via corridors containing studio flats (for example the north east cluster on the fifth floor). The adopted fire safety design standard, BS9991, states: "*The cluster should be lobbied from any staircases serving the building (i.e. a protected lobby should be formed between the cluster front entrance door and the stair door)*". Accordingly, the clusters should be lobbied from the staircases. In this instance, however, the resolution of this matter is unlikely to affect land use planning considerations. This will be subject to subsequent regulatory stages.

Drainage (Severn Trent)

Foul and surface water is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval (in line with the Water Industry Act).

Planning Practice Guidance and section H of the Building Regulations 2010 detail the surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public surface water sewerage system is considered.

An informative is suggested given the location of the public sewer within the site.

Leicester, Leicestershire & Rutland Integrated Care Board (ICB)

Housing/flat developments result in a population increase of patients and therefore put additional pressure on healthcare services and the infrastructures those services are delivered from. On the basis that there would be an expected minimum of 466 patients looking to occupy the development, the ICB seek developer contributions to help

mitigate any increased pressures arising from increased patient demand. As the development is student accommodation, it is expected that those patients will not necessarily be local resident and new population attracted by the University.

Due to the location of the development, there are a number of healthcare services / GP practices that could be impacted by increased patient registrations. GP practices are usually the first point of contact impacted by new housing developments due to new patient registrations. The ICB therefore seek Section 106 funding to help support and mitigate that impact and would look to invest in current healthcare facilities.

GP Practices are contracted to provide healthcare provision for its registered patients. A practice is not able to refuse registration of new patients unless they have gone through a rigorous process and have been given approval to have a 'closed list'. Such cases are very rare and Leicester, Leicestershire & Rutland (LLR) have 2 out of 130 practices with a closed list. Any increase in patient registrations at a practice impacts a GPs clinical capacity and adds to their need of increasing that capacity. Section 106 healthcare contributions are being requested to support that increase and improve primary care services for the area. Due to the length of time applications can take to reach formal approval, and Section 106 funds agreed and secured, LLR ICB will agree at that point as to where the funding is best placed. The Estates team welcome early engagement with the council to ensure the S106 agreement contains the right level of detail.

The contribution requested would be £70,347. The ICB have considered student will be at university for 9 months of the year which is worked out at 75% of the total cost. Even though students study for 3-5 years, there will continuous rotation of students coming into the university and therefore registering at the GP and local healthcare services. The ICB would also like the council to carefully consider the developer occupancy trigger points and have the opportunity to review the S106 agreement ahead of signing. Primary Care is experiencing significant capacity issues in relation to its premises and would need to increase access to facilities to meet the needs resulting from this development. Therefore both the ICB and the practice would wish for any contributions to be released prior to first occupation.

Historic England

The proposal comprises the demolition of an existing warehouse and construction of a six and seven storey student accommodation building with an associated two storey building to house plant. Historic England understands that the design of the proposal has been revised following comments from the LPA, including a reduction in the maximum height from 11 storeys.

The application site falls within the setting of a number of designated heritage assets, including the scheduled site of Leicester Castle, Castle Conservation Area, and multiple listed buildings.

Significance of the Designated Heritage Assets

From the east bank of the canalised River Soar, the land rises towards the core of the modern city of Leicester. It was on here with a commanding view across and downriver that Leicester Castle was established in the 11th century, on part of the earlier Roman town defences. The castle's role as a premier administrative centre adapted continuously over the medieval and post-medieval periods, and this is reflected in the evolution of the Grade I listed County Court building from the castle's great hall. The wider site of the castle is designated a scheduled monument in recognition of its

national importance.

Leicester castle sits within the Castle Conservation Area. There are a number of views from and through the conservation area that contribute to its character and appearance, and how it is experienced. This includes a view westwards from Castle Street towards Westbridge Place which is noted in the Castle Conservation Area Character Appraisal.

Impact of the Proposed Development

The application site sits within an area of relatively low-level structures, reflecting its development as a mainly residential area outside of the core of the city. The proposed six and seven storey structure would be prominent in the skyline in the context of the surrounding townscape and likely, when moving through it.

The provided Heritage Impact Assessment (HIA) and Townscape and Visual Impact Assessment (TVIA) include some visualisations, however in our view these are limited, including regarding views from within and towards the castle site across seasons, and important views from within the conservation area. Notwithstanding this, we would note that assessment of setting should account not only for static views, but also the way that a heritage asset is experienced and understood within its landscape context. This might include historic routes and approaches that reflect how they have historically been appreciated.

While a degree of consideration has been given to how some listed buildings may appear in views together with the development, the potential impact that the proposal might have on how the castle site is experienced within its setting, and on the ability to understand its relationship to the physical and historic social landscape, is not clear.

On the basis of the information available to date it appears that the proposal would be visible from the castle site in some views, including intervening to a degree in commanding views from the top of the motte. This would be particularly evident in winter when existing vegetation would be less abundant. It is likely therefore that the proposals would result in a low level of less than substantial harm to the significance that the scheduled and listed castle site derives from its setting.

The site also sits within an area of high potential for archaeological remains dating to the Roman and medieval periods, as indicated by the provided archaeological desk-based assessment (Cotswold Archaeology, January 2022). Such remains have potential to contribute positively to our understanding of Roman activity at Leicester and form part of the castle's archaeological setting. Such remains are likely to be damaged or removed during the construction of the proposed development, including engineering activities associated with the installation of its foundations. The damaging or loss of archaeological remains that contribute to our understanding of the castle site would result in a degree of harm to its significance.

Policy Considerations

Historic England's advice is provided in line with the importance attached to the significance and setting of designated heritage assets as set out in the NPPF 2023 and our Historic Environment Good Practice Advice in planning guidance.

Paragraph 194 of the NPPF states that local authorities should require applicants to describe the significance of any heritage assets affected by their proposals, including any contribution made by their setting, in a level of detail sufficient to understand the potential impact of the proposals on their significance.

Paragraph 195 of the NPPF requires local authorities themselves to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting, taking into account any necessary expertise, in order to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197(c) requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraph 200 NPPF states that any harm to the significance of a designated heritage asset (from development within its setting), should require clear and convincing justification.

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 (paragraph 202).

Paragraph 203 details 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.

Historic England's Position

Historic England advise that in determining the application your authority would need to be satisfied that it has sufficient information with which to understand and assess the impact of the proposal upon the significance of those heritage assets that have the potential to be affected by the proposal, pursuant to paragraph 194 of the NPPF.

On the basis of the information available, we consider it likely that the proposals would result in a low level of less than substantial harm to the significance that the castle derives from its setting, as set out above. Notwithstanding this, we would consider that the proposed six and seven storey heights would be the maximum that the site could accommodate.

We advise that your authority is guided by the detailed advice of your Archaeological Adviser with respect to the detailed requirement for investigation of, mitigation of impact to, and treatment of any non-designated archaeological remains within the development site.

In determining the planning application, your authority should seek further advice from your conservation and urban design officers.

It will then be for your authority to weigh all planning considerations and our advice above in determining the application, in line with Government legislation, policy and guidance concerned with the historic environment.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed

in order for the application to meet the requirements of paragraphs 194, 195,197(c), 199, 200, 202 and 203 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, respectively.

Representations

Nineteen representations were received on this application, twelve objecting to the proposal, four supporting and three offering comments. The reasons for objection are summarised as follows:

- More student housing is not required.
- There are way too many student schemes being put up when the demand is exaggerated, and nothing is being done to promote new home developments. No justification has been provided to show that there should be a removal of much needed employment space.
- The application should be brought to committee to discuss how student accommodation developments help the city's needs over the next 10 years.
- Too many student developments are in this area of the city. They operate differently and have different habits to typical private residents. They are extremely noisy, whilst the city is busy during term time it very quiet during summer and Christmas. It doesn't help the actual people of this city who love and care for it. We need proper housing in the city, not small student lets.
- Concerns over traffic issues causing a loss of business and blocking the road for customers and suppliers.
- An inadequate noise assessment has been undertaken and part of the noise surveys undertaken were on a night where no live events were taking place at the 2 Funky Music Café. A revised noise assessment should be undertaken with active consultation from the venue operator so that survey findings represent late night sound-system output.
- The application has not given adequate consideration to NPPF paragraph 187 (the Agent of Change policy).
- The Noise Assessment completely disregards any source of noise that would originate from nearby business premises.
- The application proposals as represented do not account appropriately for existing operations in area, nor is it considerate of the significant disruption that will arise to them.
- The site has a clear employment use and is, for all intents and purposes a substantial and highly functional employment premises which is considered attractive to the employment land market.
- The location of the proposal and the brutalism of its form in the landscape in an otherwise historic setting of the utmost significance will undeniably cause harm to the significance of existing heritage assets.

The reasons for supporting the proposal are as follows:

- The whole site is now in need of a major upgrade. It is considered that the artist impression of what the final construction might look is very modern and much in keeping with the new developments already within the area.
- Proposal a great opportunity for this city's growth especially the increase sight of land sculptures developed around the urbanisation of Leicester.
- Proposal represents a potential for our city to undertake a healthy course of growth & attraction for our city. The new studio flat planned in the architecture 3D Modelling is beautifully suited.

Comments raised on the proposal are summarised as follows:

- The city needs housing for working people. Not housing for students 7 months of the year.

2 of the representations were from LCC councillors. Comments were raised on the application, both objecting to the proposal:

- *Cllr Clarke* – Concerns relating to over-development, scale, massing, transport, loss of employment space, biodiversity, climate and the suitability of the site given existing uses of adjacent sites. Primary objection focuses on policy CS18 and the impact on listed, locally listed heritage assets and the Castle Conservation area. Concern that the HIA glosses over the fact that it relies on the screening of mature, dense tree coverage to mitigate the impact of this proposed development.
- *Cllr Russell* – Significant overdevelopment in an area that is already struggling with traffic and identifiable green space. There is little sense of how this impact on the existing local community could be mitigated.

The proposal was discussed at the Conservation Advisory Panel (CAP) meeting on 19th July 2023. No objections were raised. The Panel felt the amended proposal was a significant improvement on the initial proposal. The reduced scale of the building and revised design, notably the curved elements, represented a positive design development and addressed the previous harm identified to surrounding heritage assets. Upon a more detailed examination, the Panel noted the quality of the existing building and felt it was a good example of a late 20th century factory which can be attributed to a notable architectural firm. A request for a building recording survey to take place prior to demolition was made.

Consideration

Principle of Development

The site is designated in the saved local plan as part of saved policy PS09 (Potential Development Areas, map reference 10 St. Augustine's Road. The policy states that *"Where residential development is proposed as a priority or subordinate use, an appropriate living environment needs to be provided, which includes safe and convenient access to the development."* PS09 (10) sets out priority land uses for this area as being residential, community facilities, waterside activities and moorings with subordinate land uses being offices, major leisure, pub/restaurant and hotel.

The Core Strategy is supportive of residential development on the site. Core Strategy policy CS01 (Location of Development) identifies that 54% of residential development is to take place within the Strategic Regeneration Area (SRA) (which the site is located within). CS04 (Strategic Regeneration Area) highlights that the SRA 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 the existing communities. New development must be coordinated, complementing and building on delivery programmes and Supplementary Planning Documents. CS06 (Housing Strategy) states that proposals for Purpose Built Student Accommodation (PBSA) will normally be accepted if they meet identified needs, are well designed and managed, can be well integrated with local built form and existing communities, and are within walking distance of the main campuses.

The site is proposed for allocation in the Draft Leicester Local Plan (2023) as part of a non-strategic development site (site number 15, Land to south of St Augustine Road/west of Duns Lane). The emerging draft local plan identifies the site as potentially being acceptable for residential development (subject to meeting other emerging policy requirements) albeit for a capacity of 44 dwellings which is less than identified in the proposal that is the subject of this application.

Currently Leicester City does not have a five-year housing land supply. I consider that the proposal would represent a significant contribution to meeting the City's five-year housing land supply.

Regarding the proposal's suitability for student development, the adopted Student Housing SPD identifies the criteria that any new student accommodation must meet. I have addressed below how the proposal addresses the criteria set out in the SPD

- *A. The development meets an identified need for the type of accommodation proposed* – The application is supported by the required Student Market Demand Report (Cushman and Wakefield December 2021). The report concludes a strong demand for student accommodation (particularly from International and Post Graduate students), a lower-than-average student to bed ratio (but still indicative of demand and relatively poor existing provision, especially in respect of the quality of accommodation available) and a large proportion of current students still living in House in Multiple Occupation (HMO) accommodation. If student numbers continue to increase as forecasted, rental growth will continue to be strong but further purpose-built accommodation will release HMOs back into the market. Taking this into account, it is thus considered that Criteria of the Student Housing SPD is satisfied.
- *B. Development is within reasonable walking distance of the two university campuses* – The site is approximately 0.4 miles (9 minute walk) from De Montfort University which is considered reasonable. and 1.6 miles (34 minute walk) from the University of Leicester.
- *C. The scale of the development, including height and massing of the buildings, should be designed to not adversely conflict with adjacent properties or the general residential environment of the surrounding area* – This criteria is addressed in more detail below in the 'Urban Design' section. Overall the design of the proposal is considered acceptable.
- *D. When considered with existing nearby student housing provision, the development should not have an unacceptable cumulative impact upon surrounding residential neighbourhoods* – The site is in proximity to the existing student accommodation located along Western Boulevard but it is considered that there is sufficient physical distance between the application site and the nearest next private student accommodation (Code or Unite Students – Newarke Point) so as to avoid forming an undue concentration in the locality.

- *E. The layout, standards and facilities provided in the development ensure a positive living experience* – This criteria is addressed in more detail below in the ‘Living Environment’ section. Overall, the layout, standards and facilities of the proposal are considered acceptable.
- *F. Appropriate management is in place to minimise potential negative impacts from occupants or the development on surrounding properties and neighbourhoods, and to create a positive and safe living environment for students* – This criteria is addressed in more detail below in the ‘Residential Amenity’ section. Overall, the proposal will secure a positive and safe living environment for students.

In summary, the proposal accords with the criteria as set out within the adopted Student Housing SPD.

I consider that the principle of development is acceptable, subject to consideration of other main issues including urban design, residential amenity, flood risk and drainage, built conservation, land contamination, access/highways, sustainability, ecology waste and archaeology. These are all considered in more detail below.

Urban Design

Policy CS03 of the Core Strategy talks about designing quality places. It requires developments to be designed well and to contribute positively to the character and appearance of the local natural and built environment. Development should also respond positively to the surroundings and be appropriate to the local setting and context and take into account Leicester’s history and heritage.

New development should achieve urban design objectives detailed under the following criteria:

1. Urban form and character;
2. Connections, movement and inclusive design;
3. Public realm and open space;
4. Protect and where appropriate enhance the historic environment; and
5. To ensure high design standards and good place making, all proposals for 10 or more dwellings must demonstrate how they have been designed to meet Building for a Healthy Life standards.

Section 12 of the NPPF (Achieving well-designed places) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Paragraph 41 of the National Design Guide (NDG) states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. Paragraph 42 goes on to state that well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it.

Discussions on the original proposal

Following submission of the original application, a number of significant concerns were raised on the initial proposal in early 2023. These were as below:

- The initial proposal had both significant mass and scale that cannot be contextually justified and would not make a positive contribution to the character of the area, and moreover, would be harmful.
- Elements of the initial proposal would be considered a tall building in the Leicester context and the justification for this is poor and oversimplistic.
- In the emerging Local Plan evidence documents, this area is not identified as a location for tall development. There is a significant risk from the proposal would cause harm to the wider townscape.
- The applicant stated throughout the DAS that the initial proposal made a positive contribution to the area and provides regeneration benefits and yet it provides no notable benefits beyond the red line of the site, for example enhancing the public realm and pedestrian and cycle connections.
- The amenity of future residents would be poor. The quantum of external space was very limited given the number of bed spaces proposed. Additionally, a significant proportion of the homes experienced separation distances of 12m which is not comparable to other high density schemes in the city and can be justified.
- The appearance of the building was not considered to mitigate for the significant mass and scale or to provide a level of quality required for a building of such prominence.
- The proposal was considered to be contrary to CS03, NPPF Section 12 Achieving Well Designed Places and the National Design Guide, which is now very clear on defining the characteristics of well-designed places, expanding upon the NPPF, and is a material consideration.

The applicant considered these concerns and provided a revised set of plans in July 2023 with the aim of addressing these concerns. Key changes made to the design in the amended proposal were as follows:

- Reduction in maximum height of development by 12m to a revised maximum height of 23.48m (78.825m Above Ordnance Datum). This results in a development at primarily 6 storeys, but with a central element at 7 storeys to break up the roof line of the building.
- Reduction in the height of Block D to a single storey element (now comprising just plant/cycle parking/bin storage etc.).
- Reduction and softening in the mass of the built form through increased separation distance between the wings of the building along the east elevation. The introduction of curved elements to this elevation also helps to soften the appearance of the building along Little Holme Street and in passing along New Park Street.
- Improved elevation design and articulation with improved building proportions and rhythm, including use of deep recesses along the west elevation and recessed window headings.
- Improved street frontage through provision of a 3.5m set back of the building line from the road on the south façade (New Park Street).
- Increased public realm along New Park Street, and improvement to quality through removal of building overhang.
- Improved soft landscape proposals with increased planting within courtyards.

The amended proposal has significantly reduced in mass and scale, the western block has been removed and improvements to the built form have been undertaken. A

Design Addendum has been submitted which helpfully outlines the changes. The following considerations relate to the amended proposal.

Scale: Height

The proposal is 23.48m at its highest point but has a predominant height of 6 storeys at 20.55m. This is below 24m and therefore would not be considered 'tall for Leicester' for the Central Development Area (CDA). However, this area is not located within the CDA. The site is located within the CDA Fringe where a height of 18m and above could be considered 'tall'.

The development does have a predominant height exceeding 18m, which would be considered 'tall' for the CDA Fringe but having considered the transitional character of the site (as opposed to primarily 2 storey residential areas) the requirements to address flood risk and reduce the visual impact of the plant (which adds 2.4m to the overall height) and the AVR's and the 3D model I consider this to be acceptable in order to balance the required quantum for the proposals to be viable and the townscape context.

On review of the AVR View 04 from Western Boulevard it is clear that the revised proposal is much improved. Whilst the initial proposal was clearly not acceptable the amended proposal is higher than the surrounding area but not in a way that is considered substantially harmful to the heritage and townscape.

Scale: Massing

The mass of the proposal is acceptable. The design, with a north to south block with adjacent 3 wings forming an 'E' and curved edges to the wings 'softens' the mass of these sections of the buildings. The gaps between the wings are acceptable and the articulation of the proposal reduced the 'bulk' of the original proposal. In addition, the differences on materiality of brick and cladding help to break down the mass of the long north south block, with a further 6th floor set back to this block. The western block comprises a 'two-storey' building which is more acceptable.

In terms of the curved wings it is essential that the curves remain as proposed as I would consider them to be a crucial design aspect that supports the acceptability of the proposal and contributes to the higher quality. Any consequent change with regards to faceting or 'squaring off' the curves would be resisted.

Layout: Connections (ease of movement, legibility), Urban Grain (arrangement of blocks, continuity and enclosure, frontages and thresholds, delineation of public and private space, legibility)

Initial concerns were raised in relation to the connection between the site and the surrounding area. In order to overcome these, discussions have taken place regarding section 106 contributions to improve the cycling infrastructure and public realm adjacent to the site which will assist in improving the environment adjacent to the proposal and improving connections. These contributions are required for the proposal and will assist in addressing this issue (more detail is provided below in discussing the highways merits of the proposal). I also note street interfaces to provide a more generous and welcoming edge to the surrounding streets, particularly along Little Holme Street.

In terms of the external amenity space this is appropriate. In particular the two spaces on Little Holme Street, which are larger and will provide useable spaces for sitting. Clearly the substantial reduction in the height of the western block from the original

proposal and the reduction in height across the development will improve the level of sunlight experienced in these.

Character

The proposal provides clear design principles and aims to secure a quality development and additionally it does provide a different character, in an area which has a diversity of building styles and materials, which will contribute positively if executed well.

Appearance: Details and Materials

Information has been provided with the amended proposal included bay studies, 1:20 sections and more details on the materials proposed. The approach taken to the appearance of the amended proposal is welcomed and it is much improved from the initial proposal.

Given the reduction in scale, a more simplified, uniform, homogenous approach to the appearance is appropriate. The need to increase the level of articulation to mitigate for mass is also now not as great. That said, the 1:20 sections clearly show reveal depths of 350mm+ to the lower floors to the brick elevations and approximately 200mm to the upper floors. Additionally, there are variations in reveals depths to window headers and 'projecting' soldier courses which will add articulation and variation to give some richness. The elevations that are clad will also provide reveal depth of approximately 200mm. The design of the 2 storey plant building is simply designed with a cladding envelope and is complementary.

The materials proposed to be used are set out in the design principles document provided as part of the application. The materials are predominantly brick and cladding. They are acceptable and the quality of the brick, tone, face and the multi variation in tone is welcomed.

The stated commitment to quality materials and detailing is welcomed. It is important that the details and materials proposed are delivered and it is important that there is no reduction in quality of the materials post determination in line with NPPF para 135. Planning conditions are required to ensure a sample panel is constructed and approved and to finalise the materials specification.

Landscape and Quality of Public Realm

The landscape strategy provides the basis for future landscape proposals but further detail should be provided prior to commencement of development relating to:

- Further detail on how landscape areas will be accessible including the seating types to be used and the heights of tables (to ensure these are accessible to wheelchair users).
- Final details of boundary treatments.
- The material types to be used for hard landscaping.
- The planting specification to be used.

A planning condition is required to secure this information.

Design Summary

As set out above, significant amendments have been made to the design of the proposal during the determination period, including a reduction in height across the proposed buildings, improvements to the massing and the reduction in height of the

development block to the west. Therefore, the proposal is considered acceptable from a design perspective and accords with the Section 12 (Achieving well-designed places) of the NPPF and Policy CS03 of the Core Strategy.

Building Conservation

Core Strategy Policy CS18 (Historic Environment) highlights that the Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. In addition, within regeneration areas particular importance will be given to the integration of the historic environment with new development. Section 16. Conserving and enhancing the historic environment of the NPPF, paragraphs 194, 195, 197(c), 199, 200, 202 and 203 are of particular relevance in considering the merits of the proposal.

The site does not contain any designated heritage assets, nor are there any designated heritage assets in the immediately adjacent area. The scale of the proposal in terms of its height and massing means that the settings of heritage assets further away from the site might be affected. The primary area of interest is the Castle Conservation Area and its environs. This area contains a Scheduled Monument and a number of statutorily listed buildings that have group value and potential sensitivity to larger scale developments nearby. Additionally, there is a small number of individual listed buildings that lie outside the Castle Conservation Area whose settings could potentially be affected by the proposal.

Historic England have provided a response on the application, advising that in determining this application, the authority would need to be satisfied that sufficient information has been provided to assess the impact of the proposal upon the significance of heritage assets (pursuant to paragraph 194 of the NPPF).

Significantly, Historic England consider the proposal would result **in a low level of less than substantial harm** to the significance that Leicester Castle derives from its setting, but consider that the six and seven storey height of the proposal would be the maximum that the site could accommodate. In setting out my considerations below, I will address the key points that have been raised by Historic England.

No objections have been raised by the Conservation Advisory Panel.

Considerations

As part of the application, a Heritage Statement, Townscape and Visual Assessment and Accurate Visual Representations have been provided. I consider that this information adequately addresses the relevant heritage constraints and meets the requirements set out in paragraph 194 of the NPPF.

The existing building on the site is not of notable historic interest and its utilitarian light industrial appearance is not complementary to the setting of buildings in the wider area. However, the height of the building is modest enough to not impinge on longer distance views that relate to heritage assets in the wider area. I have no objections to their demolition, subject to an appropriately designed new scheme of development.

A range of material has been provided that aids the work of assessing the potential impact of the proposal on the setting of heritage assets located comparatively close to the site, including a series of verified views. In terms of the singular assessment of impact on heritage assets, the proposal would have no significant impact in itself. This

is largely due to the distances between the site and the other heritage assets, intermediate development and topography.

There are a large number of views within more sensitive locations, such as the majority of The Castle Conservation Area where the proposal simply will not be visible. There may be some limited views from the western edge of Castle Gardens or atop the motte, and the latter dynamic does not benefit from robust testing via a verified view. The heritage assessment does provide an assessment of this view using the 3D city model. When considering the initial proposal, it was advised to get clarity on this detail, but the reduction in building heights as a result of the amended proposal gives confidence that the setting impact will vary between very modest and no impact. The existing tree cover and other intermediate development limit visual connections, and this would result in a limited impact on the special significance of the Schedule Monument/Conservation Area.

The proposal would be visible in some views looking across the Grade II Listed West Bridge, and potentially in some views of other infrastructure that has heritage status, such as the locally listed bridge and bridge parapet by Western Boulevard, but the proposal would not cause clear harm to their setting or undermine their significance. The improved building design and materiality, as well as the reduced height of the amended proposal, have enhanced this dynamic. The group of locally listed buildings close to the junction of Narborough Road and Braunstone Gate would have some limited glimpsed views of the proposal at the periphery, but the distances are such that clear harm to their setting would be hard to justify. There is an argument that the domestic scale of properties here would be harmed to some degree by large scale development further to the north, especially if this led to more development of a similar scale, resulting in cumulative impact. However, the reduced scale of the amended proposal has reduced this issue.

Given the limited views of the proposal from the setting of heritage assets, more detailed comments on the elevational treatments and materiality are of limited relevance to the heritage assessment.

One of the recommendations from the CAP meeting on 19th July 2023 was for a building recording survey to take place prior to demolition. However, as the current buildings on site are not formally identified as heritage assets I do not consider it appropriate to request this as part of any subsequent planning conditions.

Summary

I consider that sufficient information has been provided in order to establish the impact of the proposal on the historic environment. I acknowledge the views that have been provided by Historic England. I consider that although some long distance glimpsed views may be possible, the impact on the significance of the heritage asset would not be harmful especially given the reduction in height and mass that has been applied to the design of the proposal during the determination period.

The proposal is considered to be in accordance with the relevant policies and legislation from a built conservation perspective.

Residential amenity

The City of Leicester Local Plan Policy PS10 (Residential Amenity and New Development) states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in

terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport. The section below identifies the key considerations relating to residential amenity.

