

Leicester
City Council

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

DATE: TUESDAY, 16 FEBRUARY 2021

TIME: 5:30 pm

PLACE: Virtual meeting via Zoom

Members of the Committee

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Gee, Halford, Joel, Rae Bhatia, Thalukdar, Valand and Whittle

One unallocated Labour group place

One unallocated Non group place.

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

A. Thomas.

For Monitoring Officer

Officer contact:

Ayleena Thomas, tel: 0116 454 6369 / Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843

e-mail: ayleena.thomas@leicester.gov.uk / aqil.sarang@leicester.gov.uk

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

Information for members of the public

PLEASE NOTE that any member of the press and public may listen in to proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council website before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at City Hall / Town Hall. It is important, however, that Councillors can discuss and take decisions without disruption. The only participants in this virtual meeting therefore will be the Committee members, the officers advising the Committee and any applicants, objectors and Ward Members relevant to the applications to be considered who have registered to participate in accordance with the Committee's rules on public speaking.

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

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Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Further information

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

Ayleena Thomas, tel: 0116 454 6369 (email: ayleena.thomas@leicester.gov.uk)

Aqil Sarang, tel: 0116 454 5591 (email: aqil.sarang@leicester.gov.uk)

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For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

PUBLIC SESSION

AGENDA

LIVE STREAM OF MEETING

A live stream of the meeting can be followed on the following link:

https://www.youtube.com/channel/UCddTWo00_gs0cp-301XDbXA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

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

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

3. CHAIRS ANNOUNCEMENTS

4. MINUTES OF THE PREVIOUS MEETING

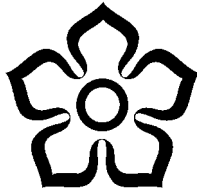
Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 6 January 2021 are a correct record.

5. 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) 20202350 48 CANTRELL ROAD [Appendix A1](#)
- (ii) 20202070 335 LONDON ROAD [Appendix A2](#)
- (iii) 20201927 1 THE MEADS [Appendix A3](#)
- (iv) 20200942 FLEET STREET, FLEET HOUSE [Appendix A4](#)
- (v) 20202410 99 GROBY ROAD [Appendix A5](#)
- (vi) 20201133 9-11 MARBLE STREET [Appendix A6](#)

6. ANY URGENT BUSINESS



Leicester
City Council

**Wards:
See individual reports.**

Planning & Development Control Committee

Date: 16th February 2021

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

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 2011 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.

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 dealing with those impacts, such as increased demand for school places, 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 Regulations 2010.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.
- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Comments and representations on individual

applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

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

11 Report Author

Grant Butterworth (0116) 454 5044 (internal 37 5044).

Appendix A1

Recommendation: Conditional approval	
20202350	48 Cantrell Road
Proposal:	Change of use from dwelling house (Class C3) to a children's home (3 children) (Class C2)
Applicant:	Mr & Mrs Percy & Lydia Chinyani & Mabwe
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20202350
Expiry Date:	17 February 2021
SS1	WARD: Braunstone Park & Rowley Fields



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Summary

- Brought to committee given the number of objections
- Objections from 13 addresses and a petition with 61 signatures on grounds of character, noise and disturbance, traffic, parking and anti-social behaviour.
- Issues are the principle of the use, impacts on residential amenity and traffic
- Recommended for approval

The Site

48 Cantrell Road is a two-storey semi-detached house (4 bed) located in a primarily residential area. It is on a corner between Cantrell Road and Braunstone Lane. There are 3 on-site parking spaces at the front of the property.

Background

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Application 20180057 – Construction of two storey extension at side and rear, single storey extension at rear of house (class C3). This application was approved and implemented.

The Proposal

.
On the ground floor of the property there would be an open plan sitting room/dining room/kitchen, a bathroom and 2 storerooms and on the first floor there would be 3 bedrooms, a bathroom and a staffroom/office on the first floor.

There are no external alterations.

The applicant states that:

- The home will provide a home for up to 3 children aged between 8-17 referred by the Local Authority. There will be 2 staff on the premises 24/7 for a maximum of 5 people in total living in the home. Staff will be working 12 hour shifts 8am to 8pm and 8pm to 8am. Statutory visits by social workers are pegged at once in a period of 6 weeks.
- The children will be living as a single family unit. Whilst the proposal relates to a change of use from C3 dwelling to a care home this is to provide a home similar to a typical family home. The care is provided within the community to ensure the children keep normality within family homes;
- Each child will have their own care plans and would conform to a behaviour management policy which has been submitted. A locality risk assessment has been carried out and submitted and the home will have a house risk assessment, individual children risk assessments, activity risk assessments and policies to mitigate any existing community risks.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11 states that there will be a presumption in favour of sustainable development.

Paragraph 108 states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity

and congestion), or on highway safety, can be cost effectively mitigated to an acceptable level.

Paragraph 109 states that development should only be 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 127- 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.

Development Plan

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

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.
Supplementary Planning Document (SPD): Residential Amenity

Consultations

Traffic and travel planning

No objection

Representations

Letters of objections have been received from 13 nearby addresses (including a petition with 61 signatures) raising the following concerns:

- Worried about what goes on in the homes; will the children be helped and educated or left to their own devices;
- There is a homeless hostel close by and there is already police, council, and paramedics often in the vicinity, plus there is also a childcare centre nearby with lots of comings and goings, with further

disturbance there is concern there would be increased pressure on these services;

- Worries about drug use, theft, and antisocial behaviour;
- Worries if children are hanging around the green and it is unknown what they are there for;
- There are lots of elderly people living nearby;
- Worries about the proposal affecting a child living nearby, and that it would affect someone's depression and anxiety;
- Worries about the ability to sell a house nearby and generally the development would affect house prices;
- Worries about someone's young family being able to be safe in the area;
- Not wide enough neighbour notification;
- There would be unpleasant behaviours and creating a horrible atmosphere;
- There would be an increase in noise;
- Families occupying these houses keep Braunstone as a better community;
- Worries of vehicles being damaged;
- Worries the health and wellbeing of nearby residents would be affected;
- It is not a children's home but a young adult home;
- There is a lack of parking which would be exacerbated;
- Worries about disabled and elderly being a target for abuse;
- Concerns about the safety of the elderly who have experienced issues with vandalism from youths;
- Concerns about general impacts on residents during the children's rehabilitation and exposure of children to bad behaviours;
- People have a right to live in peace and without impact from a unit with troubled individuals;
- Strain on resources such as parking and social facilities;

Consideration

The main issues are principle of the use, level of accommodation, impact on amenity and parking.

Principle of development

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

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

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

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

I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06.

Amenity and character and appearance

Each of the bedrooms will be provided with good outlook from the existing windows. I consider an acceptable level of amenity will be provided in terms of outlook and natural light for each of the residents.

The three children to be housed will be accommodated within the existing bedrooms, some comings and goings to and from the house may change in character, however this is unlikely to be significantly above the levels expected in a family house.

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

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

Access and parking

Policy CS14 of the Leicester Core Strategy (2014) states that development should be easily accessible to all future users, and that it should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling, and walking and be located to minimise the need to travel.

Appendix 1 of the City of Leicester Local Plan sets out the parking requirements for the City. There is on-site parking available for at least three vehicles at the site which would account for 2 staff plus a visitor at any one time.

There is unrestricted on street parking on the road in front of the property. Moreover, it is located close to amenities on Sun Way and is in a sustainable location where there are regular bus services and use of sustainable modes of travel available to staff members. It is unlikely that permanent residents will have individual car use.

I consider that the proposal will not have a detrimental impact on local on street parking capacity and the highway/parking impact of the proposal would not be severe.

As such I do not consider that the proposal is contrary to saved policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS14 and para 108 and 109 of the NPPF.

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

Other matters

Children's homes are regulated by Ofsted and the Care Quality Commission. The property would provide a home for the three children with staff assisting to provide them with a living environment similar to a typical family home and the children will living as a single family unit.

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

The application has been given the publicity required and adjoining neighbouring properties have been notified, and sufficient time has been allowed to submit their concerns.

Conclusion

I consider that the use of the application property as a 3 bed-care home is an acceptable and appropriate use within a residential area.

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

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

I recommend approval subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing

that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS06 and CS14 of the Leicester Core Strategy (2014) and saved Policies PS10 of the Local Plan (2006.)

3. This consent shall relate solely to the submitted planning statement received by the City Council as local planning authority on 24/11/2020 and existing/proposed plans received by the Council on 28/11/2020, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

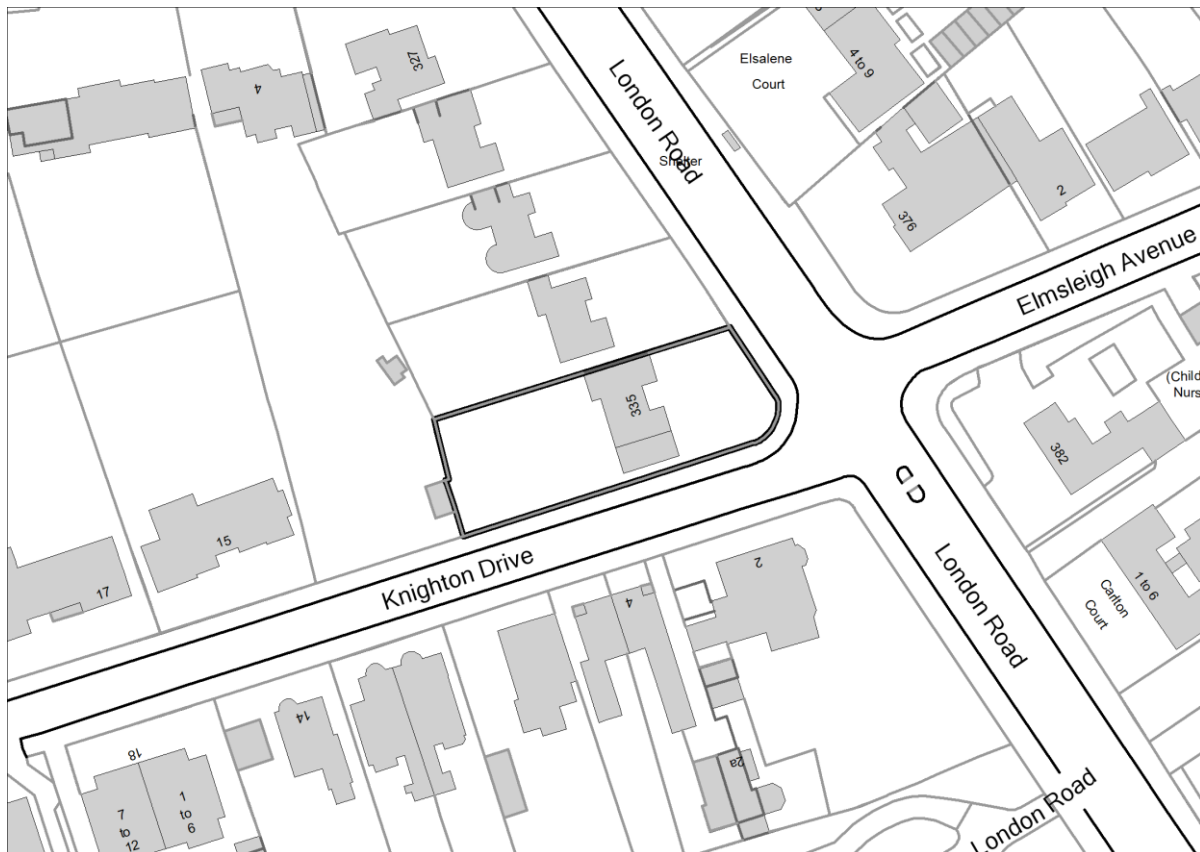
1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations 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.

Policies relating to this recommendation

2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_H16	Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
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_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.

Appendix A2

Recommendation: Conditional approval	
20202070	335 London Road
Proposal:	Change of use from house (Class C3) to nursery (Class E); alterations
Applicant:	Kiddycare Nursery LTD
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20202070
Expiry Date:	12 January 2021
RB	WARD: Knighton



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Summary

- Brought to the Committee due to the number of applications
- 6 objections - numbers of nurseries in the area, traffic/parking congestion, highway safety, noise, character of the property/ area, loss of landscaping/ecology,
- 3 representations supporting the proposal saying there is a need for the facility
- Main issues are principle of the use, residential amenity, parking, highway safety and conservation area character.

- 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 predominantly residential.

The site comprises a detached house with detached garage located to the south side of the dwelling.

The property lies within Stoneygate Conservation Area, covered by an article 4 direction, restricting permitted development and the rear of the site is within a Critical Drainage Area.

Background

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

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

The Proposal

The proposal is for a change of use of the dwellinghouse on site to a day nursey which falls within Class E(f) of the Use Classes Order 2020.

The applicant is proposing to operate the day nursery between the hours of 07:30 and 18.00 Monday to Friday only. The nursery will cater for 48 children between the ages of 6 months to 8 years old

Policy Considerations

National Planning Policy Framework (2019)

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development.

Paragraph 94 highlights the importance of a sufficient choice of school places is available to meet the needs of existing and new communities. Part a of the policy requires local planning authorities to give great weight to the need to create, expand or alter schools.

Paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

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 but suggest a restriction on the number of children playing in rear garden at any one time

Highways – No objections providing information is provided detailing the volume of trips the site would generate.

Representations

Six letters of objection have been received. The letters raise the following concerns:

- Over concentration of nurseries in the area;
- Increased traffic congestion on Knighton Drive;
- Impact of the noise from the children playing outside;
- The character of the residential area is becoming commercialised by an increase of similar changes of use;
- Accidents take place at the junction of London Road and Knighton Drive;
- The traffic congestion is an issue in the wider area;
- 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 the amount of staff parking;
- The amount of noise made by children playing outside;
- There will be noise disturbance from the amount of vehicles visiting the site;

- There is also a concern that the re-landscaping necessary for the re-purposing of the rear garden will remove and/or damage the old, established trees which border the garden along Knighton Drive;
- Concerns that the change of use would endanger habitats by further urbanisation;
- 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 safety;
- The proximity of the entrances from the junction of London Road and Knighton Drive would result in poor visibility.

3 people have made representations supporting the proposal saying there is a need for the facility

Consideration

The main issues are the principle of development, impact on character and appearance; impact on residential amenity, parking and highway safety.

Principle of development

Saved Policy H05 of the Local Plan (2006) aims to retain existing housing. 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 could offer such a community benefit. The proposed use is a use that can be accepted and are typically found within residential locations such as the application site.

I consider the proposal acceptable in principle subject to the impact on character and appearance, residential amenity and parking.

Character and Appearance

The application site is located in a predominantly residential area with detached properties are set within relatively spacious plots on both the east and west of London Road. There are no changes proposed to the front elevation of the application site and therefore the proposal is considered not to result in any harm to the appearance of the street scene.

The proposal will result in the removal of the sliding patio doors and the installation of a smaller UPVC window, and infill brickwork to the rear elevation. Whilst UPVC windows are generally discouraged in Conservation Areas, the proposed UPVC window is located to the rear of the building and is not visible from the wider Conservation Area; it is smaller than the existing sliding doors; and the existing windows installed at the property are UPVC. Alterations have previously been made to the property that are not in keeping with the original design, such as UPVC windows and non-matching brickwork.

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 nature of the proposed use as a day nursery could give rise to some noise during the day including associated with arrivals and departures. It is unlikely that all of the children would be collected and dropped off at the same time every day and I do not consider that the level of disturbance would be unreasonable.

I consider the hours of use proposed are appropriate and it would be reasonable to condition the proposed hours.

I do not think it is appropriate or reasonable to restrict the numbers of children; however the size of the property would constrain the numbers accommodated and I a management plan condition could be used to mitigate disturbance.

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 one or two spaces would be provided within the existing garage at the side of the property. The garage space would be for staff.

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 Knighton Drive and exits onto London Road.

It is considered that subject to conditions relating to the provision of a travel plan, provision of cycle parking and highways safety measures the proposed development would not have an adverse impact on highways and pedestrian safety. Furthermore, in this instance, due to the limited restrictions along Knighton Drive and nature of the proposed use it is considered that there would not be severe harm to highway safety or function.

