

Leicester
City Council

MEETING OF THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 15 SEPTEMBER 2021

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Joel, Dr Moore, Nangreave, Pandya, 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

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

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- ✓ where filming, to only focus on those people actively participating in the meeting;
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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 / aqil.sarang@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. 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**

[Appendix A](#)

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 4 August 2021 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS **Appendix B**

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) **20210286 9 GRACE ROAD** **Appendix B1**

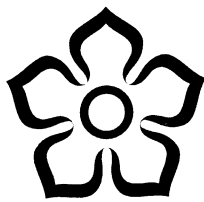
(ii) **20192082 186 WELFORD ROAD** **Appendix B2**

(iii) **20192079 169 BELGRAVE GATE** **Appendix B3**

(iv) **20210777 24 GUTHRIDGE CRESCENT, FORMER
BRAUNSTONE SOUTH HOUSING OFFICE** **Appendix B4**

(v) **20201190 58 STONEYGATE ROAD** **Appendix B5**

5. ANY URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 4 AUGUST 2021 at 5:30 pm

P R E S E N T:

Councillor Riyait (Chair)

Councillor Dr Moore
Councillor Nangreave

Councillor Thalukdar
Councillor Valand

Councillor Whittle

In accordance with the provisions of the Constitution (Part 4A, Rule 42) the following Councillors attended the meeting and with the sanction of the Committee spoke on the items indicated but did not vote.

Councillor:

Application details:

Councillor Joshi

20202182 - 115 Uppingham Road

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30. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Aldred and Councillor Joel.

31. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda, including under the Council's Good Practice Guidance for Members Involvement in Planning and Development Management Decisions.

The Committee Members present at the meeting introduced themselves in turn and stated they had no such interests.

32. MINUTES OF THE PREVIOUS MEETING

AGREED:

That the minutes of the meeting of the Planning, Development and Control Committee 23 June 2021 be confirmed as a correct record.

33. REVISED TERMS OF REFERENCE AND REVISED PLANNING PLANNING GOOD PRACTICE GUIDANCE FOR MEMBERS

The City Barrister and Head of Standards submitted a report in relation to the Planning and Development Control Committee revised Terms of Reference and revised Planning Good Practice Guidance for Members.

The Legal Officer presented the reports and Officers responded to Members comments as follows:

- Officers clarified several points in relation to non-committee members or speakers not having a right to reply and Members of the Committee who wished to speak on an application not being required to stand down for the entirety of the meeting. It was noted that these were not legislative procedures but were at the Chairs discretion and/ or guided by advice from the Monitoring Officer.
- It was reiterated to Members that regular use of mobile phones during the meeting was not encouraged.
- Some minor typographical errors were noted.

RESOLVED:

that the revised Terms of Reference for the Planning and Development Control Committee be noted.

RESOLVED:

that the revised Planning Good Practice Guidance for Members of the Planning and Development Control Committee be noted.

34. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair announced that he would take the planning reports in a different order to that given in the agenda, due to the attendance of members of the public who had registered to speak and in the interests of people in the public gallery.

The Head of Planning noted that following finalisation of the reports, the Government published changes to the National Planning Policy Framework (NPPF). Officers therefore included this information in the supplementary report to highlight the implications of the changes in relation to each of the applications/ reports. Officers would additionally highlight changes in the content when presenting each of the reports.

It was noted that a Members training session on the newly published changes to the NPPF would take place on a date to be agreed.

RESOLVED:

That the report of the Director of Planning, Development and Transportation dated 4 August 2021, on applications, together with the supplemental report and information reported verbally by officers, be received and action taken as below:

35. 20210881 26 COLWELL ROAD

Ward: Fosse

Proposal: Demolition of single storey building at rear;
Construction canopy to front, single storey extension at side and rear; installation of render at front and alterations to medical centre (Class E) (Amended plans received 08/07/2021)
Applicant: Dr Boora

The Planning Officer presented the report and drew Members' attention to the supplementary report, which set out an amended description, policy considerations, an additional representation received in objection to the application and further considerations.

Ms Sarah Panter, on behalf of the applicant, addressed the Committee and spoke in support of the application.