Separation distance

In terms of the separation distances, there is between 17m and 17.3m between the three wing blocks on the eastern side. This distance is challenging, however, the window locations have been amended from the initial proposal so they are staggered which helps prevent direct overlooking and the amended proposal has convincingly explained the constraints on the site and the difficulty of balancing the urban form, creating an efficient layout, meeting the required number of homes and the maximum separation distances that are achievable given those constraints.

Overall, I consider the separation distances in this location to be acceptable.

Light

Two reports have been submitted as part of the application setting out the impact of the proposal in relation to daylight and sunlight for neighbouring properties and from within the development. The conclusion of each of the reports are summarised as follows:

- *Neighbouring properties* – The assessment demonstrates that the proposal will have a low impact on the light receivable by its neighbouring properties. The proposal sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.
- *Within development* – The assessment concludes that the proposal achieves a high level of compliance with the BRE recommendations. Whilst a small number of rooms do not meet the recommendations, the results are not unusual in the context of an urban location. The proposal will provide the development's future occupiers with adequate levels of natural light.

Paragraph 12(c) highlights that in considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). I consider the impacts of the proposal on neighbouring properties are acceptable. Whilst I acknowledge that a small number of rooms within the development do not meet the recommendations from within the development, overall I consider the proposal to be acceptable. Overall, I consider the proposal acceptable from a daylight/sunlight perspective.

Noise

An initial noise assessment (reference RP 190612 – Little Holme Street – Environmental Noise Assessment, received 07/11/2022) was submitted with the planning application. However, the report was not adequate as it relied on out of date noise survey data that was gathered over too short a time period.

A revised noise assessment was provided in July 2023 (reference 1804 – Little Holme Street, Leicester – Façade Assessment, received on 07/07/2023) that aimed to address concerns raised. The revised assessment focussed on the potential impact of the existing 2 Funky Music Café on the proposal with updated surveys undertaken

between 16th June to 19th June 2023 (including the weekend period). In interpreting the measured noise levels, a further 9dB adjustment was made in the report to all frequencies to represent a worst-case scenario. The report recommended the following, which are integrated into the proposal:

- The façade adjacent to the 2 Funky Music Café integrates a fully sealed façade, with the aim of minimizing the adverse effect of club-generated noise on future occupants. This fully sealed façade and mechanical ventilation will enhance the sound reduction of these façades considerably. The façade will still have openable windows, for times when the club is not in operation and to provide a level of flexibility to occupants, however, the mechanical ventilation will remove the need for cooling through openable windows when the club is in operation.
- Bedroom's spaces (which are particularly susceptible to noise) have been relocated away from the façades having the greatest exposure to club noise. Instead, the kitchen, living room, and dining room spaces are arranged towards the 2 Funky Music Café.
- The TM59 condition is met by utilizing a sealed façade, ensuring that internal noise levels from the 2 Funky Music Café adhere to the BS8233 requirements.
- Windows will provide a minimum performance at 63Hz frequency to meet BS8233 requirements for indoor ambient noise levels in the bedroom.

The Façade Assessment includes a noise map establishing the noise environment in the vicinity of the site (see section 5.1 of the assessment). The main noise sources from the surrounding site include the music venue (2 Funky Music Café) and the surrounding road network. The employment units to the north are not identified as significant noise generating sources.

The City Council's noise environment team has confirmed that the proposal is acceptable from a noise perspective. A number of the representations received on the application raised concerns relating to the potential noise impacts of the proposal. Questions have been raised about the scheduling of the updated noise surveys undertaken as the events at the 2 Funky Music Café were amended on the dates that the surveys were undertaken as follows:

- Friday 16th June 2023 – Lucas D and the Groove Ghetto. Note this event was cancelled.
- Saturday 17th June 2023 – Paragon Presents #001: The Lone Soldier; Shrek Rave;

Despite the cancellation of the Friday event (a jazz and soul event), the "Lone Soldier" event did take place the following day. This event was expected to be the loudest among all events occurring during the survey period as it was a drum and bass event (i.e. music with a heavy bass track). Therefore, I consider that the recorded levels for the "Lone Soldier" event provide the worst-case measurement for the noise environment over the course of the survey dates and that these have been used to determine the appropriate mitigation.

NPPF paragraph 187 sets out that planning decisions should ensure that new development can be integrated effectively with existing businesses and that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established (the 'agent of change' principle). I consider that adequate mitigation has been provided as part of the proposal to address this, provided that a planning condition is included requiring the mitigation outlined in

the updated noise assessment is provided. I therefore consider the proposal acceptable from a noise perspective.

Air Quality

The application site is not within the Air Quality Management Area (AQMA) and therefore concentrations of nitrogen dioxide (NO₂) are not expected to exceed national air quality objectives. The proposal represents a change of use from B2 industry to residential and therefore the creation of sensitive receptors. Where end users are exposed to possible poor air quality, suitable and proportionate mitigation must be applied. The Dust Management Plan (Air Quality Consultants Ltd, ref: J10/14034B/10A/1/F2, June 2023) concludes an overall Medium risk site for these emissions and suggests suitable methods of mitigation in Section 2. The conclusion of the report are accepted in that it is appropriate to request submission of a revised and site-specific Dust Management Plan by condition, once a suitable contractor has been appointed.

The proposal will be a largely car-free development. A large number of cycle bays are proposed, which combined with a resident's travel plan will promote the use of sustainable transport options and bring a local air quality benefit. I have no concerns with the proposal in relation to air quality.

Living environment

The floor area of the proposed cluster flat bedrooms would mainly be between 13sq.m and 15sq.m. Each bedroom would contain en-suite facilities. There would be separate shared living/dining/kitchen areas with floor areas ranging from 55sq.m up to 58sq.m depending on the number of bedrooms it would serve. The provision of a mixture of studio flats and cluster flats is welcomed. The cluster flats provide greater opportunity for occupants to mix with others. The studio flats would be approximately 18sq.m to 22sq.m.

The flats/bedrooms are relatively small; however, this is a proposal for student accommodation. 430m² of communal and social facilities including a break-out space, cinema, laundry and a gym are incorporated into the proposal. This provision would benefit all residents in providing communal activity and break out space. Landscape areas are proposed immediately outside the main building, although the final details of these areas will be secured through a pre-commencement condition. These areas will provide additional areas for communal activity when weather permits.

I am satisfied that the proposal would provide an acceptable level of amenity for student occupants and conclude that the proposal complies with saved Policies H07 and PS10 of the Local Plan (2006) and Core Strategy (2014) Policy CS6.

Archaeology

Core Strategy Policy CS18 (Historic Environment) identifies the need for an archaeological assessment where a proposal would affect a site which is known to contain below ground and low level archaeological remains or thought likely to contain below ground and low level archaeological remains. Groundworks relating to any planning consent will cause significant disturbance that has the potential to damage archaeological deposits on the site.

This proposal is located in an area with known and significant archaeological remains and deposits, and close to a number of nationally and locally designated heritage assets. The Archaeological Desk-Based Assessment provides details of the likely

archaeological value of the site. Given the anticipated use of pile design, careful consideration will need to be given to the impact on any surviving archaeological deposits/remains and suitable mitigation prior to these construction works commencing. The pile design and related construction and services should be informed by the results of an archaeological evaluation.

Adequate archaeological evaluation must be submitted for approval prior to commencement of development to secure the successful implementation of a programme of archaeological works and post-excavation analysis. This will be secured through a planning condition.

Highways and Parking

Core Strategy Policy CS14 (The Transport Network) identifies the need for development to be easily accessible to all future users, including those with limited mobility. It should be accessible by alternative means of travel to the car and promote sustainable modes of transport (such as public transport, cycling and walking).

The site is in a location that has strong active travel and sustainable transport links. The proposal will be car free (aside from four spaces provided for management Staff), which is proposed to be managed through a site management plan that will include information on the drop-off / pick-up arrangements at the start and end of term, the restrictions placed on students with respect to car parking at the site, the initiatives and opportunities available to promote sustainable travel, and a summary of the Travel Plan. The proposal also includes a large cycle storage area in the single storey building to the west of the site with capacity for storage of 170 bicycles. Overall, the proposal will contribute towards the aims of national and local planning policy in terms of promoting sustainable travel.

The proposal will result in a net reduction in the number of vehicle trips on the local highway network from the current use of the site. The proposed development will also result in an increase in the number of active travel trips undertaken locally. In order to ensure the local highway network can accommodate this increase in active travel trips locally, the highways authority have advised that contributions are required to upgrade the existing footpath link from Little Holme Street to A47 St Augustine's Road to safely accommodate cyclist and a reconfiguration of Little Holme Street/New Park Street junction. These contributions will be secured through a Section 106 agreement.

There is an existing area to the north of the Site on Little Holme Street that has a parking restriction (Monday – Saturday, 9.30am – 4.00pm for 1 hour, no return within 1 hour). The submitted plans include for a section of this area to be changed to a single accessible parking bay. A Traffic Regulation Order amendment will be required in order to secure this change. A note to the applicant is recommended to ensure this is identified as a further requirement.

Overall, I am satisfied that the proposal is acceptable from a highways perspective.

Nature conservation

Core Strategy Policy CS17 (Biodiversity) identifies the need to consider the potential impact of development on wildlife and for applications to be accompanied by ecological surveys and assessments of sites to establish the presence or absence of protected species or habitats of particular value prior to any development taking place.

An ecological assessment (Ecology Solutions - June 2023) has been provided which is based upon previous survey work undertaken in May 2019 and January 2022 but

has since been updated with a site walkover in June 2023. The report identifies no significant changes from the original surveys which confirmed the unlikely presence of protected or priority species within the development area.

However, the assessment does note that existing trees do provide limited nesting opportunity for birds and all wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time. As some trees will be removed as part of the development, the report recommends in Section 7.7 (Page 22) that *'The removal of any trees will therefore be undertaken outside of the breeding season or, alternatively, checks will be undertaken by an ecologist prior to commencement'*.

Further to this, if any nests or birds in the process of building a nest are found, these areas must be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone must also be marked out to avoid disturbance to the nest whilst it is in use.

This advice must be followed to comply with aforementioned protective legislation.

Achievement of Biodiversity Net Gain (BNG)

In accordance with the NPPF, the Local Planning Authority would find the proposed development acceptable if opportunities for securing measurable net gains for biodiversity are identified and pursued. The associated ecological assessment identifies potential impacts upon local biodiversity; including the loss of several trees along with suitable suggestions to be carried forward into a landscape plan to mitigate noted impacts and secure BNG.

The Applicant has provided a BNG Report (Ecology Solutions - July 2023) and accompanying DEFRA Metric (version 4.0) which is based upon proposed landscaping detailed by the Illustrative Landscape Masterplan (19-05-PL-201 - The Richards Partnership) provided. Although the provided Plan lacks detail, the BNG Report and accompanying DEFRA Metric confirms that the woodland area to the west of the development will not be affected and that proposed compensatory landscaping will deliver a BNG of 14.78% which is acceptable.

In order to fully demonstrate how the development will meet the proposed BNG, a detailed Landscape and Ecological Management Plan (LEMP) will be required to ensure that all habitats within the site are appropriately established and managed over a period of 30 years. A planning condition is recommended to ensure the LEMP is provided prior to the commencement of development. The Ecological Assessment provided also recommends that the development includes bat and Swift nest bricks as part of the design (Sections 7.6 & 7.7 - Page 22) which should be included. For a development of this scale, it is recommended that 4 x bat integrated bat bricks and 4 x swift nest bricks are included, the locations of which should be determined by an ecologist who should also supervise their installation.

A planning condition is recommended requiring updated protected species surveys to be prepared should the development not commence within 24 months of the date of the last protected species survey (June 2023)

I consider the proposal is acceptable from a nature conservation perspective and complies with Core Strategy policy CS17.

Fire Safety

Due to the scale of the proposal, a fire statement has been provided as part of the application. The health and safety executive have confirmed the proposal is acceptable at this stage subject to approvals through subsequent regulatory stages. I have no concerns relating to the proposal from a fire safety perspective.

Waste storage and collection

Concerns have been in relation to the size of the bin store as it is not large enough for a once-a-week collection that would be undertaken by LCC. However, the applicant has stated that a private waste collection service will be used for the site, which mitigates the issues that could arise as LCC would have no responsibility for collection. The planning permission would need to include that a private collection is the only option for the property. A planning condition is required to ensure a waste management plan is provided setting out the arrangements for private collection of waste.

Subject to inclusion of an informative making it clear that waste management will need to be managed by a private collection company, I consider the proposal to be acceptable from a waste management perspective.

Sustainable Energy

Core Strategy Policy CS02 (Addressing Climate Change and Flood Risk) states all developments must mitigate and adapt to climate change and reduce greenhouse gas emissions. A Sustainability Design and Construction Statement has been provided as part of the application which sets out the measures from a sustainability perspective that will be adhered to during the construction phase and embedded in the design. I consider the proposal is acceptable from a sustainability perspective subject to the imposition of a planning condition requiring approval of full design details of on-site installations to provide energy efficiency measures.

Flood risk and drainage

The site is located within Flood Zone 3a and within a CDA. The LLFA and EA have been consulted and both have confirmed the proposal is acceptable. A Flood Risk Assessment and Below Ground Drainage Strategy Report have been provided, which assesses the risk from flooding and proposes mitigation. I consider the proposal acceptable from a flood risk and drainage perspective, provided planning conditions are imposed relating to compliance with measures set out in the Flood Risk Assessment, SUDs, drainage, construction method and emergency flood planning.

Land contamination and protection of controlled waters

The Phase 1 Geo-Environmental Report submitted with this application concludes that development can be delivered under a suitable planning condition requiring ground investigation under conventional techniques. The report identifies potential future sources of contamination to groundwater. The Environment Agency have identified a requirement for a series of planning conditions that will ensure that any potential risk of contamination of controlled waters is avoided. The Environment Agency have highlighted the potential issue of that infiltration of surface water into the ground via SUDs or soakaway. In finalising the drainage design through discharging conditions recommended by the LLFA (which have been identified above), future developers will need to give full consideration to how this potential issue is managed and set out an acceptable approach to the Local Planning Authority and the Environment Agency.

Subject to the inclusion of the conditions recommended, I am satisfied that the proposal is acceptable from a land contamination/protection of controlled waters perspective.

Arboriculture

An Arboricultural Survey, Impact Assessment and Tree Protection Details report has been submitted as part of the application. The report identifies a requirement to remove 10 no. trees in total to facilitate the proposal, none of which are identified as being of significant value in the report. The proposal includes for a flood escape route, which will require the removal of trees in an area to the west of the site. The agent was asked to confirm what alternatives had been explored to avoid removal of these trees. However, the route that has been proposed is the only one that is available that is outside of flood zone 3a so is the only suitable location. Mitigation planting is proposed as part of the proposal and is set out on the landscape strategy plan. Further detail on the planting strategy will be secured through condition requiring submission of a LEMP. Overall, I consider the proposal acceptable from an arboriculture perspective.

Section 106 contributions

Contributions have been sought towards the following:

- Highways improvements (£70,000)
- Healthcare (£70,347).
- Open space (£288,146.00).

In order to comply with CIL Regulations, information on the potential candidate sites for healthcare investment which might be improved to support the development are required, and the Integrated Care Service has been requested to provide these details.

The s106 requirements have been discussed with the applicant during the determination period and will be secured through a section 106 agreement.

Conclusion

I consider the principle of development is supported by existing local and national planning policies. The proposal would make a significant contribution towards meeting the City's current identified shortage in the 5 year housing land supply. The proposal addresses the key criteria set out in the Student Housing SPD.

The site is located in a sustainable location with good access to existing services, bus provision and cycle routes. The proposal will be marketed as car free with a large cycle store to further promote sustainable travel. Section 106 contributions will further support sustainable travel through improving the local highway network from a pedestrian and cyclists' perspective.

Following extended discussions during the determination period and subsequent updates to the design of the proposal, I consider that the application is acceptable.

The initial proposal had a number of issues from an urban design perspective, most notably that the scale and massing was inappropriate for this location. However, the amended proposal has addressed the urban design concerns and the design represents a scale of development that is appropriate for the local context. The inclusion of curved wings is a positive design change that has been made and the reduction in mass has meant that appropriate landscaping and separation distances have been achieved. The proposal is acceptable from an urban design perspective

and accords with Section 12 (Achieving well-designed places) of the NPPF and policy CS03 of the Core Strategy.

In terms of the impact of the proposal on heritage assets, the proposal would have no significant impact in itself. This is largely due to the distances between the site and the other heritage assets, intermediate development and topography. I consider that sufficient information has been provided in order to establish the impact of the proposal on the historic environment. I acknowledge the views that have been provided by Historic England. I consider that although some long distance glimpsed views may be possible, the impact on the significance of the heritage asset would not be harmful especially given the reduction in height and mass that has been applied to the design of the proposal during the determination period. The proposal addresses Section 16 (Conserving and enhancing the historic environment) of the NPPF and policy CS18 of the Core Strategy.

I consider the proposal acceptable from a residential amenity perspective. I note concerns raised in the representations received relating to the potential noise impacts that future residents could experience from existing noise sources. However, I consider the updated noise report suitably addresses this point provided that the suggested mitigation is implemented. I consider the proposal accords with saved policy PS10 of the Local Plan and that the 'agent of change' principle has been suitably addressed (NPPF Paragraph 187)

The site is within an Archaeological Alert Area. Given the site is currently occupied by a building that is in use, it is not possible at this stage to fully establish the archaeological constraints associated with the site. Planning conditions are recommended to ensure that archaeological constraints are addressed and suitable mitigation is put in place at the appropriate stage during construction.

I recommend that this application is APPROVED subject to the following conditions and a SECTION 106 AGREEMENT/UNDERTAKING to secure contributions towards open space, highways improvements and healthcare provision:

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. All street works shall be constructed in accordance with the Leicester Street Design Guide. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3).
3. No part of the development shall be occupied until secure and covered cycle parking and pool of loan bikes have been provided, in accordance with written details previously approved by the local planning authority. These facilities shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
4. The car parking area shall be provided in accordance with guidance in the Leicester Street Design Guide before the occupation of any part of the

development and shall be retained and kept available for that use. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS03).

5. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved 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: (1) full design details, (2) a timetable for its implementation, and (3) 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). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
7. Prior to the commencement of development, a Construction Method Statement, with consideration being given to the water environment and flood risk management, shall be submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Statement shall provide for: (1) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors; (2) the loading and unloading of plant and materials; (3) a dust management plan; (4) the storage of plant and materials used in the development; (5) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (6) wheel washing facilities; (7) measures to control the emission of dust and dirt during construction; (8) a scheme for storage and management of waste resulting from excavation works (9) the proposed phasing of development and a detailed description of the works in each phase (10) the temporary access arrangement to the construction site; (11) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public (12) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works; (13) 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; (14) 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, PS11 & UD06 of the City of Leicester Local Plan 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).

8. Prior to the occupation of development, an Emergency Flood Plan shall be submitted to and approved in writing by the local planning authority. The Emergency Flood Plan details shall include: (1) details of the flood risk posed to the site and the reasoning for an Emergency Flood Plan; (2) safe access and egress routes from the property and site and the return period to which this will remain 'safe' - describing the safety of the access and egress route using the Hierarchy [13.3] and the UK flood hazard rating [13.7], in accordance with the appropriate approach [13.4] as outlined in Environment Agency's Flood Risk Assessment Guidance for New Development (FD2320) [Section 13; Requirements for Safe Access and Exits]; (3) define the areas of safe refuge for residents and/or users of the development to use if safe access and egress is not possible; (4) location of utility meters and stop taps and procedure for turning off [electricity, gas and water]; (5) consider whether it would be safest for vehicles on site to be moved to areas at lower risk of flooding, and reflect this in the plan as appropriate; (6) include provision for the signing up to the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service – where available for the site; (7) the evacuation procedure, including activation and call off; (8) assembly points (if applicable) – position of assembly points on layout plan, colour and image of sign; (9) the procedure for starting and stopping the emergency flood plan; (10) outline how the site will be reoccupied and made safe after a flood event; (11) responsible person/organisation for implementing flood plan (Risk Owner); (12) how the emergency flood plan will be stored, how it can be accessed by residents, employees or suitable 3rd party's (Local Authorities, Emergency Services etc.) and how it can be obtained (downloaded or physical copy); (13) testing of the Emergency Flood Plan – overview of testing procedure, frequency and training required; (14) procedure for updating emergency flood plan – review period, amendment and version control; (15) emergency contact details – emergency services (999), utility providers (gas, electricity and water) etc. The development shall be managed in accordance with these details thereafter. (To minimise the risk of damage and to ensure the safety of occupants in times of flooding, and in accordance with policies PS10 of the City of Leicester Local Plan and policy CS02 of the Core Strategy).
9. The development shall be carried out in full accordance with the submitted Flood Risk Assessment (document ref 21-340-60, Revision No 05, Received on 17/08/23) and the submitted Landscape Strategy Plan (drawing no.19-05-PL-201 Rev G, created by the Richards partnership, received 11/09/2023) and the mitigation measures they detail, including finished floor levels shall be set no lower than 56.200metres Above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

10. Prior to the commencement of development, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority. This strategy will include the following components: (1) a site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (2) the results of the site investigation and the detailed risk assessment referred to in (1) and, based on this, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and (3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved. (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 developments 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 and paragraph 174 of the NPPF). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
11. Prior to occupation of any part of the development, a verification report demonstrating the completion of works set out in the remediation strategy approved under condition 10 (and the effectiveness of the remediation) shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. (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 developments 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 and paragraph 174 of the NPPF).
12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. If Piling or any other foundation designs using penetrative methods is proposed to be used, a piling risk assessment shall be submitted and approved in writing by the local planning authority prior to the commencement of any development (other than demolition). The development shall be carried out in accordance with the approved details. (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 developments 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 and paragraph 174 of the NPPF).

13. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. (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 developments 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 and paragraph 170 of the NPPF).
14. Prior to commencement of above ground development, full design details of on-site installations to provide energy efficiency measures, including solar PV arrays, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until evidence demonstrating the satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the local planning authority. (In the interests of securing energy efficiency and in accordance with Core Strategy policy CS02).
15. Before the development is begun on any relevant phase, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected not within the root protection area in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
16. Prior to the commencement of development, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing with the local planning authority. This scheme shall include details of: (1) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (2) new tree and shrub planting, including plant type, size, quantities and locations; (3) means of planting, staking, and tying of trees, including tree guards; (4) other surface treatments; (5) fencing and boundary treatments, including details of the entrance gates; (6) any changes in levels; (7) the position and depth of service and/or drainage runs (which may affect tree roots); (8) a detailed plan of the biodiversity enhancements on the site such

as meadow creation and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction; (9) details of planting design and maintenance; (10) details of the make and type of 4 x bat integrated bat bricks and 4 x swift nest bricks under the guidance and supervision of a qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

17. Should the development not commence within 24 months of the date of the last protected species survey (June 2023) then a further protected species survey shall be carried out of all by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated annually and any mitigation measures reviewed by the LPA 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 CS 17 of the Core Strategy).
18. Notwithstanding the approved plans, prior to the commencement of any above ground works, a materials schedule for the development shall be submitted to and approved in writing by the local planning authority in general accordance with the submitted Design Principles document (received 01/09/2023). All materials for use on the buildings and surface treatments shall be provided, including the product and manufacturer specification. (In the interests of visual amenity and character and appearance of the area and in accordance policy CS03 of the Core Strategy and saved policy UD06 of the City of Leicester Local Plan).
19. Prior to the commencement of the development above ground level, samples of the materials to be used on all external elevations and roofs, and the construction on site for inspection of sample panels (size, number and detail to be agreed) showing (but not necessarily limited to) brick, bonding & mortar, window frames, reveals, ventilation panels/louvres and cladding shall be provided and approved in writing by the local planning authority. No works shall be carried out other than in accordance with approved details. (In the interests of visual amenity and character and appearance of the area and in accordance policy CS03 of the Core Strategy and saved policy UD06 of the City of Leicester Local Plan).
20. No groundworks or 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 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; and (7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation (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 significance is advanced; and 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).

21. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 20 above. (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 significance is advanced; and in accordance with Core Strategy policy CS18).
22. 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 condition 20 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 significance is advanced; and in accordance with Core Strategy policy CS18).
23. The development shall be carried out in full accordance with the submitted Façade Assessment (document ref 1804 – Little Holme Street, Leicester – Façade Assessment, received on 07/07/23) and the mitigation measures that are detailed, including the façade treatment adjacent to the 2 Funky Music venue. These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development. (To minimise noise impacts for future residents, and in accordance with the Leicester Local Plan saved policy PS10 and NPPF paragraph 187).
24. The flats shall only be occupied by students enrolled on full-time courses at further and higher education establishments or students working at a medical or educational institution, as part of their medical or education course. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times. (To enable the local planning authority to consider the need for affordable

housing and education provision and to assess floor space standards and the suitability of the accommodation for general residential purposes in accordance with policies CS06, CS07 & CS19 of the Core Strategy and policies PS10 & H07 of the City of Leicester Local Plan).

25. The details of the accommodation approved by this decision are 231 student flats providing 466 bedspaces (201 studios, 2 x 6 bed cluster, 10 x 7 bed cluster, 1 x 8 bed cluster, 12 x 10 bed cluster, 5 x 11 bed cluster). (For the avoidance of doubt).
26. The development shall not be occupied until a waste management plan (in accordance with the submitted waste management plan, reference W0382-0250, issued 29/08/2023) has been submitted to and approved in writing by the local planning authority. The Plan shall include details of:
- (a) location and surfacing of refuse collection point(s) and refuse store(s);
 - (b) signage directing residents/users/occupants to the refuse collection point(s)/refuse store(s) and advising them of contact details for the management company, such signage to be retained throughout the lifetime of the development and updated within seven days when such contact details change;
 - (c) provision for persons with mobility and other limitations to use the refuse collection point(s) and refuse store(s);
 - (d) arrangements for cleaning and maintenance of the refuse collection point(s) and refuse store(s);
 - (e) contact details for any management company responsible for the site; and
 - (f) provision for any change to the management company, or change to contact details for that company, to be advised to the local planning authority within seven days of the change of responsibility or details taking effect.

The development shall not be occupied or used other than in accordance with the approved plan. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).