The proposal is considered not to result in a severe impact on highways and parking in accordance with the NPPF 2019, saved policies AM01, AM02 and AM11 of the Local Plan and Core Strategy policy CS15.

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 as there would not be an increase in the footprint of the property as a result of the change of use.

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 highway safety or function.

The proposal is in accordance with the aims of the NPPF and development plan policies

I recommend APPROVAL subject to the following conditions

CONDITIONS

1. START WITHIN THREE YEARS
2. The external elevations shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with details to be approved by City Council as local planning authority. (In the interests of the

satisfactory development of the site and in accordance with policies AM02 of the City of Leicester Local Plan. This is a PRE-COMMENCEMENT condition).

4. Before the use has commenced, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. The submitted details shall include proposed surfacing, marking and signing at accesses to indicate entrance and exit and one-way operation of the car parking area. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03. This is a PRE-COMMENCEMENT condition)

5. Before the use has commenced, a Travel Plan shall be submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy. This is a PRE-COMMENCEMENT condition).

6. 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).

7. Before the use has commenced, a nursery management plan aimed at minimising disturbance to nearby residents and maintaining highway safety shall be submitted to and approved by the City Council as local planning authority. The plan should include the numbers of children to be on-site at any one time, the times that they will be in the outside play areas and arrangements to drop off and collect children. This plan to 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). This is a PRE-COMMENCEMENT condition).

8. 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 D1 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).)

9. This consent shall relate to the submitted plans received by the City Council as local planning authority on 17/11/2020 unless otherwise submitted to and approved by the City Council as local planning authority. (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 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).

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.
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_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.

Recommendation: Conditional approval	
20201927	1 The Meads
Proposal:	Change of use from house (Class C3) to house in multiple occupation for more than 6 persons (8 bed) (Sui Generis); hard standing to front (amended plans 13/01/2021)
Applicant:	David McNeil
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20201927
Expiry Date:	16 February 2021
TB	WARD: Western



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Summary

- Brought to Committee due to the number of objections.
- 12 objections were received concerning the character and appearance of the area, parking and highways issues, residential amenity, the principle of development, living conditions, drainage and other matters.
- The main considerations are the principle of the development, character and appearance of the area, residential amenity, living conditions and highways.
- The application is recommended for conditional approval.

The Site

The application relates to a two-storey detached dwelling house located within an area characterised as primarily residential. The application form states that the site has been vacant since December 2019. Western Park is located to the east of The Mead's entrance.

Background

20200709 –Lawful development certificate for a permitted development single a storey extension at the rear of the house was granted in June 2020 and implemented.

An HMO licence has been granted for the property which would allow for 8 bedrooms and 9 persons to reside at the property.

The Proposal

The application proposes a change of use from house (Class C3) to house in multiple occupation for more than 6 persons (8 bed) (Sui Generis).

Associated with proposal is the installation of hard standing to the front to accommodate two additional vehicle parking spaces.

The two additional bedrooms will be created from part of the existing lounge and the existing dining room. Four single bedrooms and four double bedrooms are shown.

The Design, Access and Planning Statement submitted states that the proposal is intended for 8 working professionals.

A Floor Space Schedule and photographs have also been submitted with the application.

The plans have been amended to reduce the amount of hard surfacing to the front of the site to accommodate three rather than four off-street vehicle parking spaces. The former fourth parking space proposed will be retained as grass with some new hard surfacing to form a pathway to the main entrance and rear garden. The hard surfacing has also been labelled to state that it will have a permeable finish.

The plans have also been amended to improve the living conditions of bedroom 3, which has been relocated so that it will have rear facing windows overlooking the rear garden rather than a side facing window looking onto the rear boundary fence of 73 Park View. The sitting room has been relocated to replace the former location of bedroom 3.

Policy Considerations

National Planning Policy Framework (2019)

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 states:

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.

Presently, Leicester City Council does not have a 5-year housing land supply.

Paragraphs 59 to 79 sets out the housing policies of the NPPF. Paragraph 59 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 92 states that policies and decisions should guard against the unnecessary loss of valued facilities and services.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 places an emphasis on local planning authorities to support development that makes efficient use of land. It requires decision makers to take into account issues such as the need for different types of housing, including the availability of land suitable for accommodating; local market conditions and viability; the availability and capacity of infrastructure and services, including the potential for further improvement; the desirability of maintaining an area's prevailing character and

setting (including residential gardens) and; the importance of securing well-designed, attractive and healthy places.

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. The policy includes a set of criteria for both plan making and decision taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Part 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 180 requires decision makers to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Development plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other legal or policy context

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

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes: Residential Space Standards, Amenities and Facilities

Residential Car Parking Research for Leicester (2011) Leicester City Council

Representations

Twelve objections from eleven different addresses have been received for the proposal (before amendment):

- Commercial vehicles parked to the front of the house detrimentally impacting on the appearance of the cul-de-sac.
- The detrimental aesthetic impacts of additional hard surfacing for vehicle parking to the front, in connection with other properties that have done the same, creating a mini car park.
- Lack of parking facilities.
- Potential to cause parking problems with up to 16 vehicles from the increased number of residents proposed on a cul-de-sac that already has limited on-street parking, especially on weekends due to The Meads close proximity to Western Park. This has the potential to restrict emergency vehicle and road sweeper access and lead to highways safety concerns for both pedestrians and vehicles.
- No provision of a dropped kerb.
- The photographs submitted with the application are misleading as the street is only rarely empty of on-street parking.
- Local bus services do not provide appropriate times or routes to potential future workers of Glenfield Hospital residing in the HMO.
- Additional noise, nuisance, and parties.

- The use of the property by healthcare working professionals could increase noise levels due to shift work.
- Extra vehicles increasing noise and light pollution.
- The area already has HMOs within a very close proximity to the site (two on Park Rise and one on Park View).
- The proposal will likely house single young people within an area of family housing and older people, substantially changing the demographic of the area.
- Objection to the Council's policy on HMOs and their permission being restricted in certain areas: nothing to stop a situation where more HMOs are created on the street.
- The Meads is a small cul-de-sac housing families and older people enjoying a sense of community, which will be lost.
- Overcrowding.
- Feel threatened by so many people.
- Change in the character of the area.
- Surely there are brownfield sites that the proposal would be more suited to.
- The rear garden is not spacious following the recently constructed extension.
- Concern that the loft has not been properly insulated and associated future welfare of residents at the application site.
- Self-isolation due to Covid-19 would be very difficult in the crowded HMO. Possible spread of COVID-19 to neighbouring properties
- Strain and possible blockage of the drainage systems.
- Building works during lockdown.
- Devaluation in neighbouring property values.

Consideration

Principle of development

Such housing meets the need for a range of housing types across the City. There is no evidence of a local over-concentration of houses in multiple occupation within this area of the city. The area has not been identified for the retention of larger residential properties and a large proportion of the housing in this suburban area is and would

remain as suitable for family accommodation. I therefore consider the proposal to be acceptable in principle.

Design

Access to the side of the property would still be available for the storage of waste to the rear of the site. I would recommend a condition that provision be made for the storage of bins at the rear of the property.

There would be an increase in hard surfacing to the front of the site. However, such hard surfacing could be implemented as permitted development. Living conditions (The proposal)

It meets the requirements for HMO licensing and a licence for 9 residents has been granted for the property.

The kitchen/diner would be around 44 square metres, exceeding the HMO licencing guidance minimum of 37 square metres.

All bedrooms will have satisfactory light and outlook. The sitting room proposed is additional to the requirements of the guidance HMO licensing standards. All bedrooms are satisfactory in size.

Access to all the rooms is from the existing front entrance, which benefits from natural surveillance for safety and security.

All rooms would have access to a rear garden space via the communal living space. The amenity space is approximately 100 square metres in size which meets the minimum recommended for dwellings. The site is also in close proximity to Western Park.

Residential amenity (neighbouring properties)

The house could be used as a 6-person house in multiple occupation without the need for planning permission.

I do not consider that the proposal would directly result in an unreasonable amount of noise, nuisance, light pollution or general disturbance.

The proposal will have no impact on neighbouring light and outlook. I do not consider that the proposal will have a significant impact on neighbouring privacy.

Given the relatively modest scale of the proposed development and the relatively unconstrained access to the site, I do not consider that disruption impacts during refurbishment work are likely to be so significant as to warrant control through the planning process.

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

Highways and Parking

A dropped kerb has been shown on the proposed site plan, which can be implemented without the need for planning permission. The site is within 250m walking distance of bus links on Park Rise.

The existing maximum vehicle parking standard for a house is two spaces in accordance with Appendix 01 Parking Standards of The City of Leicester Local Plan (2006).

The existing driveway can accommodate one vehicle parking space, whereas the proposed driveway will be able to accommodate three vehicle parking spaces. As such, there would be a net gain.

Leicester City Council projects that the average shared ownership house with more than 7 rooms in the Western Park ward would have 1.2 vehicles (on average) by 2026.

Data for a single house in that area suggests on average, one vehicle (2001).

I recommend a condition that four secure cycle parking spaces shall be provided and retained to promote sustainable transport. Subject to the recommended condition, I consider that this level of parking/cycle provision is acceptable. I conclude that the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006) and is acceptable in terms of parking.

Drainage

The hard surfacing to the front should have a permeable finish. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant. I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Other matters

The proposal's impact on neighbouring property values, COVID rules for future residents and satisfactory insulation of the loft are not material planning considerations.

Conclusion

The proposal would provide an alternative type and size of accommodation which is acceptable in this location and meets other planning considerations

I recommend APPROVAL subject to the following conditions:

CONDITIONS

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

2. No part of the property shall be occupied until provision has been made for the secure storage of a minimum of four cycles and that provision shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM0 of the City of Leicester Local Plan).

3. No part of the property shall be occupied until provision has been made for storage of waste bins at the rear of the property and that provision be retained thereafter. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

3. This consent shall relate solely to the amended plans ref. no. 256/02 Rev E and 256/11 Rev A received by the City Council as local planning authority on 13/01/2021. (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 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
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.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No part of the property shall be occupied until provision has been made for the secure storage of a minimum of four cycles and that provision shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 of the City of Leicester Local Plan).
3. No part of the property shall be occupied until provision has been made for storage of waste bins at the rear of the property and that provision be retained thereafter. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. This consent shall relate solely to the amended plans ref. no. 256/02 Rev E and 256/11 Rev A received by the City Council as local planning authority on 13/01/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

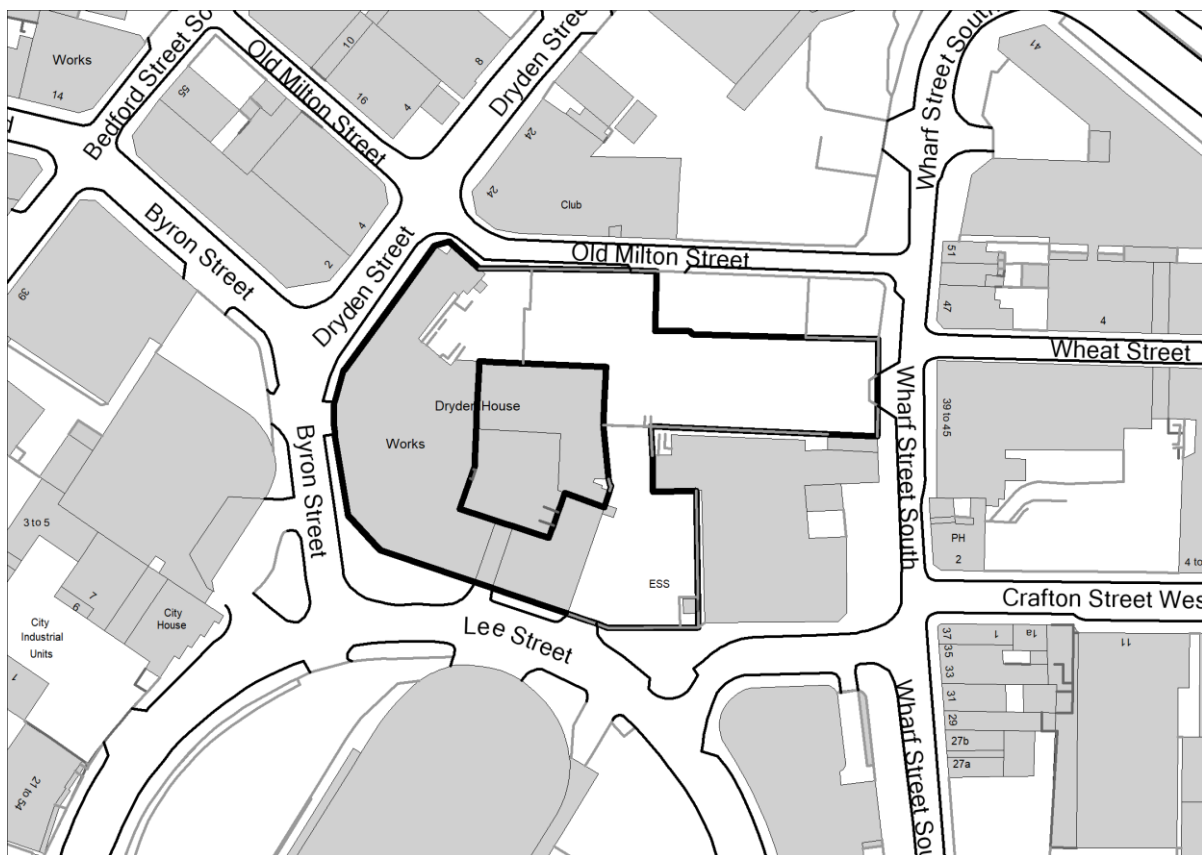
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Policies relating to this recommendation

- | | |
|-----------|---|
| 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. |
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- 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.

Recommendation: Conditional approval	
20200942	Fleet Street, Fleet House
Proposal:	Part demolition and conversion of Fleet House; construction of four storey extension to Fleet House fronting Byron Street; construction of five 5 - 6.5 storey buildings comprising 351 flats (120 x Studio, 211 x 1 bed, 20 x 2 bed) (Class C3); communal ancillary facilities to include residents gym; indoor amenity space; outdoor landscaped amenity space; pedestrian access (amended plans)
Applicant:	Lee Contracts
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20200942
Expiry Date:	28 January 2021
PK	WARD: Castle



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Summary

- Application brought to committee at the request of Councillor Kitterick to consider the quality of the living accommodation
- Councillor Kitterick objects to the proposals on the grounds of the size of the units. The Victorian Society have expressed some concerns about details of the design.

- Main issues to consider are conservation and heritage, urban design, residential amenity, landscaping, amenity, access housing, archaeology, highways and drainage.
- Application recommended for approval.

The Site

The application relates to a two, three and four storey building located on a site which wraps around the corner of Fleet Street, Byron Street and Dryden Street, with Old Milton Street to the rear and is known as Fleet House. The buildings occupy a large section of the site on the corner of Fleet Street/Byron Street and Dryden Street extending outwards to the site boundaries. Fleet House has been on the Local Heritage Asset Register since 1994, as a mechanism for the Council to raise attention to its heritage significance. Since the 9th November 2016, the building has also been made subject to an Article 4 direction, with the addition of planning controls over demolition and alterations. The site includes a car park to the north and east facing Old Milton Street and Wharf Street South and the rear section of the Fleet House buildings.

There is a vehicular entrance on Fleet Street and one on Old Milton Street. The car parks are in operation offering general private parking, but the buildings of Fleet House are vacant and have been for some time. The Article 4 direction covers the locally listed buildings only and does not include the car parks. To the south is a section of hedge which bounds the car park. There is also an electricity substation which is outside the site at the south-east corner.

The site is within the St George's North Regeneration Area. The site is located in a Critical Drainage Area, within 250 metres of a known polluting use and within an archaeological alert area.

Beyond the substation is 80 Wharf Street South which is a two storey building located on the corner of Fleet Street and Wharf Street South. The building has been in use as an entertainment venue and that site also contains a three storey building which fronts Wharf Street South which is on the Local List. The Article 4 direction also applies to this building in terms of painting and demolition.