Mr Paul Bayliss, on behalf of an objector, addressed the Committee and spoke in objection to the application.

Members considered the report and officers responded to the comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Thalukdar and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the conditions as set out below:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof of the side and rear extensions shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Not more than three consulting rooms shall be permitted on the premises.

(The site is incapable of accommodating the car parking requirements that would be generated by more consulting rooms, and which would be required under the terms of Policy AM11 of the City of Leicester Local Plan and CS15 of the Core Strategy.)

4. The use shall not be carried on outside the hours of 0830 - 1800 hours Monday to Friday. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Before the occupation of the proposed extension the new door facing 24 Colwell Road shall be fitted with obscure glazing and retained as such. (In the interests of the amenity of occupiers of 24 Colwell Road and in accordance with policy PS10 of the City of Leicester Local Plan).
6. No part of the development shall be occupied until secure cycle parking as shown on approved plans shall be provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
7. No part of the development shall be occupied until footway crossing(s) have been provided at each vehicular access in accordance with the Leicester Street Design Guide, June 2020. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
8. No part of the development shall be occupied until the redundant footway crossings has been reinstated and associated H-bar marking removed in accordance with the Leicester Street Design Guide, June 2020". (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
9. This consent shall relate to the amended plans reference nos. 1462-HCD-XX-ZZ-DR-A- 007 Rev G, -10 Rev D, -11 Rev E, -15 Rev D, -16 Rev B received by the City Council as local planning authority on 08/07/2021 and location plan reference no. -005 Rev B received on 30/06/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these

discussions.

36. 20211037 15A EVINGTON LANE

Ward: Stoneygate

Proposal: Raised ridge height; construction of dormer extensions at front; single storey and dormer extensions at side; single storey and dormer extensions at rear; alterations to bungalow (Class C3) (amended plans received 28/06/2021)

Applicant: Mr. Nathani

The Planning Officer presented the report and drew Members' attention to the supplementary report, which set out policy considerations, a further representation which requested for photos to be shown at Committee and further considerations.

Mr Sachin Parmar, on behalf of the applicant, addressed the Committee and spoke in support of the application.

Ms Fehmida Dalal, addressed the Committee and spoke in objection to the application.

Members considered the report and submission of the speakers, and officers responded to any comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be approved, subject to the conditions set out in the report. This was seconded by Councillor Whittle and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the conditions set out below:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The cheeks and roof of the dormer shall be constructed in materials to match the existing roof. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. Before the occupation of the proposed extensions the windows of the front dormer and the windows of the side dormer extension facing 15b

Evington Lane shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 15a and 15b Evington Lane and in accordance with policy PS10 of the City of Leicester Local Plan).

5. The flat roof of the single storey rear extension shall not be used as a balcony or an outdoor amenity space. (In the interests of the amenity and privacy of 7, 9, 13 and 15b Evington Lane in accordance with policy PS10 of the City of Leicester Local Plan).
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any order amending or revoking and replacing that Order with or without modification, no development that would otherwise fall with Classes AA, A, B, C and E of Part 1 (of Schedule 2) of that Order shall be carried out within the curtilage of the dwellinghouse hereby approved without planning permission having first been obtained from the local planning authority. (To ensure that any further development at the site does not unacceptably affect the privacy and amenity of the neighbour occupiers and the character and appearance of the area, and to ensure that adequate amenity space for future occupiers of the development is retained on the site, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).
7. This consent shall relate solely to the submitted plans ref DSA-21019-PL-ES-01 received by the City Council as local planning authority on 27/04/2021 and the amended plans ref DSA-21019-PL-PRO-01 rev C received by the City Council as local planning authority on 28/06/2021, 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 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).
2. The effect of condition 6 of this planning permission is that all future alterations and extensions to the dwelling, and the construction of outbuildings within the curtilage of the dwelling, will require planning permission from the City Council as the local planning authority. (Permitted development rights for this dwelling have been restricted).

37. 20202182 115 UPPINGHAM ROAD

Ward: North Evington

Proposal: Construction of single storey building to accommodate

car wash, valet service and window tinting business (Sui Generis) (Amended plans received 26/5/2021)
Applicant: Mr N Okeke

The Senior Planning Officer presented the report and drew Member's attention to the supplementary report which set out policy considerations and further considerations.

