



Leicester  
City Council

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

**DATE: WEDNESDAY, 31 MARCH 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.

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](mailto:ayleena.thomas@leicester.gov.uk) / [aqil.sarang@leicester.gov.uk](mailto: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

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### Further information

If you have any queries about any of the above or the business to be discussed, please contact:  
**Ayleena Thomas, tel: 0116 454 6369 or Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843, Democratic Support Officers.**  
Alternatively, email [ayleena.thomas@leicester.gov.uk](mailto:ayleena.thomas@leicester.gov.uk) / [aqil.sarang@leicester.gov.uk](mailto:aqil.sarang@leicester.gov.uk), or call in at City Hall.

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

# **PUBLIC SESSION**

## **AGENDA**

### **LIVE STREAM OF MEETING**

A livestream of the meeting can be viewed on our YouTube channel on the following link:

[https://www.youtube.com/channel/UCddTWO00\\_gs0cp-301XDbXA](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. 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 Wednesday 10 March 2021 are a correct record.

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

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

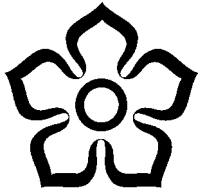
**(i) 20210266 - 135 EVINGTON LANE**

**[Appendix A1](#)**

(ii) 20201009 - 37 WELFORD ROAD, REYNARD  
HOUSE

Appendix A2

5. ANY URGENT BUSINESS



Leicester  
City Council

**Wards:  
See individual reports.**

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Planning & Development Control Committee

Date: 31 March 2021

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## REPORTS ON APPLICATIONS AND CONTRAVENTIONS

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### 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.

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- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

#### **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](http://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.

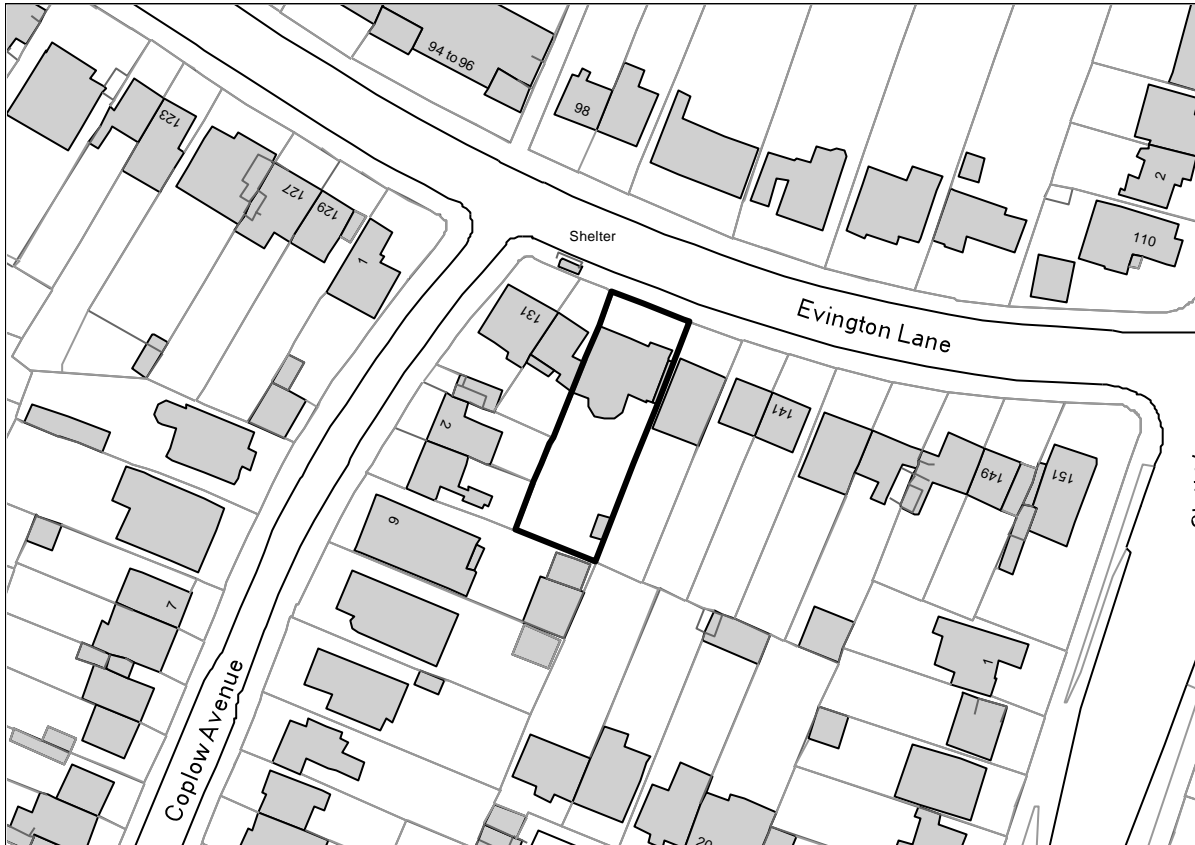
**11 Report Author**

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



# Appendix A1

<b>20210266</b>	<b>135 Evington Lane</b>	
Proposal:	Change of use from Dwelling House (Class C3) to Care Home (Class C2) (5 bedrooms)	
Applicant:	Woodleigh Healthcare Limited	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	22 April 2021	
SS1	TEAM: PD	WARD: Stoneygate