The wider area contains a mix of buildings. To the north on Dryden Street at the rear of the site is a single storey building in use as a music venue known as the Dryden Street Local. The remainder of Old Milton Street is bounded by a 2 metre brick wall with parking behind.

To the east on Wharf Street South are a mix of buildings ranging from two, three and four storeys containing residential and commercial uses. The four-storey building at 4-18 Wharf Street South, Gilbros Business Centre is also on the local list.

To the south is Lee Circle a seven-storey multi-storey car park which is also on the local list. There is also a five-storey former telephone exchange building at 40 Wharf Street South which extends up to the corner of Fleet Street.

To the west is a single storey building located on the corner of Byron Street and Lee Street in use as a car hire facility. On the corner of Dryden Street / Jubilee Road and Old Milton Street are two storey brick buildings in use as commercial properties.

Background

The building is currently vacant but Fleet House appears to have been used as offices for British Steam Specialties Limited (BSS) who were one of the original occupiers and over time took over more of the site. The remaining buildings may have been used for industrial purposes in connection with BSS.

Prior notification application 20160424 for the change of use from offices (Class B1(a)) to 155 flats (Class C3) was determined and a decision was issued that prior approval was required and granted subject to conditions in April 2016. The conditions attached required the development to commence by 27th April 2019, contamination risk to be dealt with if identified, the reinstatement of redundant footway crossings and the provision of cycle parking and travel packs. This permission has not been implemented.

Planning application 20172357 for the demolition of buildings on the site was refused in April 2018 for the following reasons:

1. The proposal would result in the loss of a large complex of primarily late Victorian two, three and four storey buildings included on the Council's adopted Heritage Asset Register. Their loss is not considered acceptable due to the positive contribution they make to the street scene and character of the area by providing a focal corner landmark on Fleet Street, Byron Street and Dryden Street. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 131, 132 and 135 of the National Planning Policy Framework.
2. The demolition of the primarily late Victorian two, three and four storey buildings from the application site would result in the loss of a large collection of buildings which make a positive contribution to the areas built form and following their removal a large cleared vacant site would be detrimental to the character and appearance of the area contrary to Policies CS03 and CS18 of the Core Strategy and paragraphs 131, 132 and 135 of the (2018) National Planning Policy Framework.

Most recently this site came forward for redevelopment under two separate planning applications, dividing the site in two. The details of those applications are outlined below:

Application 20172678 for: Demolition of buildings; construction of 8 and 11 storey building comprising 227 flats (111 x 1 bed; 89 x 2 bed; 27 x studios) (Class C3); ancillary uses comprising: communal facilities; 71 sqm of storage use (Class B8) and crèche (Class D1); landscaping amenity space; new vehicle and pedestrian access.

Application 20172677 for: Demolition of buildings; construction of 10 and 11 storey building comprising 210 flats (74 x 1 bed; 136 x 2 bed) (Class C3); ancillary communal ancillary facilities; 238 sqm of flexible space to be used for a range of uses (Class A1, A2, A3, A4, A5, B1a); 163 sqm of leisure (gym) use (Class D2); landscaping amenity space; new vehicle and pedestrian access.

Both applications were refused for the following reasons:

1. The proposal would result in the loss of a large complex of primarily late Victorian two, three and four storey buildings included on the Council's adopted Heritage Asset Register. Their loss is not considered acceptable due to the positive contribution they make to the street scene and character of the area by providing a focal corner landmark on Fleet Street, Byron Street and Dryden Street. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.
2. The proposal fails to appropriately consider and respond to the local context and to the immediate surroundings of the site. The proposal is not justified in townscape terms and would not contribute positively to the area's character and appearance in terms of scale, height, urban form, massing and appearance and having a negative influence on the potential for appropriately managing the future growth of the area. As such the proposed building will be harmful to the character and appearance of the area and the proposal is contrary to policies CS03 and CS18 in the Core Strategy and to the relevant provisions of the NPPF; in particular paragraphs 122, 124, 126, 127,128 and 130.
3. The proposed development would by reason of its design and layout result in a poor standard of living environment for future occupants due to the internal layout and positioning and size of fenestration of some units and the placing of fins to principal room windows and the lack of sufficient external amenity space. This is exacerbated by the number and density of the units and the layout and scale of the development. The proposal is therefore contrary to Policy H07 and PS10 of the City of Leicester Local Plan and Policy CS03 of the Core Strategy.
4. The proposed development would by reason of its location and excessive height have an adverse effect on the Local Heritage Asset 80 Wharf Street South. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.

Application 20172678 was refused for an additional reason:

The application does not appropriately address the severance of the locally listed building which would result in harm to its appearance. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.

Prior notification application 20190449 for notification of a proposed change of use from offices (Class B1) to 155 flats (Class C3) was granted conditional approval. This permission has not been implemented.

Following the refusal of application 29172677 and 20172678, the applicant has engaged in pre-application discussions with the Local Planning Authority which has led to the submission of this application.

The Proposal

The proposal is for a redevelopment of the site to provide a wholly residential scheme with 351 units. The development would comprise of residential blocks that are arranged around the site facing Lee Circle, Fleet Street, Byron Street, Dryden Street, Old Milton Street and Wharf Street South. The central space would be used as a courtyard with shared open space for the occupiers. The development is aiming to be a car free development with no provision of vehicle parking.

In terms of built form, the development would entail the retention of Fleet House fronting Fleet Street in full. Fleet House would be converted into residential flats with communal facilities within the lower ground floor level. Fronting Byron Street the later additions to Fleet House would be retained and a three-storey upward extension is proposed to provide a 6 storey residential block in total. This residential block would extend up to and wrap around onto Old Milton Street. The rear of Fleet House and the building on the corner of Dryden Street and Old Milton Street would be demolished to accommodate this part of the development.

Three 6 storey residential blocks would be constructed on Old Milton Street and a residential building with an 'L' shaped footprint would have a frontage on both Old Milton Street and Wharf Street South. A 5 and 6 storey building would be constructed to the east of Fleet House on Lee Circle.

Residential accommodation is broken down in the below table for ease.

Block A – Lee Circle – 6 Storeys	Studio	33	25-31 sqm
	One Bedroom	9	37-42sqm
	Two Bedroom	1	53sqm
	Total	43	

Block B – Fleet House – 3 Storeys	Studio	5	27-30sqm
	One Bedroom	16	37-47sqm
	Two Bedroom	9	54-75sqm
	Total	30	

Block C – Bryon Street, Dryden Street and Old Milton Street	Studio	36	25-30sqm
	One Bedroom	58	37-49sqm
	Two Bedroom	10	47-64sqm
	Total	104	

Block A1 – Old	Studio	4	33sqm
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Milton Street – 6 Storeys	One Bedroom	19	37-46sqm
	Two Bedroom	0	
	Total	23	

Block B1 – Old Milton Street – 6 Storeys	Studio	20	25-38sqm
	One Bedroom	50	37-45sqm
	Two Bedroom	0	
	Total	70	

Block C1 – Old Milton Street – 5 and 6 Storeys	Studio	4	33sqm
	One Bedroom	19	37-46sqm
	Two Bedroom	0	
	Total	23	

Block D1 – Old Milton Street & Wharf Street South – 5 and 6 storeys	Studio	18	25-27sqm
	One Bedroom	40	37-40sqm
	Two Bedroom	0	
	Total	58	

Some of the ground floor units would provide private amenity spaces, especially the rear units facing into the courtyard at lower ground level. Other units would benefit from balconies and the flats at the top levels of the new blocks would also have private balconies as those floors are set back from the edges of the elevation. All of the units would benefit from the use of the central communal area which would be accessed from all of the buildings. Although it is noted that there are land level changes across the site, the plans include ramps and steps for ease of access to these spaces.

Communal facilities at the site would comprise of the following per block:

Block	Facility	Floor Level
Block A – Lee Circle	Cycle Store	Upper Ground
	Bin Store	Upper Ground
Block B – Fleet House	Laundry Room	Lower Ground
	Gym	Lower Ground
	Bin Store	Lower Ground
	Communal Room	Lower Ground
Block C - Bryon Street, Dryden Street and Old Milton Street	Cycle Store	Lower Ground
Block A1 – Old Milton Street	Bin Store	Lower Ground Floor
	Cycle Store	Lower Ground Floor
Block B1 – Old Milton Street	Bin Store	Lower Ground Floor
	Cycle Store	Lower Ground Floor
	Gym	Lower Ground Floor
Block C1 – Old Milton Street	Bin Store	Lower Ground Floor
	Cycle Store	Lower Ground Floor
Block D1 – Old Milton Street & Wharf Street	Bin Store	Upper Ground Floor
	Cycle Store	Upper Ground Floor

South	Gym	Upper Ground Floor
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The application has been submitted with the following supporting information:

Air Quality Assessment
 Accurate Visual Representations
 Archaeology Report & Desk Based Assessment
 Building for Life Assessment
 Design & Assessment
 Drainage Strategy & Appendices
 Ecology Assessment
 Financial & Viability Assessment
 Flood Risk Assessment
 Ground Investigation Report
 Heritage Statement
 Historic Building Record 1 and 2
 Noise impact Assessment
 Planning Energy Statement
 Planning Statement with Affordable Housing Statement
 Residential Travel Plan
 Transport Assessment
 Visuals
 Accommodation Schedules

During the course of the application the plans have been amended following ongoing discussions between the applicant and Officers.

Amended plans have sought to improve the overall design of the development by amending the layout of Block C within the rear courtyard from a 'U' shaped block to a single block and alterations to the height of Block A to increase the visibility of the side gable of Fleet House which have resulted in a reduction of the number of units from 359 to 351.

Additional cycle capacity has been provided within the development.

Other alterations relate to the relocation of bin and cycle stores in each building, provision of a foyer/reception area in some of the buildings, alterations to the entrances of each block and also further considerations to the landscaping around the buildings.

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

Revised Planning Energy Statement
 Sun path Diagrams
 Revised Drainage Strategy
 Updated Ecology Survey
 Cleaning & Repair Method of Works for Fleet House
 Elevation Analysis
 Schedule of Accommodation
 Schedule of Materials
 Additional Plans for each Elevation 1:20 Sections for Detailing

Phasing Plan for Construction
Fleet House Management Strategy
Revised Accurate Visual Representations

Policy Considerations

National Planning Policy Framework (NPPF) 2019

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

At the heart of the Framework is a presumption in favour of sustainable development. It suggests that in decision-taking, this means:
approving development proposals that accord with the development plan without delay; or

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:

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

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

The NPPF also states:

Paragraph 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 59 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing

requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 80 - requires great weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 86 - Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 87 - When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 102 - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Paragraph 103 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

Paragraph 104 states that planning policies should support an appropriate mix of uses across an area and within larger sites to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.

Paragraph 105 - If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and

e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 106 - Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 111 - All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Paragraph 117 - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

Paragraph 122 is concerned with achieving appropriate densities. It states that planning decisions should support development that makes efficient use of land, taking into account:

- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) Local market conditions and viability;
- c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) The importance of securing well – designed and attractive healthy places

Paragraph 124 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, creates better places in which to live and work 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 126 of the NPPF suggests that to provide maximum clarity about design expectation at an early stage, plans or supplementary planning documents should

use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.

Paragraph 127 - 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 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussions between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by the proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to the development. Local planning authorities should also 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 a permitted scheme.

Paragraph 150 states that new development should be planned in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through

suitable adaptation measures, including through the planning of green infrastructure; and

- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles in terms of habitats and biodiversity:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- d) 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.

Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 182 states: 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.

Paragraph 185 states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of the place.

Paragraph 187 details how local authorities should maintain or have access to a historic environment record. This up to date information will be used to:

- assess the significance of heritage assets and the contribution they make to their environment; and
- predict the likelihood that currently unidentified assets, particularly sites of historic and archaeological interest, will be discovered in the future.

Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.

Paragraph 190 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, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 192 requires local planning authorities to take into account the following:

- 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 193 states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 197 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 198 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 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Other planning and material considerations

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

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.

St George's Conservation Area Character Appraisal and 2010 Addendum

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

Supplementary Planning Document – Affordable Housing

Leicester Local Heritage Asset Register (2016)

City of Leicester Local Plan Appendix One– Vehicle Parking Standards

Consultations

Pollution – Noise

In order for me to comment on the suitability of proposed noise mitigation scheme it is crucial that all noise sources with the potential to negatively impact the site have been carefully considered. I would be comfortable for the applicant to repurpose acoustic data from the previous noise assessments.

A condition to secure this information would be accepted.

Air Quality

The Air Quality Assessment identified a potential for dust pollution to take place during a construction phase, therefore a list of mitigating measures was drawn to be implemented. Those mitigating measures can be found in chapter 7.0 of the document.

The assessment did not identify any mitigating measures that have to be implemented after the Operational Phase, but it is my recommendation that Travel Packs should be made available for each unit. The mitigation measures and Travel Packs should be secured by way of condition.

Pollution – Land

No objection subject to a contaminated land condition being attached.

Waste Management

The proposal appears to have sufficient space for the storage of 29 x 1100 litre bins and 17 x 1100 litre bins for recycling.

The bin stores are shown within each building, some at ground floor level and some at basement level. Following the submission of a management plan it has been clarified that the Management of the site would bring bins to surface level and put them back which is acceptable. Further details required as part of a management plan condition.

Education Authority

Comment that the area already faces a deficit of primary and secondary school places. They therefore request the following financial contributions:

Primary places - £2,339.29

Secondary places -£1,355.18

Total contribution required: £3,694.46

Highway Authority

Site access, servicing and deliveries:

The existing site benefits from a number of vehicle accesses in the form of footway crossings off Fleet Street, Byron Street, Old Milton Street and Wharf Street South. As the proposals do not propose any vehicle access into the site all existing footway crossings will need reinstating to full footway construction, for the convenience and safety of pedestrians. The applicant will be required to enter into a S184 agreement

with the Highway Authority to undertake the works within the footway, and the associated costs will need to be borne by the applicant.

Blocks A1 to D1 have bin stores which are accessed off Old Milton Street. The carriageway kerb to kerb on Old Milton Street is narrow, so a refuse vehicle stopping to collect the bins would block access for an extended period whilst bins are being emptied and returned to the bin stores. Whilst this would only happen infrequently and Old Milton Street is very lightly trafficked, it does not take away the possibility of a refuse vehicle blocking the road and vehicles queuing behind for a considerable length of time.

Vehicle parking:

The policy requirement for parking provision as part of development is set out in the Vehicle Parking Standards contained at Appendix 1 of the City of Leicester saved Local Plan Policies. This identifies the development as being located within Zone 2, and as such would require 1 space per dwelling. This equates to 359 spaces. However the policy also states that in the Central Commercial Zone and adjoining areas (Zones 2 & 3), reduced levels of on-site parking will be permitted with factory conversions or for other change of uses, in line with the criteria in Policy AM 13, although Policy AM13 is not a saved policy.

The site is just outside of the CCZ and close to city centre bus stations and public transport stops on Charles Street, Belgrave Gate and Humberstone Gate. As such potential residents of the development would not need to be reliant on a private car to be able to travel or access local facilities. Encouraging the use of sustainable travel amongst residents would be supported by the implementation of a Travel Plan for the development and appointment of a Travel Plan Coordinator.

The streets surrounding the site are controlled by traffic regulation order and as such illegal or irresponsible parking should not be an issue given the controls already in place. Whilst the zero-parking provision would be a significant shortfall against policy requirement, given the sustainable location, ability to purchase parking space close to the site and highway controls in place and proposed Travel Plan, a zero parking is acceptable in this location.

Traffic impact:

As there is no car parking provision as part of the proposals, the Highway Authority accepts that the potential vehicle trip generation for the site is low. Furthermore, the redevelopment of the site from industrial/commercial buildings would remove large vehicle trips to the site, with the exception of refuse and delivery vehicles, although these are expected to be smaller vans more associated with residential deliveries. The existing pay and display car parks would also cease to operate with the redevelopment of the site, which would also remove some car trips from the surrounding streets, although some of these vehicle trips may simply transfer over to the NCP car park as it is the same daily tariff. Therefore, the Transport Assessment has not undertaken any capacity assessments of the surrounding network, which is acceptable.