Mr N Okeke, the applicant, addressed the Committee and spoke in support of the application.

Councillor Joshi then addressed the Committee as a Ward Councillor, speaking in support of the application.

Members considered the report and officers responded to the comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be refused for the reasons set out in the report. This was seconded by Councillor Whittle and upon being put to the vote, the motion to refuse was CARRIED.

RESOLVED:

that the application be REFUSED for the reasons set out below:

REASONS FOR REFUSAL

1. The proposal, by reason of use, outside seating area and its design and lack of an active frontage to Uppingham Road together with the display of advertisement boards would on a prominent site fail to take account of the setting and context of the area, and represents poor design that is contrary to policy CS03 of the Leicester Core Strategy and paragraph 126 and 134 of the National Planning Policy Framework 2021
2. The proposal, by reason of its siting, design and the height of the proposed building together with the display of the proposed advertising boards, would have a significant detrimental impact on the setting of the Grade II listed building of St Barnabas Church, 28 St Barnabas Road contrary to policy CS18 of the Leicester Core Strategy and paragraph 199 of the National Planning Policy Framework 2021.

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.

38. 20190377 32, 34 & 36 BARKBYTHORPE ROAD

Ward: Troon

Proposal: DEMOLITION OF EXISTING 3 DWELLINGS;
CONSTRUCTION OF 18 DWELLINGS INCLUDING
ASSOCIATED EXTERNAL WORKS (AMENDED PLANS. (S106
agreement)

Applicant: MRS P.P. WALKER

The Planning Officer presented the report and drew Members attention to the supplementary report which set out an amended recommendation in relation to a Section 106, amended conditions and notes, policy considerations and further considerations.

Members considered the report and supplementary report, and officers responded to the comments and queries raised.

The Chair moved that the application be approved subject to the conditions set out in the report, the amendments set out in the supplementary report and a Section 106 agreement in accordance with the officer recommendation. This was seconded by Councillor Dr Moore and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the amendments set out in the supplementary report, a Section 106 agreement and conditions as set out below:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Prior to the commencement of the development details of all the materials to be used for the development shall be submitted to and approved in writing with the City Council as local planning authority. The development shall be carried out in accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Prior to the commencement of any development a detailed landscaping scheme 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 by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved LEMP scheme shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

4. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, all existing trees, shrubs or hedges to be retained on the site shall be protected by fencing in accordance with British Standard BS 5837:2012. The location of the protective fencing shall not be within the root protection area of any retained trees. The fencing shall be maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the local planning authority unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with 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.)
5. Prior to occupation of each dwelling, bird and bat boxes/bricks shall be installed to that dwelling in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The boxes/bricks shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).
6. Prior to the commencement of the development a further protected species survey shall be carried out at the site by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing with the local planning authority

and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated biennially, and any mitigation measures reviewed by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

7. Prior to occupation of each dwelling, hedgehog boxes and gaps or holes within fences to allow free movement of hedgehogs shall be installed to that respective plot in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The boxes and gaps or holes in fences shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).
8. Prior to the commencement of the development adequate provision shall be made by the developer for a full site survey to ascertain the ground conditions and potential danger from landfill gas. Appropriate measures shall be taken as a result to protect the development from hazards associated with landfill gas. Those details shall be submitted to and agreed in writing with the City Council as local planning authority and the approved measures shall be installed in accordance with these details and retained thereafter. (The site is within 250m of a landfill site known to have accepted wastes and it is considered that there is a perceptible risk of landfill gas adversely affecting it and 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.)
9. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved in writing by the 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 local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the

preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with 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).