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## Summary

- Brought to committee given the number of objections
- 15 Objections from 13 Leicester addresses on the grounds of character, noise and disturbance, traffic, parking, anti-social behaviour, crime and general safety, loss of a family home.
- Issues are the principle of the use, impacts on residential amenity and traffic
- Recommended for approval

## The Site

135 Evington Lane is a detached two-storey dwellinghouse situated within a primarily residential area.

## Background

There is no relevant recent planning history.

## The Proposal

The proposal is for a change of use from a dwellinghouse (class C3) to a residential care home (class C2).

There would be a kitchen, laundry room, WC, living room/sitting area, play room, office and 1 bedroom on the ground floor. There would be 4 bedrooms with en-suites, a bathroom, a dressing room and a store room on the first floor. No external alterations are proposed.

The applicant states that:

- The care home would be used for young people with learning disabilities.
- It would be registered as a Young People's home under the Care Quality Commission.
- There will be full time staff on site at all times with 3 members per shift. The shift pattern would be 7am-3pm, 3pm-10pm, and 10pm-7am.
- There would be a maximum of 2 cars on site. Staff would be picked up from their homes to come to work.
- The site layout shows that 3 parking spaces can be accommodated at the front of the house.
- There would be planned and timed visitor (professional or relative) appointments. Professional visitor appointments would be once/twice per month.

## 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

Highways team – The development is unlikely to have a severe traffic impact.

## Representations

There have been 15 objections (1 of which included a petition with 9 signatures) received from 13 different Leicester City addresses raising the following concerns:

- Potential for additional disturbance/noise or anti-social behaviour (and/or criminal behaviour) from occupants and concerns over safety for neighbours including children & the elderly;
- There would be increased traffic in and around the site particularly around staff changes;
- There would not be enough parking on site leading to further on street parking in the area, including on Coplow Avenue;
- The care home at 94/96 Evington Lane also causes additional traffic/parking need so this proposal would add to that;
- The proposal would affect neighbouring house prices;
- Hazardous materials (no further information given);
- Smells (no further information given);

- Density of the use;
- Design of the property;
- Concern that there would be more than 3 staff on site contrary to the applicant supporting information;
- Loss of a family home.

## Consideration

### 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 presumes against new such uses.

Whilst there is a care home nearby at 94/96 Evington Lane, there generally does not appear to be a high 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 5 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.

### Occupier amenity, character and appearance

Each of the 5 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. I also consider that the proposal would not represent an overly high density of use of the property.

The five young people to be housed will be accommodated within the existing bedrooms. There would be regular comings and goings to and from the house particularly at shift changes, 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 large sized garden area with a shed at the rear of the house, with boundary fencing on all sides 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 three vehicles at the site. Whilst there are double yellow lines directly in front of the property, there is unrestricted parking nearby on Evington Lane and Coplow Avenue. Moreover, there are bus services along Evington Lane.

I acknowledge concerns over existing parking space on Coplow Avenue and concerns that the nearby existing care home has contributed to this. However, given the number of residents and the care staff likely at any one time, 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, Core Strategy policy CS14 or paras 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

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

Care homes are regulated by relevant social care bodies. The property would provide a home for five young people (likely to be ages 16-25) with staff assisting to provide them with a living environment similar to a typical family home. I accept the applicant's information that indicates there would generally be 3 staff at a time.

The proposal is a managed provision. Issues relating to crime and anti-social behaviour would not be likely to arise directly from the proposed use. Any behavioural issues 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 planning system does not have a legal or policy basis to take into account nearby house prices in decision-making.

'Hazardous materials' and 'smells' were listed as a concern in representations however I do not have any concerns over these issues.

#### Conclusion

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

The property will be used in a way that is similar to a typical family house and as such, I do not consider the proposal would cause unreasonable 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 substantial additional parking demand.

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 plans received by the City Council as local planning authority on 17/2/2021, 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, 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\_AM11      Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.