Total person trip generation for the proposed development has been provided in Table 1 of the response note. The generation presented shows that the development

has the potential to generate approximately 37% of all trips from the development on foot or by cycle (including public transport trips which would require residents walking to nearby public transport facilities). The development is proposed as a car-free development; however the Transport Consultant has explained that vehicle trips have been presented for completeness, and that residents may make use of parking spaces available at the Lee Circle car park.

Construction traffic management:

The main access routes for construction vehicles to the site would be via Belgrave Gate, Humberstone Gate or by turning off St. Matthews Way and onto Wharf Street South. Heavy vehicles should be signed to the site to avoid large vehicles routing through the city centre.

The site is opposite one of the main accesses for the Lee Circle car park which is a busy commuter car park, and there are residential and commercial buildings around Lee Circle that would require access for servicing and deliveries to be maintained.

The construction of the site should minimise impact on the operation of the highway where possible. Furthermore, due to the width of Old Milton Street, it may be necessary to close the road during construction in order to adequately protect users on the highway, in particular pedestrians. A temporary Traffic Regulation Order would be required for this, which would require an application to be made to the Highway Authority. Early engagement of this would be required is encouraged.

Given the comments above, a Construction Management plan should be submitted and approved prior to demolition or construction works starting on site with slight amendment to include for a coordinator to be appointed on the developer's side.

Pedestrians and cyclists:

The footway fronting the development on Old Milton Street is very narrow, around 0.9m. It has been acknowledged that it would now be difficult to incorporate widening of the existing footway along Old Milton Street. To maximise the width available for pedestrians using the footway along Old Milton Street, that the footway surface should be provided to match the materials being used for the landscaping within the site. The existing highway boundary can be demarcated in a contrasting detail, which can be agreed through submission of plans; a condition is recommended in this respect.

The walking route towards Haymarket bus station would be a major draw for pedestrian movements. Currently there are no pedestrian crossing facilities across Fleet Street, and the junction of Byron Street and Lee Street is large. There are limited locations where a pedestrian crossing point can be provided, due to the car park entrances. The most appropriate location for a pedestrian crossing is to the west of the junction of Lee Street, between the development site and the car rental site. The footway across the car rental access will also require building out to accommodate pedestrian desire lines, and the footway surface improved to where the footway has been resurfaced previously in front of Crecy Court. A condition is recommended for the provision of such a pedestrian crossing point.

The policy requirement for cycle parking provision is 1 space per 2 bed spaces and 1 space per 20 bed spaces for visitors. Amended plans show 352 cycle spaces which is just short of the policy requirement. On the basis of the variety of sustainable travel options in the vicinity of the site including the high propensity for pedestrian travel, it is not anticipated that a cycle space for every dwelling will be necessary. Therefore the level of provision, which equates to over a space for every other dwelling, is considered acceptable, on the basis that other opportunities for sustainable travel will be attractive and can be maximised through a Travel Pack condition.

The Highway Authority are currently installing a number of cycle hubs around the City which will enable people to hire cycles for their journeys. This would benefit residents who may not wish to own a bike but would be able to pick up a cycle near to the site to make short journeys as an alternative to using a car. It is suggested that a contribution towards a cycle hub close to the development site is secured in lieu of cycle parking provision within the site, and I have sought a figure to be put forward in a s106 agreement.

Better Buildings

Passive Solar Design

Whilst all living spaces have windows attached, I am concerned that the dimensions of the living areas in a number of the flats will not provide sufficient daylighting which would lead to excessive usage of artificial lighting. As such I would like to see further confirmation from the developer that all of the flats will receive sufficient daylighting.

Building Fabric and Airtightness

The proposed u-values for the new build portion of the development meet or exceed the value for the notional building in all cases, which represents a good approach to fabric efficiency. No details of u-values for the retained buildings have been provided, which are required to make a recommendation.

Heating, Cooling, Ventilation and Lighting Energy Efficiency

The development is proposing to use air-source heat pumps for hot water, fit all low energy lighting and use natural ventilation, all of which are satisfactory as measures. However, no information has been provided about the proposed heating systems for either the new or existing buildings, or the nature of the controls to be fitted.

Renewable / Low Carbon Energy Supply

Although the use of heat pumps for hot water has been proposed, no consideration appears to have been given to other renewable or low carbon energy technologies, such as solar PV panels. I would like to see consideration from the developer of these measures.

Construction Materials and Waste Management

A Site Waste Management Plan is proposed for the development to monitor, sort and recycle construction waste, alongside measures to utilise sustainable materials. I would encourage the applicant to set a specific target to recycle a high percentage of demolition and construction waste.

In conclusion, I am pleased to see that the new build portions of the development is proposed to achieve a reduction of 9.63% over building regulations. Following the submission of additional details, I suggest a condition to secure further details of on-site installation.

Lead Local Flooding Authority (LLFA)

The development is located with Flood Zone 1 and does not reside within a known flooding Hotspot and subsequently is considered at low risk from fluvial flooding. However, the site is within a Critical Drainage Area (CDA), meaning measures to limit surface water run-off will be required.

The development is considered Brownfield and to comply with *Leicester City Council's Core Strategy, 2014 - Policy 2*, a 50% reduction of current surface water runoff/discharge rates is required. The development should aim to achieve Greenfield runoff rate of 5l/s/ha, where practically possible. It is proposed that a 50% betterment on the existing surface water runoff rate is to be included.

A Flood Risk Assessment (FRA) has been provided as part of the application. This evaluates the risk from all sources of flooding and concludes that the site is at low flood risk. The plans show dwellings on the "lower ground floor", this should be clarified whether these dwellings are at basement level or not. All proposed developments with basement level dwellings must complete a resident's flood pack, to ensure the safety of residents in the event of a pluvial (surface water) and or fluvial (river) flooding. It should contain a flood plan and it is recommended that residents sign up to the Met Office severe weather warnings email alert service.

The applicant has outlined that surface water runoff will be managed through discharge into the public sewer. Where surface water is proposed to discharge into a combined or foul sewer, justification for the connection will need to be provided. Any connection into the Severn Trent Water (STW) surface water sewer needs to be confirmed, showing the location of any proposed connections and correspondence with STW.

Following the submission of further clarification on the basement units, LLFA consider it appropriate to secure additional detail using suitable conditions.

Conservation Advisory Panel (CAP) – 22nd July 2020

The members unanimously supported the retention of the Locally Listed Fleet House and the principle of the development. The scale and massing were broadly supported, considered as appropriate for its context. The legibly modern design of the scheme was welcomed, allowing Fleet House to retain its architectural distinction and prominence.

Whilst the material palette and elevation treatments were broadly supported, the red brick blocks flanking Fleet House (Block A and C) were considered as overly prominent, of poor relationship to the existing building. The criticism was in relation to their design as read against the gables of the retained building. The members concluded that the junction between the new and the old needs to be improved and

rationalised, preferably by a stepped-back massing, reconsidered alignment and an addition of a gap between Fleet House and Block A, to allow the ghost sign to be visible.

The elevation treatment and definition of Block D1 were criticised, creating a poor relationship with the Locally Listed 80 Wharf Street South. The members suggested that the horizontal alignment with the asset should be improved, whilst more definition added to the blank side gable of the grey brick block fronting onto Old Milton Street. The dominant height of the ground floor of the Locally Listed Building should be taken as a reference point for the detailing of the new build.

The Panel recommended seeking amendments.

Conservation Advisory Panel (CAP) – 21st October 2020

The Panel found it difficult to decipher the totality of amendments introduced since the last iteration of the scheme. Members noted that some concerns initially raised were not adequately addressed, including the relationship between the existing building and the adjacent new buildings, including position, massing and elevation definition (lack of fenestration in particular). The altered elevation treatment of the block abutting the Locally Listed 80 Wharf Street South was appreciated, considered an improvement.

The Panel agreed that more information, clarification and amended visuals would be useful to provide more comprehensive and conclusive comments of the scheme as revised.

Open Space Parks

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

Based on the formula from the Green Space SPD a contribution of £334,190 is required for this application.

The contribution will be used towards the provision of new open space within the vicinity of Lee Circle, and a contribution for outdoor sport to be used for either improvement works to Saffron Lane Athletics Stadium (to augment other improvement works or new lighting or upgrade/replace track) and/or a contribution towards a new basketball court at Victoria Park.

Representations

Councillor Kitterick objects on the grounds of a poor standard of living. Concerns have been raised on the size of units in Blocks a, B1 and C. Cllr Kitterick advises that many units are below Nationally Described Space Standards.

Councillor Kitterick also requested that the application decision should be considered by the Committee given the wider issues around standards of living accommodation.

The Leicester Group of the Victorian Society have also commented on the application. They have advised that generally they support the redevelopment of the site with the retention of Fleet House; however, they consider the siting of flat roof buildings immediately adjacent to Fleet House sit awkwardly against the gables of the original building. They also consider Block A should be set back further to increase visibility of the ghost sign on the gable of Fleet House. Other minor criticisms of the application relate to the design of Block D1 and the elevation adjacent to 80 Wharf Street South.

Consideration

Principle of Development

The Strategic Regeneration Area is the focus of major redevelopment. The St. George's Residential and Working Community and the City Centre have the potential for mixed use housing led redevelopment. Residential uses are acceptable in this location. New development should be comprehensive and co-ordinated, with high quality, well designed residential neighbourhoods that provide mixed uses and spaces. Core Strategy Policies CS03 relating to design and CS04 relating to Strategic Regeneration Area are all applicable to the application.

Both Core Strategy Policies CS04 (SRA) & Policy CS18 (Historic Environment) require the protection and enhancement of Heritage Assets. "Within the regeneration areas, particular importance will be given to the integration of the historic environment with new development, through encouraging heritage led regeneration". Fleet House is a locally listed building. Lee Circle Car Park opposite the application site, 80 Wharf Street south which is to the east and south of the development site and 4-18 Wharf Street South to the east are all locally listed too.

The proposal would make a significant contribution to the City Council's 5-year housing land supply.

In consideration of the above policy context the proposal is acceptable in principle subject to considerations on design, conservation/heritage, residential quality, residential amenity, archaeology, sustainability, nature conservation and landscaping, highways, flood risk and drainage, land contamination, waste management and developer contributions.

Conservation and Heritage

Fleet House is a good example of eclectic late Victorian industrial architecture, with a notably sympathetic inter-war extension. The well-proportioned building has a relatively simple structure, embellished with ornate detailing, such as a series of dentilled brick courses and stone arches.

Although the later extensions are of limited historical or architectural interest, they do display a sympathetic approach to the older structures, being subservient in scale and generally light weight forms. For example, the recessed glazed entrance feature, behind the main entrance to the building, allows the ornate arched opening and original metal gates to dominate in the key views. The original plans for the building reveal a simple internal arrangement for large workshop rooms that has not been dramatically degraded in the decades that followed. There has been some loss of historic material, such as the replacement windows, but these are reversible. The primary windows are still in timber and match the proportions of the original ones.

In regeneration sites featuring extant built heritage, development proposals should involve the sympathetic re-use of historic buildings, which add to the 'sense of place' and character of the area. This is supported by both national and local planning policies, the key policies of which are mentioned above.

The proposal to include the retention of Fleet House is welcomed. Furthermore, the retention of the later extensions to Fleet House to the west and north fronting Byron and Dryden Street is also welcomed. The loss of the rear portion of Fleet House is considered acceptable in consideration of the wider benefits of the redevelopment.

The applicant has submitted a programme of improvements/repairs to Fleet House which is acceptable in terms of identifying the extent of repairs required; however this lacks some details around replacement windows, specific materials and any alterations to Fleet House such as the removal of the steps from the doorways to accommodate a ramp and bin store access. Notwithstanding the submitted document, I consider it reasonable to attach a condition for details of alterations and/or improvement works to Fleet House in the form of plans and to include full materials schedule to be submitted for approval. I consider this information is required prior to any development carried out on site, including works of demolition.

The use of the site as residential is acceptable in terms of its impact on the heritage asset. The layout of the buildings around the site is accepted as being the most suitable for a site of this size. The provision of flat roof buildings is also acceptable in heritage terms with the top storey of all the blocks being set-back to minimise any significant visual overbearing. The amendments have resulted in the painted side gable of Fleet House being more prominent from the street level. Whilst not wholly visible, this is a significant and welcomed improvement that would overcome initial concerns over the impact of Block A on Fleet House.

The amended plans resulted in Block D1 on Wharf Street South following the building line of the adjacent listed building. The front elevation of this building is markedly different in terms of its appearance, massing and elevation detail to the listed building; however, a contrasting-built form would be most appropriate in this location. The Conservation Advisory Panel appreciated the set of amendments to the front elevation Block D1 but sought further information on materials and updated visuals that have now been submitted. These amendments provide the additional detail sought and highlight how the Wharf Street South elevation of Block D1 has taken cues from the adjacent heritage asset with the use of vertical and horizontal proportions; exaggerated brick work in the vertical part of the entrance to Block D1; use of arch detailing to the top storey and; brick detailing adjacent to windows. On

the basis of the revised details combined with the updated AVR's I consider the proposal would have an acceptable impact in heritage terms. Conditions to secure materials are discussed in detail further in the report.

The proposal represents a significant redevelopment of the site that includes the retention and re-use of Fleet House. The amendments have to a significant degree improved the relationship between existing and proposed built form that would have less than substantial harm on the heritage assets both within and adjacent to the site. The proposed development therefore is in accordance with Core Strategy policies CS03 and CS18 and paragraphs 192, 193, 197 and 198 of the NPPF.

Archaeology

The site is located in an area with known archaeological activity and finds and is bisected by the town's Roman and medieval defences. Part of the site falls within the Roman walled area. Within the immediate vicinity Roman buildings and activity has been found, with evidence recovered from St Peters Lane less than 15m south of the site found beneath the defences. In light of this context it is considered reasonable and necessary to attach a condition for a written scheme of investigation to be submitted to and approved in writing by the City Council. Subject to this the proposal would accord with Core Strategy policy CS18.

Design

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture.

Leicester City Council has recognised the opportunities and issues within the Wharf Street area and has consequently, undertaken a townscape analysis of the Wharf Street and Lee Circle area. The Wharf Street Character Area Townscape Analysis and Design Guide (January 2020) is a document within the suite of documents which have been produced for the Draft Local Plan. The Design Guide outlines objectives for the character area and future guidance on how development should be brought forward.

The proposal is broadly in line with the guidance and positively addresses many of the objectives outlined;

- Retention of the locally listed building Fleet House supporting heritage led development and retaining it's landmark status and recognising its importance to the distinctiveness and character of the area.
- Providing active frontages to the perimeter block
- Repairing the fragmented frontage and the building line to Old Milton Street

Scale: Height

The guidance outlines proposed building heights for the character area are to be predominately 5 storeys and below for this site, recognising the importance of development respecting the setting of Fleet House. The current proposal is in excess of this at 6 storeys and 6.5 storeys to Dryden Street but it is recognised that this is not excessively above the height parameter and the massing and articulation of the development broadly respects the setting of Fleet House and top floor set backs are effective.

The amended plans show the removal of a previously proposed 'finger' of Block C where the footprint of the building was a 'U' shape. The removal of this element has improved the internal layout, especially with the courtyard. The reduced scale of Block C is acceptable.

Scale: Massing

The approach to create a 'finer grain' / collegiate approach of blocks of development is appropriate to this site and is an approach that has been discussed through pre-application. Further, the stepping back of top storeys, setbacks and the articulation of the facades all assist in reducing the massing.

The removal of the fifth floor of Block A and increase the set-back of the top floor responds positively to the architectural importance of Fleet House. This amendment not only now highlights the painted gable of Fleet House, but creates a greater visual separation between Fleet House and Block A. The separation at the other end of Fleet House with the upper floors of Block is acceptable.

The amendment to Block C with the creation of a single block instead of a 'U' shaped building significantly improves the visual appearance of this part of the site. Although it would not have been overly visible from the public realm, the reduction of mass within the central courtyard further improves the functioning of the central communal space.