27. The development hereby permitted shall at all times be managed and operated in full accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the local planning authority before the first occupation of the development. The management plan shall set out procedures for: (i) how the arrival and departure of students at the start and end of tenancies will be managed; (ii) how servicing and deliveries will be managed; (iii) the security of the development and its occupiers; (iv) maintaining the external areas of the site; (v) restriction of car ownership / use of the car parking area; (vi) cycle parking and cycle storage including provision for use of the cycle parking by employees; and (vii) dealing with any issues or complaints arising from the occupiers of nearby properties, including details of how management contact details will be made available to neighbours. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers

in accordance with the aim of Core Strategy policies CS03, CS06 and CS15 and saved policy PS10 of the City of Leicester Local Plan.).

28. Each student on first occupation shall be provided with a 'Residents Travel Pack' details of which shall have previously been submitted to and approved in writing by the local planning authority. The contents of the Travel Pack shall consist of paper and/or electronic information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, details of local car clubs and ride-share facilities, and public travel and cycle discount information. (In the interest of promoting sustainable development, and in accordance with saved policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).
29. Development shall be carried out in full accordance with the following approved plans:
- W0382-0111 Proposed Site Plan (received by the City Council 07/07/2023)
 - W0382-0220 Ground Floor Layout (received by the City Council 07/07/2023)
 - W0382-0221 First Floor Layout (received by the City Council 07/07/2023)
 - W0382-0222 Second Floor Layout (received by the City Council 07/07/2023)
 - W0382-0223 Third Floor Layout (received by the City Council 07/07/2023)
 - W0382-0224 Fourth Floor Layout (received by the City Council 07/07/2023)
 - W0382-0225 Fifth Floor Layout (received by the City Council 07/07/2023)
 - W0382-0226 Sixth Floor Layout (received by the City Council 07/07/2023)
 - W0382-0227 Roof Layout (received by the City Council 07/07/2023)
 - W0382-0320 Contextual Elevations (received by the City Council 07/07/2023)
 - W0382-0321 City Wide Elevations (received by the City Council 07/07/2023)
 - W0382-0327 Bay Elevation 01 (received by the City Council 07/07/2023)
 - W0382-0328 Bay Elevation 02 (received by the City Council 07/07/2023)
 - W0382-0329 Bay Elevation 03 (received by the City Council 07/07/2023)
 - W0382-0330 Bay Elevation 04 (received by the City Council 07/07/2023)
 - W0382-0331 Bay Elevation 05 (received by the City Council 07/07/2023)
 - W0382-0322/A Streetscene Elevations 01 (revision A, received by the City Council 16/08/2023)
 - W0382-0323/A Streetscene Elevations 02 (revision A, received by the City Council 16/08/2023)
 - W0382-0324/A Streetscene Elevations 03 (revision A, received by the City Council 16/08/2023)

- W0382-0325/A Sectional Elevations 01 (revision A, received by the City Council 16/08/2023)
- W0382-0326/A Sectional Elevations 02 (revision A, received by the City Council 16/08/2023)
- W0382-0332/A Plant (Western) Building Elevations (revision A, received by the City Council 16/08/2023)
- W0382-0333/A Bay Elevation - Upper Link (revision A, received by the City Council 16/08/2023)
- W0382-0334/A Bay Elevation - Lower Link (revision A, received by the City Council 16/08/2023)
- W0382-0335/A Bay Elevation - Principle Facade Lower (revision A, received by the City Council 16/08/2023)
- W0382-0336/A Bay Elevation - Principle Facade Upper (revision A, received by the City Council 16/08/2023)
- W0382-0337/A Bay Elevation - Lower Typical Façade (revision A, received by the City Council 16/08/2023)
- W0382-0338/A Bay Elevation - Upper Typical Façade (revision A, received by the City Council 16/08/2023)
- 19-05-PL-201/G Landscape Strategy Plan (revision G, received by the City Council 12/09/2023)

(For the avoidance of doubt).

Notes to 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 and pre-application. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.
2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at: <https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/> 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.
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the

developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk.

4. An accessible car parking pay is proposed to the north of the site (outside of the red line boundary) on an area of existing parking. The costs for the alterations of the existing Traffic Regulation Orders (TROs) in this area should be funded by the Applicant. The average cost of a TRO scheme is currently in the region of £6,000, but this cost may rise depending on the complexity. The Applicant is advised to contact trafficmanagement@leicester.gov.uk to discuss the requirements to enable the TRO to be processed.
5. A surface water pumping system has been proposed within this development. However, pumping systems require ongoing maintenance and in the event of a malfunction could increase flood risk. It is recommended that Severn Trent Water are consulted to determine whether a gravity connection into the public sewer can be made to manage surface water runoff, providing an alternative to a pumping system.
6. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
 - treated materials can be transferred between sites as part of a hub and cluster project; and
 - some naturally occurring clean material can be transferred directly between sites.
7. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
8. The Environment Agency recommends that developers should refer to their:
 - Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - website at www.environment-agency.gov.uk for further guidance.
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011
9. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the

permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500 kg or greater in any 12-month period, the developer will need to register with the Environment Agency as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

10. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600). Please be advised that it is an offence under S174(1) of the Water Industry Act 1991 to intentionally or recklessly interfere with any structure, installation or apparatus belonging to a water undertaker without consent.
11. Based on the approved plans, waste collection for the development will need to be undertaken by a private waste management company given the proposed bin storage is not suitable for the once-a-week collection service offered by Leicester City Council.
12. No infiltration of surface water drainage into the ground via SUDS or soakaway on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Policies relating to this recommendation.

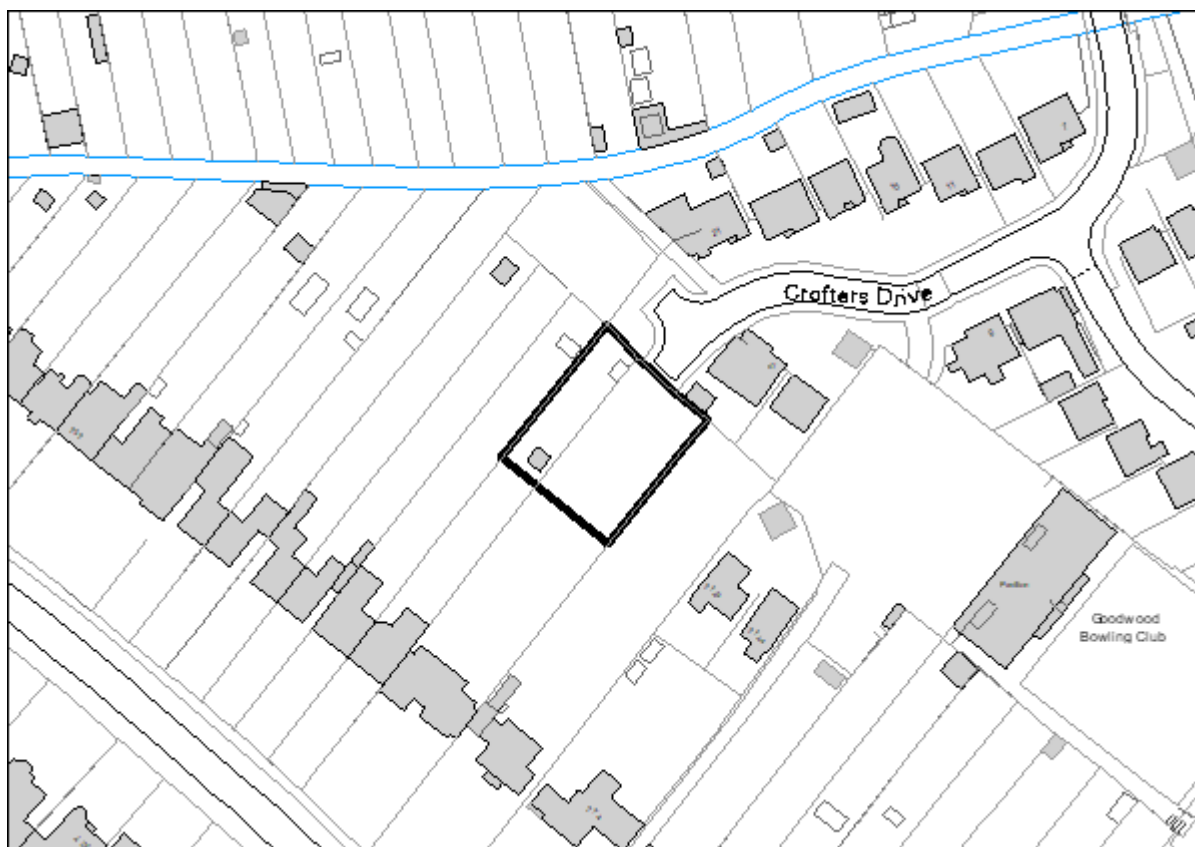
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| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented. |
| 2006_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_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS09	Development, regeneration and refurbishment will be encouraged within Potential Development Areas requiring a high standard of design and sustainable development.
2006_PS09a	Table 1 indicates Priority and Subordinate land uses for PDAs identified inside the Strategic Regeneration Area.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS12	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_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_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_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_CS10	The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
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_CS12	In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
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.

COMMITTEE REPORT

20221467	Land rear of 268-270 Uppingham Road	
Proposal:	Construction of x2 two storey dwellinghouses (2 x 4 bed) (Class C3); associated parking and landscaping (amended plans 28/3/2023)	
Applicant:	Easy Property Group	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	20 April 2023	
SS1	TEAM: PD	WARD: Thurncourt



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Summary

- This application was brought to Committee due to the level of objections and was considered at the meeting of 25/10/2023, where the Committee voted to defer a decision to this meeting and undertake a site visit in the meantime. Former Cllr Gee objected to the application and requested a Committee decision should the recommendation be for approval.

- Objections received from 11 City addresses with main concerns regarding character of the area, biodiversity/trees, highways/parking, residential amenity and drainage.
- Main issues are acceptability in principle, design, proposed living conditions, neighbouring residential amenity, tree protection, biodiversity/nature conservation, highways/parking, and drainage.
- The application is recommended for approval.

The Site

The application relates to the rear part of the rear garden of two dwellinghouses on Uppingham Road. The site is also adjacent to a cul-de-sac at the end of Crofters Drive behind the rear fence.

The site is within a primarily residential area. It is also within an LAAPC 250m buffer site, a critical drainage area and an area at 1 in 1000 year risk of surface flooding.

Background

Both 268 and 270 Uppingham Road have had approved residential extensions however these are not relevant to this proposal which relates to the very rear of the large gardens at the properties.

The housing development to the east i.e., Crofters Drive & Treetops Close was approved in the 1990's:

- 19890602 – Residential Development – Conditional approval
- 19920922 – 23 detached houses (amended plans dated 21/10/92) – Conditional approval
- 19940023 – Substitution of house types on plot nos 1 3-7 9-12 15-17, 19-21, 23, 24 (being amendment to application no 92/0922/5 approved on 24/11/92) – Conditional approval
- 12 detached houses (amendment to application nos 92/0922/5 and 94/00235) (amendments received 18/04/94) – Conditional approval

A pre-application enquiry was submitted at the site in 2020 for 3 houses, 2 semi-detached houses and 1 detached. The response from officers informed the applicant of issues with the proposal including: the appearance of car parking areas at the front; density of the development; loss of green space/ecology; the hard landscaping; the lack of landscape plan; the lack of SuDS proposals; mitigation of existing vegetation loss; separation distances to neighbouring properties; the height of the proposed houses; the size of amenity spaces; the requirement for the M4(2) accessible standard to be met; the size of the parking spaces; vehicles tracking distances; and biodiversity net gain.

An application was submitted and refused for 2 houses: 20211563 Construction of two 2-storey detached dwellings (2 x 4 bed) (Class C3). Reasons for refusal:

1. By reason of the proposed siting, layout and design of the development, the houses would not be visually attractive. The development would appear cramped and would fail to assimilate within its context or maintain a strong sense of place contrary to National Planning Policy Framework 2021 paragraph 130 and Core Strategy 2014 policy CS03.

2. *The proposed dwellings, by reason of their siting and layout, would provide insufficient outlook to the study of the eastern house, the lounge of the western house, insufficient light and outlook to the kitchens of both houses, and insufficient rear amenity space to both houses in terms of its being overshadowed, resulting in inadequate living conditions for future occupiers, contrary to National Planning Policy Framework (2021) paragraph 130, Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).*

3. *There are no appropriate measures in place to retain existing trees wherever possible – both in terms of the significant loss of trees on site and the lack of mitigation of potential harm to trees adjacent to the site - contrary to National Planning Policy Framework 2021 paragraph 131 and saved policy UD06 of the Local Plan.*

The Proposal

The proposal is for the construction of 2 two-storey detached dwellinghouses fronting Crofters Drive.

Appearance and Design of Houses

The dwellinghouses would have the same design and critical dimensions as each other (but, as shown on the streetscene, designed symmetrically to each other at ground floor), measuring 9.5m in depth, 9.2m in width, 5m in height to the roof eaves, and 8m to the roof ridges. They would have pitched roofs.

Plot A would be sited marginally forward of Plot B.

There would be a canopy and square bay window each at the front at ground floor level.

The houses would have red bricked walls including a 'pattern' between windows at ground and first floor, uPVC windows and doors, and red roof tiles.

The houses would also have green roofs on the front canopies and there would be vertical trellis green walls at the rear right hand side. There would also be solar panels on the rear roofscapes.

Site Layouts

The houses would have gross internal floor areas of 140sqm. On the ground floor of both houses there would be a lounge, study, kitchen/dining room, utility room and W/C, and on the first floors there would be 4 bedrooms (one with a walk in wardrobe and en-suite) and a bathroom.

To the front there would be two parking spaces each and wildflower lawns. There would be deciduous hedges around the entirety of the site (except the front vehicles accesses). Further hedges would separate the gardens at the rear. The gardens would measure 154sqm for the western house and 172sqm for the eastern house.

Bin storage is shown to the rear of the fences.

Amended Plans

During the course of the consideration, amended drawings were requested from the agent primarily in relation to providing appropriate parking and landscaping proposals. The updated plans were received on 28/03/2023 with a detailed landscape plan received 18/05/2023.

Ancillary Information

The proposal was initially accompanied by the following supporting information:

- Vehicle tracking plan;
- Design and access statement;
- Tree protection plan;
- Tree survey and constraints plan;
- Tree survey document; and
- Flood risk assessment.

During the course of the consideration, further information was requested from the agent in relation to trees and ecology. The following further documents were received.

- Arboricultural impact assessment & method statement;
- Preliminary ecological appraisal; and
- Biodiversity net gain metric.

Changes from the previously refused 20211563

The following has changed from the previous submission:

- The roofscapes have been reduced in massing;
- The front elevations have been re-designed including the removal of two storey front projections, new square bay windows, reducing the size of other front windows and addition of altered ground floor canopies with green roofs;
- There are larger bi-fold doors and windows and new green wall elements on the rear elevations and new solar panels on the rear roofscapes;
- The windows and doors are white uPVC instead of anthracite, the fascia and guttering is now white instead of grey, and the roof tiles are now red instead of grey;
- The gardens are deeper and larger than in the original plans submitted in the previous submission;
- Previously proposed garages have been removed and tracking maps have been submitted for the cars;
- More detailed proposed landscaping has been submitted; and
- More detailed information on tree protection and biodiversity/nature conservation has been submitted.

It is noted that vegetation has been removed from the site since the previous refusal.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 60 (Boost supply of homes)

Paragraph 69 (Small housing sites)

Paragraph 75 (5 year supply of homes)

Paragraph 104 (Transport impacts and patterns)

Paragraph 110 (Assessing transport issues)

Paragraph 111 (Unacceptable highways impact)

Paragraph 112 (Highways requirements for development)
Paragraph 130 (Good design and amenity)
Paragraph 131 (Trees)
Paragraph 134 (Design decisions)
Paragraph 159 (Avoiding flood risk or making development safe)
Paragraph 167 (Flood risk considerations and SuDS)
Paragraph 174 (Natural environment considerations)
Paragraph 180 (Biodiversity in planning decisions)

Core Strategy 2014 and Local Plan 2006

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

Further Planning Documents/Guidance

The Leicester Street Design Guide Design Element Sheet (DES) 16
Residential Amenity SPD 2008
Local Plan Appendix 01 – Parking Standards
Nationally Described Space Standards

Consultations

Highways Authority

- Access is proposed from the edge of the turning head and this would appear to be satisfactory;
- The drawings show the residents should be able to access their parking spaces and turn around so they can enter and exit in a forward gear;
- Recommendation: No objections subject to two conditions to require no occupation of the development prior to footway/verge crossings being provided at each vehicular access and to require no occupation of the development prior to the parking spaces and turning areas being provided with those spaces/areas being retained for that use.

Council Trees and Woodlands Officer

- No objection to the proposal as long as the tree protection plans are followed.

Lead Local Flood Authority

- No objection subject to conditions to establish full details of SuDS measures and full details of drainage.

Representations

11 objections have been received. The points raised include:

General

- Disappointed that letters weren't sent to neighbours (** however this point was clarified with the objector as the letters were sent only 1 day before the site notice was put up and it was just that the letters hadn't got through the postal system before the objector saw the site notice**)
- A similar application at Treetops Close (20201928) was refused for various reasons and this application should also be refused;
- The proposed plans do not show a fence nearby which will remain;

- General objection on the grounds of safety;
- Suggestion the officer has not undertaken a site visit;
- No consultation with the local residents despite the suggestion in the application that there has been;

Character of Area and Design

- The community takes care of the leafy street, and the development would heavily change the street vista, horizon and layout which would break up an environmentally friendly/strategically planned designed street;
- The hammerhead is used for children playing/a communal area, with peace and quiet, including for elderly local residents and there is a considerable amount of wildlife – the development would affect community spirit;
- The proposed houses would be not in keeping with the rest of Crofters Drive & Treetops Close – they would be an add-on, spoiling the appearance of the cul-de-sac;
- The proposed houses appear cramped on their layout;

Biodiversity/Trees

- Natural habitats have emerged in and around the site and this would be harmed;
- Several trees have been removed from the site prior to this application being submitted despite the reason for refusal relating to trees in 20211563;

Highways/Parking

- There is a lot of through traffic to the bowling centre already;
- The cul-de-sac cannot take any more traffic (refers to app 20161331 refused on traffic grounds), including the end of Crofters Drive closest to Scraftoft Lane;
- The emergency services struggle to enter Crofters Drive;
- The turning circle is challenging and new build would increase the hazard, including for pedestrians;
- One of the pictures used by the architect is aged;
- There is a dropped kerb to a garage on the hammerhead, the development would increase risk to using this garage and it would be a blind spot;
- Construction traffic would cause congestion on Crofters Drive;
- Overspill parking from the housing and removal of the hammerhead would cause traffic and congestion concerns, there is already parking concerns and narrowing the area would be inconsiderate, irresponsible and dangerous;
- Bin serviceman face access problems already;
- There is a training space for Leicestershire Fire Service in the cul-de-sac that could be impacted;
- The road would need to be re-laid and potentially the bridge over Bushby Brook would need re-enforced to accommodate the extra traffic;
- The access could be taken from Uppingham Road instead of Crofters Drive; an example of this was done at Treetops Close;
- Unsure whether 3 or 4 parking spaces are being proposed;
- The application form does not confirm that that a new access is proposed;

Residential Amenity

- There would be an invasion of privacy, including to neighbouring principal room windows, affect natural light to a neighbour, cause harm to mental health and wellbeing of the neighbours;
- This proposal has in general caused stress and anxiety to residents; and

Drainage

- There is no consideration about proposed drainage

Former Councillor Gee raised concerns in respect of siting, layout and cramped design with a dominant parking area. He was also concerned about the ability for the development to assimilate on the area, the nature of the parking/garage provision, incorrect information in respect of ownership and access rights and removal of trees and vegetation.

Consideration

Principle of Development

The basic principle of residential development in a primarily residential area is acceptable subject to the details of the proposal.

Paragraphs 60, 69(c) and 75 of the National Planning Policy Framework require local authorities to boost the supply of homes, including maintaining a 5 year housing supply, and use the development of small windfall sites within existing settlements.

Policy CS06 of the Council's Core Strategy states that housing requirements can be met through small housing infill sites and, within housing developments, appropriate sizes of houses we sought but in particular larger family housing (4 bed +).

The Council cannot demonstrate a 5 year housing supply. Whilst the provision of 2 dwellings will not have a significant impact on this, the overall development plan is still notably in favour of the proposal in terms of the principle of the residential development.

Design and Landscaping

Policy Context

NPPF paragraphs 130 and 131 require well-designed developments and the retention of trees where viable.

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, to contribute positively to an area's character and appearance in terms of inter alia urban form and high-quality architecture (at paragraph 1 (first bullet point)).

Saved policy PS10 of the Local Plan states that the visual quality of the area will be taken into account in determining planning applications.

Site Context

As explained in the previous report for 20211563, the westernmost area of Crofters Drive near the application site consists predominantly of two-storey detached dwellinghouses with front lawns/driveways of different sizes due to the curve in the road. All the houses have at least a c.2m gap between their side elevations. There are a mixture of hipped roofs and gabled roofs which have red roof tiles. Several houses have front/side garages or front side single storey protrusions. There is also a mix of red bricked houses and some white rendered houses and the garages are also white. The proposed houses would predominantly be viewed in the context of nos 10 and 12 on the left hand side, and 17, 19 and 21 on the right hand side.

Comparison of this revision with the previous refusal

Concern was raised with the previous proposal in that the houses with their garages would have been a cramped development. However, the removal of the garages as now proposed has reduced the amount of development on site. Secondly, the pitched roofs would allow for a greater degree of separation and reduce any overbearing effect as views of the sky would be available between the houses. There is some space in between the houses and to the sides and there is space in front of the site for cars, hedging and grass. There is also more space to the rear of the site than in the previous submission.

Concern was also raised in the previous submission that the previously proposed two storey front protrusions would be incongruent in the area. They have been removed from this submission and the front elevations in this revision appear standard and coherent.

Another issue with the last proposal was the proposed materials including anthracite windows and doors and garage doors and grey roof tiles which would have appeared out of context of the area. The revised proposal with red bricks, red roof tiles and white uPVC windows means that the houses would be reasonably similar to the neighbouring house no.12 and the garage of the other nearby house no.10, and generally match the overall street.

The size of the windows was the final issue with the previous application. The revised proposal shows more standard design and layout of windows and doors in a coherent appearance.

In the previous proposal there was a minimal amount of information on landscaping plans. In this revision, hedges would be installed to the front and 3 cherry trees would be at the front and centre of the layout. The car parking is to the side of front lawns to reduce the prominence of cars being parked.

Overall considerations and Conclusion

The points raised in the objections are acknowledged. A key point raised is the removal of some of the soft landscaping i.e. trees/foliage and the replacement with housing. The concerns are understandable insofar as I saw on my site visit for the previous application that the site was previously a dense mix of trees and shrubs that could support biodiversity and this has been removed. However, whilst the Council would wish to see trees retained where viable, outside of conservation areas there is no control over how people landscape their own existing back gardens in the long term as there were no protected trees. Given the detailed plans for replacement planting there would still remain a clear element of greenery and foliage at the front of the site including hedging and cherry trees. It is noted that whilst the trees/foliage would be reduced at the site, it is only part of the green/verdant area of this end of

the street and a large part of the trees behind the turning area are not within the application site. The trees on the application site provided a pleasurable addition to the area but they were set behind a road and fence and not publicly accessible. For all these reasons, the weight in the planning balance given to the effect of the proposal on the 'green' character of the area is substantially reduced.

I note that the housing development of Crofters Drive and Treetops Close was approved for 23 units as backland development in the 1990's. Whilst I take the points of objectors that the existing estate is well laid out, taking all of the foregoing together in terms of the acceptability in principle of the development, the addition of 2 houses would not be considered to substantially harm this in principle.

In terms of a conclusion on the design of the houses themselves, I have set out above how the applicant has addressed the previous concerns raised. I conclude that they would be of such design, shape and materiality to reasonably reflect and be respectful of the other houses, and, being set back c.13m from the end of the road, that they would not be unduly bulky or cramped in the context of the street, striking a reasonable design balance on a relatively constrained site.

Taking all of the above together, the proposed development would be acceptable in terms of the character and appearance of the area and accord with Core Strategy policy CS03, Local Plan policy PS10 and NPPF paragraphs 130 and 131 insofar as they relate to good design.

An objection suggests that because another application 20201928 was refused on design grounds, this proposal should also be. However, that application was for enlargements to a garage and change of use to be a house in its own right. It bears little resemblance to this proposal. In the present submission, the proposed design is acceptable.

Living Conditions for Future Occupiers

NPPF paragraph 130(f) requires developments to provide a high standard of amenity for existing and future users.

The houses, having in the region of 140sqm of internal floorspace each, would meet the nationally described space standards for a 4 bed house. The houses overall and the principal rooms would all have sufficient floorspace to provide acceptable living conditions for the future residents.

The future residents would also have sufficient privacy, not being directly overlooked by any neighbours. The projection at the left hand side of the rear of 12 Crofters Drive does not have a window at first floor.

The bedrooms of both houses would benefit from sufficient outlook by reason of their location and size of their windows.

An issue with the previous application was that outlook to the front would be hindered by the cars being parked in front of the study of the eastern house and the lounge of the western house. In this revision there would remain cars in front of the studies in both houses, however now they would have square bay windows with large windows to increase the light to these rooms.

A further issue with the previous application was that the French doors and windows to the kitchens would have been looking to the rear boundary treatment and tall trees at a distance of 6.4m leading to poor outlook and lack of natural light. In this

submission the distance has increased to 10m, plus the kitchen/dining rooms would have a large section of clear glazed bi-fold doors and a window. As such these rooms would now receive a good amount of light notwithstanding the trees to the rear, and have reasonable outlook.

The other issue with the previous application was that although there would have been 100sqm of rear garden space for both houses, the gardens would have been overshadowed and felt cramped owing to the trees to the rear and sides and the short space between the rear elevation and the rear boundary. However in this submission the size of gardens have been increased significantly to 177sqm (Plot A) and 157sqm (Plot B). As such there would be an acceptable amount of garden space and it would not be cramped or unduly overshadowed.

Overall, the proposal would be providing good floorspace, good garden space, and good outlook from most windows resulting in acceptable living conditions. Taking all of the above together, the proposed development would be acceptable in terms of living conditions and accord with NPPF paragraph 130 insofar as it relates to good amenity for the future occupiers.