10. Prior to the commencement of the development full details of the Sustainable Drainage System (SuDS) together with the implementation, long term maintenance and management of the system shall be submitted to and agreed in writing with the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a 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 secure surface water runoff and to secure other related benefits in accordance with Core Strategy Policy CS02. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
11. Prior to the commencement of the development full design details of the proposed heating system shall be submitted to and approved in writing with the local planning authority. The approved scheme shall then be implemented and retained. (To ensure that the development reduces greenhouse gas emissions and contributes towards the mitigation of climate change and 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).
12. Prior to the commencement of the development an acoustic survey shall be carried out to assess noise from nearby industrial units, noise from Barkbythorpe Road and other identified noise sources. The developer shall then (subject to the findings of the noise assessment) carry out an insulation scheme, including ventilation arrangements, in accordance with details which shall have first been approved in writing the local planning authority. The sound insulation scheme shall be designed to comply with the relevant World Health Organisation Guidelines Community Noise for noise sensitive development and BS8233:2014. (In the interest of residential amenity and in accordance with City of Leicester Local Plan policy PS10 and PS11 and Core Strategy Policy CS03.)

13. 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 in accordance with the Council's standards contained in the Street Design Guide. (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.)
14. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
15. All street works shall be constructed in accordance with the Council's standards contained in the Street Design Guide. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy 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 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 first occupation of each unit, the occupiers of that dwelling shall be provided with a 'Residents Travel Pack' details of which shall be submitted to and approved in writing by the local planning authority in advance. The contents of the Travel Pack shall consist of: information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)

18. (A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation following the submission of an archaeological desk-based assessment has been submitted to and approved in writing by the City Council as local planning authority in respect of a supervised watching brief and excavation where required. The scheme shall include an assessment of significance and 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; (6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.
- (B) No demolition or 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 development, this is a PRE-COMMENCEMENT condition).
19. The dwellings and the associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)
20. Finished floor levels within the proposed development shall be set no lower than existing finished floor levels and flood proofing/resilience techniques shall be incorporated in accordance with 'Improving the Flood Performance of New Buildings' (Department of Communities and Local Government, 2007). (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).
21. Prior to the commencement of the development above ground level an updated visibility splay drawing showing 54m visibility splays in both

directions on Barkbythorpe Road shall be submitted to and agreed in writing with the local planning authority and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

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

P001 site location
P003d proposed site plan
P004b visibility splays
P005b speed table
P006c landscape
P101b type A1 & A2 plans
P102c type A1 elevations
P103c type A2 elevations
P201a type B floor plans
P202c type B elevations
P301b type C plans
P302c type C elevations
P401b type S plans
P402b type S elevations
P501a type T plans
P502c type T elevations
P801b street elevations
P901a plot 1 & 2 garage
P902a single garage

(For the avoidance of doubt)

NOTES FOR APPLICANT

1. The sound insulation scheme should consider incorporating mechanical ventilation to allow windows to remain closed irrespective of the external conditions if identified as being necessary by the agreed noise survey. Windows should not be permanently sealed closed but should be able to be kept closed, by choice, whilst allowing to enjoy an adequate source of amenity.
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. 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.
3. The City Council, as local planning authority has acted positively and

proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. 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.

4. To meet condition 19, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). 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.

39. 20210988 305 NEW PARKS BOULEVARD

Ward: Western

Proposal: Construction of a single storey extension at side and front of house (Class C3); (Amended 16/07/2021)

Applicant: Mr Mick Linthwaite

The Senior Planning Officer presented the report. The supplementary report also noted policy considerations and further considerations.

Members considered the report and officers responded to the comments and queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Nangreave and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the conditions as set out below:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

3. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 16/07/2021. (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.

40. 20211307 96 KERRYSDALE AVENUE

Ward: Rushey Mead

Proposal: Construction of single storey extension at front and rear; two storey extension at side and rear; single storey detached outbuilding at rear of house (Class C3) (Amended plans received on 03/08/2021)

Applicant: Sima Chauhan

The Senior Planning Officer presented the report and drew Members' attention to the supplementary report which set out an amended description, amended conditions, an additional note to the applicant, policy considerations and further considerations.

Members considered the report and supplementary report, there were no comments or queries raised.

The Chair moved that, in accordance with the officer recommendation, the application be approved subject to the conditions set out in the report and the amendments/ additions set out in the supplementary report. This was seconded by Councillor Valand and, upon being put to the vote, the motion to approve was CARRIED.