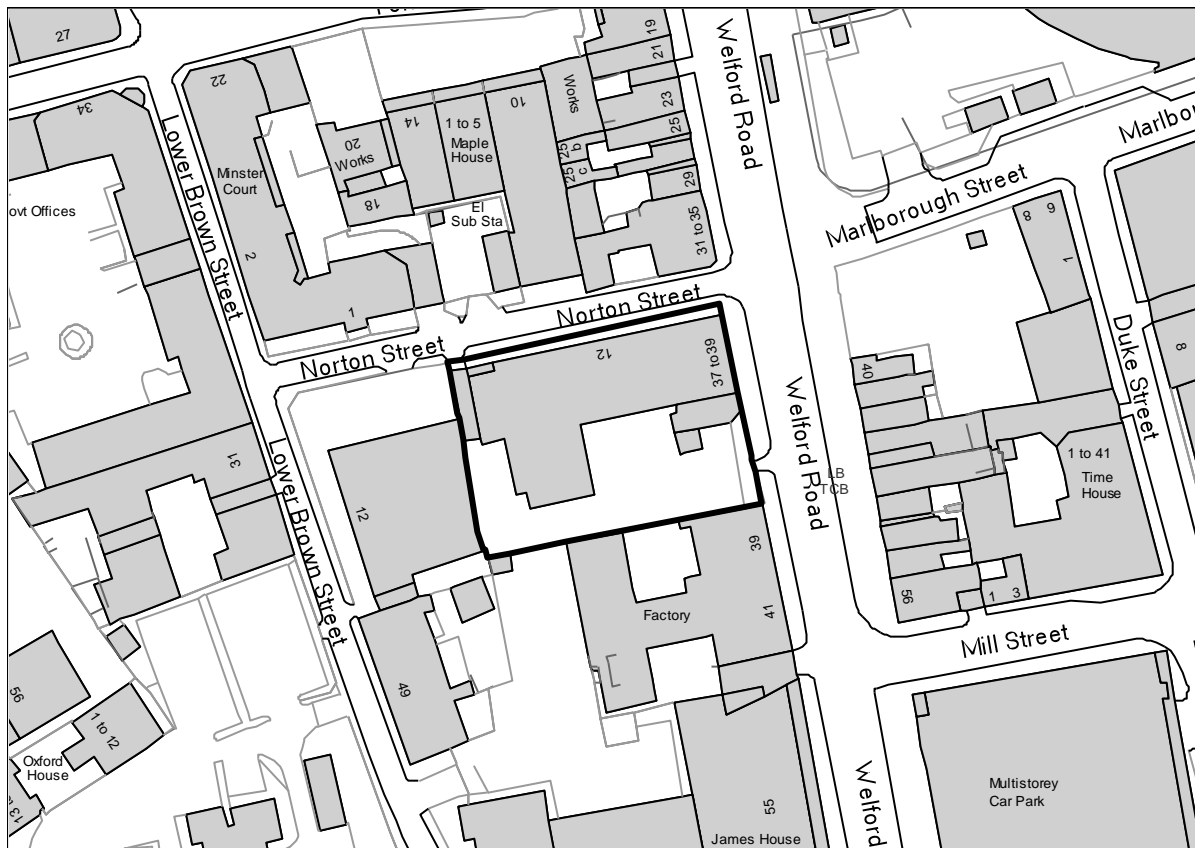
- 2006\_H16 Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available 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.
- 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'.





# Appendix A2

<b>20201009</b>	<b>37 Welford Road, Reynard House</b>	
Proposal:	Construction of additional three floors; construction of single storey, four storey and seven storey extension; Change of use from offices (Class B1a) to student accommodation (Sui Generis) comprising 23 cluster flats (185 student bedrooms) and 82 one bed student studio flats, gym, spa, amenity areas, cycle parking and associated works. (amended plans) (S106 agreement)	
Applicant:	Study Inn Investments (Welford Road) Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	16 February 2021	
AS	TEAM: PM	WARD: Castle



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## Summary

- This application is being brought to committee at the request of Cllr Kitterick to consider the issue of living accommodation sizes.
- Two objections, including one from Cllr Kitterick, have been received.
- The key issues are the principle of development, heritage and living standards.

## **The Site**

The application relates to a large four storey vacant building located on the corner of Welford Road and Norton Street and extending to the rear on Norton Street at four storeys. The site is located in the Central Commercial Zone and the Strategic Regeneration Area – Lower Brown Street Potential Development Area.

Welford Road is one of the main routes out of the city centre with it being one way at this point out of the city towards Aylestone Road.

The main vehicular entrance into the site is from Welford Road through existing gates with parking areas surrounding the building in the form of marked out parking spaces. There is another undercroft vehicle entrance on the boundary with 12 Lower Brown Street.

There are a mix of uses in the area which include small convenience stores, restaurants, office and solicitors. To the north is the site of the former City Council offices which has been redeveloped into new offices, retail units and apartments. The property to the south at 39 – 41 Welford Road is a four storey locally listed former factory that has been converted into flats and extended to the rear. The property at 12 Lower Brown Street is a three storey modern office block which is set back from Norton Street by 10.5 metres. Opposite the site at the corner of Welford Road and Marlborough Street is a vacant piece of land.

The site is located in an Air Quality Management Area, within 250 metres of a pollution use, an archaeological alert area and a Critical Drainage Area.

## **Background**

Prior approval (20161672) for change of use of offices to 107 flats was given in 2016.