Neighbouring Residential Amenity/Character of the Street

As above, NPPF paragraph 130(f) requires developments to provide a high standard of amenity for existing and future users, and this would also include the neighbouring residents. Local Plan policy PS10 also lists amenity factors to take into account including noise pollution, privacy and overshadowing and safety.

Overlooking & Overshadowing consideration

The development would allow the retention of sufficient garden space for 268 and 270 Uppingham Road. The first floor rear windows of the new houses would look towards the rear of their gardens but they would be set so far back from the rear elevations of 268 and 270 and have intervening trees so as to not significantly harm privacy of the neighbours. I also consider that there would not be undue overshadowing to windows or gardens at 266, 268, 270 or 272 Uppingham Road due to the length of their gardens and the orientation of the site to the north of those neighbours.

In regard to 12 Crofters Drive to the front of the eastern proposed house, the bedroom 3 first floor window of Plot A would be c.12.8m from the shared boundary which is more than the recommended minimum distance of 11m given in the Residential Amenity SPD 2008. It would not look directly towards any principle room windows at 12 Crofters. As such, as the development would meet the SPD tests, amenity of residents at 12 Crofters Drive is considered to be retained in respect of privacy. The new Plot A house would be highly visible from the rear garden of no.12 however the houses would be sufficient distance to avoid substantial harm to residential amenity in terms of overbearing impacts also.

The proposal also would be substantial distance from the windows and garden of no.21 to avoid significant impacts on their living conditions.

Further considerations raised in objections

Objectors raise several issues with the proposal in relation to the wider amenity of the street, overall considering that the cul-de-sac hammerhead and turning area provides an area for children and the elderly to congregate in and the new houses would mean extra traffic makes this space dangerous and take it away.

The wider concerns in relation to highways are discussed below but the effective change to the area in terms of its amenity would be that the kerb is dropped and occasionally throughout the day a handful of cars would drive slowly into and from the new driveways, having clear visibility as they do so.

There would be little other change in reality to how the area is used. There would be no reason why people could not still walk on the pavement in the area and see the trees that remain or why the small grass area in the corner could not be enjoyed. The turning area on the road is not a children's play area and it could not be protected as being a play area. Indeed, several representations state that cars are often parked in this area and fire engines do training in this area. I see no reason why the area cannot assimilate the future residents of these two properties and consider the concerns over land ownership are not a matter for planning to control.

As such these concerns do not find any substance in land-use planning terms. I have not been provided any specific policies in the development plan which objectors would consider that the development is in conflict with in relation to these issues. Notwithstanding that the 2 new houses would add to the built environment at this end of the street, in conclusion there would not be any substantially material harm to the amenity of the area nor to safety of any neighbours.

Conclusion

I conclude that the development is acceptable in terms of neighbouring residential amenity and comply with NPPF paragraph 130f and Local Plan policy PS10 insofar as they relate to residential amenity and safety.

Tree Protection

NPPF paragraph 131 and Local Plan policy UD06 require developments to retain trees wherever possible.

One of the reasons for refusal in the last application was due to the loss of trees and the fact that there was inadequate proposals for avoiding harm to trees adjacent to the site as a result of the works.

In relation to the loss of trees - as discussed above trees have been removed in the applicant's back garden; the Council does not have control over how residents maintain their own gardens; and acceptable replacement planting plans including hedging and foliage to the front would retain some green element to the site's appearance. As such, the issue of loss of trees on site is not a viable reason to refuse the application any longer and has been acceptably mitigated.

In relation to the protection of trees in and around the site to be retained: it is described above that a tree protection plan, tree survey and constraints plan, tree survey document, and arboricultural impact assessment & method statement have been submitted. Page 3 of the arboricultural impact assessment outlines the nature of trees to be reduced and that document, along with the tree protection plan drawing, talks about the barriers, ground guards and associated measures to protect the trees that are to be retained during works.

The Council's Trees and Woodlands officer considers that, provided the development is carried out in accordance with the submitted information, there would be no harm to trees proposed to be retained. I agree with this conclusion.

As such, the development would accommodate replacement trees to the front of the site and retain health of neighbouring trees in accordance with NPPF paragraph 131 and Local Plan policy PS10.

Biodiversity & Nature Conservation

Paragraphs 174 and 180 of the National Planning Policy Framework and Core Strategy policy CS17 require developments to avoid harm to biodiversity and state that developments should look to provide net gains.

As described above a preliminary ecological appraisal and biodiversity net gain metric have been produced as well as detailed landscaping plans including new hedges, shrubs, wildflower lawns, green canopies, green walls, and trees. Bat and bird boxes are shown on the elevations of the houses also.

In terms of the preliminary ecological appraisal, this concludes that protected species are likely absent from the site, due to unsuitable habitats, levels of disturbance, species range, and/or landscape context. This has been reviewed by the department and it is concluded that the appraisal is acceptable and up-to-date. As such, the development would avoid harm to protected species.

The biodiversity net gain metric has been reviewed and it is concluded that it has been filled out appropriately. It shows that there would be an increase of 0.67 biodiversity units in respect of hedgerow units although a decrease of 0.15 units in respect of habitat units. As such the development would be considered acceptable in terms of hedgerow units and having regard to the variety of measures provided on site as listed above it is considered that this would mitigate for the small loss of habitat units. It is considered that the applicant has taken all reasonable steps to provide appropriate landscaping with potential for ecological value and conditions are recommended to secure this.

Highways & Parking

NPPF paragraphs 104, 110, and 112, Core Strategy policies CS14 and CS15, Local Plan saved policies AM01, AM02, AM12 and PS10 and Local Plan Appendix 001 – Vehicle Parking Standards require developments to provide a sustainable and effective transport network, appropriate levels of parking for residential development, ensure suitable access, and preserve safety for highway users including motorists, cyclists and pedestrians.

I note the objections in respect of traffic, highway safety, parking congestion, manoeuvring, and service vehicles.

The concerns relate to both the parking and safety of the cul-de-sac/turning area; and also to the traffic/highway impact on the wider area i.e. the rest of Crofters Drive.

Consideration of impact in and around the cul-de-sac

Considering firstly the localised impact on the cul-de-sac: the houses would have off-street parking for 2 cars. This is compliant with policy AM12 and the Local Plan appendix 1 and as such it would be unreasonable to consider developers to provide more than this. This also avoids over-provision of unattractive car parking spaces in the public realm and avoids encouraging excessive creation of vehicle emissions in the environment. Generally it would not be expected for homeowners to have more than 2 cars for 1 house and as the new houses would have this and the other houses in the area tend to have this, there would be no likely material harm to

parking congestion. One objector considers that the area is used for parking his cars in and the development would affect this and some objectors also state that there are often cars parked in the turning head, whilst others consider it is used for turning. However this area is not a car park and also for the reasons above this point would not have significant weight in this case. The turning head could still be used as such. Furthermore, I did not see any cars parked on my site visit and looking at aerial imagery on the Council mapping system from 10 separate years between 1997-2021 there are rarely any cars parked in that area at all. Whilst these are only snapshots in time, they do not indicate a continual parking congestion problem in this area.

The layout of the parking spaces is well-designed in terms of there being space on the frontage of the site for residents to enter and leave the site in a forward direction. Cars entering and leaving the site would have clear visibility and would not be coming or going at high speed. As such there are no concerns in relation to the safety of the proposed access and parking. The Highways Authority are satisfied that this is the case.

One objector notes that there is a dropped kerb which has recently been provided to the side garage of no.12 and considers cars coming or going would be unsafe when using the garage. However, mapping imagery shows that this garage was not an original building on site and that part of the rear garden of no.12 was plainly not designed for a garage. It does not provide high visibility for the user. However, this would not be unduly affected by the very modest amount of comings and goings to and from the safe access proposed at the application site. The development could not be prevented on these grounds.

In the absence of any correspondence from the fire department I do not give any weight to the suggestion that a development in this area would affect the Fire Service training. I am not persuaded that such a development would have a material impact on the Leicestershire Fire and Rescue Service. The site is a residential area and could not be viewed or retained as being an area for fire service training.

Consideration of wider impact on Crofters Drive as a whole

Several objectors are frustrated with members of the nearby bowling club using Crofters Drive to access their club. Other comments note that the access road to Crofters Drive is narrow and congested and tough to use for emergency services and bin men, and a further issue raised is that the same road and bridge would need to be re-laid/re-enforced to accommodate extra traffic.

However, the addition of 2 houses in this area is small in proportion to the wider housing estate and would not significantly exacerbate these issues. Two houses would not provide a significant extra amount of traffic. The streets are wide enough to accommodate cars and there are suitable pavements. Impacts of construction traffic would be temporary and would be unlikely to cause harm to highway safety.

As such there are no concerns in relation to highways impacts on Crofters Drive.

Several of the objection points are not things that the development would materially impact, including access for emergency vehicles to Crofters Drive and the road materials nearby.

Conclusion of Highways Impacts

The Highways Authority are satisfied with the proposal subject to two conditions to ensure the access and parking spaces are laid out prior to occupation and retained as such. I agree with their conclusion.

For the above reasons, the development would provide safe and suitable access and not have significant impacts on the highways network in accordance with NPPF paragraphs 104, 110, and 112, Core Strategy policies CS14 and CS15, and Local Plan saved policies AM01, AM02, AM12 and PS10.

Flood Risk & Drainage

The site is in a critical drainage area and is at 1 in 1000 year risk of flooding. As a new dwelling, the provision of SuDS features and other mitigation measures to ensure that surface water run-off is minimised from the site would be secured by way of condition. A flood risk assessment was submitted with the application. The Lead Local Flood Authority have reviewed the submission and set out pre-commencement conditions to secure the appropriate details. As such, subject to conditions, the proposal would be acceptable in terms of NPPF paragraphs 159 and 167 and Core Strategy policy CS02 which require developments to avoid increasing flood risk and provide appropriate drainage.

Permitted Development Rights

Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 grants permitted development rights for residential properties. In the event of the dwelling being extended in future, greater impacts to the design, residential amenity or living conditions could arise. It would be necessary to condition the removal of certain permitted development rights to avoid these impacts. Class A rights are to be removed as extensions may unacceptably reduce the size or quality of rear gardens at the new houses, Class AA rights are to be removed as additional storeys would impact on character of the area and amenity, Class B rights are to be removed to avoid further roof extensions affecting the character of the houses, Class D rights are to be removed to control the appearance of the front elevations and ensure space is not reduced for parking, and Class E rights are to be removed as outbuildings could unacceptably reduce garden space and rear outlook for the new houses.

Other Issues

Some further issues were raised in representations as listed above. Firstly, all publicity requirements were carried out in accordance with planning law. If the developer did not consult with the public prior to their application being submitted, that is not able to be controlled by the Council and would not warrant reason for refusal.

I have visited the site internally and viewed from Crofters Drive in connection with both applications and this has informed the recommendation.

The comment in relation to the nearby fence not being shown is not unacceptable as the proposed plans show all of the proposed development within the red line.

Conclusion

Residential development is acceptable in principle and there would not be unacceptable harm to the character of the area. In the absence of a five year land supply in the City the tilted balance should be applied in favour of applications such

as this which will make a contribution to housing supply. The three reasons for refusal in regard to the previous application have been fully addressed.

Conditional approval is therefore recommended.

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 new walls and roof shall be constructed in materials as shown on the approved plans. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. No part of the development shall be occupied until footway / verge crossing(s) have been provided at each vehicular access in accordance with guidance in the Leicester Street Design Guide. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. The parking 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 can take place in a satisfactory manner; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
5. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No flat shall be occupied/the use shall not commence until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
7. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings, a completion certificate signed by the relevant inspecting Building Control

Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Policies CS03 and CS06 of the Leicester Core Strategy (2014)).

8. Development must take place in strict accordance with Section 4 of the Arboricultural Impact Assessment & Method Statement (RJ Tree Services Ltd, dated 09 September 2022, received by the City Council as local planning authority on 09/09/2022) and the Tree protection plan (as received by the City Council as local planning authority on 09/09/2022) (To ensure that trees proposed to be retained on site and trees surrounding the site are not harmed and in accordance with Local Plan saved policy UD06).

9. The approved landscaping scheme (drawing title: Detailed soft landscape proposals, no 21-047-01, revision C, bea landscape design ltd, received 18/5/2023) shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

10. Prior to above ground works, details of the type and location of x2 bat tiles/boxes and x2 bird boxes to be incorporated within the elevations of the proposed buildings have been submitted to and agreed in writing with the City Council as local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).

11. Should the development not commence within 24 months of the date of the last protected species survey (December 2022), then a further protected species survey shall be carried out by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated biennially and any mitigation measures reviewed by the Local Planning Authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and CS17 of the Core Strategy).

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling or provision of any outbuilding of types specified in Part 1, Classes A, AA, B, D and E shall be carried out without express planning permission having previously been obtained from the Local Planning Authority. (Given the nature of the site, the form of development is such that work of these

types may unacceptably reduce amenity space on site or lead to an unacceptable loss of amenity to occupiers of neighbouring properties, or be a design that is out of keeping with the character and appearance of the area; and in accordance with Core Strategy (2014) policy CS03 and saved policy PS10 of the City of Leicester Local Plan (2006)).

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

Planning Application - Proposal Drawing Plot A, Ref DSA-20147-PL-PRO-01-C, received 28/03/2023

Planning Application - Proposal Drawing Plot B, Ref DSA-20147-PL-PRO-02-C, received 28/03/2023

Planning Application - Proposal Drawing Site Plan, Ref DSA-20147-PL-PRO-03-B, received 28/03/2023

(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.

2. To meet condition 7 all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements.

3. Condition 12 refers to alterations/extensions that you are normally allowed to carry out to houses without planning permission. In this case the City Council wants to be able to control any alterations and extensions to preserve the appearance of the property or protect the amenities of neighbouring properties. You should contact the City Council (telephone (0116) 454 1000) if you are considering such works.

Policies relating to this recommendation

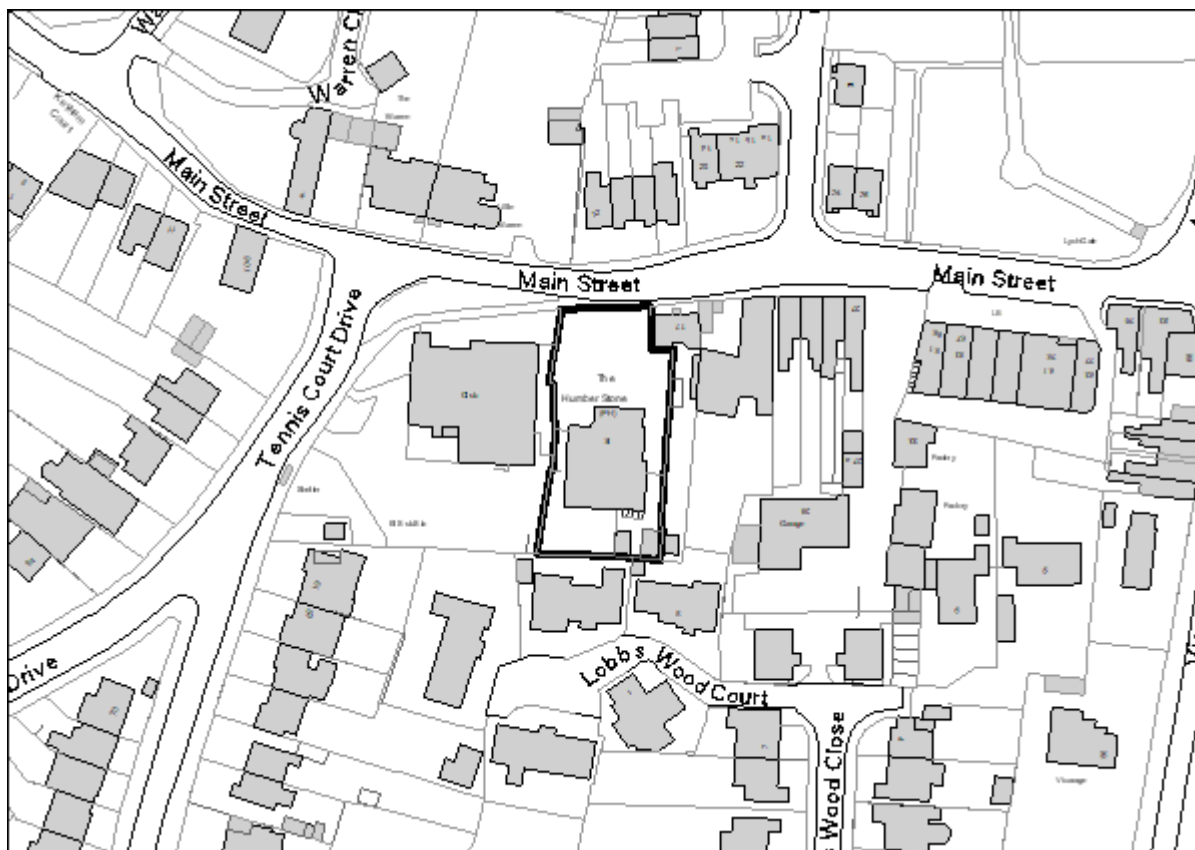
2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

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_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 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_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.
- 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.

COMMITTEE REPORT

20231073	15 Main Street Humberstone	
Proposal:	Change of use of the ground floor from a public house/ restaurant (Sui generis) to a community centre (Class F2); reconfiguration of the car park; and cycle store at rear (amended plans 25/10/2023)	
Applicant:	Abbas Momin	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	16 November 2023	
SS1	TEAM: PD	WARD: Humberstone & Hamilton



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Summary

- Brought to committee due to level of objections received.
- Objections received from 6 City addresses (one of which attached a petition with 17 signatures) with main concerns being the principle of development, highways, and air quality.
- Main issues are principle of development, neighbouring residential amenity and highways/parking impacts.

- The application is recommended for approval.

The Site

The application relates to a two storey building in a primarily residential area last in use as a pub on ground floor (now vacant) and flat on first floor.

The building has a front canopy and a single and two storey side and rear extension. There is an area of hardstanding with outbuildings at the rear. There are double yellow lines on the street in front.

There is hardstanding to the front with dropped kerbs for vehicular access.

To the north across the road are dwellinghouses on Main Street Humberstone. To the west is a two storey building with a royal British legion function room and a flat.

To the south are dwellinghouses on Lobbs Wood Close. To the east are dwellinghouses on Main Street Humberstone and further to the east/southeast is Main Street Garage MOT testing and Nags Welding Shop, and further commercial premises including a Chinese takeaway within the 'Humberstone Village' local centre.

The site is within the Old Humberstone conservation area.

Background

1 enforcement case received 19/07/2023. Description: 'Building Works'. Status: Case resolved, no breach.

The Proposal

The proposal is for the ground floor of the building to be used as a community centre which would fall into Class F2. It would have 2 main rooms with ancillary facilities including a kitchen.

There would be 1 part-time member of staff assisted by volunteers.

The rooms would be used for a variety of activities that are likely to include meetings, local group activities, social events, and classes/learning/tutorials/seminars/lectures.

The proposed hours of use would be 10:00-22:00 daily.

A maximum occupancy of 52 people is forecast for the proposed community centre at any one time.

The front yard would be laid out with 10 parking spaces for the community centre and 1 for the flat.

A cycle store with space for 10 bicycles would be installed at the rear of the site.

The submission was accompanied by a planning statement, transport statement, noise assessment, and heritage statement.

Amended plans were received on 25/10/2023 to amend the parking and access layout.

Policy Considerations

National Planning Policy Framework (NPPF) 2023

Paragraph 2 (Primacy of development plan)
Paragraph 11 (Sustainable development)
Paragraph 39 (Early engagement)
Paragraph 43 (Right information crucial)
Paragraph 81 (Economic growth)
Paragraph 86 (Support town centres)
Paragraph 87 (Sequential test)
Paragraph 88 (Accessible sites)
Paragraph 91 (App refused where sequential test failed)
Paragraph 93 (Community facilities)
Paragraph 104 (Transport impacts and patterns)
Paragraph 110 (Assessing transport issues)
Paragraph 111 (Unacceptable highways impact)
Paragraph 112 (Highways requirements for development)
Paragraph 130 (Good design and amenity)
Paragraph 134 (Design decisions)
Paragraph 185 (Noise and light pollution)
Paragraph 186 (Air quality considerations)
Paragraph 187 (Agent of change)
Chapter 16 (Heritage Assets)

Local Plan (2006) and Core Strategy (2014)

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

Other Planning Documents and Guidance

Local Plan Appendix 1 – Vehicle Parking Standards

Leicester City Council – Leicester Street Design Guide 2020

GOV.uk Planning Practice Guidance – Noise <https://www.gov.uk/guidance/noise--2>

Consultations

Noise & Pollution Control Team

- The community centre has a kitchen, however no ventilation plans have been submitted. As there is no ventilation a condition is required to avoid hot food being cooked on the premises;
- The acoustic report states that no events with amplified music, from my understanding community centres are often hired out to third parties, therefore amplified music should have been modelled in the acoustic report, and mitigation methods should have been recommended. However, as long as the recommendations in section 8.6 and 10.5 are adhered to this will be acceptable.

Highways Authority

First Round Consultation

2 issues raised:

- The existing vehicle accesses would no longer operate in an efficient and safe manner due to the redesigned internal layout. The vehicle access needs to be revised; and

- The internal car parking layout does not meet minimum car parking lengths. Areas of the car park are left vacant which would encourage car parking that would obstruct the accesses. Refuse collection and delivery vehicles need to be accommodated. Cycle parking needs to be relocated to a more accessible and overlooked location.

Second Round Consultation following amended parking layout

- The amendments to the proposed layout, and using the existing accesses as an 'in' and 'out' arrangement does overcome the issues raised;
- Acknowledged that the proposed internal car park is a betterment to the existing situation;
- Surface markings and signage required to clarify operations;
- Conditions recommended to secure cycle parking, surfacing/markings out of the parking, details of arrangements during construction.

Representations

6 objections were received, one of which attached a petition with 17 signatures. Issues raised were:

Principle of Development/Submission Details

- The term “community centre” is too vague, it doesn't say what type of centre;
- Other premises at Armadale Drive/St Mary's Church could be used instead;
- If it is a madrassa, there are already 3 in the area;
- Not clear what the actual uses/activities would be, and it is concerning this information has been withheld;
- No details of the first floor use;
- The proposal should benefit all members of the local residents and wider community, but it will not be a place for the whole community;
- The proposal is the last pub in a large part of the city with several having been lost. It would be contrary to NPPF paragraph 93 as it would be replacing a facility for all the local community with one only for part; and
- Humberstone village needs space for general use for the community, and this development would not be for general use, particularly if it would be arranged to segregate the uses by the sexes.

Highways

- The proposed parking would be insufficient (as there are 11 spaces but a capacity of 52 people) and concern over the loss of 2 parking space;
- Any spillover of parking onto the main road would be dangerous, including in regard to the site being close to the corner of Tennis Court Drive and Main Street where there is a ramped embankment;
- Considered unlikely that many people will walk/cycle/take the bus – most will use their cars to visit the site;
- Along with the nearby schools and temple there is more and more traffic in the area;
- Increase in traffic would potentially cause more accidents in the area, noting a fatal accident in 2019;
- Increase in traffic would impact the 36/38 bus route and would cause congestion including at school times;

- Main Street Humberstone is already a narrow street which can become overwhelmed adding to the above concerns;

Air Quality

- Increase in traffic would lead to air pollution in a conservation area, contrary to the Council's air quality action plan;

General/Other Issues

- Questions whether constructions/alterations can start before planning consent is given;
- Serenity of the village and community would be disrupted by traffic, noise, pollution and parking; and
- The pub was not attempted to be run as a going concern after covid, and the council were informed in bad faith that the site is not proposed to be a community centre.

Consideration

Principle of Development

Policy Context

NPPF paragraph 93 states that planning decisions should:

“plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. “

Core Strategy policy CS08 provides a principle in favour of ensuring that each neighbourhood will have access to community and leisure facilities.

Core Strategy policy CS16 states that the Council will:

“develop culture and leisure facilities and opportunities which provide quality and choice”

Consideration

The site is outside of a designated town centre where there uses would usually be directed to. However, the existing use is also non-conforming within the residential area. As such there would be no substantive policy conflict or impact on local centres resulting from the change of use.

An objection considers that there is insufficient information in terms of the type of community centre. However, I consider that it is clear that the application is for the change of use of the ground floor to a use that would be within Class F2(b) of the Use Classes Order – a hall or meeting place for the principal use of the local community. The planning statement describes that the expected uses are meetings, local group activities, social events and classes/lectures. As such the proposal is able to be reasonably considered in planning terms.

The principle of the proposed use of a community centre is objected to by some representations and they have quoted that the east part of town has already lost other pubs including the Windmill, Moat, Golden Age, Mayflower, Daniel Lambert, and Conservative club.

It is also contended in representations that the new use would not be for all of the community, whereas the current use is more so.

The above concerns are acknowledged including the loss of the various pubs however having regard to the planning context overall I consider that the change of use is to be given neutral weight. NPPF paragraph 93 requires decisions to plan positively for community facilities, the list of which includes both pubs and meeting places, and this development would be replacing one with another. Section c) of paragraph 93 is noted and in light of the objections it could be argued that the proposal would involve the loss of a valued facility, however the new use would also have the potential to become a valued community facility. Whilst the loss over time of pubs in the area is regrettable, there are no specific current adopted policies to ensure these are retained and the provision of pubs or other general community areas in the wider area would be a more strategic aim rather than being addressed in this specific application. The existence of other community facilities would not be a reason to refuse this one.

For the above reasons, the principle of the change of use would be compliant with the relevant planning policies listed above.

Neighbouring Residential Amenity

Policy/Guidance context

NPPF paragraph 130f requires a high standard of amenity to be provided for occupiers. NPPF paragraph 185 requires planning decisions take into account effects of pollution on living conditions, including avoiding noise giving rise to significant adverse impacts on health and quality of life. Local Plan policy PS10 requires the noise, vibrations and smell caused by the development to be taken into account in respect of amenity of residents. Policy PS11 states that proposals which have the potential to pollute by reason of noise, vibrations, or smell will not be permitted unless the amenity of neighbours can be assured.