Layout

With respect of the communal areas, amended plans have provided an additional gym and laundry room for occupiers within Block D1; shown pedestrian links throughout the development; provided reception/foyers to all blocks; and included details of post collection areas. The provision of laundry rooms and communal spaces is considered positive and it is recognised that the central courtyard provides a generous amount of outdoor space for a City Centre development in combination with private balconies.

Amended plans improved some of the ground floor frontages to Wharf Street South and Old Milton Street with the siting of reception/foyer areas to the buildings to create active facades to the public realm. Along Fleet Street the threshold space is generous and welcomed. I consider the threshold space to the front of Dryden Street is limited. It would be vital to secure appropriate hard/soft landscaping (as part of the wider landscaping strategy for the site) to ensure these spaces are not left unresolved.

All entrances to buildings have all been brought to ground floor level and the entrance design has improved in its legibility across all of the block with the use of

alternatively applied cladding. This is consistent across all blocks (other than Fleet House) which is considered suitable. It is recognised that the access to Fleet House is via steps, but an alternative access is available from Dryden Street. The development provides appropriate level access for all blocks and good circulation within the development to address the land level differences.

The layout of the central courtyard should be clarified as part of a site wide landscaping strategy to secure a uniformity in the paving, soft landscaping and any required boundary separation. The provision of semi-private gardens for units facing the central courtyard is a positive amendment on the plans. Again, the design of these areas needs further consideration as part of a site wide landscaping strategy.

Density & Mix

The amended plans show an appropriate mix between studios, one bedroom and two bedroom flats which would make a positive contribution to the area. The revised accommodation schedule shows a reduction in studios from 46% to 34%.

Character

The development would make a positive contribution to the area. The retention of Fleet House is very much welcomed as it is a significant building and to the character and distinctiveness of the Wharf Street Character Area. The contribution that Fleet House will continue to make due to its retention is significant.

The finer grain approach of separate blocks of the proposal is more appropriate to the character of the Wharf Street area and is welcomed. The use of blocks, with separate entrances and reduced corridor lengths, helps to breakdown the massing of the proposal but also will contribute to the security and safety of residents and support their well-being as they will more readily identify and get to know people in their blocks.

Appearance: Details & Materials

Block D1 was initially of the most concern with respect to its relationship with the adjacent listed building. The building line of Block D1 along Wharf Street South has been amended to be in line with the existing buildings, particularly in line with the adjacent listed building. This is a significant improvement in the layout of this building and helps minimise any visual bulk from longer views. The contemporary approach to the design of Block D1 is considered acceptable in this location to provide a contrast to the adjacent listed building. Further amendments to the detailing on the front elevation also go some way to improving the visual relationship with adjacent buildings. It is considered that the materials indicated on the plans are of a high quality in terms of the brickwork; however this would need clarifying through appropriate conditions.

The applicant has submitted a significant amount of detail with respect of elevation details, window reveals and materials (both brickwork and cladding). A materials schedule with 1:20 sections through the different blocks have been submitted. In addition to this, 3D visualisations, sketch-up model and AVR's have been submitted in support of the application. Generally the details are acceptable and would allow the development to appear as a cohesively designed scheme from the various public vantage points. However, due to the scale of development, number of different streets the development would face and the location of the site amongst building of

heritage instance, a condition will be required to secure the quality of development that has been presented in the supporting documents. The conditions would require the provision of a 1:20 drawing of a materials sample panel for each block, along with an on-site constructed sample panel linked to each drawing.

Landscape

The quality of the landscape design to the main amenity spaces and the principles therein is crucial to the success of this scheme. It is vital to the success of a scheme of this nature to create a positive environment for its residents and well-designed and well managed outside spaces. I strongly recommend, that as with the materials, we need to secure a 'quality benchmark' to establish the key principles and specifications for landscaping (both hard and soft) across the site.

The amended plans submitted show areas with a number of seating areas and landscaping that in some places overlap. The type of soft landscaping and the location of some of the same is not ideal as it is currently presented; however, I consider it is suitable in this instance to attach a condition requiring the submission of a detailed high level Landscape Strategy to cover the whole site. In addition to this, a second condition securing more specific details in respect of not only soft landscaping areas, but also details of surfacing across the site and also adjoining the adopted highway along the boundary. The types of seating areas should also be detailed to ensure there is no overlap, details of boundaries within the site and details of external lighting within the outdoor communal areas would also be required.

Overall it is recognised that the development would make a positive impact on the local character and existing built form. Suitable amendments have been secured throughout the discussions to secure a development that would positively relate to adjacent heritage assets as well as the character guide for Wharf Street South area.

It is noted that the applicant has submitted a Management Strategy to establish how the site would operate and would be maintained (including waste management). Notwithstanding this document, further details would be required and therefore along with conditions for a landscape strategy, materials and sample panels a further condition for a detailed management plan is also considered appropriate. Subject to these conditions, the proposal is considered to comply with Core Strategy policies CS03 and CS18, saved policy UD06 and NPPF paragraphs 117, 123, 127 and 130.

Residential Amenity (Impact on uses nearby)

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 site is an island site that occupies the majority of the island with the only other property in the block being at 80 Wharf Street South. Block D would be adjacent to this site along its frontage and Block A and B1 to the rear. I do consider it is likely to

be affected in terms of its potential for future redevelopment due to the location and proximity of principal room windows in the development. However, in the absence of any potential redevelopment prospects of the site I do not consider future development would be prejudiced.

Facing Old Milton Street Block C would face the late-night premises at 24 Dryden Street. This is a single storey building which covers a large part of the side boundary containing bricked up windows and with the remainder being a brick wall with car parking behind. Old Milton Street is currently at a much lower scale and has some sense of openness because of the car park. The proposal would result in the placing of 6 storey buildings along this frontage, albeit with the 6th floor setback. I consider impact on the use of the Dryden Street music venue would be minimal, however, I consider the property could be affected in the future in terms of if the site was to be redeveloped.

During the Covid19 pandemic the late-night venue at Dryden Street has remained closed in line with Government Guidelines. I note that the previous applications at the site attracted a number of objections concerning the impact of a residential development at the site on the venue. I do not consider that residential development on site is likely to directly result in the closure of the venue. Any approved scheme will require satisfactory noise insulation scheme and a ventilation scheme to ensure that future occupants would not be significantly affected by external noise.

Facing Lee Circle and Fleet Street there are residential properties in the vicinity; however I consider the separation distance to those properties is suitable to avoid harm to the amenity of those occupiers.

I consider the amended proposal would not result in harm to the amenity or operation of nearby residential and commercial uses and would accord with Core Strategy policy CS03, saved policy PS10 of the Local Plan and paragraph 127 of the NPPF.

Residential Quality (For proposed occupiers)

Saved Policy H07 of the Local Plan (2006) provides a set of criteria for new and converted self-contained flats. The criteria relates to the location of the site and nature of nearby uses; the unacceptable loss of an alternative use; loss of family accommodation; creation of a satisfactory living environment; arrangements for bin, and cycle store; provision of garden or communal open space; effect on general character and; proposed changes to the appearance of the buildings.

The application site is located within the City Centre with good access to services and amenities for future occupiers. The current buildings are not in use and therefore there would be no loss of another use, nor would there be a loss of family accommodation as a result of this development.

The proposal, as amended, has resulted in the reduction of the number of units from 359 to 351. This has largely resulted from the loss of part of the fifth floor of Block A and loss of corner flats in Block C where the internal layout was awkward and resulted in a poor living environment. The proposed flats are generally all single

aspect with outlook to the street or to the courtyard. The layout of individual flats show that all principle rooms are served by at least one window. All of the flats have a good layout with the kitchens and bathrooms located centrally to allow windows to serve living rooms and bedrooms. The re-design of Block C especially has resulted in a positive impact on the amenity of future occupiers. It is noted that Block B1 has some units with principal room windows on the side elevation; however I consider the depth of Block B1 being larger than the block to either side would minimise any harm with respect of outlook and daylight form principal rooms.

The separation distances between the blocks across the courtyard is acceptable to avoid any harmful overlooking between future occupiers. Likewise, I consider the privacy enjoyed by future occupiers would be acceptable for a City Centre location. It is recognised that the ground floor units in Block C are close to the pedestrian footpath, this is not uncommon for the City Centre. Furthermore, due to the level difference on the site, these windows would be sited slightly higher than eye level which would further mitigate any harm in this respect.

The applicant has submitted a Daylight and Sunlight Path Analysis (video) to demonstrate the amount of light to the internal and external parts of the development. The video shows that from midday to afternoon that the northern portions (1/3 of the largest courtyard and 1/2 of the smallest) of both courtyards will receive sunlight. The area to the north of Block A does not experience any sunlight. As expected, the high summer sun the courtyard areas receive plentiful sunlight from mid-morning until early evening 5pm. For mid-summer it is disappointing though that the courtyards don't receive any sun from 5pm onwards given the heights of the blocks C and B1. Again, the area to the north of Block A does not experience much sunlight with small patches throughout the day. The courtyard space to the east will be mostly affected by the height and massing of future development to the south. The sunlight videos provided appear to show the existing buildings. If future development is brought forward on 80 Wharf St. in line with the masterplan for this perimeter block, then this may improve sunlight in this location.

The Residential Amenity SPD suggests an outdoor amenity space of 1.5sqm to 3sqm for flats within the City Centre as a minimum through the provision of balconies. The development includes a mix of outdoor amenity space provision ranging from private balconies, terraces for the top storeys and private and semi-private spaces at lower and upper ground floor levels. These spaces would provide an acceptable amount of private and semi-private amenity space that would be useable. Whilst it is recognised that not all of the units would have balconies, I do not consider this to be uncommon for a City Centre development, nor do I consider that it would be appropriate to have repeated balconies for all of the units such as on Fleet House and Old Milton Street.

As noted above, the application has been submitted during the Covid19 pandemic where Government guidelines have required leisure and late-night venues to be closed across the country. The applicant has submitted a noise assessment with some mitigation measures identified; however, in the absence of noise data from the music venue the details remain unsatisfactory. It is noted that the previous applications from 2017 were supported by technical data from when the adjacent music venue was open and that data could be used to inform the mitigation measure

for noise and suitable ventilation measures for the units facing Old Milton Street especially. Noise pollution Officers have advised that the outstanding details can be adequately secured through the use of conditions which I consider reasonable in this instance.

The development provides central waste storage for each block within the basement or ground floor level which I do not consider uncommon for such a location. Similarly cycle parking is centralised at basement or ground floor level which is suitable. It is noted a management strategy for the site has been submitted which advises that the site would be managed, and maintenance shall be carried out of the communal areas by appointed on site staff. The strategy provides acceptable principles for the management of the site and the document should be included as an approved document to secure these principles.

The development includes communal gyms, laundry rooms and cycle parking. To ensure that these areas are kept available for occupiers of the site alone, further details within the management strategy will be required prior to occupation of each block which I consider can be conditioned appropriately.

The breakdown of accommodation above identifies the range of floor space for each apartment type. Not all the units meet the Nationally Described Space Standards; however, these standards are not adopted by the City Council and floor space alone is not an indication of a good living space. The applicant has amended the scheme to provide a greater number of 1-bedroom flats, all of which accord with the national space standards; however some of the proposed two bedroom units fall short of the specified space. The Nationally Described Space Standards does not include the floor areas for studios.

The layouts of the units have been amended to ensure that all the flats would benefit from a good source of outlook and daylight from windows serving principal rooms. The layout of each unit includes an indicative layout of furniture to demonstrate adequate space within each unit and many of the units benefit from a private balcony space also. Given the circulation space within the units combined with the communal facilities and the amenity spaces, I consider the amount of internal floor space alone does not warrant the refusal of such a development. The above assessment outlines how the development would provide an overall good standard of living for future occupiers.

Subject to conditions the proposal is considered to provide an acceptable living environment for future occupiers of the site. The proposal is in accordance with saved policies H07 and PS10 of the Local plan in this respect.

Ecology

The applicant has submitted an Ecological Report from a survey in 2020 to support the application. The details submitted and the findings are accepted. To summarise, the building is in a very poor state with broken windows and damaged internally and externally. There has been a high degree of vandalism and evidence of people residing in the building adding to disturbance. An assessment of these conditions show that the building has low or negligible value for bats and no evidence of bats

was found. It is accepted that no licence is necessary to undertake the works and that precautionary mitigation should be carried out in accordance with Section 5 of the report.

The ecology report also assessed the building for its suitability to support Schedule 1 species of birds that have been recorded nearby. The building roof was assessed as being suitable to support nesting. As additional protection of nest sites are given to Schedule 1 birds (even if they may not be present during the time of survey), it is important to note that works can only be carried out to demolish the building outside of the bird nesting season (season is March to end August) and that no measures are permitted to deter the birds from nesting. The ecology report contains further details on this requirement, and it is recommended that this is made a condition of any approval.

The requirement to achieve a net gain in biodiversity is also a requirement of this application. The landscape scheme is currently lacking in detail and acceptable details are to be made a condition of approval to enable an updated scheme to be accepted by the LPA. The ecology report states that green roofs with associated ecology features will be created and full details of the construction, planting/seeding and aftercare and maintenance should be included in the landscape scheme. The green roofs will also provide suitable mitigation habitat for some bird species.

Provision of biodiversity enhancements to support city/urban birds and other wildlife will help to provide additional benefits to Bats and Swifts (also BAP and NERC Priority Species) and details of the type and number of nest boxes will be required within the landscape scheme. In this case, due to the size and scale of the building proposal, 6 self-cleaning bat boxes and 12 Swift boxes should be integrated into the building design together with 2 x invertebrate structures within the green roof design.

Lighting of the roof areas which support these ecological features should be avoided and if this is not possible, the light levels should be a maximum of 1 lux only to minimise disturbance to wildlife. Details of this can be secured in a combined landscape and ecological condition.

Conditions to secure appropriate mitigation and lighting is considered reasonable and appropriate in this instance. Subject to conditions the proposed development is considered not to have an adverse impact on biodiversity and would provide suitable net gains in accordance with Core Strategy policy CS17 and paragraph 175 of the NPPF.

Waste Management

Waste is proposed to be stored within the basement or ground level storage areas and the waste bins to be brought up by a dedicated lift (where in the basement) on waste collection days. The submitted Management Strategy confirms that this would be carried out by employees on site and would not be responsibility of LCC Waste Services. Subject to this document forming one of the approved documents, the proposal is considered acceptable in this regard and a compliance condition is recommended.

The number of bins indicated on the plans appear to be acceptable for the level of accommodation provided. The applicant is advised to refer to the Waste Management Team's guidance available online for the proposed bins and their collection.

Air quality

The Air Quality Officer has reviewed the assessment submitted and considers the mitigation measures to be acceptable. A condition is recommended to ensure development is carried out in accordance with the construction mitigation measures. The operational measures include the provision of a Travel Pack condition which I consider reasonable and necessary for a City Centre development.

Flood Risk & Drainage

The site is located within a Critical Drainage Area. The applicant has provided additional information in respect of drainage and SuDs matters which have been considered by the LLFA. It is advised that detailed calculations and specific SuDS measures can be secured by way of conditions in the event of planning permission being granted.

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

Highways & Parking

The site is located in the northern part of the City Centre and is close to public transport hubs of the Haymarket and St. Margaret's bus stations, and just over 1km walking distance from Leicester Railway Station. As such it is considered that the site is in a highly sustainable location in terms of opportunities to travel on foot, cycle or by public transport and the principle of residential development is acceptable.

The site is located on land bounded by Fleet Street, Byron Street, Dryden Street, Old Milton Street and Wharf Street South. As such the site shares four boundaries with the highway. Fleet Street continues onto Lee Street, which forms the circuit around Lee Circle Car Park, a public car park operated by NCP. One of the car park's two entrances is located opposite the development site off Fleet Street. The back of the adopted highway on all the streets mentioned above is the site boundary.

The existing buildings were previously in commercial/industrial use and are now vacant/derelict. Part of the site is currently used as a Pay and Display surface car park, which is split into two served by accesses off Fleet Street and Old Milton Street.