Further Prior Approval (20170098) for an alternative scheme of 41 flats was given in 2017.

Planning permission (20162524) for five storey extension at side and three storey extension to roof to provide an additional 28 flats was approved in October 2017. This application has now expired.

Planning permission was then given in March 2018 for change of use from offices with six storey extensions at side and rear and three storey extension to roof provide 79 flats

## **The Proposal**

The proposal as amended is for:

The construction of additional three floors to the roof of the existing four storey building to the corner of Welford Road and Norton Street giving a total of seven storeys. A further seven storey extension fronting Welford Road dropping down to a four storey extension abutting the adjacent locally listed building, 39-41 Welford

Road. The existing building would have a new façade to match the proposed extension.

There would be a single storey extension situated within the proposed courtyard.

The development as proposed would be 'U' shaped with a small courtyard in the centre.

The development would be for the change of use from offices ((Class B1a) (Class E)) to student accommodation (Sui Generis) of the existing building and then for the entire building as extended being used as student accommodation.

The proposal as amended would comprise 23 cluster flats (185 student bedrooms) and 82 one bed student studio flats, gym, spa, amenity areas, cycle parking and associated works.

The ground floor would contain the internal amenity areas providing a gym, spa, yoga room and games room, two meeting rooms, a social area and a reception area. There would also be further rooms to include a linen store, plant room, laundry room and a staff room.

The provision of 2 x cycle parking areas for 131 cycles, a refuse waste area for 14 x 1100m waste bins and two outdoor amenity areas are included.

The breakdown of the living accommodation is as follows:

Ground floor = 15 x studio flats with floor areas between 18sq.m and 21sq.m with the majority being 18sq.m. 1 x cluster flat containing 8 bedrooms with shared living/kitchen area with a floor area of 37sq.m and the bedrooms would each have a floor area of 13sq.m

First floor = 11 x studios flats with floor areas between 17sq.m and 27sq.m with the majority being 19sq.m. 4 x cluster flats containing 32 bedrooms with shared living/kitchen area with a floor area of between 28sq.m and 47sq.m and the bedrooms would have a floor area of between 13sq.m to 15sq.m with the majority being 13sq.m.

Second floor = 11 x studio flats with floor areas between 17sq.m and 27sq.m with the majority being 19sq.m. 4 x cluster flats containing 32 bedrooms with shared living/kitchen area with a floor area of between 28sq.m and 47sq.m and the bedrooms would have a floor area of between 13sq.m and 15sq.m with the majority being 13sq.m.

Third floor = 11 x studio flats with floor areas between 17sq.m and 27sq.m with the majority being 19sq.m. 4 x cluster flats containing 32 bedrooms with shared living/kitchen area with a floor area of between 28sq.m and 47sq.m and the bedrooms would have a floor area of between 13sq.m and 15sq.m with the majority being 13sq.m.

Fourth floor = 10 x studios with floor areas between 18sq.m and 19sq.m. 4 x cluster flats containing 31 bedrooms with shared living/kitchen area with a floor area of between 28sq.m and 47sq.m and the bedrooms would have a floor area of between 13sq.m and 15sq.m with the majority being 13sq.m.

Fifth floor = 12 x studios with floor areas between 17sq.m and 18sq.m with the majority being 18sq.m. 3 x cluster flats containing 25 bedrooms with shared living/kitchen area with a floor area of between 24sq.m and 47sq.m and the bedrooms would have a floor area of between 12sq.m and 15sq.m with the majority being 13sq.m / 14sq.m.

Sixth floor = 12 x studio with floor areas of between 17sq.m and 18sq.m with the majority being 18sq.m. 3 x cluster flats containing 25 bedrooms with shared living/kitchen area with a floor area of between 24sq.m and 46sq.m and the bedrooms would have a floor area of between 12sq.m and 15sq.m with the majority being 13sq.m / 14sq.m.

The majority of the roof would be a green sedum roof with a separate area for PV's.

The main entrance would be off Welford Road close to the corner of Norton Street with a secondary entrance off Welford Road adjacent to the locally listed building. That entrance would provide direct access to the rear of the development / cycle storage areas.

## **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)

### Other Guidance

City of Leicester Local Plan Appendix One– Vehicle Parking Standards

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

National Design Guide (MHCLG)

Economic Development Needs Assessment (2020) (emerging)

Leicester City Council Waste Management guidance notes for residential properties

### 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**

### Local highway Authority (LHA)

No vehicle access is proposed to the building. Given the site's location and intended occupation, in principle that is acceptable.

No provision is made for disabled parking in the proposals. There is no specific standard minimum number required for this type of development but it is nevertheless good practice to make provision, and with almost 300 students in residence there is a strong possibility that, at any given time, one or more will rely on a car due to their disability (even if they are not reliant on a wheelchair).

The number of cycle space would be 131 spaces which is in accordance with the guidelines which is acceptable.