RESOLVED:

that the application be APPROVED subject to the amendments/ additions set out in the supplementary report and the conditions as set out below:

CONDITIONS

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

Planning Act 1990.)

2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Before the occupation of the proposed extension new windows facing 98 Kerrysdale Avenue shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 98 Kerrysdale Avenue and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Development shall be carried out in accordance with the following approved plans:
Proposed Location Plan & Proposed Site Plan, 20/450/PL01, REVISION B, received 03/08/2021.
Proposed Plans, 20/450/PL03, REVISION B, received 03/08/2021.
Proposed Elevations, 20/450/PL04, REVISION C, received 03/08/2021.
Proposed Outbuilding Plans & Elevations, 20/450/PL05, REVISION A, received 24/05/2021.
(For the avoidance of doubt).

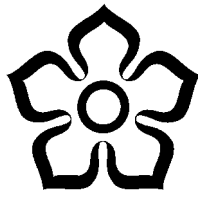
NOTES FOR APPLICANT

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

This development may require a permit under Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Melton Brook, designated a 'mainriver'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

41. CLOSE OF MEETING

The meeting closed at 8.21pm.



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 15 September 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 B1

20210286	9 Grace Road	
Proposal:	Change of use of care home (Class C2) to three units in multiple occupation for between 3 to 6 persons(1x5 bed; 2x6 bed) (Class C4) and one unit in multiple occupation for more than 6 persons (1x7 bed) (Sui Generis); alterations; parking (amended plans received 30/07/2021)	
Applicant:	Mr S Ruparelia	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	24 May 2021	
RB	TEAM: PD	WARD: Aylestone



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Summary

- Reported to committee as there are more than 6 objections from separate addresses within the City including Cllr Porter and Cllr Clarke.
- 21 objections raise concerns on living conditions, impacts on highways and parking.
- Main issues are design, level of accommodation, residential amenity, highway safety and parking;
- Recommended for approval

The Site

The application relates to a triangular shaped site that is bounded by Park Hill Drive on the west, Grace Road to the east and terrace dwellings to the south. two-storey care home, which is not currently in use.

The site is within an area that is primarily residential area, with land allocated for employment uses to the north west and south east of the site. St George's Nursery School is located to the north of the site on the other side of Grace Road.

The site is within a 250m buffer of known sources of pollution at Nationwide Crash Repairs and a Landfill site at Aylestone Meadows, off Aylestone Road.

To the north of the site is trees that are protected by tree preservation (TPO).

Background

Application 19921757 was approved on 27/07/1994 for the construction of a single storey lounge extension at front; two-storey bedroom extension and single storey conservatory at rear of nursing home.

Application 19900595 was approved on 23/05/1990 for the construction of a single storey bedroom extension at rear of nursing home.

Application 19891834 was approved on 23/11/1989 for the change of use from dwellinghouse to nursing home including two-storey extensions.

The Proposal

The proposal is for the change of use of a care home (Class C2) to three units in multiple occupation for between 3 to 6 persons (1 x 5 beds) (2 x 6 beds) (Class C4) and one unit in multiple occupation for more than 6 persons (1 x 7 beds) Sui Generis.

Blocks A and B would be located on the ground floor and flats C and D on the first floor

Each unit would provide a communal kitchen/dining room and the following:

Block A (Class C4): 6 bedrooms, 2 communal shower/wc, one bedroom with shower ensuite. Rooms 5 and 6 would also have a living room in the conservatory part of the building;

Block B (Sui Generis): 7 bedrooms, 1 communal shower/wc, 4 bedrooms with shower ensuite;

Block C (Class C4): 6 bedrooms, 3 communal shower/wc,

Block D (Class C4): 5 bedrooms, 1 communal shower/wc, 3 bedrooms with shower ensuite.

Room sizes range from 8sq.m to 18sq.m

Alterations to the building comprises a new entrance door to the north elevation to provide access to the first-floor and the replacement of windows at first floor level on the south east facing elevation.

There are nine existing parking spaces that are proposed to be retained and bin storage is proposed to the south east of the site.