Amended plans have removed any openings over the public highway and have increased the number of cycle parking spaces provided within the site from 260 to 351 spaces. This falls marginally short of the policy requirements; however a condition to secure this is considered appropriate. I also consider it reasonable for the applicant to consider the provision of a 'Cycle Hub' within the development for those occupiers who may not own a cycle as part of the Management Plan

and/Travel Pack for the site. The development is proposed to be car free with the lack of vehicle parking offered which is suitable for such a location.

Discussions have taken place around identification of key pedestrian routes and improvements to public footpaths in the wider area that may be used by future residents of the site. Such public realm improvements would need to be funded through developer contributions.

Subject to conditions to approve details of surfacing abutting the public footpaths surroundings the development, reinstating and making good dropped kerb crossings and ensuring the development would provide sufficient cycle parking, I consider the proposal would accord with saved policies AM01 and AM12 of the Local Plan and Core Strategy policies CS14 and CS15.

Sustainability

A Sustainable Energy Statement has been submitted which meets most of the requirements as set out in Core Strategy policy CS02. Environmental Officers have requested details of proposed heating systems and controls and also detail of different forms of renewables and low carbon energy technologies in the development. These measures can be secured by way of conditions. I consider this to be a reasonable requirement.

Developer Contributions

The applicant has submitted a viability assessment with the application. Based on the figures in the assessment, build cost and analysis of the recent and current market, the proposal would not be able to support a financial contribution towards education, public realm, external cycle provision or open space. There would be no surplus available for the contributions requested and for any Affordable Housing provision. On balance given the benefit of the retention and use of Fleet House and wider redevelopment of this vacant site for 351 residential units, I consider that the scheme should still be supported in the absence of contributions.

Conclusion

The proposal has been amended several times through the processing of the application in response to officer's comments and this has resulted in a much improved development in terms of heritage, design, residential quality, highways and ecology.

The amended proposal represents an acceptable scale and form of residential development that would not adversely impact the character of the site and local area, nor would it adversely affect nearby heritage assets and the amenity of nearby residents. Furthermore, the proposal would make a significant contribution to City Council's housing land supply.

Technical matters and further details can be addressed through the use of conditions to secure an acceptable residential redevelopment of the site.

I recommend that this application is APPROVED subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. Notwithstanding the approved Proposed Phasing Plan (ref. 45806(P-30)001) no development shall take place, including demolition, until a Demolition and Construction Phasing Plan including the full order of all works on site is submitted to and approved in writing by the City Council as local planning authority. (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).

3. No development of each phase shall take place, including demolition, until a Construction Method Statement has been submitted to, and approved in writing by the City Council as local planning authority relating to the specific phase. 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 demolition works and 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; (viii) routing of vehicles (in conjunction with LHA) including the appointment of a named CMS co-ordinator with contact details as part of a Construction Traffic Management Plan. The approved Statement shall be adhered to throughout the construction period. (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).

4. Prior to commencement of development of each phase, including demolition works, a mitigation scheme to minimise disturbance to bats and Schedule 1 bird species as referenced in the "Protected Species Survey: in particular bats and various species of nesting birds" report produced by [Curious Ecologists dated 6th October 2020] [page [11], section [5], should be implemented in full. Demolition works should only proceed outside of the bird nesting season (between 1st September and end of February in any one year). This includes a toolbox talk to inform on precautionary measures and any demolition of features likely to support bats or birds should be carried out under the supervision of a fully licenced bat ecologist. If evidence of bats are found during this process all works should cease and any mitigation measures reviewed and approved in writing by the City Council as local planning authority. (In the interests of protecting wildlife habitats, and in accordance with CS17 Biodiversity of the Core Strategy and Habitat and Species Regulations 2017. This is a PRE-COMMENCEMENT condition).

5. Notwithstanding the approved details, prior to any works above ground in any phase containing Fleet House, including demolition, details of all alterations, improvements and restoration works to Fleet House shall be submitted to and

approved in writing by the City Council as local planning authority. The details shall include elevation and section plans at an appropriate scale (1:100/1:50/1:20), details of materials including specification and means of connection between the existing building and new buildings. The development shall only be carried out in accordance with the approved details. (In the interest of heritage and building conservation, in accordance with Core Strategy policies CS03 and CS18).

6. A) Prior to the commencement of development of each phase the applicant should secure the implementation of an appropriate programme of archaeological work in respect of the relevant phase to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the City Council as the local planning authority. The scheme must include an assessment of significance, research questions, and:

- (1) the programme and methodology of site investigation and recording;
- (2) the programme for post-investigation assessment;
- (3) provision to be made for analysis of the site investigation and recording;
- (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (5) provision to be made for archive deposition of the analysis and records of the site investigation.

B) No development of each phase shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

C) No phase of the development shall be occupied until the site investigation and post-investigation assessment relating to that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless otherwise agreed in writing with City Council as local planning authority. (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).

7. Prior to any development other than demolition, details of drainage shall be submitted to and approved in writing by the City Council as local planning authority. No flat shall be occupied until the drainage for that phase has been installed in full 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).

8. Prior to any development other than demolition, full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the City Council as local planning authority. No flat shall be occupied until the system has been implemented in full for that phase. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and

maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

9. Prior to any development of each phase other than demolition, full design details of on-site installations to provide energy efficiency measures, including air-source heat pumps supplying the hot water for the development, shall have been submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of each respective phase evidence demonstrating satisfactory operation of the approved scheme including on-site installation of that phase shall be submitted to and approved in writing by the City Council. The approved scheme shall be retained and maintained thereafter. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).

10. Prior to any development of each phase other than demolition, the site shall be investigated for the presence of land contamination within that phase, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render that phase suitable and safe for the development, shall be submitted to and approved in writing by the City Council as local planning authority. The approved remediation scheme for that respective phase shall be implemented and a completion report for that phase shall be submitted to and approved in writing by the City Council as local planning authority before the occupation of each phase of the development. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of each phase of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan).

11. Prior to any development other than demolition, a site-wide Landscape Strategy, including long term design objectives, management responsibilities and maintenance schedules for all parts of the site that shall remain unbuilt upon shall be submitted to and approved in writing by the City Council as local planning authority. The approved Landscape Strategy shall inform the LEMP and shall be implemented as approved and maintained thereafter. (In the interests of amenity and the continued satisfactory provision of such facilities and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy Policies CS03 and CS13).

12. Prior to any development of each phase other than demolition, a detailed landscape and ecological management plan (LEMP) for that phase showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all shrubs or hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) all hard surface treatments including manufacturers specifications; (v) boundary treatments, including details of the entrance gates; (vi) any changes in levels, design and location of ramps with details of gradients; (vii) the position and depth of service and/or drainage runs (viii) 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 (ix) details of planting design and maintenance of green roofs; (x) details of the make and type of 12x bird boxes/tiles/bricks and 6 x bat boxes/tiles/bricks to be erected on buildings and 2 invertebrate boxes 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 each phase 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. Any areas designed for biodiversity enhancement to achieve net gain will require maintenance and management for a minimum of 30 years. 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 and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted to and approved in writing annually by the local planning authority. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 Urban Design, CS17 Biodiversity).

13. Prior to any development of each phase other than demolition, a detailed design of all external lighting for that phase, including locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted to and approved in writing by the City Council as local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented prior to occupation of each phase of development and retained thereafter. No additional external lighting should be installed without prior written agreement from the City Council. (In the interests of protecting wildlife habitats and in accordance with saved policy BE22 of the Local Plan and policy CS17 Biodiversity of the Core Strategy).

14. Notwithstanding the approved details, prior to the commencement of development of each phase, a materials sample panel drawing (at a scale of 1:20) and materials schedule for that phase shall be submitted to and approved in writing by the City Council as local planning authority. Prior to the construction of any above ground works of each phase the approved sample panel shall be constructed on site,

showing all external materials, including brick, brick bond and mortar colour for inspection and approval in writing by the City Council as local planning authority. Each phase shall be constructed in accordance with the approved sample panel and materials. (In the interest of visual amenity and character and appearance of the area and in accordance with Core Strategy policy CS03).

15. Before any above ground works are carried out for each phase a noise assessment for that phase shall be submitted to and approved in writing by the City Council as local planning authority. The assessment shall address noise (music and on-street activity) from nearby entertainment venues and shall include the mitigation measures detailed in Section 6.3 of the 'Assessment of the Existing Noise Climate in the Vicinity of the Proposed Residential Development at: Fleet House, Lee Circle, Leicester' (Dated 14th March 2020, Ref: L4804), and details of the recommended glazing specified and means of fresh air ventilation to prevent the transmission of noise into the development whilst allowing windows to remain closed. Prior to first occupation of each phase the approved details shall be implemented in full and shall be retained and maintained thereafter. (In the interests of residential amenity and in accordance with Saved Policies H07 and PS10 of the City of Leicester Local Plan).

16. Before the occupation of any phase of the development, the footway along Old Milton Street fronting the development shall be resurfaced in accordance with details of the proposed footway construction which shall first be submitted to and approved in writing by the City Council as local planning authority, in consultation with the highway authority. The details submitted shall include (i) proposed materials, including specifications information to demonstrate suitability for use within the highway, together with construction depths; (ii) tie-in details into the existing footways; (iii) reinstatement of full height kerbs and full depth footway construction at existing footway crossings where they are made redundant by construction of the development and (iv) drainage details showing how surface water run-off from within the development will be prevented from being discharged into the highway. The approved details shall be implemented prior to the occupation of that phase and shall be retained thereafter in accordance with the approved details. (For the safety and convenience of pedestrians and other road users, and in accordance with saved policies AM01 and AM02 of the City of Leicester Local Plan and Core Strategy policy CS03).

17. Before the occupation of any phase of the development, the following works in so far as relevant to that phase shall be carried out in accordance with the written details submitted to and approved in writing in advance by the City Council as local planning authority: (a) alterations to footway crossings; and (b) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway. The approved works shall be retained thereafter. (To ensure a satisfactory means of access to the highway, and in accordance with saved policies AM01 and AM02 of the City of Leicester Local Plan and Core Strategy policy CS03).

18. All street works shall be constructed in accordance with the Council's standards contained in The Leicester Street Design Guide (First Edition). The guide can be found at: <https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/> (To achieve a satisfactory form of development,

and in accordance with Saved policies AM01 and AM02 of the City of Leicester Local Plan and Core Strategy policy CS03).

19. Notwithstanding the submitted Travel Plan, no part of the development shall be occupied until an updated Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority. The Plan shall: (a) assess the site in terms of transport choice for occupiers; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, cycle share and public transport (including providing a cycle hub scheme to enable residents to borrow or hire cycles, personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, information on sustainable journey plans, notice boards) over choosing to drive so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and to discourage off-site parking; (d) include provision for monitoring travel modes of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of each phase of the development brought into use. The plan shall be implemented in accordance with the timetable contained within the approved Plan and shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with saved policies AM01, AM02, AM11 and AM12 of the City of Leicester Local Plan and Core Strategy policies CS14 and CS15).

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

21. Prior to the first occupation of each phase of the development, a Management Plan for that phase shall be submitted to and approved in writing by the City Council as local planning authority. The Management Plan shall include details of the management and ongoing maintenance of internal and external communal areas, including the gyms and the operation of waste collection for that phase. The details approved within the Management Plan shall be implemented and retained as such thereafter. (In the interest of visual amenity and character and appearance of the area and in accordance with Core Strategy policy CS03).

22. The window reveals of all new build elements shall be constructed with a minimum depth of 200mm and in accordance with plan ref. 45806(P-34)005. (In the interest of visual amenity and character and appearance of the area and in accordance with Core Strategy policy CS03).

23. The demolition and construction of the development of each phase shall be carried out in accordance with the approved mitigation measures submitted in the Air & Acoustic Consultants Ltd Air Quality Assessment (Dated: February 2019, Ref 100252_002) received on 01/06/2020. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

24. No phase of the development shall be occupied until secure and covered cycle parking for that phase has been provided and retained thereafter, in accordance with details first approved by the City Council as local planning authority. (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).

25. The gyms, laundry rooms and communal facilities hereby approved shall only be used by occupiers of the site. (In the interests of the amenities of future occupiers, and satisfactory development of the site and in accordance with policies H07 and PS10 of the City of Leicester Local Plan.)

26. The flats and their associated access shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of each phase of development and prior to the occupation of that respective phase a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to and approved in writing by the City Council as local planning authority certifying compliance with the above standard. (To ensure the development is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06).

27. The dwellings hereby permitted shall comprise 351 flats (120 x Studio, 211 x 1 bed, 20 x 2 bed) in accordance with the plans referred to in condition 27 attached to this Planning Permission and in accordance with the schedule of accommodation received by the City Council as local planning authority on 08/12/2020. (For the avoidance of doubt.)

28. This consent shall relate solely to the following submitted information:

Demolition Plans –

(P-01)001; (P-01)002; (P-01)003; (P-01)004; and (P-01)005 received by the City Council as local planning authority on 01/06/2020

Proposed Floor Plans -

(P-20)001 rev H and (P-20)002 rev H received by the City Council as local planning authority on 19/01/2021

(P-20)006 rev F received by the City Council as local planning authority on 15/12/2020

(P-20)003 rev E; (P-20)004 rev E; (P-20)005 rev E; (P-20)007 rev E; (P-20)010 rev E; and 45806(P-20)021 rev G received by the City Council as local planning authority on 10/12/2020

Proposed Elevations –

(P-21)003 rev G; (P-21)002 rev F; (P-21)006 rev G; (P-21)005 rev G; (P-21-A1)002 rev G; (P-21-A1)001 rev F; (P-21-B1)003 rev G; (P-21-B1)004 rev G; (P-21-B1)005 rev G; (P-21-C1)006 rev G; (P-21-C1)007 rev G; (P-21-C1)008 rev F; (P-21-C1)009 rev F; and (P-21-A1-D1)010 rev G received by the City Council as local planning authority on 08/12/2020

(P-21)004 rev J; (P-21)001 rev H; and 45806(P-21)008 received by the City Council as local planning authority on 23/12/2020

Site Sections -

(P-22)002 rev C; (P-22)003 rev C; (P-22)004 rev C; and (P-22)005 rev B; received by the City Council as local planning authority on 08/12/2020

Typical Bay Elevations -

45806(P-23)001 rev A; 45806(P-23)002 rev A; 45806(P-23)003 rev A; and 45806(P-23)004 rev A received by the City Council as local planning authority on 12/10/2020

45806(P-23)005 rev A and 45806(P-23)006 rev A received by the City Council as local planning authority on 08/12/2020

Access Plans –

45806(P-19)001 rev A and 45806(P-19)002 rev A; received by the City Council as local planning authority on 08/12/2020

Elevation Section Plans –

45806(P-34)001; 45806(P-34)002; 45806(P-34)003; 45806(P-34)004; 45806(P34)010; 45806(P34)011; and 45806(P34)012 received by the City Council as local planning authority by the City Council as local planning authority on 12/10/2020

45806(P-34)005 received by the City Council as local planning authority on 19/01/2021

Phasing Plan- 45806(P-30)001 received by the City Council as local planning authority by the City Council as local planning authority on 10/12/2020

Air Quality Assessment (ref. 100252)002); Heritage Statement (ref. 02754D) Historic Building Record (AC-307B); Ground Investigation (G16226-IR); Flood Risk Assessment (MC/EST/200312/17-2/R001 Issue No.4) Archaeological Desk Based Assessment (AC00307A); Transport Assessment (CTP-15-303) ;Residential Travel Plan (CTP-15-303); Financial Viability ; Development Appraisal; Planning Statement including Affordable Housing Statement; Building for Life Assessment; Design & Access Statement received by the City Council as local planning authority on 01/06/2020; Planning Energy Statement (Leema Technologies Rev D) received by the City Council as local planning authority on 31/07/2020; Drainage Strategy (MC/EST/200312/17-2/R001 Issue No.4) received by the City Council as local planning authority on 21/09/2020; Protected Species Survey; Sun Path Analysis Diagrams; Cleaning & Repair Method of Works Specification; Wharf Street Elevation Analysis; Fleet House Apartment Breakdown and Schedule of Materials received by the City Council as local planning authority on 12/10/2020; Fleet House Management Strategy received by the City Council as local planning authority on 08/12/2020; Swept Path Analysis CTP-15-303_SP04 received by the City Council as local planning authority on 20/07/2020; and Accurate Visual Representations; Schedule of Accommodation and Cycle Storage received by the City Council as local planning authority on 19/01/2021 unless otherwise submitted to and approved in writing by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. For the avoidance of doubt, where the above conditions refer to phasing this relates to the details to be approved by condition 2 of this permission and to approved Proposed Phase plan ref. 45806(P-30)001.
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.