The Planning Practice Guidance on Noise states that decision making needs to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. The Guidance advises that as noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Assessment

The existing use class of the site is as a pub/restaurant at ground floor and there are no limiting planning conditions on its use at present. As such the current situation is that the site could produce noise impacts to surrounding residential properties on a regular basis and at anti-social hours. The closest properties including 17 Main Street Humberstone and 4 Lobbs Wood Close would be particularly liable to experience noise impacts from the existing situation if amplified music or voice was played in the site.

The proposed use as a community centre would also have the potential for noise impacts if there were social events or functions taking place. As such, conditions have been considered and agreed with the agent to provide some control of the use of the site to limit future impacts. The hours of use of the community centre are

proposed to be limited to 1000-2200 to avoid use late at night. Also, it is conditioned that the hardstanding at the rear of the site be used only for servicing, cycle parking, bin storage or other storage associated with the community centre use, (as opposed to being partially used for events and with people gathering). The front hardstanding area is also conditioned to be only used for access/parking. As such noise from attendees of the new use gathering outside the building should be limited. I note that there would be the same floorspace as existing therefore the capacity of the building would generally be similar to existing as opposed to significantly increasing. In the circumstances and given the proposed conditions, the potential for noise and disturbance would be no greater than existing and as such acceptable.

A noise assessment was submitted which assesses noise impacts on the flat above. It concluded that the development would be acceptable in terms of noise impacts to that flat subject to installation of suitable glazing/ventilation and ceiling insulation. This can be conditioned.

As such, I conclude that the proposal would be acceptable in terms of noise impacts to neighbouring residents, in compliance with Local Plan policies PS10 and PS11, and NPPF paragraphs 130 and 185.

Highways & Parking Considerations

NPPF paragraphs 104, 110, and 112, Core Strategy policies CS14 and CS15, Local Plan saved policies AM01, AM02, and AM11 and Local Plan Appendix 001 – Vehicle Parking Standards require developments to provide a sustainable and effective transport network, appropriate levels of parking for non-residential development, ensure suitable access, and preserve safety for highway users including motorists, cyclists and pedestrians. Local Plan policy PS10 requires consideration of potential additional parking and vehicle manoeuvring on neighbouring residential amenity.

I acknowledge the representations received in terms of highways/parking issues. I also acknowledge that the crossroads c.180m to the west has an accident history, Main Street Humberstone is a narrow road, and there are schools in the vicinity of the site.

The existing use class of the site is as a pub/restaurant at ground floor and there are no limiting planning conditions on its use at present. The pub/restaurant could also host social events or be busy during the evenings and weekends on a regular basis and there are no markings on the front hardstanding at current. As part of the application the agent has provided drawings showing a details parking layout with space for as much parking as could fit on the site. Conditions have been agreed with the agent to ensure that the site is marked out as shown prior to the commencement of the use and for the front hardstanding to only be used for access/parking for the lifetime of the use. There will also be a clear entry and exit point included in the proposed signage on site. As such, these are conditions and markings that would provide beneficial regulations in use of the access and parking within the site, that do not exist at present.

The site is located within a residential area and there would be likely to be a substantial amount of attendees that would be able and likely to walk/cycle to the venue and as noted, the site is on a bus route meaning some would be able to use the bus also. The proposal includes a condition to provides secure and covered cycle facilities prior to the commencement of the use to allow for this also.

Having regard to the floorspace of the site and the fact that there is no increase proposed I consider that, given the proposed conditions, overall the proposal would have a limited impact over and above what could be involved at present. The proposal should not lead to significant amounts of indiscriminate parking and this would be also controlled through traffic/parking officers. Appendix 01: Parking Standards of the Local Plan recommends 1 space per 22sqm in this location and the proposal meets this therefore the proposal would not be considered to provide insufficient parking.

The Highways Authority note that the proposed internal car park is a betterment to the existing situation. Overall I consider the proposal is acceptable and recommend that the development is compliant with national and local planning policies in respect of highways/parking. I do not consider a condition in respect of building arrangements during construction works is necessary for this minor development.

Other Issues

There would be no external alterations or operational development save for a new cycle store to the rear, details for which can be agreed through condition. Subject to this there would be very limited impacts on the heritage asset and no harm caused.

It was raised in representations that other sites should be considered for the proposed use. However, that is not relevant to the application that has been submitted which must be considered on its own merits.

Another issue from a representation was that there already are madrassas in the area. However the application is for a community centre and based on the use classes order and the relevant policies, the existence of madrassas nearby would not be a material consideration.

Another issue from a representation was that the first floor use was not detailed. However first floor plans were provided with the application.

An objection to the change of use was made on the grounds of harm to air quality from extra traffic. However were this principle to be taken up on minor developments such as these, there would be limited potential for any new development outside the city centre. The site is not in an air quality management area. The development does not propose large numbers of additional floorspace, is sited on bus routes and within a residential area where people may use sustainable transport. As such the proposal could not be considered to have an unacceptable impact on air quality.

A query from a representation was if works can start before planning permission was issued. Having regard to my site visit, the change of use has not commenced yet.

It was raised in a representation that the use as a pub was not tried to be continued especially after the pandemic. However that is not part of the consideration of this planning application on compliance with the development plan.

I would not consider it reasonable or necessary to add a condition requiring no hot food on the premises given the existing use.

Conclusion

I have found above that the principle of development is acceptable and the development would not have unacceptable impacts in terms of residential amenity and highways. The development is compliant with the national and local planning policies in Leicester. I have considered matters raised in representations and

conclude that there are no material considerations that would override the compliance with the development plan. Approval is therefore recommended 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 community centre use shall not be carried on outside the hours of 1000-2200 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 use as a community centre shall not commence until the front area of hardstanding has been marked and laid out in accordance with details shown on the revised parking layout (Drawing No.: 25058-02C-1 Rev C), including the "sign with diagram 616 at entrance". The markings shall be retained and the front area of hardstanding shall not be used for any purpose other than access and vehicle parking for the lifetime of the use. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. The external enclosed areas at the south and west of the site shall not be used for any purpose other than servicing, cycle parking, bin storage or other storage associated with the community centre use. (In the interests in neighbouring amenity, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan and NPPF 2023 paragraph 130f)
5. The use as a community centre shall not commence until the glazing/ventilation package A referred to in paragraph 8.6 and one of the secondary ceiling options referred to in paragraph 10.5 of the Noise Assessment (Acute Acoustics, Ref 2782, Rev B) have been installed. These measures are to be retained in situ for the lifetime of the development. (In the interests of residential amenity in accordance with policy H07 of the City of Leicester Local Plan 2006)
6. The use as a community centre shall not commence until the cycle shelter has been installed in the rear courtyard in the location as shown on the approved site block plan and in accordance with details of the appearance of the cycle shelter which will have been agreed in advance in writing with the City Council as local planning authority. The shelter shall be retained for the lifetime of the use. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
7. Development shall be carried out in accordance with the following approved plans:
MPD-1235-PLA-02-B – SITE LOCATION PLAN & EXISTING/PROPOSED PLANS
MPD-1235-PLA-04-B – PROPOSED ELEVATIONS
received on 25/10/2023.
(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 (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_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_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 2014_CS14 | The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads. |
| 2014_CS18 | The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. |

COMMITTEE REPORT

20231278	335 London Road	
Proposal:	Change of use from dwellinghouse (Class C3) to day nursery (Class E); construction of single storey extension at front; single storey extension at rear; associated parking (amended plans received 3/10/2023 and 17/10/2023)	
Applicant:	Mr Amit Patel	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	16 November 2023	
RB	TEAM: PD	WARD: Knighton



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Summary

- Brought to committee due to level of objections.
- Objections received from 6 addresses within the city with main concerns being the principle of development, highways, and noise impact.

- Main issues are principle of development, neighbouring residential amenity, design, impact on the character and appearance of the Stoneygate Conservation Area and highways/parking impacts.
- The application is recommended for approval.

The Site

The site relates to a detached house located on the western side of London Road, located on the junction with Knighton Drive. The area is primarily residential.

The site comprises a detached house with detached garage located to the southern side next to Knighton Drive.

The property lies within the Stoneygate Conservation Area, covered by an article 4 direction that restricts permitted development rights for operational development. The rear of the site is within a Critical Drainage Area.

There are several trees to the front and rear of the property, none of which are protected by Tree Preservation Orders (TPOs).

Background

Application 19810245 for the construction of a detached garage at the side of the house was approved in April 1981. This permission has been implemented.

Application 19980403 for a single storey extension to the front and side of the house was approved in March 1998. This permission has been implemented.

Application 20020888 for a conservatory at the rear of the house was approved in July 2002. This permission does not appear to have been implemented.

Application 20202070 for the change of use from house (Class C3) to day nursery (Class E); alterations was approved on 17/02/2021. This permission is extant and could be implemented.

The Proposal

The proposal is for a change of use of the two storey detached dwelling (Class C3) at 335 London Road to a day nurse (Class E).

The application also proposes:

- the construction of a flat roofed single storey extension at the front, measuring 0.9m in depth, 3.7m in width and 3m in height. The extension would provide an extended reception area along with existing space behind.
- the construction of a flat roofed 'L' shaped single storey extension at rear, measuring 3.7m in depth to the Knighton Drive side, 2.4m in depth to the 333 London Road side, 13.4m in total width and 3.1m in total height.
- Car parking for seven vehicles, 4 cycle parking spaces to the front of the site for parents and visitors, 3 cycle spaces within the existing garage for staff.

Within the existing ground floor or the property, there would be a reception room, lobby, two playrooms and toilet areas. Within the rear extension there would be a sensory room and indoor garden room.

There would be a playroom, office, kitchen and toilets on the first floor.

The applicant is proposing to operate the day nursery between the hours of 7:30am and 6pm on Monday to Friday only. The nursery will cater for 48 children between the ages of 6 months to 8 years old.

The application form indicates that there would be two staff members. Clarification of this in the context of meeting the government requirements for the number of children proposed has been requested.

Amended plans have been received to reduce the bulk and design of the proposed front extension, to remove render proposed to the front elevation and to include cycle parking.

A revised Nursery Management Plan has been submitted during the course of the application process.

National Planning Policy Framework (NPPF) 2023

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110, 111 and 112 (Highways)

Paragraphs 120 (Use of land)

Paragraphs 130 and 134 (Amenity and Good Design)

Paragraph 185 (Pollution)

Paragraphs 194, 195, 197, 199, 203, 206 (Heritage)

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity

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

Consultations

Noise – No objection providing there is an hours of use condition restricting waste collection to daytime hours.

Highways – No objections

Trees and Woodlands – No objections, but recommends part of the arboricultural impact assessment and tree protection plan is conditioned.

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Representations

Nine letters of objection have been received from six addresses within the city. The letters raise the following concerns:

- Over concentration of nurseries and commercial properties in the area;
- Increased traffic congestion on Knighton Drive;
- Impact of the noise from the children playing outside;
- Accidents take place at the junction of London Road and Knighton Drive;
- The traffic congestion is an issue in the wider area and the site is close to a busy junction;
- On street parking will increase as a result of the change of use and will block residents driveways;
- The proposal would cause congestion exiting the car park onto London Road;
- Concerns over an insufficient amount of parking;
- The amount of noise made by children playing outside;
- There will be noise disturbance from the amount of vehicles visiting the site;
- Concerns on vehicle manoeuvring within the site;
- Seven car spaces would not be adequate even with staggered start and finish times for different groups of children;
- Increased impact on pedestrian and highways safety;
- The proximity of the entrances from the junction of London Road and Knighton Drive would result in poor visibility;
- The proposal would potentially reverse positive traffic calming measures;
- The speed limit should be reduced to 20mph.

Consideration

The main issues are the principle of development, design of the proposed extensions; impact on character and appearance of the Stoneygate Conservation Area; impact on residential amenity, trees, drainage and highways safety and parking.

Principle of development

Saved Policy H05 of the Local Plan (2006) commits the Council to refuse applications involving the loss of existing housing. The policy is predicated on the shortfall in housing supply, which is ongoing, meaning that the loss of housing is resisted. However, the policy does also recognise that, in exceptional circumstances, the loss of housing can be justified by the provision of other community benefits. I consider that the provision of a children's day nursery would offer such a community benefit. The proposed use would represent a relatively minor scale of day nursery compatible with residential locations such as the application site. Furthermore, some commercial uses are considered appropriate within residential areas such as dental surgeries, medical centres and nurseries as they offer a community benefit which would outweigh the harm from the loss of one residential unit.

Although there are existing commercial uses within the surrounding area, I consider that the addition of another commercial use would not result in an overconcentration of these uses and the provision of a nursery within a primarily residential would be more desirable than in a commercial area.

In addition, the use of the property as a day nursery has already been approved within the last three years. The approved application is extant and could still be implemented, which is a material planning consideration.

Therefore, the proposed development is considered compliant with saved policy H05 and acceptable in principle subject to the impact on character and appearance of the Stoneygate Conservation Area, design, residential amenity, highway safety and parking.

Character and Appearance

The application site is located in a primarily residential area whereby detached properties are set within relatively spacious plots on both the east and west of London Road.

There is a proposed flat roofed single storey extension to the front of the property, which has been set back slightly so that it is not flush with the existing elements to the side and would have a flat roof. The design has been rationalised and simplified to relate better to the existing property. I consider it necessary for the brick details and door details to be submitted prior to works above ground level.

The rear extension would be modern in design with a flat roof and bifold doors to the rear. Its design is clear, legible and is subservient to the main building. It would not be visible from the street scene and would be acceptable.

I consider it necessary to recommend a condition that window details and a brick sample provided for approval prior to works above ground level in order to preserve and enhance significance of the non-designated Heritage Asset.

I conclude that the proposed extension would comply with policies CS03 and CS18 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.

Residential amenity (*neighbouring properties*)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

The neighbouring property at 333 London Road projects approximately 3m beyond the rear elevation of the application property. As such, I consider that the proposed single storey rear extension would not have a significant impact on the rear facing windows at the neighbouring property and would not result in a significant detrimental impact on the amenity of the neighbouring occupiers.

The nature of the proposed use as a day nursery for children between the ages of 6 months and 8 years is considered will give some rise in the levels of noise experienced by neighbours and local residents. In addition to this, the arrival and departure of children could give rise to some level of disturbance in the morning and evening times.

However, the submitted management plan states that there would be no more than 48 children and sets out a timetable for a typical day, along with the maintenance of the parking areas and how children would be managed when outside. It is unlikely that all of the children would be collected and dropped off at the same time every day.

Whilst the applicant has indicated the hours of use would be 0730 to 1800, I consider the hours of use would be appropriate and it would be reasonable to condition the proposed hours.

I consider it necessary to attach a condition to ensure that the use is managed in accordance with the submitted Management Plan. This would minimise the potential of noise and disturbance to neighbours whilst the nursery is in operation.

Other uses in Class E include a variety of other commercial uses. I consider that other uses could potentially give rise to harmful amenity impacts including additional demand for parking. I therefore recommend that a condition limit the permission to use applied for, meaning that any future alternative uses within Class E can be considered on their own merits.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006), and is acceptable in terms of amenity.

Highways and Parking

Seven parking spaces are proposed as part of the change of use. Five parking spaces would be provided at the front of the property and two spaces would be provided within the existing garage at the side of the property. The garage spaces would be tandem and would be for staff. Whilst tandem spaces are not ideal, the width of the spaces exceed our standards but the depth of the spaces fall short. I consider the current garage would not accommodate two cars and a condition can be attached to ensure this. It is proposed to mark the additional five spaces out.

The site currently benefits from two access points and dropped kerbs, one from London Road and the other from Knighton Drive. The proposal would introduce an 'in and out' system to improve traffic and manoeuvring. I consider that this is reasonable, providing that the traffic enters the site from London Road and exits onto Knighton Drive.

It is considered that subject to conditions ensuring the provision of six car parking spaces and seven cycle parking spaces and the provision of signs to both vehicle entrance and exits, the proposed development would not have an adverse impact on highways and pedestrian safety. Furthermore, in this instance, due to the limited parking restrictions along Knighton Drive and nature of the proposed use it is considered that there would not be demonstrable severe harm in terms of parking. I therefore conclude that the proposed development would not conflict with Appendix 1 of the Local Plan.

I consider that a condition securing that the proposed development would be in accordance with the submitted Travel Plan is necessary.

I consider that the proposal would increase the amount of traffic within the surrounding area, but this is unlikely to have a significant adverse impact on highway safety in the surrounding area or require additional traffic calming measures or changes to the speed limits on surrounding roads.

A number of conditions are recommended to secure the details submitted in support of the application, subject to which the proposal is considered would not result in a severe impact on highways and parking in accordance with the NPPF 2023, saved policies AM01, AM02 and AM11 of the Local Plan and Core Strategy policy CS15.

Trees

Two trees would be removed as a result of the proposed development, to the front of the property and are of poor health or of low amenity value. Neither tree is protected by a Tree Preservation Order (TPO). All other trees on site would be retained.

An Impact Assessment and Tree Protection Plan have been submitted. I consider it necessary to attach a condition to ensure that the works are carried out in accordance with the details provided and that the development does not adversely impact on any of the other trees within or adjacent to the application site.

Subject to a condition for replacement trees and a condition securing the tree protection measures submitted with the application, I consider that the proposal is acceptable, and complies with Core Strategy policies CS03 and CS18 and saved Local Plan policy UD06.

Flood Risk

The rear of the site is located within a Critical Drainage Area. I consider that a requirement for a scheme of sustainable drainage would be onerous, due to the limited increase in hardstanding at the site.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Conclusion

The proposed development represents an acceptable size, scale and form of development in a residential area. The resulting use of the site would be compatible with the residential area and the proposed alterations unlikely to have any significant detrimental impact on the character of the street scene or the property itself. I consider that the proposal will have minimal impact on the residential amenity in respect of noise and disturbance subject to conditions. The proposal would not have a severe impact on highways safety and would provide six car parking space within the site.

The impact on the character and appearance of the conservation area, design and trees is acceptable.

The proposal is in accordance with the aims of the NPPF, development plan policies and guidelines - Supplementary Planning Document "Residential Amenity".

I recommend that this application is 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. Prior to any work above ground level and notwithstanding the materials details provided within the application form, the materials to be used on all external elevations shall be submitted to and approved by the City Council as local planning authority. The details shall include:

- a 2m x 2m brick sample panel including mortar and bonding;
- Window and door frame section details and door joinery details at 1:5 scale or 1:10 scale where appropriate;

The development shall be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development. (To ensure that the details are agreed in time to be incorporated into the development and in the interests of visual amenity and the character and appearance of the area, and in accordance with Core Strategy policy CS03).

3. Traffic flow within the site shall be managed by a one-way system with vehicular access to the site from London Road and the vehicular egress from the site to Knighton Drive and shall be operated as such for the lifetime of the development. (In the interests of the satisfactory development of the site and in accordance with policies AM01, AM02 and AM11 of the City of Leicester Local Plan).

4. Before the occupation of any part of the development, 'WAY IN', 'WAY OUT' and 'NO ENTRY' signs shall be installed in accordance with the approved details and retained as such. (For the safety and convenience of pedestrians and other road users, and in accordance with saved Local Plan policies AM01 and AM02 and Leicester Core Strategy policy CS3.)

5. No part of the development shall be occupied until the five parking areas shown on the approved plans are surfaced and marked out in accordance with details shown on the approved plans and shall be retained for parking and not used for any other purpose. Notwithstanding the approved plans, the garage shall be used as one vehicle parking space and retained as such thereafter. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03)

6. No part of the development shall be occupied until four secure cycle parking spaces have been provided to the front of the site for parent and visitor use and three cycle parking spaces have been provided within the existing garage in accordance with the approved plans and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and AM11 of the City of Leicester Local Plan).

7. The development be carried out in accordance with the Travel Plan received on 05/07/2023. The Travel Plan shall be carried out in accordance with the timetable contained within the Travel Plan. The monitoring of travel modes (including travel surveys) shall be carried out 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 AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

8. The use hereby approved shall not be carried on outside the hours of 07:30 to 18:00 Monday to Friday and at no other time. (In the interests of the amenity of neighbouring occupiers, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006)).

9. All trees within the application site and neighbouring sites that are shown to be retained shall be protected from damage during building operations, in accordance with the Tree Protection Plan and Impact Assessment both received on 05/07/2023. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, all existing trees, shrubs or hedges to be retained on the site shall be protected by fencing in accordance with British Standard BS 5837:2012. The location of the protective fencing shall not be within the root protection area of all retained trees. The fencing shall be maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the City Council unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS18).

10. The approved use shall be operated in accordance with the nursery management plan received on 09/10/2023, aimed at minimising disturbance to nearby residents and maintaining highway safety, and shall be operated at all times thereafter. (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the Local Plan (2006)).

11. 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 day nursery within Class E of the Order. (To enable consideration of the amenity, parking and and highway safety impacts of alternative Class E uses, in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006)).

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

Proposed Site Plan, 21090/DSA/BP/GF/EXT/A/002 Rev P02, received 06/07/2023

Proposed Site Layout, DWG//4279/001 Rev P03, received 09/10/2023

Proposed Ground Floor Plan, 21090/DSA/FP/XX/XX/A/003 Rev P08, received 17/10/2023

Proposed First Floor Plan, 21090/DSA/FF/XX/XX/A/008 Rev P01, received 17/10/2023

Proposed Roof Plan, 21090/DSA/SL/RP/XX/A/007 Rev P02, received 03/10/2023

Proposed Elevations, 21090/DSA/ELE/XX/XX/A/004 Rev P04, received 03/10/2023

Proposed General Arrangement, 21090/DSA/SL/GF/XX/A/006 Rev B, received 09/10/2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel. The applicant should seek advice from Leicester City Council's Travel Plan Officer

2. The effect of condition 11 of this planning permission is that future changes of use of the property will require planning permission from the City Council as local planning authority. (Permitted development rights for this property have been restricted).

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

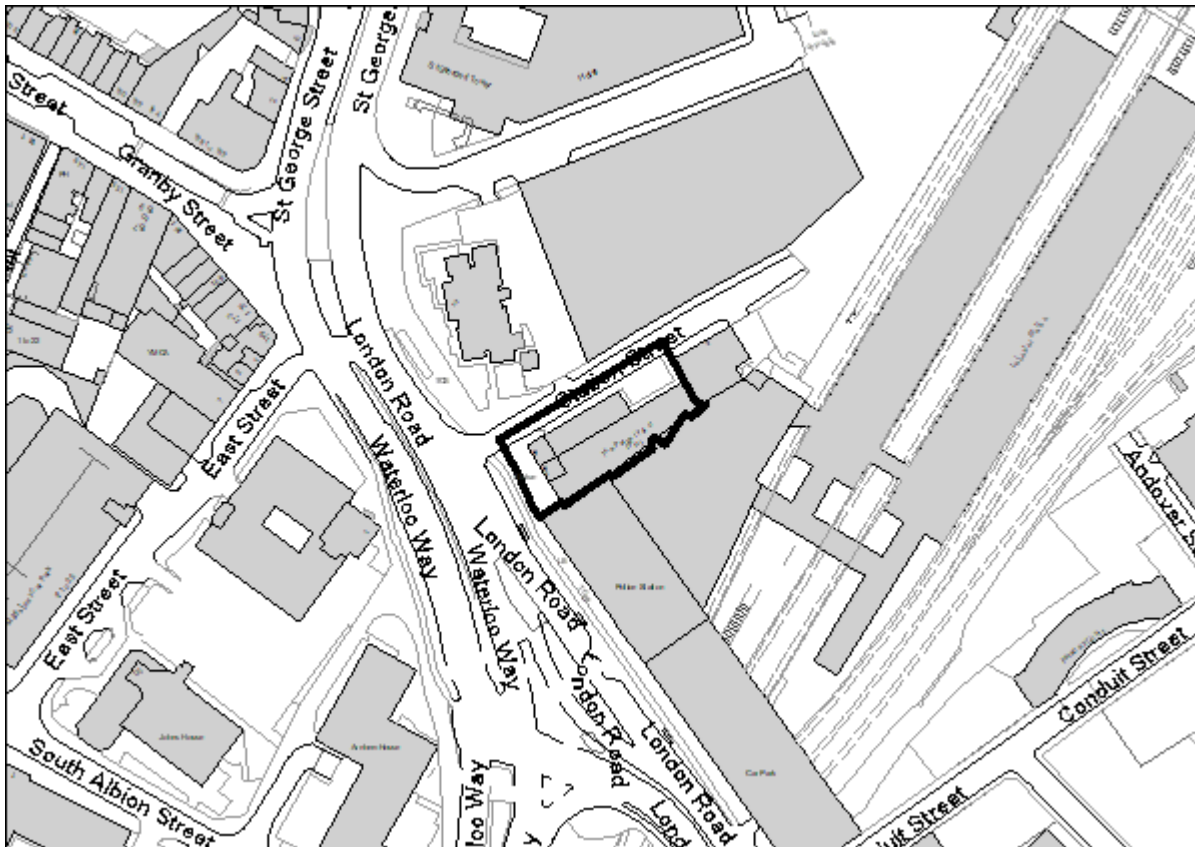
2006_H05 Planning applications involving the loss of housing will be refused unless they meet criteria.

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_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_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
2014_CS18	The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

COMMITTEE REPORT

20231214	48A London Road, The Parcel Yard	
Proposal:	Demolition of 48 London Road	
Applicant:	Leicester City Council/Network Rail	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	7 September 2023	
JL	TEAM: PM	WARD: Castle



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Summary

- The application is being brought to committee at the request of Councillor Kitterick due to the proposal affecting listed buildings and the proposal to demolish the building without a clear position on what will replace the building.
- Two objections have been received for the application.
- The main issues to consider are the loss of the building and heritage impacts, ecology impacts, impacts on neighbour amenity and highway safety impacts.
- The application is recommended for conditional approval.

The Site

The application site consists of a three-storey art deco building, constructed of stone and brick, fronting onto London Road and is also known as the Parcel Yard. The now vacant building previously included a taxi office and public house. To the first and second floors is office space. There is also a basement to the public house. The building is attached to the Grade II listed railway station (to the south of the site). This listing only covers the frontage of the railway station and porte-cochere.

The original railway "parcel yard" was originally constructed adjacent to the station, with 48 London Road constructed subsequently to this. The now vacant building was constructed in the mid-late 1930s, with some Victorian fabric to the rear. This building has some direct access to the railway station and served an ancillary function.