### Pollution (Noise)

Additional information was sought in respect of measures to ensure thermal comfort. Further information submitted referring to building regulations, but concerns regarding thermal comfort is not specifically covered by building regs and as such be incorporated into the noise insulation scheme as people should not have to choose between being too hot or having to be exposed to loud noise.

The applicant has confirmed that:

- All flats that can't have their windows open for ventilation, will have 4ACH provided by other means.
- The ventilation can be controlled independently in each flat giving the occupants the choice to use it or not.
- This ventilation is not restricted to a set time period, such as a boost that only runs for 20mins or an hour, giving the occupants the choice to have it running 24 hours a day if they require it.

### Pollution (land contamination)

There are no concerns regarding land contamination at the site.

### Lead Local Flood Authority (LLFA)

The site is at low risk to all forms of flooding. Surface water is to be managed using a combination of tanked permeable paving and green rooves, restricting discharge to 14l/s for all storm events up to and including a 1:100+40%. Details regarding attenuation volumes for the proposed SuDS, exceedance layout, SuDS design and maintenance remain outstanding. The outstanding issues can be secured by attaching conditions if recommended for approval.

### City Archaeologist

This proposal is located in area between zones of known archaeology, including a Roman inhumation cemetery, city's Roman and Medieval suburbs, finds locations of Roman and Medieval pottery, metalwork and a presumed Roman road (New Walk). Although the archaeological impact of this planning proposal is considered to be low, in view of the site's location I recommend a prior to commencement of development condition to be attached: written scheme of investigation.

### Waste management

The development requires sufficient space for the storage of refuse bins and recycling bins to accommodate a capacity of 20,221.25 litres for refuse and 11,555 litres for recycling: e.g. 21 x 1100 litre refuse bin and 12 x 1100 litre recycling bin. The proposal shows a bin storage area which will not be large enough, the bin area(s) will need to be large enough to accommodate the required number of bins (as stated above) for collection.

The bin store in the plans is for 14 x 1100 litre bins, this number would not be adequate for collections.

A drop kerb is available on Norton Street.

#### Environment Team (Energy)

Happy with some aspects of the development's approach to energy efficiency and satisfied with:

- Consideration of a connection to the district heating network.
- Inclusion of the proposed array of solar PV panels on the roof plans.

Both these elements can be conditioned.

#### Landscape Development (Open space)

A contribution towards off site space has been calculated based on the revised proposals (for 267 student bed spaces). The revised open space contribution required from this development is £165,096. The contribution would go towards:

- £50,836 towards the provision of railings around Museum Square
- £27,310 towards replanting of overmature shrub beds at Castle Gardens
- £86,950 for Improvements to sports and other facilities at Saffron Lane Athletics Stadium and/or contribution to a new basketball court at Victoria Park

#### Air Quality

An Air Quality Assessment carried out for this development classified it as a low risk and as such it has identified a set of mitigating measures, for the low risk development, to be implemented during a Construction Phase as a part of site's dust management plan. The AQ Assessment did not identify any mitigating measures to be implemented during the Operational Phase of this development.

The AQ Assessment did not take congestion on A5199 under the consideration as part of the air quality assessment, therefore I strongly recommend following mitigating measures for the Operational Phase:

- mechanical ventilation on ground and second floor for flats facing A5199 only, no ventilation is required for utility rooms
- a Travel Plan in form of Travel Pack to be made available for reach unit.

#### Conservation Advisory Panel

##### Comments from the meeting held on 22/7/20

The Panel focused on the impact of the development on the adjacent Locally Listed Former Jemsox Factory at 39-41 Welford Road. The scheme was considered excessive in regard to the Locally Listed asset, of potential to have a detrimental effect on its prominence and significance. Otherwise, the design was criticised as undistinguished and bland, creating a top-heavy and over-prominent addition into the streetscene. The scheme was considered inferior to the previously approved

development and not acceptable from a conservation perspective. They objected to the proposal.

#### Comments from the meeting held on 16/12/20 (amended plans)

The creation of the link between the proposed side extension and the Locally Listed Former Jemsox Factory was welcomed. Whilst the revised elevation treatments were broadly appreciated, in particular the improved alignment with the non-designated heritage asset and the general simplification of design, some members questioned the materiality and finish of the development. The concerns regarded the apparent inconsistency between visuals and drawings submitted, as well as the quality/finish of the two-storey upward extension (fins and panels). Members sought clarification on the brickwork type proposed and the treatment of windows (inc. panelling and vents).

The Panel agreed that despite some positive amendments the scheme still reads as excessive and overbearing within its context, with inadequate concessions in terms of scale and height to the adjacent Locally Listed asset. A reduction of height by one storey and/or stepped down massing towards the heritage asset were recommended.

#### **Representations**

Councillor Kitterick has objected to the proposal on the basis of the sub-standard space provision in the proposal given that it appears there are many rooms with as little internal space as 15 square metres.