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.

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

3. The Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It will apply 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/>

The document will be subject to a review after 12 months. During the review period we invite comment from users to assist us in further developing the guide.

4. The ventilation arrangements shall ensure that 4 air changes per hour, if necessary using mechanical ventilation, is available on demand in all habitable rooms with windows closed (to ensure thermal comfort).

5. To meet condition 24 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. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

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

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

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

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS09	Development, regeneration and refurbishment will be encouraged within Potential Development Areas requiring a high standard of design and sustainable development.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS04	The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
2014_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_CS16	The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.

- 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.
- 2006_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

Recommendation: Conditional approval	
20202410	99 Groby Road
Proposal:	Retrospective application for change of use from house in multiple occupation for up to 6 persons (Class C4) to house in multiple occupation for more than 6 persons (7 bed) (Sui Generis)
Applicant:	Mrs Margaret Brown
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20202410
Expiry Date:	8 February 2021
AN	WARD: Fosse



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Summary

- Application at committee at the request of Councillor Waddington on the grounds that committee should consider the issue of distribution of housing types and the impact on the area.
- Councillor Waddington also objects to this application on grounds of the standard of accommodation, the distribution of housing types and the impact on the residential area.
- The main issues are the principle of use, living conditions of current and future occupants as well as residential amenity.

- Recommended for approval.

The Site

The application relates to a two-storey semi-detached house located in a residential area. It has been extended to the side at two storey level and to the rear at single storey level. The property also falls within a critical drainage area

Background

In August 2005 planning permission 20051094 was granted for a two storey extension at the side and a single storey extension at the rear. This appears to have been implemented.

There were two later applications for dormer extensions to the rear. One was approved and the other refused, however no dormer appears to have been built.

A report was received in January 2020 that the 6-bedroom HMO was having an additional bedroom on the ground floor living area, which would require planning permission for a change of use. The application has been submitted as a result of the investigation.

The Proposal

The application seeks retrospective planning permission for a change of use from a 6-bedroom HMO (C4) to a 7-bedroom HMO (Sui Generis).

The 7th bedroom is located on the ground floor and measures 3.9m by 3.6m. The room has been subdivided from the lounge, which now measures 4.2m by 3.6m.

No other additional changes to the interior or exterior of the house are proposed.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied.

Paragraph 2 - 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 44 - 'Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.'

Paragraph 55 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing

conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 11 - A presumption in favour of sustainable development.

Paragraph 58 - Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Paragraph 59 - Places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

Paragraph 61 - Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Paragraph 92 - Policies and decisions should guard against the unnecessary loss of valued facilities and services.

Paragraph 108 - Development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 118 - Sets out the criteria on land use flexibility. It requires planning policies and decisions to place substantial weight on the use of under-utilised land and buildings whilst also using sites more effectively.

Paragraph 124 – The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities.

Paragraph 127- The criteria for assessing planning applications and requires decision makers to ensure that development proposals:

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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Development Plan Policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other legal or policy context

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

Leicester & Leicestershire Housing and Economic Development Needs Assessment (2017) (HEDNA)

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes: Residential Space Standards, Amenities and Facilities

Consultations

Environmental Health - Private Sector Housing:

Has no objection as already has a HMO Licence for 7 persons.

Representations

Councillor Waddington objects for the following reasons.

- Standard of the accommodation,
- The issue of distribution of housing types
- Impact on the area

Consideration

Principle of Use

Core Strategy Policy CS08 outlines the strategy to ensure that neighbourhoods remain sustainable places. As part of this strategy larger houses for family use should be retained and conversion to other types of accommodation resisted. Houses in multiple occupation (HMOs) will not be permitted where they result in local overconcentration.

This application property is believed to have been occupied as a small HMO (class C4 for up to 6 persons) since 2013 and this was a permitted change of use.

The Council seeks to promote balanced communities and HMO uses are an important part of the housing supply, forming part of a range of housing types needed.

The property is outside the Article 4 area which restricts changes of use from Class C3 house to small HMO within Class C4.

The Article 4 area was identified as an area of concentration; however the areas outside have not so far been identified as having a harmful concentration of such uses.

In this case the property is already in HMO use and the change of use is likely to only involve a small increase in the number of persons occupying. The property currently has 6 bedrooms which under the current use are assumed to be single occupancy. The proposal is for one additional bedroom. Furthermore, it would not result in a loss of family housing due to its existing permitted use.

I consider the proposed change to be acceptable in principle.

Residential Amenity

The proposal is for a residential use in a residential part of the city. I do not consider that the change would directly impact on residential amenity.

The footprint of the building and position of existing windows will not be altered and therefore, there would not be an impact on light, outlook or privacy for neighbouring properties.

Level of Accommodation

The communal lounge would be reduced in size from 26 sq. m. to 15 sq. m. m², however I consider that this would provide reasonable living room space for the occupiers.

The communal kitchen and conservatory will remain of a reasonable size, providing cooking facilities and seating for the residents to share.

The additional bedroom proposed would have a large south facing bay window, which originally served the lounge. This is considered to provide adequate light to the bedroom. The bedroom accommodates a double bed and suitable storage for the occupant.

There are two bedrooms with en-suites and 5 bedrooms that would share a bathroom and an additional downstairs toilet. This is in line with guidance provided by Leicester City Council for HMO licencing.

The size of the garden would remain at approximately 50 m², which is accessed through the property. This is similar to the other properties in the area and the available space would be sufficient to meet the reasonable needs of the occupiers.

Overall, the proposal is considered to provide acceptable living standards.

Character and Appearance

The proposed works would be internal and therefore there would be no change to the street scene or the external appearance of the property.

Parking and Highways

The property has space for two off-street parking spaces. The likely increase in occupation is unlikely to have a significant impact on parking demand or highway safety and function. The site is in a sustainable location with access to local shops and public transport.

Conclusion

The property is considered large enough to additional occupation with a reasonable standard of accommodation and the proposed change from small HMO is acceptable.

I recommend **APPROVAL** subject to the following conditions.

CONDITIONS

1. This consent shall relate solely to the submitted plans ref. no. 99GR-0-2 received by the City Council as local planning authority on 30/11/2020, ref. no. 99GR-0-3 received by the City Council as local planning authority on 14/12/2020 and amended plans ref. no. 99GR-A-01 (REV A) received by the City Council as local planning authority on 19/01/2021. (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 planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

Policies relating to this recommendation

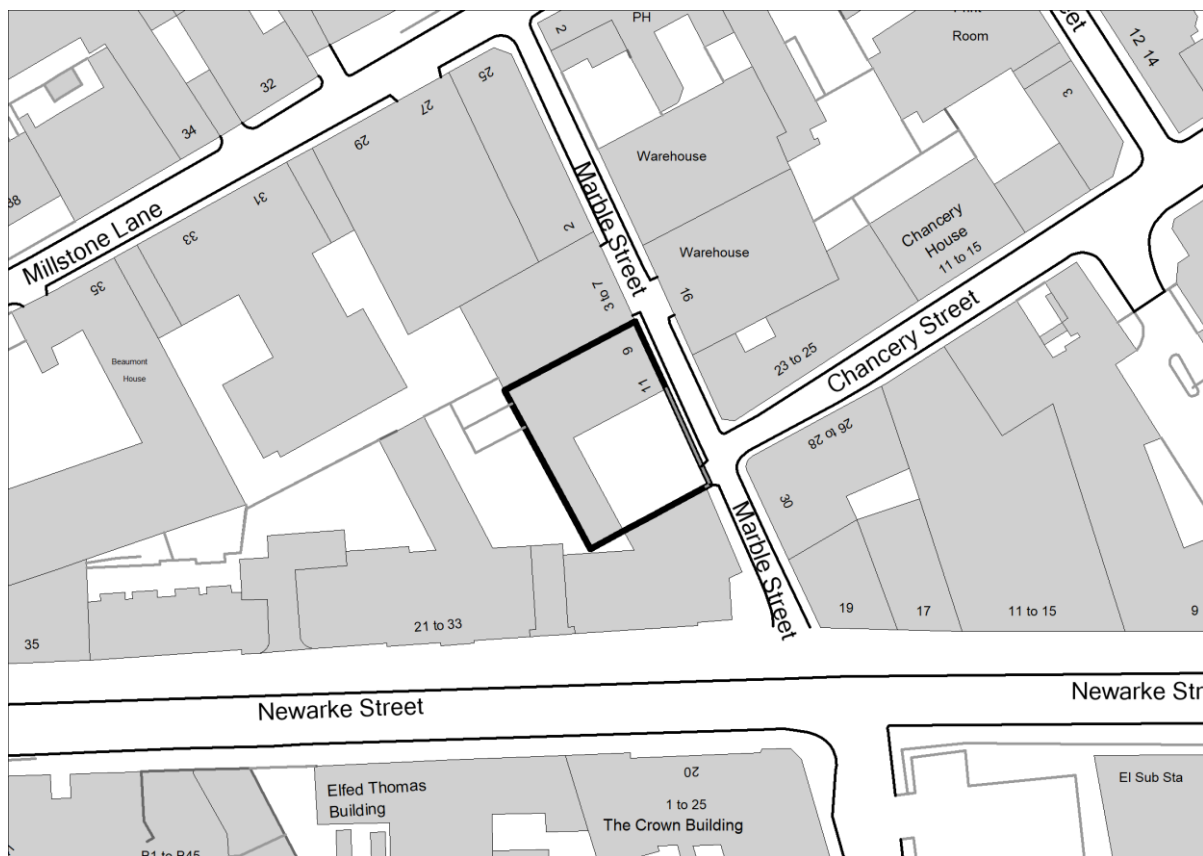
- | | |
|-----------|--|
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the 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_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_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.

Recommendation:	
20201133	9-11 Marble Street
Proposal:	Demolition of existing buildings. Construction of six storey building comprising of 4 cluster flats (48 student bedrooms) and 13 x 1 bed student studio flats (Sui Generis), communal area and amenity area. (Amended form and plans) (subject to a unilateral undertaking under s106)
Applicant:	Mr Kane Tang
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20201133
Expiry Date:	21 February 2021
AS	WARD: Castle



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Summary

- Brought to committee at the request of Cllr Kitterick to consider the acceptability of the living accommodation.
- Two objections, including one from Cllr Kitterick
- The key issues are the principle of development, heritage and living standards.

- Recommended for approval subject to a S106 agreement (open space contribution)

The Site

Currently the site consists of a two, three, and four storey building and car park with brick wall/gates to the front. The site area is around 500sq.m and is located to the west side of Marble Street. The buildings are currently in use as print works/supplier of office equipment.

To the north boundary is Market Street Conservation Area with the Greyfriars Conservation Area and Townscape Heritage Initiative (THI) area just beyond it. The site is also within an archaeological alert area and an air quality management area.

The site is located within the central commercial zone, the Strategic Regeneration Area and a primarily/professional office area.

Marble Street is a narrow street running north to south between Millstone Lane and Newarke Street.

To the south and west of the site fronting Newarke Street is a purpose built student accommodation to a height of eight storeys and to the north is a converted five storey red brick factory. The buildings opposite are between two and four storeys high and are located at the junction with Chancery Street.

Background

20011794 – 3 to 8 storey building with 43 cluster-flats and 1 studio flat (Class C3); was approved in May 2002.

The majority of that development fronting Newarke Street has been built.

The part of the original site not developed at that time is now the subject of this application.

The Proposal

The proposal is for the demolition of the existing building and to construct a new building to a maximum height of six storeys with the sixth floor set back. This will accommodate 61 students in 4 cluster flats (48 beds) and thirteen 1 bed studios contained flats.

The ground floor would contain 3 studios, a laundry room and a 72sq.m communal area. There would also be an amenity area and cycle and waste storage, a post room and a large foyer adjacent to the post room.

The first, second, third and fourth floors would each have 12 bedrooms with en-suite facilities. Each floor would have a separate living/dining area and a communal kitchen.

The fifth floor would have 10 self contained studios.

The 3 studio flats on the ground floor have floors areas around 20sq.m. The 10 studio flats on the fifth floor range from 19sq.m to 23sq.m.

The cluster flats bedrooms range between 14sq.m and 16sq.m with the majority being around 14sq.m.

Amendments to the submitted proposal made small increases to the size of some of the bedrooms/studios and now includes a brown roof to the proposed cycle store and an increased number of waste bins.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Section 2 – achieving sustainable development

Paragraph 11 – the presumption in favour of sustainable development

Paragraphs 39 – 42 the importance of pre-application engagement

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Paragraphs 122 – 123 – Achieving appropriate densities

Section 7 – Ensuring the vitality of town centres.

Paragraph 85.

Section 12 – Achieving well designed places.

Paragraph 124 – creation of high quality buildings.

Paragraph 126 – design expectations.

Paragraph 127 – visually attractive, create places that are safe, inclusive and accessible and which promote health and well-being

Paragraph 128– Design quality considered throughout the evolution and assessment of individual proposals.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area

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

Paragraph 170, 175 – Biodiversity

Paragraphs 178 – 193 – Pollution

Section 16 – Conserving and enhancing the historic environment

Paragraphs 189, 190, 192, 193, 194, 195, 196, 197, 199, 200

Development Plan Policies

The most relevant policies are PS10, H07, CS03, CS04, CS12, CS18

Supplementary Planning Documents (SPD)

Residential Amenity SPD (adopted 2008)

Tall Buildings SPD (2007)

Green Space SPD (revised 2013)

Student housing SPD (2012)

Climate Change SPD (2011)

Greyfriars Conservation Area Character Appraisal (2015)

Greyfriars Townscape Heritage Initiative

Market Street Conservation Area Character Appraisal (2015)

City of Leicester Local Plan Appendix One– Vehicle Parking Standards

Achieving Well Designed Homes October 2019 - Leicester City Council's Corporate Guidance.

Economic Development Needs Assessment (2020). (emerging)

Other legal or policy context

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed building or their setting or any features of special architectural or historic interest which they possess.

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.

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

Consultations

Pollution (Noise)

No objection.

Pollution (land contamination)

It is recommended that a land contamination condition be attached.

Local Highway Authority (LHA)

The proposal does not include provision of any parking spaces and no vehicle access to proposed for the site. Given the location this does not raise any concerns with regard to general parking.

The applicant will need to consider the requirement for disabled parking for the development, particularly if any of the residential units or community areas are to be designed to mobility standards. An existing vehicle access will be stopped up as part of the proposed development. The applicant will therefore be required to remove the footway crossing and reinstate the footway accordingly. Pedestrian access to the site both for residents and servicing is shown as being directly from Marble Street, which is acceptable.

Cycle parking should be a minimum of 34 spaces for single occupancy, bedrooms generally accommodate two bed spaces, so if double occupancy is to be accommodated then the number of cycle storage spaces would need to be higher. We would recommend that at least 34 spaces be provided in this case.

The site is likely to be highly sustainable in terms of travel. It is recommended that residents are provided with Travel Packs.

Lead Local Flood Authority (LLFA)

Details have been submitted and there is no objection subject to further requirements being submitted by way of condition.

City Archaeologist

This proposed development is located in an area with known archaeology, and within a large Roman cemetery and the city's Roman and Medieval suburbs. Human remains dating to the Roman period were found at c1.5m below the current ground surface within 25m of the current proposed development. Construction and associated engineering works may disturb further: human remains and archaeological deposits, including beneath existing cellars and basements. It is therefore recommended a condition be attached required a Written Scheme of Investigation be submitted.