To the front of the building is a wide footpath and cycle lane, which provides access from the train station to the city centre. The Thomas Cook statue stands to the front of the building. Also to the front there is a mature tree within the footpath.

To the side of the building on Station Street is the delivery access to the public house and covered seating area. There is also a small area of off-street parking, associated with the public house.

The site is located in an Air Quality Management Area, Archaeological Alert Area and Critical Drainage Area. The front of Leicester Railway Station is Grade II Listed. London Road is a classified road.

To the north of the site is Elizabeth House, which provides residential accommodation. Adjacent to this is the former sorting office. Commercial uses are located opposite on Waterloo Way, to the west of the site.

Background

There have been a number of applications made at the site (48 and 48A London Road). Most notable applications include:

20152423 - RETROSPECTIVE APPLICATION FOR ATM AT FRONT OF TAXI OFFICE (NO USE CLASS) (Approved)

20152424 - RETROSPECTIVE APPLICATION FOR INTERNALLY ILLUMINATED SIGN TO ATM AT TAXI OFFICE (NO USE CLASS) (Approved)

20141164 - CONTINUATION OF USE OF TAXI BOOKING OFFICE (NO USE CLASS) (Planning Permission granted on appeal)

20130227 - CHANGE OF USE FROM RETAIL (CLASS A1) TO TAXI BOOKING OFFICE (NO USE CLASS); ALTERATIONS TO SHOP FRONT (Approved)

20021479 - VARIATION OF CONDITION 8 ATTACHED TO PLANNING PERMISSION 19990613 (TO ALLOW THE PREMISES TO REMAIN OPEN TO 02.00 DAILY) (Planning Permission granted on appeal)

20020605 - CHANGE OF USE FROM WAREHOUSE (CLASS B8) TO RESTAURANT AND BAR (CLASS A3) (Approved)

20011153 - VARIATION OF CONDITION 8 ATTACHED TO PLANNING PERMISSION 19990613 (TO EXTEND OPENING HOURS TO 02:00AM FRIDAYS AND SATURDAYS) (Planning Permission granted on appeal)

20010632 - CHANGE OF USE OF WAREHOUSE (CLASS B8) TO BAR-CAFE (CLASS A3) (Withdrawn)

20010582 - VARIATION OF CONDITION 8 ATTACHED TO PLANNING PERMISSION 19990613 (TO EXTEND HOURS OF OPENING TO 2.00AM) (Planning permission granted on appeal)

19990613 - CHANGE OF USE FROM RETAIL (CLASS A1) AND PART OF RAILWAY STATION (NO SPECIFIC USE CLASS) TO BAR AND CAFE (CLASS A3) (Approved)

19971316 - CHANGE OF USE OF PART OF RAILWAY STATION TO BAR AND CAFE (CLASS A3); NEW RAILINGS AND REFUSE BIN STORE (AMENDED PLAN) (Approved)

025586 - CONVERSION OF RETAIL SHOP TO BETTING OFFICE INCLUDING ALTERATIONS TO EXISTING SHOP FRONT (Approved)

025586A - PROVISION OF ILLUMINATED FASCIA SIGN TO BETTING OFFICE (Approved).

This application has been submitted in advance of a future application for the redevelopment of the Railway Station and external environs, details of which are provided below.

The Proposal

The application is for the demolition of 48 London Road (current taxi office and public house). This demolition is to facilitate the further redevelopment of the railway station, for which an application will be submitted in due course. The wider redevelopment of the railway station (which is not part of this application) proposes:

- A new main station entrance
- Improved access to the ticket hall to reduce bottlenecks at peak times
- Increased capacity in the ticket hall area
- A reconfigured porte cochere (currently used as a taxi drop off / pick up area) that will feature additional retail and hospitality outlets
- A new public realm connecting the station with the city centre and surrounding area
- Provision for taxis and passenger pick up and drop off

- Links to Leicester's sustainable travel network
- Safeguarding of the station's unique Victorian heritage through the conservation and restoration of unique historic features.

The scheme is to be partially funded by the Department for Levelling Up, Housing and Communities (DLUCH), where £17.6m of funding has been granted. The remaining costs are being met by Leicester City Council (£5m).

Information has been submitted with this application to indicate a fall-back proposition which would be proposed to be implemented should the wider redevelopment of the railway station not take place. This includes remediation works to the revealed façade and a landscaping scheme which would help to enhance ecology and provide an area for socialisation. Planters (also incorporating SuDS), bird boxes, borders with wildflower meadow mixes and areas of seating are proposed.

The proposed demolition will remove all above ground structures at 48A London Road. Demolition will be carried out in a top-down method, to ground floor slab, leaving hardstanding, foundations, basement and basement roof in situ and intact. A temporary cover will be provided over the basement. Demolition is to be carried out with a manual de-build and mechanical plant for larger parts of the building, such as steel beams. Care will be taken to ensure that there is no damage to the historic fabric of the railway station building. It is then proposed that temporary hoarding to match the existing building line will be erected, which will then be removed at the earliest opportunity. It is proposed that the Thomas Cook statue will remain in situ during the demolition works.

The granite setts that are on the Station Street kerb line- not listed but of historic interest- will be lifted and removed to be preserved and used at a later date for the public realm redevelopment.

The proposal will require the removal of the existing tree to the front of 48A London Road, which will be replaced with new tree planting as part of the larger redevelopment of the public realm.

An associated Listed Building Consent application has also been submitted for this development (reference 20231215) elsewhere on this agenda.

Policy Considerations

National Planning Policy Framework (NPPF) 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.'

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.'

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 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.’

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

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).'

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;

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.'

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 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

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.'

Paragraph 204 states that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 206 states that Local Planning Authorities should look for new development to preserve or enhance significance of heritage assets.

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.

Leicester Street Design Guide (First Edition)

Consultations

- Historic England response-

Leicester Station was built in 1892 for the Midland Railway Company, designed by the company's architect Charles Trubshaw. The station replaced an earlier Midland Railway station of 1840. Alterations to the station were made in the mid and late C20 century.

The surviving 1892 structure consists of a large porte cochere, pedestrian loggia and octagonal turret forms. This forms an impressive frontage to the station, which faces out onto a busy road intersection.

The station's arcaded street facing elevation with its domed clock tower, fine detailing, use of decorative terracotta, and triple span riveted glazed roof are designed to create an impression of grandeur on approach, reflecting the importance of the Midland Railway Company at the end of the C19. For its special architectural and historic interest, Leicester Station is listed Grade II.

48 Station Road (*Officer Note – This is London Road and has been incorrectly referenced from Historic England*) is a later 1920's addition to the station and forms part of the historical development of the listed building. No 48 is attached to and interconnected with the station building and incorporates elements of an earlier C19 parcel yard.

The imposing three-storey building is designed in a mixed Georgian Revival and Art-Deco style. It is built of brick with terracotta detailing. Internally, the building retains some architectural features such as its original Art-Deco staircase.

Located at the north-western end of the station's porte cochere, the building partially obscures the return of the 1892 entrance frontage. This partially obscured north-west façade appears to survive relatively in-tact.

48 London Road is of architectural quality in its own right. It is harmonious with the adjoining station building and it has an imposing presence within the streetscene at a prominent corner.

The submitted scheme proposes the partial demolition of the Grade II listed Station, including the total demolition of 48 London Road and its associated C19 structures. We understand that the demolition of 48 London Road is part of a proposed improvement scheme at Leicester Station.

However, the current proposal simply seeks consent for the demolition of the existing building. Details of the envisaged wider redevelopment, including a

new entrance with access ramps, vehicle drop off area and canopy structure, as well as, an extensive remodelling of the interior spaces and layout are only provided on an informative basis.

The demolition proposed would result in the total loss of 48 London Road which is a building of some architectural quality which contributes to the streetscene. Its loss would also result in the loss of elements of the earlier C19 parcel yard which are incorporated into the building.

Demolition would open-up views of unsightly parts of the station and would reveal scars where it is attached to the earlier station building. In our view, this would constitute harm to the significance of the listed station building as a building of special architectural and historic interest.

Whilst the proposed demolition would have the benefit of revealing the original north-western end of the 1890's railway station, any repairs and restoration work required in association with any such demolition are not specified in any detail.

Furthermore, fallback proposals are provided should the wider redevelopment not proceed, although these provide only minimal detail.

Further concerns relate to the proposed hoarding shown around the site of no.48 and the proposed temporary boarding to windows that would be exposed, shown on the post demolition plans. These proposals would be visually intrusive and there is a danger that it would cease to be a temporary arrangement if the wider redevelopment was not secured.

In determining these applications the LPA should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The National Planning Policy Framework (NPPF, July 2021) sets out clear guidance for decision-makers, including chapter 16: Conserving and enhancing the historic environment.

Paragraph 197 (c) "In determining applications, local planning authorities should take account of..... the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 199 outlines that "great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)".

Paragraph 200 states; "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

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.”

Paragraph 206 states that “Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

As outlined above, Historic England consider that the proposed demolition of 48 London Road would result in a harm to the significance of the Grade II listed Station, through loss of the imposing historic building of architectural quality which forms part of the listed station building and contributes to the streetscene. It would also reveal unsightly views of parts of the station and would reveal scars where it is attached. In our view, there is a significant risk that a building of some quality would be demolished only to reveal unsightly views and an open gap alongside the listed station.

The supporting Heritage Impact Assessment sets out that the proposal would cause a low to moderate level of less than substantial harm to the Grade II listed Station. In our view, the proposed demolition works would be more harmful, and would result in at least a medium level of less than substantial harm.

The supporting information suggests that the harm that would result from the proposed demolition could be offset by the heritage and wider benefits that would arise from the envisaged wider redevelopment scheme. However, the applications contain no assurance that the redevelopment will proceed, and the reference to fallback proposals (which contain only minimal detail) are not clear.

Historic England have previously advised that we would have concerns should a proposal for demolition come forward separately to the wider redevelopment scheme and that the Local Authority would need to be satisfied it had appropriate measures in place to ensure works would proceed as anticipated.

If the local planning authority considers that the public benefits of the redevelopment scheme (which do not form part of the current applications) outweigh the acknowledged heritage harm that would result from demolition, we consider that permission/consent for demolition should not be given without taking all reasonable steps to ensure the redevelopment will proceed after the loss has occurred, as outlined in paragraph 206 of the NPPF 2021.

Historic England has concerns regarding the application on heritage grounds. In our view the proposed demolition would cause harm to the overall significance of the Grade II listed building for the reasons outlined above. As the applications have been submitted in isolation, together with a fallback position, Historic England considers that there is a significant risk of the

demolition taking place without the subsequent redevelopment and associated public benefits being secured. Your authority will therefore need to be satisfied that the harm resulting from demolition is justified and outweighed by public benefits and should take all reasonable steps to ensure the redevelopment will proceed after the loss has occurred.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 197,199, 200, 202 and 206 of the NPPF.

- Lead Local Flood Authority (LLFA) -

The site is located within Flood Zone 1 and is not in a known flooding hotspot, therefore is at low risk of fluvial and pluvial flooding. A Demolition Method Statement (ref: 10054277-ARL-XX-XX-MS-ZZ-0004-C1) has been provided, which contains a section regarding the Water Environment (section 6.4). This confirms the procedure for managing site drainage during the demolition and mitigation measures to be put in place to prevent pollution of surface water runoff.

The surface water drainage strategy, including the SuDS to be included, for the proposed redevelopment of the station (including the creation of a new entrance and public realm) will need to be confirmed as part of a planning application. The LLFA have no objection to this application.

- Local Highways Authority -

This consultation relates to the proposed demolition of properties in preparation for substantial remodelling of the Railway station which will form one or more separate applications. The description refers to 48 London Road whereas the location refers to no.48A. From the documents submitted the proposals would appear to be demolition of both buildings and therefore this response also relates to both. The response may be taken to apply to the two associated applications, and is based principally on the outline Demolition Method Statement (DMS) submitted with the applications.

A standard condition is requested for submitting and approving future iterations of the DMS (merely because some items have been left to the discretion of the Principle Contractor, so a new DMS is likely to be produced).

- Noise Pollution Team – There are concerns about potential noise and dust nuisance from the site during demolition activities in respect of loss of amenity to occupiers of adjoining properties. There are numerous residential properties (including high-rise), commercial units, licenced premises and hotels in the immediate area. However, there are no objections in general, providing that the details in document: 10054277-ARL-XX-XX-MS-ZZ-0004-C1-Parcel_Yard_Demolition_Method_Statement Revision: 01 March 2023 are implemented throughout.

Representations

Three objections have been received for this application. One of these has since been withdrawn. The remaining reasons for objection include:

- Parcel Yard is a good and handy licensed premises serving people using the railway station – provides a service.
- Taxi office in the building provides a service.
- Cannot understand why the City Council wouldn't want to retain buildings.
- If buildings are making a loss would be better to utilise the properties than knocking down.
- No satisfactory plans for the future use of the land.
- Should be no demolition until it is demonstrated that any future proposal is more beneficial in all respects than the potential use of the existing building.
- Building has been marketed, not every potential use fully explored and blight of demolition might have deterred possible user and investor.
- Building appears capable of beneficial use in imaginative way and should have full regard before demolition approved.
- The building is ideally located where particular needs arise in Leicester for arrivals in the city for work and temporary residence.
- The building might be suitable for additional floors and increased area, not needing parking.
- Not clear that retention of 48A London Road would materially inhibit the remodelling of the station to such an extent that no plans were able to be brought forward without remodelled access and 48A London Road could be refurbished and in use.
- A new satisfactory access to the station could be achieved at the side of and behind 48A London Road, refurbished and retained so there is no case for demolition.
- Councillor Kitterick - Request for these two applications to be considered by the Planning Committee as they represent a major application in the city which affects listed buildings.
Of particular concern is the fact that there is a proposal to demolish a listed building without a clear proposal of what will replace it and there needs to be more clarity about this.
- Conservation Advisory Panel- No objection. The panel expressed regret to the loss of what they considered to be a fine building but did not consider there are grounds for an objection to the demolition as it has no formal heritage designation. Some members welcomed the inclusion of the fall-back scheme and that this eventuality had been considered.

Consideration

Principle of development

The application is for the demolition of the existing building at 48 London Road, adjacent to Leicester Railway Station. The demolition of the building is proposed to facilitate the redevelopment of the railway station.

The application for demolition works has been submitted separately to the application for the redevelopment of the railway station to allow for design works to be carried out prior to the submission of the application and to meet development delivery timescales that are required for the levelling up funding. The phasing of the whole redevelopment of the station will allow for demolition works to be carried out whilst the full planning application is determined.

In principle I consider the proposal would be of significant public benefit in terms of its contribution to a major redevelopment and enhancement of Leicester's railway station. Furthermore, I consider it would also allow for provision of significant benefits to be delivered through the proposed fall-back development (landscaped pocket park), providing an area of improved public realm and enhancing the setting of the listed railway station building should the major scheme not proceed. The Parcel Yard currently overlaps and obscures a decorative parapet and wall of the railway station, and is set back and of a lower stature of the railway station. It is not considered to be a dominant or prominent building when viewing the railway station as a whole and is not a key element of significance. Whilst the building is clearly an example of an Art Deco building, it is not a remarkable example in its own right, something that has been established due to the fact that it is not locally or nationally listed as a heritage asset. The local heritage asset register was reviewed in early 2023. It does not lie within a conservation area.

Whilst the demolition of the building would result in some harm due to the loss of an attractive building which is curtilage listed due to its physical attachment to the listed railway station and ancillary use, it is not considered that this harm would be substantial (in accordance with the NPPF).

The remedial works required would be proposed to be carried out by a specialist contractor, details of which would be required upfront. Although historic photographs can provide a good indication of the brickwork and potentially scarring that would be left as a result of the removal of the Parcel Yard, the full extent of this is unknown at this stage.

Further detail in respect of heritage consideration is included below.

Design

As part of the application, a fallback landscaping scheme to provide a "pocket park" has been provided in the unlikely event that a full planning application/ permission for redevelopment of the railway station should not be forthcoming.

This includes a landscaped area where it is proposed that the area of land left vacant following demolition will be landscaped to include planters and areas of seating. An area is also proposed which would allow for pop up stalls/ kiosks to be erected. It is considered that the proposed open space is of an appropriate design providing enhanced public realm as well as helping to enhance the setting of the listed railway station building. I consider this to be an acceptable proposal, implementation of which can be conditioned should the wider application scheme not be granted.

Heritage Assets

Extensive pre-app engagement has taken place between the applicant and other stakeholders on Government funded works to improve the primary public transport interchange in Leicester. As the Leicester Railway Station is a Grade II Listed Building, a significant component of the design development has related to considering the significance of the heritage asset and augmenting the developing design work to provide more enhancements and reduce harm. Much of the design work relates to the linked but separate application for the main works to the site, which is due to follow within the next few months. This presents an element of challenge to the assessment of the current application, which can reference the wider design but cannot consider it as integral to a set of proposed plans that are more limited in scope.

This application relates to 48A London Road, which was previously a public house, taxi offices and offices that operated under a separate address to the Railway Station. Taken superficially, the property appears architecturally divorced from the Station, both in terms of its most recent use and the exterior design. However, as detailed in the Heritage Statement, the structure does contain some relatively small sections of historic material that is contiguous with the development of the main Listed Building within its interior, as well as having a broader form that was originally built as a linked use to the Station. Although the description relating to the Listed Building does not include 48A London Road, the omission of building detail does not in itself rule out its inclusion within the scope of the listing. Historic England have declined to comment in more detail on this point and the balanced assessment of the Local Planning Authority is that the building should be assessed in terms of its historic material rather than its currently divergent address; therefore, the works proposed require listed building consent (see Item elsewhere on this agenda).

As mentioned above, a detailed Heritage Assessment has been submitted that references the heritage status of the site. This sits alongside a range of material on the proposed works and the context for their funding and delivery. As such, the submission is adequate in terms of the requirements of paragraph 194 of the NPPF. It follows on from extensive pre-app engagement, with both the Local Planning Authority, Historic England and a range of local and national heritage/amenity societies. It should be noted that a number of heritage/ amenity societies were consulted on this application but no responses were received other than from Historic England. The Conservation Advisory Panel did not object to the application.

The site and the adjacent public realm contain a number of other heritage assets, both designated and non-designated. The most significant are the Grade II Listed Station and the Grade II Listed gate piers and cast iron gates to the original Midland Railway Station on Station Street, as well as two Grade II Listed telephone kiosks and a Locally Listed post box on London Road. In addition, to the south of the site is the South Highfields Conservation Area, with the Locally Listed railway bridge parapet to the west. The more limited scope of this initial planning application means that the impact on the setting of heritage assets other than the current/former Railway Station will be negligible.

The proposal is for the total demolition of 48A London Road, including more modern elements, the surviving Victorian internal sections, and the primary inter-war building structure. Some external floorscape materials are proposed for reuse in the later development scheme, but, more generally, the building materials are not to be retained or reused. Although much altered and less legible as a building associated with the main Station, there is clear associational value contained within the built form and the loss of the building in its entirety will result in harm to the setting of the remaining Listed Building. The harm relates in part to the loss of the smaller areas of Victorian structures within the building envelope, but also the loss of the wider inter-war building, which represents a later phase in the development of ancillary facilities within the wider Station complex and one that has a pleasing composition.

Nevertheless, the property more generally is of a much later construction than the main Victorian Station, divergent in form and style, and the product of a different architectural team. It is less significant both in terms of its younger age and its divergent form to the main building adjacent, a point manifested in the awkward junction between its side elevation and the side elevation of the Porte cochere.

This latter point is where the primary benefit to the Grade II Listed Building is made by the applicant in terms of demolition of the later building opening up views to the Porte cochere, which were historically in evidence. I agree that benefit is derived both in terms of hidden detail being visible from the public realm, as well as the more expansive views of the side elevation and the Porte cochere as a whole. Improved views would allow the historic structure to be more legible and its significance to be appreciated more. Historic England have, quite reasonably, raised attention to the scope of works for repair works to the newly exposed elevation being limited, and the aesthetic problems relating to the scarred masonry. Although the application that is to follow is positioned as providing the full specification of how this would be addressed, that cannot be considered as a mitigating factor within this current application. As such, it is recommended that a planning condition be included with any approval that requires a more detailed specification of works be provided for reinstatement works within the scope of this application. At present a scoping report for a condition survey and façade restoration report have both been submitted to give comfort on the intended approach. The Council's Senior Building Conservation Officer has reviewed in the information contained within these documents and considers that the information provided at this time is satisfactory.

In a similar vein, wider public realm works are presented by the applicant as providing a key component within the scope of public benefits relating to the wider project. These cannot be considered in abstract and are immaterial to the assessment of this application at this stage. However, an intermediate landscape plan has been submitted for the development site itself in the event that the wider linked project does not proceed. This design would present benefits to the setting of the Grade II Listed Station and the Grade II Listed boundary treatment features relating to the former station. As above, these should be secured as a planning condition with any approval that may be granted. A comprehensive Building Recording should also be included as a planning condition with any approval that may be granted.

As presented, the application will present clear harm in terms of the curtilage of the Grade II Listed Station, although the wider harm to the setting of other nearby

heritage assets will be very modest or entirely limited. It is considered that the harm will be less than substantial for the reasons detailed above, and subject to the securing of matters of design through planning conditions, the harm would be towards the lower end of the spectrum of harm within that assessment. There will be some modest benefits to the setting of the heritage asset from opening up views of the side of the Porte cochere, subject to repair works secured by condition, and this partially mitigates against the harm described above. Moreover, public realm works to the site, if conditioned, will provide some further public benefit that can provide a balance against the described harm.

This site is located in an area with nationally designated and locally listed non-designated heritage assets, including known archaeology within the wider historic landscape dating from the prehistoric to modern period. The information in the heritage assessment is acceptable in terms of archaeological potential and a suitably worded condition relating to archaeology is recommended.

Residential amenity

During demolition, it is possible that there may be some noise disruption to residential occupiers, especially those in Elizabeth House, adjacent to the site. This disruption will only be temporary. The fallback scheme, should the longer-term development scheme for the station not occur, would not have a detrimental impact on the amenity of residents.

Highways and Parking

The proposed demolition of the building will result in some highways disruption. An outline traffic management plan has been submitted as part of the application which includes details of road closures, hoarding and where the replacement bus service will run from. To ensure full details are provided prior to the commencement of any works a Construction Management Plan will be secured by condition.

The proposal would result in the loss of some off street car parking, associated with the public house. However due to the loss of the building, this loss of parking provision is not considered to be an issue which would warrant the refusal of the application.

Drainage

The site is in flood zone 1 and therefore at low risk of flooding. The proposed landscape plan indicates the use of SuDS planters should the wider station redevelopment not take place.

Nature conservation/Trees/landscaping

The Update Preliminary Roost Assessment and Update Emergence Survey report (EMEC Ecology, August 2023) is acceptable. Recommendations in the report for nesting birds and bats should be followed (in summary below) and made a condition of any planning permission granted:

- Precautionary pre-works check for nesting birds and any vegetation removal carried out outside of bird nesting season.
- Bats - reasonable avoidance measures (RAMS) should be adhered to during the demolition works.

If no works are undertaken on site within 12 months of this survey or if any changes to the proposals are made, a further ecological survey may be necessary due to the mobile nature of species and potential colonisation of the site.

The application also contains details of a landscaping scheme that shall be implemented should the wider redevelopment of the railway station and public realm not take place. This landscaping scheme, which would create a “pocket park” is considered to be an enhancement to the existing public realm outside the railway station and in addition to environmental benefits, will also provide social benefits by allowing areas of seating for socialisation and an area where pop-up stalls can be erected.

Other matters

The Thomas Cook statue, although not listed, is of local interest. The applicant has confirmed that this will be retained in situ. No definitive details have been provided upfront regarding storage arrangements for the granite setts. Therefore, it is considered appropriate for details of the storage of these to be conditioned prior to their removal.

It should be noted that Historic England, whilst raising concerns in relation to this application, have not objected to the proposal.

Conclusion

The application for demolition has been submitted in advance of the application for the full redevelopment of the railway station due to the timescale requirements to secure the levelling up funding. Had the application not come forward in this way, the funding for the redevelopment of the railway station would have been at risk. As there are agreements with DLUH and Network Rail to ensure that the development proceeds and funding is forthcoming, the Local Planning Authority is reasonably confident that the redevelopment of the railway station will be undertaken.

The proposed development would result in the loss of an attractive building in the city, which is curtilage listed due to its physical attachment to the railway station and historic use of the site. 48A London Road as a separate building is not locally or nationally listed. Whilst it is regrettable that there would be the loss of this building, this is necessary to enable the redevelopment of the train station, which would help to improve the appearance of the station, improve accessibility and help to encourage regeneration in this area of the City centre. It is considered that the loss of this building would result in “less than substantial harm” as defined in the NPPF at paragraph 202. The demolition would expose the listed railway station, enhancing the setting of the listed building, which as identified at paragraph 206 of the NPPF, should be treated favourably. Due to the future works proposed, it would not be possible for the redevelopment to happen without the demolition of the building.

Whilst two existing businesses have had to vacate the building to enable the future demolition of the building, the longer term redevelopment of the railway station will help to enhance the appearance of the listed building (railway station) by revealing historic features of the building, improve accessibility and the appearance of the public realm of the entrance of the railway station and act as a catalyst for regeneration in this area of the city in the future and the wider area. This future regeneration is seen to be a significant benefit arising from the scheme in addition to the proposed redevelopment works, which will also result in improved highways benefits due to the changes to the taxi drop off/ pick up arrangements. The proposed landscaping would help to provide longer term environmental benefits.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

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

2. A scheme of restoration for the revealed Grade II listed station façade shall be submitted to the Local Planning Authority, as follows:

i. Upon practical completion of the demolition, a condition survey of the revealed Grade II listed station façade shall be undertaken and a report detailing the condition shall be submitted to the local planning authority for approval.

ii. A full scheme of restoration works for the Grade II listed station façade shall be submitted to and approved in writing by the Local Planning Authority.

iii. The scheme of restoration shall be undertaken in accordance with the approved methodology prior to occupation of the proposed public realm redevelopment.

(To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18).

3. Following demolition but prior to the commencement of development works, further details confirming the extent of external repair / alteration works shall be submitted to and approved in writing by the Council. This shall include:

i) window & door schedule of repair;

ii) methodology for masonry cleaning, including sample cleaning schedule;

iii) specification of works to remove any modern additions and visual clutter;

iv) methodology of repairs to masonry.