Amended plans have been received that proposes:

- a door on the proposed north east elevation to match the ground floor plan;
- a hedge to the north east boundary to protect the privacy of the future occupiers on the ground floor at that side of the property from pedestrians along Grace Road;
- a path from the south eastern elevation of the property to the bin storage and parking area at the eastern part of the site;
- Moving the proposed bin storage towards Grace Road and away from the rear gardens of neighbouring properties to the east;
- 14 covered cycle parking spaces, 8 near the car parking area at the eastern part of the site and 6 near the parking area off Park Hill Drive; and
- Removal of a proposed new pedestrian access to the north of the site.

Policy Considerations

National Planning Policy Framework (NPPF) 2021:

Chapter 2 'Achieving sustainable development'

- Paragraph 2 and 11 (Presumption in favour of Sustainable Development)

Chapter 4 'Decision Making'

- Paragraph 40 (prior engagement)

Chapter 9 'Promoting sustainable transport'

- Paragraph 110 and 111 (severe impact on road network)

Chapter 12 'Achieving well designed places'

- Paragraph 127 (high standard of amenity)
- Paragraph 130 and 134 (good design and amenity)

Development Plan policies:

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

Additional documents:

SPD Residential Amenity

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

Corporate Guidance – 'Achieving Well designed Homes'

Consultations

Waste Management – No objections, providing there is adequate space for residents to access the bins.

LCC Highways – No objections subject to a pre-commencement conditions to provide cycle parking and a Travel Pack for future residents.

Private Sector Housing – No objections

Pollution – noise – No objections

Representations

21 objections have been received from different addresses within the City. This includes objections from Cllr Clarke and Cllr Porter.

The concerns raised are:

- A lack of parking on site would cause adverse impacts on street parking and congestion in the area.
- The bedrooms of the flats in multiple occupation would be used as flats.
- The green space within the site could be reduced to provide parking spaces.
- The Council is attempting to push through the development using loopholes and only giving local residents 21 days to object.
- Larger family-oriented apartments would be more appropriate and in keeping with the local area.
- The proposed bin store is located adjacent to the rear of 23 and 25 Grace Road, which will result in odours, disturbance of refuse vehicles and the potential of vermin. The bin store should be relocated away from any residences.
- There is a discrepancy between the number of parking spaces expected for a new house and bedsits.
- The water/sewage system has not been addressed even though there is a vast increase in the number of bathrooms and ensuite.
- Sixteen of the twenty four rooms meet the government guideline of 10.5 sqm to allow for two person occupancy bringing the likely numbers of people up to forty.
- There is no evidence that a Social, Economic and Environmental case has been made and this conflicts with the National Planning Policy Framework which does require some evidence of need.
- The scale of the development is not in keeping with the area.
- No local community consultation has been undertaken.
- The application documents submitted contain conflicting information preventing an informed decision from being made.
- The use of the site would result increased noise and disturbance.
- The density of the development would be too high.
- The development would adversely affect house prices in the area (not a material consideration)

Consideration

Principle of development:

Core strategy policy CS06 states that various measures will be taken to ensure that new housing meets the needs of city residents. The proposal is in a residential part of the city and the change of use of the site for residential purposes is acceptable in principle.

The Council cannot currently identify a supply of specific, deliverable sites sufficient to provide five years' housing. The proposal would make a modest contribution to housing supply through the redevelopment of this small site within an established residential area, and the proposal would be consistent with Policy CS06.

There are no site-specific designations or constraints to indicate that a residential development would be inappropriate or inherently harmful. In the above policy context and having particular regard to the City's current housing supply position, I conclude that the development is acceptable in principle subject to considerations of amenity, design, highways, parking and waste.

Living Conditions:

Saved policy H07 of the City of Leicester Local Plan includes criterion to assess the living quality of residential units. The policy states that planning permission will be granted for new flats or the conversion of existing buildings into flats provided that the proposal is satisfactory in a number of factors including the nature of nearby uses, the creation of a satisfactory living environment, arrangements for bin storage and cycle parking, the provision of communal open space and the effect of the development on the general character of the surrounding area.

Policy PS10 lists a number of factors that will be taken into account concerning the amenity of existing or proposed residents. The Residential Amenity SPD provides more detail and guidance on how residential development should secure appropriate levels of amenity.