Waste management

The development requires sufficient space for the storage of 4 x 1100 litre refuse bins and 3 x 1100 litre recycling bins. There must be adequate room to store the bins, for residents to access them, there should be a maximum distance of 10 metres from the bin storage area to the road or 20 metres if it is an assisted collection. The door must be wide enough, the store shall have a cleanable floor, be ventilated and well lit.

Environment Team (Energy)

The argument for an air source heat pump, based system being unsuitable is accepted. On that basis, it is recommended a condition be attached requiring full design details of on-site installations to provide energy efficiency measures.

Landscape Development (Open Space)

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

Based on the formula from the Green Space SPD a contribution of £37,718 is required for this application. The contribution will be used for replanting works at Castle Gardens (£17,854) and towards the provision of improved basketball facilities at Victoria Park (£19,864).

Air Quality

The proposal is located within an air quality management area and it is therefore recommended that conditions should be attached regarding the ventilation of the ground floor units facing the street, travel packs and cycle racks.

National Health Service

The NHS requested a contribution through CIL. LCC haven't adopted CIL and contributions to such health facilities would not be policy compliant.

Conservation Advisory Panel:

The discussion focused on the design, finish and materiality of the new development proposed. While varying comments were raised, the members concluded that the proposed finishes, in particularly the light grey brickwork, are welcomed. It was agreed that this would allow for the building to be legible as 'modern' infill development, with no obvious opposition to the adjacent heritage assets (Greyfriars and Market Conservation Area). The design was complimented, considered well-thought through and appropriate for the location; a definite improvement on the previously approved scheme.

Representations

Councillor Kitterick has objected and considers the proposal has sub-standard space provision, given that it appears there are many rooms with as little internal space as 13.5 square metres. He considers that this should be a matter for the Committee to consider as the proposal is a significant development and the issue of minimum space standards for developments in the city are a matter currently under debate in the Local Plan process.

A further objection questions whether there is a demand for more student flats in this area. Further concerns raised are that the room sizes are less than 14sq.m, the kitchens are too small for 12 people, limited access to Marble St unsuitable for large vehicles and lack of character. Leicester City Council should provide a report into bespoke student flat developments for the last 10 years and show how many HMO's are up to standard for habitation.

Consideration

Principle of Development / Policy Context

The proposal site lies within the Professional Office Area, as defined on the Local Plan proposals map and referred to in Core Strategy policy CS10. The existing building was not considered worthy of grading in the city centre office review undertaken as part of the emerging Economic Development Needs Assessment (2020).

Residential development and continuing investment in university related projects are supported within the strategic regeneration area and city centre (Policies CS04 & CS12).

I consider that the proposed use for residential rather than business use is acceptable.

The main policy relating to student accommodation in the Core Strategy (2014) is CS06, which requires that:

‘...Proposals for purpose built student housing will normally be accepted if they meet identified needs, are well designed and managed and can be well integrated with local built form and existing communities within walking distance of the main campuses.’

This is supported by the Student Housing SPD which provides more detail to support the criteria set out in Core Strategy Policy CS6. Paragraph 1.16 of the SPD refers to the 6 criteria against which applications are to be determined:

A. Does the development meet an identified need for the type of accommodation proposed?

I accept that there is continuing demand for additional purpose built accommodation within the city.

B. Development will be encouraged within reasonable walking distance of the two university campuses.

The site is close to De Montfort University campus and, although more distant, a reasonable walking route (via New Walk) to Leicester University.

C. The scale of 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 is considered in the report below.

D. When considered with existing nearby student provision, the development should not have an unacceptable cumulative impact upon surrounding residential neighbourhoods.

The level of student accommodation proposed is not significant in the context of the overall scale of such accommodation available within the city, and the site is within a central location with a wide range of other uses. Paragraph 2.15 of the SPD indicates that cumulative impact is less likely to be an issue within the city centre.

E. The layout, standards and facilities provided in the development ensure a positive living experience.

The layout, standards and facilities provided in the development must ensure a positive living experience. The units also need to be of an appropriate size and layout for modern student accommodation. This is discussed further below.

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.

The recommendation includes for an off-site contribution of £37,718.00 for open space provision. A management plan and a travel plan condition would also be attached to any approval.

I conclude that the proposal would comply with Policies CS10 and CS06 of the Leicester Core Strategy (2014), and that the proposal is acceptable in principle.

Given the principle of the use the other main issues to consider in terms of the application are townscape, massing and urban form, design, conservation and heritage, residential amenity, sustainable drainage, landscaping, amenity, access, and archaeology.

Townscape, massing, scale and heights

Paragraph 126 of the NPPF suggests that to provide maximum clarity about design expectation at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality of design.

To comply with the NPPF a number of Actual Visual Representations have been submitted. These views have been taken from a range of points around the site. With these views the proposal can be properly assessed.

The proposal would be six storeys with the sixth floor set back from the proposed front elevation with dormer style windows to the front and rear.

The main height would be in line with the existing red brick building to the north side and would be lower than the student accommodation to the south.

The front elevation has been designed to respect the adjoining red brick building by including a glazed separation element. I consider that the glazed section would ensure that there is a satisfactory juxtaposition between the two and is a welcome feature in the street.

Active frontage

To the ground floor front elevation there would be the large communal area and entrance which will have a curtain walling system which will allow light to penetrate within and out of the building.

Materials

The materials proposed are a mixture of light and dark grey brick with the majority being a light shade, rain screen cladding in a bronze colour, two types of curtain walling (front and rear elevation), render to the rear wall, a zinc graphite grey roof and parapet copings/window cills would be aluminium in a matt finish.

The main choice of brick is consistent with the area. To ensure a high quality finish I would recommend conditions requiring a sample panel be constructed on site and samples of materials be provided.

The windows include perforated and louvred ventilation units which I consider are acceptable in appearance.

Living conditions (for occupiers)

The floor area of the proposed cluster flat bedrooms would be between 13.5sq.m and 16sq.m. Each would contain en suite facilities. There would be separate shared living/ dining and kitchen areas with a floor area of approximately 50sq.m per floor. The kitchen/living/dining areas have sufficient seating for 12 residents to be seated at one time, providing areas for sitting at tables and sofa seating.

The studio flats would be approximately 20sq.m. I consider that this is reasonable given the nature of the accommodation and the provision of shared facilities on the ground floor.

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 and the shared kitchen/dining/lounge areas are a sufficient size to enable this.

In addition to the above there would be a communal room to the ground floor identified as a social hub space with an area of approximately 72sq.m. This is also a welcome provision benefiting all residents and providing a good meeting and activity space.

To the rear there would be a landscaped seating area for use by all occupiers.

I am satisfied that the proposal would provide acceptable 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.

Residential amenity (for neighbours)

The adjoining residential property is purpose built student accommodation and the proposal has been designed so there would be no direct overlooking and no loss of privacy. I do not consider that additional activity would have an unacceptable impact upon the occupiers of nearby properties.

Historic Environment Conservation

The proposal is not attached to a listed or locally listed building. It is adjoining the Market Street Conservation Area and the nearby Greyfriars Conservation Area. I consider that the proposal is a modern infill development which has been designed to reflect the character of the north side of the site and the narrow width of the street.

Archaeology

Due to its location I recommend a condition requiring a Written Scheme of Investigation be submitted.

Waste storage and collection

Within the building there would be a refuse bin area with access from within the building. The application has been amended to include 7 refuse bins, which is acceptable. The access for bin collection is direct from Marble Street.

Highways

The development is located in a sustainable location being within walking distance of the city centre and De Montfort University. The proposal also includes cycle parking.

A management plan condition would secure arrangements for student drop off at the beginning and end of term times, which will help to avoid congestion in the vicinity at those times. Travel packs are also recommended for each occupier.

'I conclude that the proposal complies with Policies CS03 and CS14 of the Core Strategy (2014) and saved Policies AM01 and AM02 of the Local Plan (2006).

Sustainable Energy

A sustainable energy statement has been submitted and I consider it to be appropriate to attach a condition requiring the finer details of their proposal and the maintenance of the system.

Drainage

The details submitted are considered acceptable and further requirements can be satisfied through the use of conditions. The details submitted should be completed prior to the occupation of the site.

Nature conservation / landscaping

A small landscaped courtyard is proposed to the rear and will contain some planting and seating. This area is available for use by all the residents. A brown roof has been included above the proposed single storey cycle store. The applicant has provided details of the type, number and location of the bat and swift boxes that have been requested.

There is no objection to this development on ecological grounds providing the principles of national and local planning policy related to biodiversity are complied with. The proposal is acceptable in ecology terms and I recommend a number of conditions be attached requiring the details of any lighting proposed, and details of the brown roof, I conclude that the proposal complies with Policy CS17 of the Core Strategy (2014).

Pollution

Land contamination: Due to its location a land contamination condition will be attached.

Noise: I am satisfied that no further information is required regarding noise in this locality.

Air Quality

At ground floor there is no sleeping accommodation proposed on the side of the building closest to the street. The Social Hub Space is proposed to be mechanically ventilated with heat recovery and appropriate levels of filtration in order to provide the fresh air and mitigate any risk of overheating. I consider that to be acceptable.

Green Space Provision

Policy CS13 of the Leicester Core Strategy (2014) states that new development proposals should meet the need for green space provision arising from the development, and that new on-site provision or S106 contributions to improve the quality of, or access to, existing open space will be expected.

The proposal is likely to increase pressure on existing green space provision within an area which exhibits a deficiency in such provision, and that opportunities to create new open space to address the needs of residents are extremely limited within this area. Limited provision can be made on the application site and accordingly a contribution to qualitative improvements off-site is sought. In accordance with the Green Space SPD guidance, the proposal generates a requirement for a contribution of £37,718.

With this provision, the proposal complies with Policy CS13 of the Core Strategy.

Developer Contributions

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

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

The applicant has agreed to contribute towards replanting works at Castle Gardens (£17,854.) and improved basketball facilities at Victoria Park (£19,864.)

The open space contribution for the above works would be £37,718

I conclude that the proposal complies with Core Strategy (2014) Policy CS19.

Conclusion

I consider that the proposed development complies with the Student SPD, the NPPF and Core Strategy Policies. The proposed development is also appropriate to its setting and complies with CS Policy 03 with its high quality design and CS Policy 18 with regard to preserving the historic environment and the overarching aims of the NPPF.

The proposed new building has been designed to preserve the nearby Market Street and Greyfriars Conservation Areas.

I consider that the proposal would have a minimal effect upon the amenities currently enjoyed by the nearby residents.

The development would contribute to the shortfall in the City Council's five year housing supply.

I recommend APPROVAL subject to conditions and a SECTION 106 AGREEMENT/UNDERTAKING to secure off site green space enhancements.

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 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.)

3. A. Prior to the commencement of the development (excluding the demolition of the existing buildings) the applicant shall have secured the implementation of an appropriate programme of archaeological work to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved by the City Council as the local planning authority. The scheme must include an assessment of significance, research questions, and:

(1) the programme and methodology of site investigation and recording (with contingency for further excavation if required);

(2) the programme for post-investigation assessment;

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

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

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

B. No development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

C. The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority.

(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 scheme, this is a PRE-COMMENCEMENT condition).

4. 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 City Council as local planning authority. No works shall be carried out other than in accordance with approved details. (In the interests of visual amenity and to preserve the special character of the area and in accordance policies CS03 and CS18 of the Core Strategy.)

5. Prior to the occupation of the development the details as shown on plan no. 8584-CPM-01-XX-DR-A-7003 P05 for 4 x bat boxes and 6 x swift boxes (set in clusters of 3) shall be incorporated within the elevations, 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 their use monitored for a period of two years and results submitted annually to that authority with the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS17 Biodiversity of the Core Strategy.)

6. Prior to the commencement of the development above ground level, full specification details of the proposed brown roof including construction, planting details and maintenance strategy shall be submitted to and approved in writing by the City Council as local planning authority. The brown roof shall be provided and maintained thereafter in accordance with those details (To ensure sustainable construction and adaptation and mitigation of climate change in accordance with Core Strategy policies CS02 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. Prior to the commencement of the development above, a detailed landscaping scheme and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of: i) new shrub planting, including plant type, size, quantities and locations which should be native species and plant species attractive to pollinating insects; and (ii) other surface treatments. The approved landscaping scheme 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 CS03.) To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.

8. Prior to the commencement of the development above ground level a detailed design plan of the external lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted and approved in writing by the local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated areas where considered necessary. The approved scheme shall be implemented and retained thereafter. No additional lighting should be installed without prior agreement from the Local Planning Authority (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS17 Biodiversity of the Core Strategy.)

9. Prior to the commencement of the development (excluding the demolition of the existing buildings) 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 until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details and shall be retained as such. 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).

10. Prior to the commencement of the development (excluding the demolition of the existing buildings) details of drainage, shall be submitted to and approved by the local planning authority. No flat shall be occupied until the drainage has been installed in accordance with the approved details and shall be retained as such. 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)

11. The approved Travel Plan shall be maintained and operated on first occupation and thereafter with any future changes to the approved plan being submitted to and approved in writing by the City Council as local planning authority. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM12 of the City of Leicester Local Plan and Core Strategy policies CS14 and CS15).

12. Prior to the start of each academic year each student taking up residency in each of the flats shall be provided with the agreed 'New Residents Travel Pack'. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and Core Strategy policy CS14).

13. No part of the development shall be occupied until details of the proposed 27 cycle parking spaces which shall be lit have been submitted to and approved in writing by the City Council as local planning authority. The approved spaces shall be provided in accordance with the approved details before occupation and retained as such

thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and CS02 of the City of Leicester Local Plan).

14. No part of the development shall be occupied until the bin store has been provided in accordance with the details approved. This provision shall thereafter be retained. (In the interests of the satisfactory development of the site and in accordance with policies H07 of the City of Leicester Local Plan).

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

16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding 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).

17. Prior to the commencement of the development (excluding the demolition of the existing buildings) full design details of on-site installations to provide energy efficiency measures, including a combined heat and power system supplying the hot water for the development, shall be submitted to and approved in writing by the City Council as local planning authority. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the City Council. These details shall be retained as such. (In the interests of securing energy efficiency 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)

18. Prior to the commencement of the development (excluding the demolition of the existing buildings) the site shall be investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process

shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

19. 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 any of the flats. The management plan shall set out procedures for:

(i) how the arrival and departure of students at the start and end of terms will be managed;

(ii) how servicing and deliveries will be managed;

(iii) the security of the development and its occupiers;

(iv) dealing with refuse bins and maintaining the external areas of the site; and

(v) dealing with any issues or complaints arising from the occupiers of nearby properties.

The premises shall be managed in accordance with the approved management plan thereafter.

(To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with the aim of Core Strategy Policies CS03, CS06 and CS15 and saved Local Plan Policy PS10 of the City of Leicester Local Plan)

20. This consent shall relate solely to the following plans:

Ground floor: 8584-CPM-01-00-DR-A-2001 P09

First floor: 8584-CPM-01-01-DR-A-2002 P08

Second floor: 8584-CPM-01-02-DR-A-2003 P08

Third floor: 8584-CPM-01-03-DR-A-2004 P08

Fourth floor: 8584-CPM-01-04-DR-A-2005 P08

Fifth floor: 8584-CPM-01-05-DR-A-2006 P08

Roof plan: 8584-CPM-01-ZZ-DR-A-2400 P02

Elevations: 8584-CPM-01-ZZ-DR-A-2010 P06

Landscape: 8584-CPM-01-XX-DR-A-7003 P05

Biodiversity plan: 8584-CPM01-ZZ-DR-A-4001 P01

Sections: 8584-CPM-01-ZZ-DR-A-2020 P02

Strip sections 1: 8584-CPM-01-ZZ-DR-A-2550 P03

Strip sections 2: 8584-CPM-01-ZZ-DR-A-2551

(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 2019 is considered to be a positive outcome of these discussions.
2. 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.
3. If any 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.
4. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact highwaysdc@leicester.gov.uk for advice.

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_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc. |

2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS04	The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS13	The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
2014_CS18	The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
2014_CS19	New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.