(To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18).

4. No groundworks, slab removal or new development shall take place or commence until a programme of archaeological investigation and mitigation 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.

(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 significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

5. No groundworks, slab removal or new development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4 above. (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 significance is advanced; and in accordance with Core Strategy policy CS18).

6. In the event of the fallback scheme being implemented, 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 condition 4 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 significance is advanced; and in accordance with Core Strategy policy CS18).

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 local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

8. The development hereby permitted shall be carried out in accordance with the mitigation measures as listed in Table A13 of the Air Quality Assessment (Arcadis, March 2023). (To ensure air quality is acceptable and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

9. The development hereby permitted shall be carried out in strict accordance with the details contained in 10054277-ARL-XX-XX-MS-ZZ-0004-C1-Parcel_Yard_Demolition_Method_Statement Revision: 01 March 2023, received by the Local Planning Authority on 27 June 2023. (In the interests of the amenity of nearby residential occupiers).

10. The development hereby permitted shall be carried out in accordance with the recommendations as listed at "Assessment of Impacts and Recommendations" in the Updated Preliminary Roost Assessment and Update Emergence Survey (EMEC Ecology, August 2023), received by the Local Planning Authority on 31 August 2023. This includes the need for a pre-work check for nesting birds and scrub/ tree removal outside the bird breeding season. (In the interests of protected species and in accordance with Policy CS17 of the Core Strategy and Habitat and Species Regulations 2017).

11. Demolition works shall be carried out within the bat hibernation season between 1st October and 1st March, as the site was not noted to be suitable for hibernating bats; or alternatively, if work is to be undertaken outside of this period, a further survey to determine the presence or otherwise of bats shall be undertaken. (In the interests of protected species and in accordance with Policy CS17 of the Core Strategy and Habitat and Species Regulations 2017).

12. If no works are undertaken on site within 12 months of the Updated Preliminary Roost Assessment and Update Emergence Survey (EMEC Ecology, August 2023) or if any changes to the proposals are made, a further ecological survey shall be submitted to and approved in writing by the Local Planning Authority. (Due to the mobile nature of species and potential colonisation of the site and in accordance with Core Strategy Policy CS17 and the NPPF).

13. Prior to the commencement of demolition, details of the storage of the granite setts to be removed shall be submitted to and approved in writing by the Local Planning Authority. (To ensure the satisfactory development of the site, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

14. Should an application for the redevelopment of Leicester Railway Station not be granted or applied for, the fallback scheme, including landscaping shall be implemented in full accordance with the following drawings within 24 months of practical completion of the demolition of the buildings on the site:

Fallback Plans - Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-907009 P02;
Fallback Plans - Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097007 P02 and

Fallback Plans - Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097008 P02, received by the local planning authority on 27 June 2023.

and

Parcel Yard Fall-Back Option Landscape Concept Plan, 10054277-ARC-ZZ-LSC-1001 REV A and
Fallback Elevations - SW, N & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201004 P01,
received by the local planning authority on 28 June 2023.

(For the avoidance of doubt and to ensure that the site is developed to a satisfactory condition).

15. The development hereby permitted shall be carried out in full accordance with the following drawings:

Site Plans – Location Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-08100 P02;
Site Plans – Site Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081001 P02;
Post Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097004 P02;
Proposed Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097001 P04; and
Post Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-097006 P02,
Received by the local planning authority on 27 June 2023

Proposed Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097002 P04;
Post Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097005 P02;
Proposed Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-097003 P04;
Demolition Elevations – NE & SE, 177016-ARC-ZZ-ZZZ-DRG-EAR-201004 P03;
Demolition Elevations – SW & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201003 P04; and
Post Demolition Elevations – SW, N & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201005 P01,
Received by the local planning authority on 28 June 2023

Site Layout Plan, 10054277-AUK-XX-XX-DR-ZZ-0007-P1;
Demolition Extents, 10054277-AUK-XX-XX-DR-ZZ-0008-P1; and
Traffic Management Plan, 10054277-AUK-XX-XX-DR-ZZ-0009-P1,
Received by the local planning authority on 13 July 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 (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.

2. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

3. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk.

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

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

5. As the existing building to be demolished abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the demolition works to be undertaken will require a licence. This should be applied for by emailing Licensing@leicester.gov.uk.

Policies relating to this recommendation

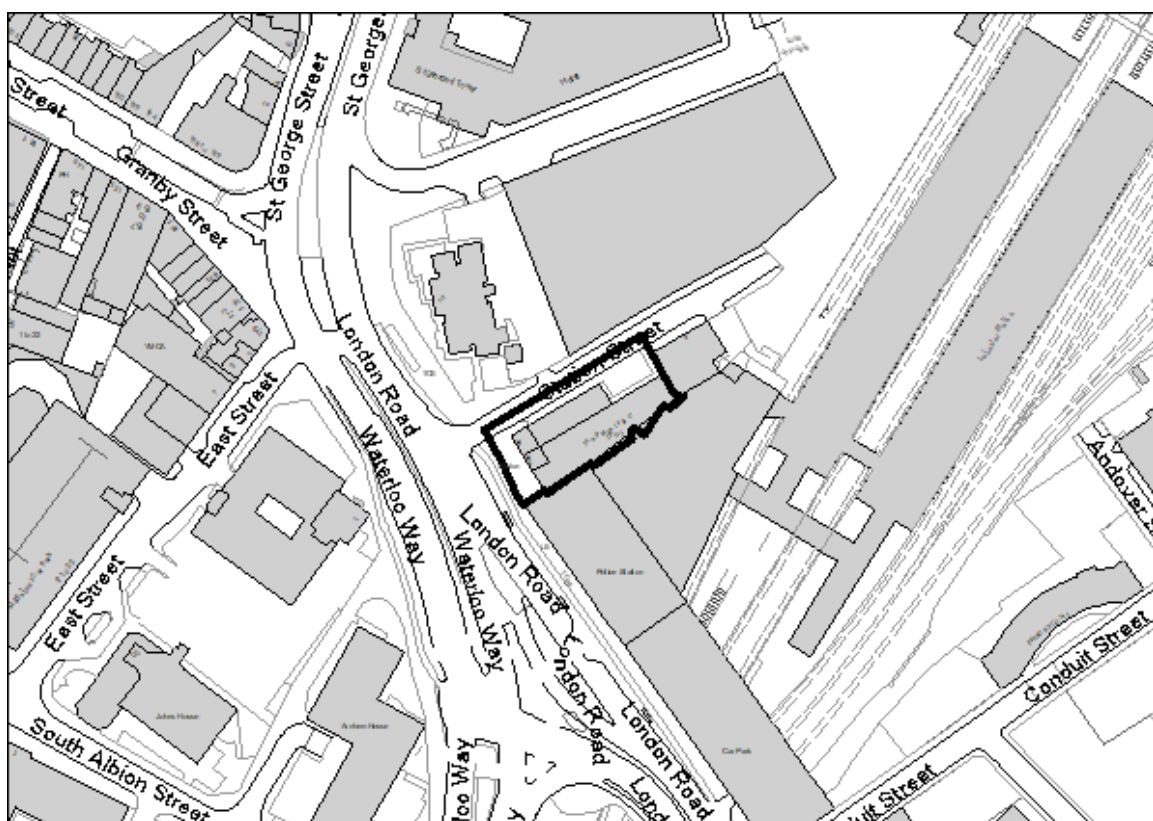
2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

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_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_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 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.

COMMITTEE REPORT

20231215	48A London Road, The Parcel Yard	
Proposal:	Listed Building Consent for proposed demolition of 48 London Road	
Applicant:	Leicester City Council/Network Rail	
App type:	Listed building consent	
Status:	Other development	
Expiry Date:	7 September 2023	
JL	TEAM: PM	WARD: Castle



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Summary

- The application is being brought to committee at the request of Councillor Kitterick due to the proposal affecting listed buildings and the proposal to demolish the building without a clear position on what will replace the building.
- 7 objections have been received for the application.
- The main issues to consider are the loss of the building and impact on heritage assets,
- The application is recommended for conditional approval.

The Site

The application site consists of a three-storey art deco building, constructed of stone and brick, fronting onto London Road. The now vacant building previously included a taxi office and public house. To the first and second floors is office space. There is also a basement to the public house. The building is attached to the Grade II listed railway station (to the south of the site). This listing only covers the frontage of the railway station and porte cochere.

The original railway "parcel yard" was originally constructed adjacent to the station, with 48 London Road constructed subsequently to this. The now vacant building was constructed in the mid-late 1930s, with some Victorian fabric to the rear. This building has some direct access to the railway station and served an ancillary function.

To the front of the building is a wide footpath and cycle lane, which provides access from the train station to the city centre. The Thomas Cook statue stands to the front of the building. Also to the front there is a mature tree within the footpath.

To the side of the building on Station Street is the delivery access to the public house and covered seating area. There is also a small area of off-street parking, associated with the public house.

The site is located in an Air Quality Management Area, Archaeological Alert Area and Critical Drainage Area. The front of Leicester Railway Station is Grade II Listed. London Road is a classified road.

To the north of the site is Elizabeth House, which provides residential accommodation. Adjacent to this is the former sorting office. Commercial uses are located opposite on Waterloo Way, to the west of the site.

Background

There have been a number of applications made at the site. Most notable applications include:

20152423 - RETROSPECTIVE APPLICATION FOR ATM AT FRONT OF TAXI OFFICE (NO USE CLASS) (Approved)

20152424 - RETROSPECTIVE APPLICATION FOR INTERNALLY ILLUMINATED SIGN TO ATM AT TAXI OFFICE (NO USE CLASS) (Approved)

20141164 - CONTINUATION OF USE OF TAXI BOOKING OFFICE (NO USE CLASS) (Planning Permission granted on appeal)

20130227 - CHANGE OF USE FROM RETAIL (CLASS A1) TO TAXI BOOKING OFFICE (NO USE CLASS); ALTERATIONS TO SHOP FRONT (Approved)

20021479 - VARIATION OF CONDITION 8 ATTACHED TO PLANNING PERMISSION 19990613 (TO ALLOW THE PREMISES TO REMAIN OPEN TO 02.00 DAILY) (Planning Permission granted on appeal)

20020605 - CHANGE OF USE FROM WAREHOUSE (CLASS B8) TO RESTAURANT AND BAR (CLASS A3) (Approved)

20011153 - VARIATION OF CONDITION 8 ATTACHED TO PLANNING PERMISSION 19990613 (TO EXTEND OPENING HOURS TO 02:00AM FRIDAYS AND SATURDAYS) (Planning Permission granted on appeal)

20010632 - CHANGE OF USE OF WAREHOUSE (CLASS B8) TO BAR-CAFE (CLASS A3) (Withdrawn)

20010582 - VARIATION OF CONDITION 8 ATTACHED TO PLANNING PERMISSION 19990613 (TO EXTEND HOURS OF OPENING TO 2.00AM) (Planning permission granted on appeal)

19990613 - CHANGE OF USE FROM RETAIL (CLASS A1) AND PART OF RAILWAY STATION (NO SPECIFIC USE CLASS) TO BAR AND CAFE (CLASS A3) (Approved)

19971316 - CHANGE OF USE OF PART OF RAILWAY STATION TO BAR AND CAFE (CLASS A3); NEW RAILINGS AND REFUSE BIN STORE (AMENDED PLAN) (Approved)

025586 - CONVERSION OF RETAIL SHOP TO BETTING OFFICE INCLUDING ALTERATIONS TO EXISTING SHOP FRONT (Approved)

025586A - PROVISION OF ILLUMINATED FASCIA SIGN TO BETTING OFFICE (Approved).

This application has been submitted in advance of a future application for the redevelopment of the Railway Station and external environs, details of which are provided below.

The Proposal

This Listed Building Consent application is for the demolition of 48 London Road (current taxi office and public house). This demolition is to facilitate the further redevelopment of the railway station, for which an application will be submitted in due course. The wider redevelopment of the railway station (which is not part of this application) proposes:

- A new main station entrance
- Improved access to the ticket hall to reduce bottlenecks at peak times
- Increased capacity in the ticket hall area
- A reconfigured porte cochere (currently used as a taxi drop off / pick up area) that will feature additional retail and hospitality outlets
- A new public realm connecting the station with the city centre and surrounding area

- Provision for taxis and passenger pick up and drop off
- Links to Leicester's sustainable travel network
- Safeguarding of the station's unique Victorian heritage through the conservation and restoration of unique historic features.

The scheme is to be partially funded by the Department for Levelling Up, Housing and Communities (DLUCH), where £17.6m of funding has been granted. The remaining costs are being met by Leicester City Council (£5m).

Information has been submitted with this application to indicate a fall-back proposition which would be proposed to be implemented should the wider redevelopment of the railway station not take place. This includes remediation works to the revealed façade and a landscaping scheme which would help to enhance ecology and provide an area for socialisation. Planters (also incorporating SuDS), bird boxes, borders with wildflower meadow mixes and areas of seating are proposed.

The proposed demolition will remove all above ground structures at 48A London Road. Demolition will be carried out in a top-down method, to ground floor slab, leaving hardstanding, foundations, basement and basement roof in situ and intact. A temporary cover will be provided over the basement. Demolition is to be carried out with a manual de-build and mechanical plant for larger parts of the building, such as steel beams. Care will be taken to ensure that there is no damage to the historic fabric of the railway station building. It is then proposed that temporary hoarding to match the existing building line will be erected, which will then be removed at the earliest opportunity. It is proposed that the Thomas Cook statue will remain in situ during the demolition works.

The granite setts that are on the Station Street kerb line- not listed but of historic interest- will be lifted and removed to be preserved and used at a later date for the public realm redevelopment.

The proposal will require the removal the tree outside 48A London Road, which will be replaced with new tree planting as part of the larger redevelopment of the public realm.

An associated planning application has also been submitted for this development (reference 20231214). elsewhere on this agenda.

Policy Considerations

National Planning Policy Framework (NPPF) 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.'

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.'

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 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.’

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

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).'

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;

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.'

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 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

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.'

Paragraph 204 states that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 206 states that Local Planning Authorities should look for new development to preserve or enhance significance of heritage assets.

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.

Leicester Street Design Guide (First Edition)

Consultations

- Historic England Response -

Leicester Station was built in 1892 for the Midland Railway Company, designed by the company's architect Charles Trubshaw. The station replaced an earlier Midland Railway station of 1840. Alterations to the station were made in the mid and late C20 century.

The surviving 1892 structure consists of a large porte cochere, pedestrian loggia and octagonal turret forms. This forms an impressive frontage to the station, which faces out onto a busy road intersection.

The station's arcaded street facing elevation with its domed clock tower, fine detailing, use of decorative terracotta, and triple span riveted glazed roof are designed to create an impression of grandeur on approach, reflecting the importance of the Midland Railway Company at the end of the C19. For its special architectural and historic interest, Leicester Station is listed Grade II.

48 Station Road (*Officer Note – This is London Road and has been incorrectly referenced from Historic England*) is a later 1920's addition to the station and forms part of the historical development of the listed building. No 48 is attached to and interconnected with the station building and incorporates elements of an earlier C19 parcel yard.

The imposing three-storey building is designed in a mixed Georgian Revival and Art-Deco style. It is built of brick with terracotta detailing. Internally, the building retains some architectural features such as its original Art-Deco staircase.

Located at the north-western end of the station's porte cochere, the building partially obscures the return of the 1892 entrance frontage. This partially obscured north-west façade appears to survive relatively in-tact.

48 London Road is of architectural quality in its own right. It is harmonious with the adjoining station building and it has an imposing presence within the streetscene at a prominent corner.

The submitted scheme proposes the partial demolition of the Grade II listed Station, including the total demolition of 48 London Road and its associated C19 structures. We understand that the demolition of 48 London Road is part of a proposed improvement scheme at Leicester Station.

However, the current proposal simply seeks consent for the demolition of the existing building. Details of the envisaged wider redevelopment, including a new entrance with access ramps, vehicle drop off area and canopy structure, as well as, an extensive remodelling of the interior spaces and layout are only provided on an informative basis.

The demolition proposed would result in the total loss of 48 London Road which is a building of some architectural quality which contributes to the streetscene. Its loss would also result in the loss of elements of the earlier C19 parcel yard which are incorporated into the building.

Demolition would open-up views of unsightly parts of the station and would reveal scars where it is attached to the earlier station building. In our view, this would constitute harm to the significance of the listed station building as a building of special architectural and historic interest.

Whilst the proposed demolition would have the benefit of revealing the original north-western end of the 1890's railway station, any repairs and restoration work required in association with any such demolition are not specified in any detail.

Furthermore, fallback proposals are provided should the wider redevelopment not proceed, although these provide only minimal detail.

Further concerns relate to the proposed hoarding shown around the site of no.48 and the proposed temporary boarding to windows that would be exposed, shown on the post demolition plans. These proposals would be visually intrusive and there is a danger that it would cease to be a temporary arrangement if the wider redevelopment was not secured.

In determining these applications the LPA should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The National Planning Policy Framework (NPPF, July 2021) sets out clear guidance for decision-makers, including chapter 16: Conserving and enhancing the historic environment.

Paragraph 197 (c) "In determining applications, local planning authorities should take account of..... the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 199 outlines that "great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)".

Paragraph 200 states; "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from

development within its setting), should require clear and convincing justification.”

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.”

Paragraph 206 states that “Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

As outlined above, Historic England consider that the proposed demolition of 48 London Road would result in a harm to the significance of the Grade II listed Station, through loss of the imposing historic building of architectural quality which forms part of the listed station building and contributes to the streetscene. It would also reveal unsightly views of parts of the station and would reveal scars where it is attached. In our view, there is a significant risk that a building of some quality would be demolished only to reveal unsightly views and an open gap alongside the listed station.

The supporting Heritage Impact Assessment sets out that the proposal would cause a low to moderate level of less than substantial harm to the Grade II listed Station. In our view, the proposed demolition works would be more harmful, and would result in at least a medium level of less than substantial harm.

The supporting information suggests that the harm that would result from the proposed demolition could be offset by the heritage and wider benefits that would arise from the envisaged wider redevelopment scheme. However, the applications contain no assurance that the redevelopment will proceed, and the reference to fallback proposals (which contain only minimal detail) are not clear.

Historic England have previously advised that we would have concerns should a proposal for demolition come forward separately to the wider redevelopment scheme and that the Local Authority would need to be satisfied it had appropriate measures in place to ensure works would proceed as anticipated.

If the local planning authority considers that the public benefits of the redevelopment scheme (which do not form part of the current applications) outweigh the acknowledged heritage harm that would result from demolition, we consider that permission/consent for demolition should not be given without taking all reasonable steps to ensure the redevelopment will proceed after the loss has occurred, as outlined in paragraph 206 of the NPPF 2021.

Historic England has concerns regarding the application on heritage grounds. In our view the proposed demolition would cause harm to the overall significance of the Grade II listed building for the reasons outlined above. As

the applications have been submitted in isolation, together with a fallback position, Historic England considers that there is a significant risk of the demolition taking place without the subsequent redevelopment and associated public benefits being secured. Your authority will therefore need to be satisfied that the harm resulting from demolition is justified and outweighed by public benefits and should take all reasonable steps to ensure the redevelopment will proceed after the loss has occurred.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 197,199, 200, 202 and 206 of the NPPF.

- Land Pollution - No comments to make on this in terms of contaminated land.
- Lead Local Flood Authority (LLFA) – No comments to make.
- Local Highways Authority - This consultation relates to the proposed demolition of properties in preparation for substantial remodelling of the Railway station which will form one or more separate applications. The description refers to 48 London Road whereas the location refers to no.48A. From the documents submitted the proposals would appear to be demolition of both buildings and therefore this response also relates to both. The response may be taken to apply to the two associated applications, and is based principally on the outline Demolition Method Statement (DMS) submitted with the applications.

A standard condition is requested for submitting and approving future iterations of the DMS (merely because some items have been left to the discretion of the Principle Contractor, so a new DMS is likely to be produced).

- Noise Pollution – There are concerns about potential noise and dust nuisance from the site during demolition activities in respect of loss of amenity to occupiers of adjoining properties. There are numerous residential properties (including high-rise), commercial units, licenced premises and hotels in the immediate area.
However, there are no objections in general, providing that the details in document:10054277-ARL-XX-XX-MS-ZZ-0004-C1-Parcel_Yard_Demolition_Method_Statement Revision: 01 March 2023 are implemented throughout.

Representations

The Listed Building Consent application has received 8 objections. One of these has since been withdrawn. The remaining reason for objection are as follows:

- Important building which has been in the city for a long time. It has significant value to the city. Can't demolish historic listed building to make a new entrance.
- Design can be developed while keeping this beautiful listed building.
- Complete waste of money, should invest in housing as that is a major crisis than making new entrances for the station while all the services are the same.

- Levelling up funds are going to complete waste, should go to housing.
- Waste of money and time.
- Station is fine. If want to improve train services fair enough but these plans won't change any train services.
- Council should use the funds for something better.
- Leicester train station is perfect, everything is perfect right now.
- Should use the funds for housing and green space.
- Parcel Yard is a good and handy licensed premises serving people using the railway station – provides a service.
- Taxi office in the building provides a service.
- Cannot understand logic of the City Council – don't want to retain buildings.
- If buildings are making a loss would be better to utilise the properties than knocking down.
- Revealing the North wall of the arrivals and departures glazed frontage is not compensation for the loss of the frontage of 48A London Road that contributes to the overall group of railway buildings and the street.
- Three phases of railway architecture are present on site now – the original gates to the Campbell Street station, the glazed arrivals and departure frontage and 48A London Road representing a later development of use of railway and railway traffic and usage. These three are unique in close proximity in Leicester.
- The building represents a third phase of railway architecture and should not be lost.
- The demolition damages the setting of the listed glazed frontage since it takes it out of its context as one stage of an evolving group of buildings in differing architectural style.
- The design of 48A London Road is neither elaborately decorated or plain but is a neat and effective elevation with symmetry, detail, presence and a stone clad ceramic vertical articulation that offers good legibility making it an attractive contribution to the street. It would be a loss if it was removed.
- Beneficial uses would be possible and a new station access is possible with it retained and refurbished not demolished.
- The proposal to demolish is partially promoted by the City Council and therefore may have to be referred elsewhere for an independent approach to be taken. Otherwise conflict of interest may be alleged and it might not be possible for true probity to be maintained and for it to be demonstrably impossible for such interests to persist. Reserve the right to make further comments and representations at this future point directly.
- Vital to protect Leicester's diminishing heritage and while full retention is optimum, incorporating the full façade to London Road with a quarter of the side wrapped around as part of a new building might be satisfactory if there is good design.
- Councillor Kitterick - Request for these two applications to be considered by the Planning Committee as they represent a major application in the city which affects listed buildings.
Of particular concern is the fact that there is a proposal to demolish a listed building without a clear proposal of what will replace it and there needs to be more clarity about this.

- Conservation Advisory Panel – No objection. The panel expressed regret to the loss of what they considered to be a fine building but did not consider there were grounds for an objection to the demolition as it has no formal heritage designation. Some members welcomed the inclusion of the fallback scheme and that this eventuality had been considered.

Consideration

Principle of development

The application is for the demolition of the existing building at 48 London Road, adjacent to Leicester Railway Station. The demolition of the building is proposed to facilitate the redevelopment of the railway station. This application seeks Listed Building Consent and this report concentrates on the matters relevant to that.

The application for demolition works has been submitted separately to the application for the redevelopment of the railway station to allow for design works to be carried out prior to the submission of the application and to meet timescales that are required for the levelling up funding. The phasing of the whole redevelopment of the station will allow for demolition works to be carried out whilst the full planning application is determined.

In principle I consider the proposal, would be of significant public benefit in terms of its contribution to a major redevelopment and enhancement of Leicester's railway station. Furthermore, I consider it would also allow for provision of significant benefits to be delivered through the proposed fall-back development (landscaped pocket park) providing an area of improved public realm and enhancing the setting of the listed railway station building should the major scheme not proceed. The Parcel Yard currently overlaps and obscures a decorative parapet and wall of the railway station and is set back and of a lower stature of the railway station. It is not considered to be a dominant or prominent building when viewing the railway station as a whole and not a key element of significance. Whilst the building is clearly an example of an Art Deco building, it is not a remarkable example in its own right, something that has been established due to the fact that it is not locally or nationally listed as a heritage asset. The local heritage asset register was reviewed in early 2023. It does not lie in a conservation area.

Whilst the demolition of the building would result in some harm due to the loss of an attractive building which is curtilage listed due to its physical attachment to the listed railway station and ancillary use, it is not considered that this harm would be substantial (in accordance with the NPPF).

The remedial works required would be able to be carried out by a specialist contractor, details of which would be required upfront. Although historic photographs can provide a good indication of the brickwork and potentially scarring that would be left as a result of the removal of the Parcel Yard, the full extent of this is unknown at this stage.

Further detail in respect of heritage consideration is included below.

Design

As part of the application, a fallback landscaping scheme to provide a “pocket park” has been provided in the unlikely event that a full planning application/ permission for redevelopment of the railway station should not be forthcoming.

This includes a landscaped area where it is proposed that the area of land left vacant following demolition will be landscaped to include planters and areas of seating. An area is also proposed which would allow for pop up stalls/ kiosks to be erected. It is considered that the proposed open space is of an appropriate design providing enhanced public realm as well as helping to enhance the setting of the listed railway station building. I consider this to be an acceptable proposal, implementation of which can be conditioned should the wider application scheme not be granted.

Heritage Assets

Extensive pre-app engagement has taken place between the applicant and other stakeholders on Government funded works to improve the primary public transport interchange in Leicester. As the Leicester Railway Station is a Grade II Listed Building, a significant component of the design development has related to considering the significance of the heritage asset and augmenting the developing design work to provide more enhancements and reduce harm. Much of the design work relates to the linked but separate application for the main works to the site, which is due to follow within the next few months. This presents an element of challenge to the assessment of the current application, which can reference the wider design but cannot consider it as integral to a set of proposed plans that are more limited in scope.