The site is located within is a primarily residential area and the proposal would not result in the loss of a large family accommodation. It would bring a large disused care home building back in to use. I consider that the proposed location of the proposed use in multiple occupation (shared accommodation) is acceptable.

The recommended minimum size for bedrooms for one person is 7.5sqm and would need to be at least 2.15m wide, as outlined in the Nationally Described Space Standards (NDSS) and the Corporate Guidance (2019). The size of the proposed bedrooms would range from 8sqm to 18sqm and would all be over 2.15m in depth, which complies with the guidance, although the NDSS is not adopted by the City Council.

Concerns have been raised by objectors that the individual bedrooms may be further subdivided as self-contained flats. This change of use would require planning permission and the continued licensing of the use of the units in multiple occupation would depend on the layout of them to comply with licensing requirements. Therefore, I consider that this could be adequately managed if an unauthorised change of use to further flats were to occur. I have however attached a condition a condition that restricts the change to the layout and use.

The Residential Amenity SPD recommends a separation distance of at least 15m between a blank wall and a principal room window to ensure adequate outlook. Due to the size of the site, there would be at least a 15m separation distance from habitable room windows, and I consider that each habitable room would have adequate outlook.

The only habitable room that would not have direct outlook is the bedroom 5 of Block A. Although this is not ideal, there would be sufficient outlook and light afforded to the private living room and a small window would be installed between the two rooms, which would allow some light from the conservatory to the bedroom and I consider this to be acceptable.

There is no existing boundary treatment on the north eastern boundary in close proximity to bedrooms 3 and 4 of Block A on the ground floor. A hedge is proposed to the boundary. This would minimise overlooking from Grace Road and potential loss of privacy of the rooms on the ground floor. Bedroom 3 would have additional outlook to the north-west. However, the only outlook from bedroom 4 would be partially blocked by the hedge. Although this is not ideal, I consider that soft landscaping on the boundary would be the most suitable solution. I consider that the hedge and planting should be conditioned in the interests of the occupiers of the ground floor flats.

There is no recommendation for the size of amenity space to be provided for this type of development. For a 3 bed+ house the requirement for garden area would be 100sq.m. The existing and retained amenity space of approximately 1000sqm would be more than adequate for the proposed units in multiple occupation.

As the application is for a conversion, it is considered unfeasible in design terms to impose the National Accessible and Adaptable Standard M4(2).

Residential Amenity (neighbouring properties)

The bin storage area has been moved east, closer to Grace Road and away from the rear garden of 23 Grace Road to the east of the site. Although the bin storage area is still close to the common boundary with the neighbouring property, it would now be adjacent to the blank two storey rear elevation and is unlikely to result in a significantly detrimental impact in terms of its appearance and smell if it is managed in an appropriate way.

The property is situated away from residential properties, so I consider that the proposal would not result in any significant adverse impact on the amenity of neighbouring properties, including noise, overlooking and loss of privacy.

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

Character & Design:

Minor alterations are proposed to the external appearance of the building, including the replacement of windows on the first floor of the south eastern elevation with uPVC to match the existing and an entrance door to the first floor flats on the ground floor of the north eastern elevation.

The application form and plans indicate that the external finish materials would match those of the original property. I consider that this is an appropriate material response and can be secured as a condition of planning permission.

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

Parking and cycling:

The proposed site is situated on Grace Road with an access also from Park Hill Drive. Both roads are 2-way predominantly residential roads, with single yellow line restrictions for cricket match days 10:30am-6:30pm, along with double yellow restrictions near the junctions with Aylestone Road. On non-cricket match days, these streets are heavily used for on street parking.

The site benefits from an existing dropped kerb access to the existing site from both Park Hill Drive and Grace Road. The Leicester Street Design Guide Design Element Sheet (DES) 16 gives guidance on the required widths for private drives. Section 40. gives the minimum width for a private access for one dwelling as 3.7m. The current widths are acceptable as it is deemed that there would not be a significant intensification of their use with this development.