He also requested a committee decision as it 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 further student accommodation in and around this area and raises the following comments -

- The plans for an 8-storey block are oversized given the current height of existing structure.
- There is also the wasteland opposite that has been empty for years that could be better put to use.
- The plans show 'rooms' that are just 14 square metres? Are we really expecting anyone to live in a space so small? Why not have fewer units with larger floorspace to make accommodation fit for human habitation.
- the supporting documents refer to outdated photos in section 2.6 Existing Context: Storey Heights.
- The photos on Page 13 indicate buildings 5, the former Leicester City Council Towers and additional building (now wasteland) opposite. These buildings no longer exist and should not be used for justification to build an 8 storey unit.



- The exterior design of the proposed new structure has no merit, and will impose on the listed 'Boot Factory' building next door given the significant difference in height.
- As Welford Road is a main trunk road away from the city centre, currently limited by the Leicester Tigers Hotel development down the road, can assurances be given that no lane closures will happen during the demolition and construction periods? The Leicester Tigers Hotel has already closed one lane to traffic and the pedestrian walkway for the better part of two years.
- How will materials be delivered to site given the restricted access to and width of Norton Street?

## Consideration

### Principle of Development/Policy Context

The proposal site lies within the Potential Development Area known as Lower Brown Street, as defined on the Local Plan proposals map. Policy PS09a states that within this PDA the priority land uses are residential and education / community uses.

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 (student) use is acceptable subject to design, materials, noise, ventilation, internal arrangements, amenity, waste, sustainable energy, highway, parking and the impact on the adjoining locally listed building.

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 walk / cycle 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.*

It is noted that the nearby vicinity is predominately other student accommodation, officers or facilities linked to the University and it is accepted has limited potential for impact to residential amenity.

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

The room sizes do not meet those of the Nationally Described Space Standards. The City Council has not currently adopted these standards although is reviewing this through the new Local Plan process. However, it is also accepted that students have differing requirements and smaller flats can be acceptable where there is combination of good private amenity space and other spaces within the building for socialising and study. Looking at the proposed scheme there are socialising spaces, and other facilities for the potential future occupiers to use. However, this is discussed further below.

The recommendation includes for a contribution of £165,096 for off-site open space provision which will be the subject of a s106 agreement.

*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.*

A management plan and a travel plan condition would also be attached to any approval.

Given the principle of the use in this area is accepted, the other main issues to consider in detail are townscape, massing and urban form, design, conservation and heritage, residential amenity, sustainable drainage, landscaping, amenity, access / highway, waste and archaeology.

#### Townscape, massing, scale, heights and design detail

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 (AVR's) have been submitted. These views have been taken from a range of points around the site. With these views the proposal has been accurately assessed in context.

The proposal would be four / seven storeys in height. The sixth and seventh floors would be set back from the remainder of the existing building / extension by approximately 1.15 m and with fins proposed to those floors. The decorative fins would be bespoke to this development, details of which would be included within a sample panel. This would be set behind a parapet extending and screening approximately half the height of the 6<sup>th</sup> storey. The extension to the side facing Welford Road and the new façade to the Norton Street elevation would both be constructed in brick. The window reveals are shown to be 2.15m and each window on the 1<sup>st</sup> to 4<sup>th</sup> floors of the Welford Road elevation has a projecting metal surround of 100mm. A band of sawtooth brickwork between the 3<sup>rd</sup> and 4<sup>th</sup> floors would give interest to the elevation.

The four storey element would also be set back from the front elevation and would be constructed in glass. The transition has been successful in allowing the proposed extension to sit alongside the locally listed building.

The previously approved residential scheme had similar heights but these varied over the development as did the articulation of the elevations resulting in a significantly more random form of massing and treatment. Arguably this served to break up the massing and the overall form and appearance was quite different to that now proposed. The development now proposed forms a more regular massing. Whilst this does, to some extent, appear more of a bulk in form, the regularity of the mass and articulation of the elevations better reflects a regular form of development which is more characteristic and neater in the street scene.

#### Active frontage

To the ground floor facing Welford Road would be the amenity areas having glazed windows and the main entrance. I consider that would give a reasonable active frontage along Welford Road. To Norton Street would be the ground floor flats which would allow for some surveillance along the street.

#### Materials

The materials proposed are a grey brick and stonework to the main elevations and the rainscreen cladding would be chalk white. A detailed materials schedule has been submitted and will form part of the plans condition. This gives an acceptable level of assurance over the quality of the proposed materials. The detail that is required is in line with paragraph 130 on the NPPF which states “ 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 the permitted scheme (for example through changes to approved details such as the materials used)”.

#### Historic Environment/conservation

The proposal has addressed some of the concerns raised with regards to the impact of the proposal on the adjacent locally listed building such as the reduced height and change in materials immediately adjacent to that building. There are still some concerns with the overall height and the effect it could have on the setting of the locally listed building. However, I am satisfied with how the transition section of the new building addresses the link and juxtaposition of the two buildings. I am also

mindful of the extant permission which, although the articulation and massing was different, had a similar overall height.