This application relates to 48A London Road, which was previously a public house, taxi offices and officers that operated under a separate address to the Railway Station. Taken superficially, the property appears architecturally divorced from the Station, both in terms of its most recent use and the exterior design. However, as detailed in the Heritage Statement, the structure does contain some relatively small sections of historic material that is contiguous with the development of the main Listed Building within its interior, as well as having a broader form that was originally built as a linked use to the Station. Although the description relating to the Listed Building does not include 48A London Road, the omission of building detail does not in itself rule out its inclusion within the scope of the listing. Historic England have declined to comment in more detail on this point and the balanced assessment of the Local Planning Authority is that the building should be assessed in terms of its historic material rather than its currently divergent address; therefore, the works proposed require listed building consent. (see Item elsewhere on this agenda).

As mentioned above, a detailed Heritage Assessment has been submitted that references the heritage status of the site. This sits alongside a range of material on the proposed works and the context for their funding and delivery. As such, the submission is adequate in terms of the requirements of paragraph 194 of the NPPF.

It follows on from extensive pre-app engagement, with both the Local Planning Authority, Historic England and a range of local and national heritage/amenity societies. It should be noted that a number of heritage/ amenity societies were consulted on this application but no responses were received other than from Historic England. The Conservation Advisory Panel did not object to the application.

The site and the adjacent public realm contain a number of other heritage assets, both designated and non-designated. The most significant are the Grade II Listed Station and the Grade II Listed gatepiers and cast iron gates to the original Midland Railway Station on Station Street, as well as two Grade II Listed telephone kiosks and a Locally Listed post box on London Road. In addition, to the south of the site is the South Highfields Conservation Area, with the Locally Listed railway bridge parapet to the west. The more limited scope of this initial planning application means that the impact on the setting of heritage assets other than the current/former Railway Station will be negligible.

The proposal is for the total demolition of 48A London Road, including more modern elements, the surviving Victorian internal sections, and the primary inter-war building structure. Some external floorscape materials are proposed for reuse in the later development scheme, but, more generally, the building materials are not to be retained or reused. Although much altered and less legible as a building associated with the main Station, there is clear associational value contained within the built form and the loss of the building in its entirety will result in harm to the setting of the remaining Listed Building. The harm relates in part to the loss of the smaller areas of Victorian structures within the building envelope, but also the loss of the wider inter-war building, which represents a later phase in the development of ancillary facilities within the wider Station complex and one that has a pleasing composition.

Nevertheless, the property more generally is of a much later construction than the main Victorian Station, divergent in form and style, and the product of a different architectural team. It is less significant both in terms of its younger age and its divergent form to the main building adjacent, a point manifested in the awkward junction between its side elevation and the side elevation of the Porte cochere.

This latter point is where the primary benefit to the Grade II Listed Building is made by the applicant in terms of demolition of the later building opening up views to the Porte cochere, which were historically in evidence. I agree that benefit is derived both in terms of hidden detail being visible from the public realm, as well as the more expansive views of the side elevation and the Porte cochere as a whole. Improved views would allow the historic structure to be more legible and its significance to be appreciated more. Historic England have, quite reasonably, raised attention to the scope of works for repair works to the newly exposed elevation being limited, and the aesthetic problems relating to the scarred masonry. Although the application that is to follow is positioned as providing the full specification how this would be addressed, that cannot be considered as a mitigating factor within this current application. As such, it is recommended that a planning condition be included with any approval that requires a more detailed specification of works be provided for reinstatement works within the scope of this application. At present a scoping report for a condition survey and façade restoration report have both been submitted to give comfort on the intended approach. The Council's Senior Building Conservation

Officer has reviewed in the information contained within these documents and considers that the information provided at this time is satisfactory.

In a similar vein, wider public realm works are presented by the applicant as providing a key component within the scope of public benefits relating to the wider project. These cannot be considered in abstract and are immaterial to the assessment of this application at this stage. However, an intermediate landscape plan has been submitted for the development site itself in the event that the wider linked project does not proceed. This design would present benefits to the setting of the Grade II Listed Station and the Grade II Listed boundary treatment features relating to the former station. As above, these should be secured as a planning condition with any approval that may be granted. A comprehensive Building Recording should also be included as a planning condition with any approval that may be granted.

As presented, the application will present clear harm in terms of the curtilage of the Grade II Listed Station, although the wider harm to the setting of other nearby heritage assets will be very modest or entirely limited. It is considered that the harm will be less than substantial for the reasons detailed above, and subject to the securing of matters of design through planning conditions, the harm would be towards the lower end of the spectrum of harm within that assessment. There will be some modest benefits to the setting of the heritage asset from opening up views of the side of the Porte cochere, subject to repair works secured by condition, and this partially mitigates against the harm described above. Moreover, public realm works to the site, if conditioned, will provide some further public benefit that can provide a balance against the described harm.

This site is located in an area with nationally designated and locally listed non-designated heritage assets, including known archaeology within the wider historic landscape dating from the prehistoric to modern period. The information in the heritage assessment is acceptable in terms of archaeological potential and a suitably worded condition relating to archaeology is recommended.

Other matters

Concerns have been raised in the representation in relation to Leicester City Council being the applicant and also the decision maker. It is not uncommon for the City Council to submit its own planning applications and for the Local Planning Authority, as part of the City Council to make a decision on its own application. The application is determined as any other planning application would be, taking into account the development plan, including local and national planning policy and any other material considerations, including representations received from consultees and members of the public.

The Thomas Cook statue, although not listed, is of local interest. The applicant has confirmed that this will remain in situ. No definitive details have been provided upfront regarding storage arrangements for the granite setts. Therefore, it is considered appropriate for details of these to be conditioned prior to their removal.

It should be noted that Historic England, whilst raising concerns in relation to this application, have not objected to the proposal.

Conclusion

The application for demolition has been submitted in advance of the application for the full redevelopment of the railway station due to the timescale requirements to secure the levelling up funding. Had the application not come forward in this way, the funding for the redevelopment of the railway station would have been at risk. As there are agreements with DLUCH and Network Rail to ensure that the development proceeds and funding is forthcoming, the Local Planning Authority is reasonably confident that the redevelopment of the railway station will be undertaken.

The proposed development would result in the loss of an attractive building in the city, which is curtilage listed due to its physical attachment to the railway station and historic use of the site. 48A London Road as a separate building is not locally or nationally listed. Whilst it is regrettable that there would be the loss of this building, this is necessary to enable the redevelopment of the train station, which would help to improve the appearance of the station, improve accessibility and help to encourage regeneration in this area of the City centre. It is considered that the loss of this building would result in “less than substantial harm” as defined in the NPPF at paragraph 202. The demolition would expose the listed railway station, enhancing the setting of the listed building, which as identified at paragraph 206 of the NPPF, should be treated favourably. Due to the future works proposed, it would not be possible for the redevelopment to happen without the demolition of the building.

The longer term redevelopment of the railway station will help to enhance the appearance of the listed building (railway station) by revealing historic features of the building, improve accessibility and the appearance of the public realm of the entrance of the railway station and act as a catalyst for regeneration in this area of the city in the future and the wider area. This future regeneration is seen to be a significant benefit arising from the scheme in addition to the proposed redevelopment works, which will also result in improved highways benefits due to the changes to the taxi drop off/ pick up arrangements. The proposed landscaping would help to provide longer term environmental benefits.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)
2. A scheme of restoration for the revealed Grade II listed station façade shall be submitted to the Local Planning Authority, as follows:

i. Upon practical completion of the demolition, a condition survey of the revealed Grade II listed station façade shall be undertaken and a report detailing the condition shall be submitted to the local planning authority for approval.

ii. A full scheme of restoration works for the Grade II listed station façade shall be submitted to and approved in writing by the Local Planning Authority.

iii. The scheme of restoration shall be undertaken in accordance with the approved methodology prior to occupation of the proposed public realm redevelopment.

(To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18).

3. Following demolition but prior to the commencement of development works, further details confirming the extent of external repair / alteration works shall be submitted to and approved in writing by the Council. This shall include:

i) window & door schedule of repair;

ii) methodology for masonry cleaning, including sample cleaning schedule;

iii) specification of works to remove any modern additions and visual clutter;

iv) methodology of repairs to masonry.

(To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18).

4. No groundworks, slab removal or new development shall take place or commence until a programme of archaeological investigation and mitigation 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.

(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 significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

5. No groundworks, slab removal or new development shall take place other than in accordance with the Written Scheme of Investigation approved under

condition 4 above. (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 significance is advanced; and in accordance with Core Strategy policy CS18).

6. In the event of the fallback scheme being implemented, 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 condition 4 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 significance is advanced; and in accordance with Core Strategy policy CS18).

7. The development hereby permitted shall be carried out in full in accordance with the following drawings:

Site Plans – Location Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-08100 P02;
Site Plans – Site Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081001 P02;
Post Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097004 P02;

Proposed Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097001 P04; and

Post Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-097006 P02,

Received by the local planning authority on 27 June 2023

Proposed Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097002 P04;

Post Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097005 P02;

Proposed Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-097003 P04;

Demolition Elevations – NE & SE, 177016-ARC-ZZ-ZZZ-DRG-EAR-201004 P03;

Demolition Elevations – SW & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201003 P04; and

Post Demolition Elevations – SW, N & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201005 P01,

Received by the local planning authority on 28 June 2023

Site Layout Plan, 10054277-AUK-XX-XX-DR-ZZ-0007-P1;

Demolition Extents, 10054277-AUK-XX-XX-DR-ZZ-0008-P1; and

Traffic Management Plan, 10054277-AUK-XX-XX-DR-ZZ-0009-P1,

Received by the local planning authority on 13 July 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 (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_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_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_CS18 | The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. |

COMMITTEE REPORT

20231313	2-4 Gopsall Street	
Proposal:	Change of use of ancillary workshop at rear of flats to become self-contained dwellinghouse (2-bed) (Class C3); & alterations to building	
Applicant:	Mr H Patel	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	16 November 2023	
SS1	TEAM: PD	WARD: Wycliffe



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Summary

- The application is brought to committee as the planning agent is married to a Councillor.
- The main issues are the proposed living environment; neighbouring residential amenity, parking and drainage.
- The application is recommended for refusal on the basis of an unacceptable proposed living environment for future occupiers and harm to privacy of neighbours.

The Site

The application relates to a single and two-storey outbuilding situated at the rear of an end of terrace property. The outbuilding is known as 2 Gopsall Street and was in use as a workshop although is currently vacant. It is accessed via the alley way associated with the main building, 4 Gopsall Street, which itself has been split into 4 flats (2 bedsits at ground floor, 1x 1-bed flat and 1x 2-bed flat at first floor). There is an internal courtyard area which includes an external staircase to one of the first floor flats. The main building has a two storey outrigger extending significantly beyond its main rear elevation connecting to the outbuilding.

To the west the site is directly bordered by the theatre auditorium of the “Ark World Arts Centre”. This site was approved as accommodation for a youth project scheme under application 19821204 and an extension was approved for use for the performing arts and the display of public art by the local school and community under application 20011154.

To the northwest the outbuilding is bordered by the Al-Qalam education and community centre which is used for events, social functions and meeting rooms. This site was approved for use as a centre for religious instruction under application 19901616.

To the northeast is the attached terraced residential property 6 Gopsall Street.

The site is within a critical drainage area and is within 250m of a known air pollutant use (St Peters Road service station).

Background

The following previous applications at the site are noted:

20081818 Change of use from workshop (Class B1) to one self-contained flat (Class C3)(1 x 2 bed)

- Conditional approval (permission not implemented)

20100879 Dormer extensions at front and rear of flat (Class C3)

- Conditional approval (permission not implemented)

The Proposal

The proposal includes the change of use of the outbuilding workshop to be used as a 2-bedroom self-contained dwellinghouse.

In terms of layout, at the ground floor there would be a foyer and then the main living area and kitchen. At the rear would be storage space and the bathroom. At first floor there would be 2 bedrooms. The dwellinghouse would be c.82sqm in internal floorspace.

There would be external alterations to the building to accommodate the change of use: there would be a new door and window at ground floor and two new windows at first floor.

Although the proposed elevation does not show the external staircase, it is shown on the proposed floor plan and as such would appear to be staying in situ.

The submission was accompanied by a cover letter and design & access statement.

Policy Considerations

National Planning Policy Framework 2023 (NPPF)

Paragraph 2 (Primacy of development plan)
Paragraph 11 (Sustainable development)
Paragraph 39 (Early engagement)
Paragraph 43 (Right information crucial)
Paragraph 60 (Housing supply)
Paragraph 111 (Unacceptable highways impact)
Paragraph 112 (Highways requirements for development)
Paragraph 130 (Good design and amenity)
Paragraph 185 (Noise and light pollution)

Core Strategy 2014 and Local Plan 2006

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

Further Relevant Documents

Residential Amenity Guide SPD 2008
Department for Communities and Local Government - Nationally described space standard
GOV.UK Planning Practice Guidance – Noise [Noise - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise)

Consultations

Environmental Health – Noise Pollution Service

- Due to the proximity of two educational establishments and the arts centre/theatre, recommends that a noise assessment is undertaken to mitigate the existing external noise affecting the proposed conversion to a residential property.
- Recommends a condition with respect to construction noise to protect the amenity of existing nearby occupiers.

Consideration

Principle of Development

By reason of the site being within a primarily residential area, new residential development is considered acceptable in principle subject to creation of a good quality proposed living environment; consideration of neighbouring residential amenity, and parking.

Proposed Living Environment

Privacy and Overshadowing Impacts

Local Plan 2006 saved policy PS10 requires consideration of amenity for existing and proposed residents including in terms of privacy and overshadowing. The NPPF paragraph 130f requires a high standard of amenity for existing and future users of the site.

Having regard to the above policies, I consider that there would be inadequate privacy provision and harmful overshadowing for the future occupiers of the dwelling for the following reasons.

In terms of privacy, the existing rear facing first floor kitchen and bedroom windows in the main building would be facing towards the proposed ground floor living area window at a distance of c.7.8m. This is considerably less than the minimum standard of 21m stated in the Council's Residential Amenity Guide. As such, the future occupiers of the house would be overlooked by the neighbours at such a short distance as to cause a harmful sense of lack of privacy in their living area.

Secondly in terms of privacy, the existing rear facing first floor living room window in the main building would be facing towards the proposed bedroom 2 at an oblique angle at a distance of c.3.4m. Notwithstanding the oblique angle, the extremely close proximity of these windows would also result in the occupiers of the proposed bedroom being overlooked by the neighbour at such a short distance as to cause a harmful sense of lack of privacy in their bedroom.

Thirdly in terms of privacy, as noted above there is an external staircase within the courtyard leading up to the side of the outrigger. By reason of the proximity to the proposed ground floor living room window in the new house, neighbours using the external staircase would have a vantage point to look down into the living room at extremely close proximity. This would allow for severely intrusive views into the house again resulting in lack of privacy for residents in their living area.

Similarly the neighbours when at the top of the staircase would be able to look directly across to both bedroom windows at a distance of 5.3m. Again this relationship between the staircase and the bedroom windows would allow for severely intrusive views into the house resulting in lack of privacy for residents in their living area.

In terms of overshadowing and an overbearing impact, the proposed ground floor living room window would be in extremely close proximity to the side boundary wall and the tall side wall of the neighbouring theatre, as well as the existing external staircase and also be in close proximity to the side and rear walls of the main building. These walls would all serve to severely limit the amount of sunlight reaching the living room and cause an overbearing, oppressive and enclosing impact on outlook from the living room. Usually, walls that intersect a 45 degree line taken from the centre of a proposed window would be considered to have an overbearing impact, and the cumulative impact of all these walls would have a much greater harmful impact than that guideline. Additionally, the living area is of significant depth and laid out in such a way that there would be extremely limited light reaching the rear and kitchen parts of the room.

The proposed bedroom 2 would be facing towards the existing rear first floor wall of the main building at a distance of 3.6m. At this short distance, this wall would cause an oppressive and harmfully limited and overbearing outlook from the proposed bedroom 2 for the future resident.

The existing rear first floor wall of the main building would also intersect a 45 degree line drawn from the centre of the proposed bedroom 1 window and the side wall of the theatre would also be at such a close proximity as to cause a further oppressive and unacceptably limiting impact on outlook from the proposed bedroom 1 for the future resident.

In conclusion, it would be expected that principal room windows for new dwellings should have a reasonable level of clear outlook and allow for residents to enjoy privacy in their own homes, however the site is such that it is not possible for the proposal to come close to meeting the established standards for privacy and overshadowing set

out in the Residential Amenity Guide. As such, the proposed living environment would be unacceptable contrary to Local Plan policy PS10 and NPPF paragraph 130f.

Floorspace

I consider that the proposal would provide an acceptable amount of floorspace and storage space for occupiers in accordance with the nationally described space standards.

Amenity Space

As noted above, the NPPF paragraph 130f requires a high standard of amenity for existing and future users of the site. For a 2-bed dwellinghouse that could be used for a small family, this would include providing a reasonable level of private amenity space. The Residential Amenity Guide SPD, at page 28, lists the minimum space required for a 2-bed house, in this case 50sqm of private rear space. For avoidance of doubt, the definition in planning of a flat is “a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally”. The proposed house is not divided from any other part of the building horizontally, so the proposal would be related to the dwellinghouse requirement rather than the smaller flat requirement.

The proposal would not provide the proposed 2-bed dwellinghouse with any private amenity space. The small shared courtyard is overlooked by the other bedsits/flats and significantly overshadowed by the high walls of the surrounding built form to restrict sunlight available to the space. As such, the proposal would be unacceptable by virtue of providing a lack of any private space for a small family dwellinghouse resulting in harmfully poor amenity.

Staircase

As noted above there is an external staircase within the courtyard leading up to the side of the outrigger.

Noise Pollution

Local Plan 2006 saved policy PS10 requires consideration of amenity for existing and proposed residents including in terms of noise pollution. Policy PS11 states that proposals that are sensitive to pollution will not be permitted close to existing polluting uses, unless by so doing developers can demonstrate that adequate measures have been taken to prevent or minimise the impact of pollution. NPPF paragraph 130f requires a high standard of amenity for existing and future users of the site and paragraph 185 requires planning decisions to take into account the likely effects of pollution on health, including avoiding noise giving rise to significant adverse impacts on health and the quality of life.

The GOV.UK planning practice guidance on noise states that:

- *Noise needs to be considered when development would be sensitive to the prevailing acoustic environment;*
- *Decision-makers need to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.*

- *A specific factor to consider when relevant include is the cumulative impacts of more than one source of noise;*
- *Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.*
- *In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users;*
- *The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified.*

As noted above, the building is in extremely close proximity to walls of the adjacent theatre/arts centre as well as a religious building that is advertised as being in use for events and social functions. These buildings could contain large numbers of people and associated noise from shows and events on a regular basis including in evenings and weekends when residents in the proposed house would expect to be able to relax in their home peacefully. It is unclear how well insulated these neighbouring buildings are to be able to prevent escape of noise through the facades and there is also a rear courtyard to the religious building where people may gather. As such, the Noise Pollution Service have advised they require a noise impact assessment to assess noise levels from the nearby theatre/arts centre and religious building to the new house. I agree that this would be required given the GOV.UK guidance stated above, to ensure that noise from the nearby premises would not cause unacceptable impacts to residents of the proposed house.

The planning agent had been asked to provide a noise levels assessment as part of the validation of this application and was referred to the GOV.UK guidance stated above. However the agent in emails dated 10/08/2023 and 18/08/2023 stated that it would be impossible to measure the noise from the theatre because it was closed and said what was being requested was impractical.

As such, no noise impact assessment has been provided. Therefore, I conclude that in the absence of sufficient information to show otherwise, the proposal would be likely to cause unacceptable impacts for proposed residents in terms of noise and disturbance from the nearby noise generating uses, contrary to Local Plan policies PS10 and PS11, NPPF paragraphs 130f and 185 and the GOV.UK planning practice guidance.

I have considered whether a condition requiring a noise assessment would suffice and provide a satisfactory safeguard. However, such conditions requiring exploration of a relationship between an existing and new use to provide the location is an appropriate one for residential development would not be appropriate where an acceptance of the relationship between the two uses is already implicit in a grant of planning permission.

It is acknowledged that the existing nearby houses are also in close proximity to either the theatre or religious centre already, however the proposed house is very close to both, giving rise to a potential additional cumulative noise impact, and it is unclear if the walls in the proposed house are as well insulated as the walls in the main building. In any case I consider that the existence of other houses nearby would not preclude the consideration of providing suitable living conditions to the proposed residents in this application.

Further in terms of noise and disturbance to the proposed residents, the external staircase is metal and its use could allow for noise impacts in close proximity to the principal room windows of the house, again to the detriment of amenity.

Neighbouring Residential Amenity

Local Plan 2006 saved policy PS10 requires consideration of amenity for existing and proposed residents including in terms of privacy. The NPPF paragraph 130f requires a high standard of amenity for existing and future users of the site.

I am concerned there would be unacceptable intensification of harm to privacy of residents in the main building from the change of use for the following reason.

The right hand first floor window in the outbuilding workshop faces towards the rear outrigger living room window of the rear first floor flat at an oblique angle at a distance of 3.6m. Notwithstanding the oblique angle, the extremely close proximity of these windows currently result in the occupiers of the proposed bedroom being overlooked by those within the workshop mezzanine at such a short distance as to cause a harmful sense of lack of privacy in their bedroom. I consider that at current the workshop would be likely to be used during normal working hours. The change of use of the first floor in the outbuilding to become a habitable room means that there would be likely to be someone using the room more often, particularly at evenings and weekends. As such the existing lack of privacy for the residents in the first floor rear flat would be exacerbated by the proposed change of use. This harm to privacy would be unacceptable contrary to Local Plan policy PS10 and NPPF paragraph 130f.

Parking

NPPF paragraphs 111, and 112, Core Strategy policies CS14 and CS15, Local Plan saved policies AM01, AM02, AM12, and PS10 and Local Plan Appendix 001 – Vehicle Parking Standards require developments to provide a sustainable and effective transport network, appropriate levels of parking for non-residential development, ensure suitable access, and preserve safety for highway users including motorists, cyclists and pedestrians.

It would be likely that the house would attract 1 or 2 car users which would be added to the on-street parking demand as there is no off-street parking available at the site.

From my site visit and mapping imagery, Gopsall Street and the nearby Earl Howe Street has a high demand for on-street parking with parking half-on the pavement also occurring. However, NPPF paragraph 111 states that development should only be refused on highways grounds if there would be a severe impact. In this case, the additional small demand would only be a marginal increase on the existing parking demand. Having regard to this, in this particular instance the proposal would not cause unacceptable impacts on the highway network.

Alterations

The proposed alterations in terms of windows and the new door would not raise any issues in terms of design. Were the application otherwise acceptable, details of drainage could have been sought or conditioned.

Conclusion

In the context of a lack of a 5 year housing supply, in principle the provision of one new dwelling would be acceptable however the site is extremely constrained and the benefit of the addition of one dwelling to supply would be outweighed by the poor living

conditions for proposed residents in respect of privacy, overbearing impacts, lack of private amenity space and noise pollution and the harm to privacy of neighbours. The planning balance would be significantly tilted to refusal in light of the serious harms in those regards. I note that a previous application was granted in 2008 for a similar development. However, considerations at that time would now be significantly outdated and that permission has lapsed. This proposal must be considered against the current policy background and the current NPPF. I therefore recommend refusal of the application for the following reasons.

REASONS FOR REFUSAL

1. By reason of the close proximity of the existing rear facing first floor kitchen and bedroom windows in the main building to the proposed ground floor living area, the future occupiers of the house would be overlooked by the neighbours at such a short distance as to cause unacceptable harm to their privacy contrary to Local Plan 2006 saved policy PS10 and National Planning Policy Framework 2023 paragraph 130f.
2. By reason of the close proximity of the existing rear facing first floor living room window in the main building to the proposed bedroom 2, the future occupiers of the bedroom 2 would be overlooked by the neighbours at such a short distance as to cause unacceptable harm to their privacy contrary to Local Plan 2006 saved policy PS10 and National Planning Policy Framework 2023 paragraph 130f.
3. By reason of the vantage points provided by the external staircase and its close proximity to principal room windows in the proposed house, the future occupiers of the house would be overlooked by the neighbours at such a short distance as to cause unacceptable harm to their privacy contrary to Local Plan 2006 saved policy PS10 and National Planning Policy Framework 2023 paragraph 130f. The use of the metal staircase would also be likely to cause noise and disturbance by virtue of its proximity to all principal room windows in the new house.
4. By reason of the side boundary wall, tall side wall of the neighbouring theatre, existing external staircase and side and rear walls of the main building all being in close proximity to the proposed living area window, the living area would receive extremely limited natural light and suffer an overbearing, oppressive and enclosing impact on outlook, providing unacceptable amenity for future occupiers contrary to Local Plan 2006 saved policy PS10 and National Planning Policy Framework 2023 paragraph 130f.
5. By reason of the close proximity of the existing rear first floor wall of the main building and side wall of the theatre to the proposed bedroom 1 and bedroom 2 windows, the occupiers of the bedrooms would suffer an oppressive impact on outlook, providing unacceptable amenity for future occupiers contrary to Local Plan 2006 saved policy PS10 and National Planning Policy Framework 2023 paragraph 130f.

6. The proposed dwelling would not benefit from provision of any private amenity space, contrary to the Residential Amenity Guide SPD 2008 which requires a minimum of 50sqm for 2-bed small family dwellinghouses, and to the detriment of amenity of future occupiers contrary to National Planning Policy Framework 2023 paragraph 130f.
7. In the absence of sufficient information to demonstrate otherwise, the proposal would be likely to cause unacceptable impacts for proposed residents in terms of noise and disturbance from the nearby noise generating uses at the Ark World Arts Centre and the Al-Qalam education/community centre, contrary to Local Plan 2006 saved policies PS10 and PS11, National Planning Policy Framework 2023 paragraphs 130f and 185 and the GOV.UK planning practice guidance on Noise.
8. By reason of the close proximity of the proposed bedroom 2 window to the existing rear facing first floor living room window in the main building and the intensification of the use of the bedroom 2 window brought about by the change of use, the rear facing first floor living room would be overlooked by the new residents at such a short distance as to cause unacceptable harm to privacy of the rear first floor flat in the main building, contrary to Local Plan 2006 saved policy PS10 and National Planning Policy Framework 2023 paragraph 130f.

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.
2. The application is refused on the basis of the following plans:
Site plan, floor plans, elevations - existing & proposed, drawing ref PJ_008_10-02, Revision C
Design & Access Statement - Revision A.

Policies relating to this recommendation

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| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |

- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_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.