#### Archaeology

This proposal is located in area between zones of known archaeology, including a Roman inhumation cemetery, city's Roman and Medieval suburbs, finds locations of Roman and Medieval pottery, metalwork and a presumed Roman road (New Walk). Although the archaeological impact of this planning proposal is considered to be low, in view of the site's location I recommend a prior to commencement of development condition to be attached: requiring a written scheme of investigation.

#### Living conditions (for occupiers)

The floor area of the proposed cluster flat bedrooms would mainly be between 13sq.m and 15sq.m. Each bedroom would contain en-suite facilities. There would be separate shared living/dining/kitchen areas with floor areas ranging from 28sq.m up to 47sq.m depending on the number of bedrooms it would serve. The studio flats would be approximately 17sq.m to 27sq.m with the majority being between 18sq.m and 21sq.m. The amended plans have increased the size of the windows that face inwards to the courtyard to allow more light to those rooms.

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. However, they do need to be of sufficient size and layout to promote a healthy environment.

The flats/bedrooms are relatively small; however, this is a proposal for student accommodation and additional would be available to the occupiers. There would be a large social area to the ground floor providing a seating area, games room, yoga room, gym and spa and two separate meeting rooms. This provision would benefit all residents in providing communal activity and break out space.

The applicant has confirmed that all rooms that have windows that cannot be opened for ventilation purposes due to noise will have their own mechanical ventilation system. I will attach a condition to reflect that.

To the rear there would be a small landscaped seating area for use by all occupiers. Due to the position and being surrounded by tall buildings, I am concerned over the quality of this outdoor space and the light that would be gained to it. Therefore, details are required to ensure it is usable at all times of the year.

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

#### Residential amenity (for neighbours)

The property at 39 – 41 Welford Road is in use as flats. There are no windows in its side elevation. The proposed side extension would extend to the rear of that adjoining building at ground floor level. The large extension at 39-41 Welford Road to the rear, contains more flats which have windows looking obliquely across the site. There would be an approximate distance of 15 metres between the two elevations .

Of relevance to this scheme is Appendix G of the Supplementary Planning Document for Residential Amenity. While focused on house extensions it gives guidance that all development should follow. It is recognised that in the more central areas of the city, development is traditionally more compact and it is not always possible to achieve the distances between dwellings required by the SPD particularly where proposals involve the conversion of non-residential buildings.

Part e) of Paragraph 122 of the NPPF states that decisions must take into account *'the importance of securing well-designed, attractive and healthy places.'*

The property to the rear on Norton Street is in use as offices with secondary windows to the closest elevation facing the proposal. I do not consider the proposal would result in loss of privacy to that neighbouring property.

### Highways

The number of cycle parking spaces has been increased which is acceptable. The applicant has also suggested they would have a scheme of loan bikes. is a very positive and sound approach, while it still allows for a reasonable amount of storage for those bringing or acquiring their own bikes. The entrance off Welford Road has a series of lockers where those bikes can be stored. There would be a booking system operated by the management company to allow for use of those bikes. I will attach a condition requiring details of both the cycle storage areas to be submitted. There would also be cycle parking available for visitors on Norton Street.

### Waste storage and collection

The proposal includes a waste storage area for 14 bins and will be ventilated. This area will be managed by the management company with no direct access for the students. The bins will be collected twice per week by an approved contractor. Sanitary waste would be 2 x 90 Litre bin unit, which will be collected once per fortnight by an approved contractor. General and recyclable waste will be collected from shared kitchens in all student apartments every weekday by Study Inn's Housekeeping team

General and recyclable waste will be collected from Kitchenettes in all student Studio apartments twice per week by Study Inn's Housekeeping team. A waste-paper bin situated in each student's bedroom will be emptied fortnightly by Study Inn's Housekeeping team. Sanitary waste bins will be emptied fortnightly by Study Inn's Housekeeping team. All waste is transported by the Housekeeping team to the bin store and placed into the allotted bin unit. The bin collection procedure is communicated to guests via a Welcome Letter upon arrival. This letter also advises students as to the process to be followed if they have excessive waste to dispose of. Bin units will be transported from the Ground floor Bin Store to the on-street collection point by Study Inn's Maintenance Staff on the morning of the designated collection date.

### Sustainable energy

The proposed submitted energy details are considered acceptable, however the applicant would need to confirm details of the PV panels and the connection with the district heating network which can be conditioned.

### Drainage / Suds

The details submitted are accepted and the outstanding issues can be secured by condition.

#### Nature conservation / landscaping / ecology

Information that needs to be provided by way of condition include the materials, type, location size etc of the amenity area. It should also show how outside spaces including the roof areas relates to both SuDS and biodiversity. Details of the proposed green sedum roof would also need to be secured by way of condition. Further details of the number of bat bricks/tiles and bird boxes is also required.

#### Pollution

Due to the city centre location and adjacent to a major road it is essential that the future occupiers have control over their internal environment / thermal comfort. The applicant has agreed the following:

All flats that can't have their windows open for ventilation, should have 4 Air Changes per Hour provided by other means:

- The ventilation can be controlled independently in each flat giving the occupants the choice to use it or not.
- This ventilation is not restricted to a set time period, such as a boost that only runs for 20mins or an hour, giving the occupants the choice to have it running 24 hours a day if they require it.

#### Air Quality

The air quality assessment that was carried out identified the site as a low risk but it didn't take congestion on the A5199 Welford Road into account. Therefore, it is recommended that mechanical ventilation will be needed on ground and second floor for flats facing A5199, no ventilation is required for utility rooms. A Travel Plan in form of Travel Pack is to be made available for each unit and this could be secure by way of condition.

#### 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 £165,096.

#### 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 the provision of railings around Museum Square, replanting of overmature shrubs beds at Castle Gardens and improvements to sports and other facilities at Saffron Lane Athletics Stadium and/or contribution to a new basketball court at Victoria Park.

The open space contribution for the above works would be £165,096.

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

A S106 (unilateral agreement) would need to be drawn up to secure the above contribution.

### Conclusion

I consider that a number of issues have been addressed through the course of the application, such as the height of the extension, materials, cycle parking, waste collection, the internal layout with improved room sizes with better outlook for future residents that the proposal can now be viewed favourably.

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 extension adjoining the locally listed building has been amended and I am satisfied how the transition section of the new building addresses the link and juxtaposition of the two buildings.

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

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. 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.)

4. Prior to the occupation of the development the details of the type and location of 3 x bird boxes for black red starts on the green roof and 3 x bat boxes to be incorporated within the elevations of the proposed buildings shall be submitted to and approved in writing with the City Council as local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and 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.)

5. Prior to the commencement of the development (excluding demolition) a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing with the City Council as local planning authority. This scheme shall include details of: (i) new tree and shrub planting, including plant type, size, quantities and locations; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) other surface treatments; (iv) fencing and boundary treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots), (vii) details of planting design and maintenance of green roof. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than 5 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. The green roof will be maintained to optimise its biodiversity value for a period of 25 years or the life-time of the proposed development whichever is the sooner. A written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted every 5 years to the LPA. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE COMMENCEMENT condition).

6. Prior to the commencement of 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/water 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 CS 17 Biodiversity of the Core Strategy.)

7. Prior to the commencement of the development (excluding demolition) full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the system has been implemented. 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).

8. Prior to the commencement of the development (excluding demolition) details of drainage, shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the drainage 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)

9. Prior to the commencement of the development (excluding the demolition of 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) for a supervised watching brief, 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:

- (i) the programme and methodology of site investigation and recording (with contingency for further excavation if required);
- (ii) the programme for post-investigation assessment;
- (iii) provision to be made for analysis of the site investigation and recording;
- (iv) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (v) provision to be made for archive deposition of the analysis and records of the site investigation;

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

3. 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 (1) 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).

10. No part of the development shall be occupied until a Travel Plan for the development has been 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 AM12 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

11. 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).

12. No part of the development shall be occupied until details of the proposed 32 cycle parking spaces located in the amenity area, which shall be covered and lit, and details of the 99 folding bike storage 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 of the development 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).

13. 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).

14. 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.)

15. 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).

16. Prior to the commencement of the development (excluding demolition), full design details of on-site installations to provide energy efficiency measures including details of a proposal to make the development future proof in so far as its ability to connect to the local district heat network is concerned, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved details and 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)

17. Prior to the commencement of the development (excluding demolition) details of the ventilation system to allow for:

(a) all flats that can't have their windows open for ventilation, to have 4 x air change per hour provided by other means.

(b) The ventilation to be controlled independently in each flat giving the occupants to use it or not.

(c) ventilation which will not be restricted to a set time period, such as a boost that only runs for 20 minutes or an hour, giving the occupants the choice to have it running 24 hours a day.

These details shall be submitted to the City Council as local planning authority and approved in writing, implemented as approved and retained as such thereafter.

(In the interests of residential amenity and in accordance with policies PS10 and 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).

18. 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).

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

Ground floor	19103-03-100 Rev D
First floor	19103-03-101 Rev F
Second floor	19103-03-102 Rev F
Third floor	19103-03-103 Rev F
Fourth floor	19103-03-104 Rev E
Fifth floor	19103-03-105 Rev E
Sixth floor	19103-03-106 Rev E
Roof	19103-03-107 Rev E
Welford Rd elevation	19103-05-101 Rev D
Norton St elevation	19103-05-102 Rev D
West elevation	19103-05-103 Rev D
South elevation	19103-05-104 Rev D
Section	19103-03-04-001 Rev A
191903_materials schedule	A

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](mailto: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](mailto: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](mailto:highwaysdc@leicester.gov.uk) for advice.

### **Policies relating to this recommendation**

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_BE20	Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_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.