Paragraph 109 of the National Planning Policy Framework outlines that *'development should only be prevented or refused on highways grounds if there would be an*

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Vehicle Parking Standards – Appendix 1 of the City of Leicester Local Plan does not set out parking requirements for properties used in multiple occupation. However, off-street parking requirements for a 3+bedroom dwelling house/flat would be 2 spaces. The plans show 13 car parking spaces within the site that would equate to 3 spaces each for the 3 Class C4 units and 4 spaces for the larger sui generis flat.

Furthermore, the site is well served with various bus routes nearby. I consider it necessary to attach a condition to ensure that a travel pack is submitted to provide clear information about sustainable travel options available to the residents and, where possible, incentives or similar to encourage take up of those modes of travel.

There is a requirement for 1 cycle parking space to be provided for every 2 bed spaces as set out in the Vehicle Parking Standards – Appendix 1 of the City of Leicester Local Plan. 14 cycle spaces have been provided, which would make a combined total of 25 cycle and car parking spaces (which is one more parking space than for each bed space proposed). A condition is attached to secure cycle parking.

The care home provided 8 off-street parking spaces for the 16 bed care home; four spaces were accessed off Grace Road and the other 4 off Park Hill Drive. The proposal would provide access/egress to 5 spaces off Grace Road and the remainder of the 8 spaces off Park Hill Drive. I consider that there is ample room for access and manoeuvring for vehicles as shown on the proposed site layout and the development would not result in a significant increase in additional vehicles accessing and egressing the site to have a severe impact on the road network to warrant a refusal on this ground.

Having regard to the SPG maximum car parking standards, I consider that the proposed level of parking and cycle provision is acceptable, and the development would not have an unacceptable impact on highway safety or severe impact on the road network. 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 highways and parking.

Waste storage and collection:

The bin area will need to be large enough to accommodate 2x 360 litre refuse bins and 2x 240 litre recycling bins per unit, for a total of 8x 360 litre refuse bins and 8x 240 litre recycling bins. The proposal shows a bin storage area would be large enough for the required number of bins to serve the development.

The proposed bin storage area has been amended to be adjacent to Grace Road and away from 23 and 25 Grace Road to the east of the site.

Other Matters

Neighbours were given 21 days to submit representations. This is in line with the statutory consultation period. Any representations received after the 21 days consultation period have and would be taken into account.

The requirement of a Statement of Community Involvement is for large scale major developments, which the proposal is not. Paragraph 40 of the NPPF (2021) outlines that when pre-application advice is sought by an applicant, the Local Planning Authority should, *'where they think this would be beneficial, encourage any applicants*

who are not already required to do so by law to engage with the local community ... before submitting their applications.' No pre-application advice was sought prior to the application being submitted.

Any adverse impact on house prices in the locality of the development is not a material planning consideration and cannot be considered as part of this application.

Concerns have been raised regarding the current state of the Tree Preservation Order (TPO) trees to the north of the site. As the proposed change of use and associated development would be located away from the trees, the proposed development would not have an adverse impact on the TPO trees on site.

Conclusion:

The proposal would make a modest contribution to Leicester's housing need by increasing the number of residential units. When applying the 'tilted balance', the benefits of the proposal would outweigh by the adverse impacts of the proposal when assessed against policies in the NPPF taken as a whole, as well as local policies. The balance is therefore in favour of approval.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No part of the development shall be occupied until secure and covered cycle parking has been provided for a minimum of 14 cycles and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan)
3. Before the occupation of the development the parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in advance by the City Council as local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy. This is a PRE-COMMENCEMENT condition).
5. The hedge as shown on the approved plans at the northern boundary of the site with Grace Road shall be planted prior to the occupation of the approved flats. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in

accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

7. The approved use and layout shall not be changed without the prior approval of the City Council as the local planning authority. (In the interest of the existing and future occupiers of the development in accordance with policies PS10, AM12 and AM02 of the City of Leicester Local Plan.)
6. Development shall be carried out in accordance with the following approved plans:
Location Plan, 0009_PL(20)001 rev A, received 30/07/2021
Location Plan, 0009_PL(20)002 rev B, received 30/07/2021
Location Plan, 0009_PL(20)009 rev C, received 30/07/2021
Proposed Demolition Plan Ground Floor, 0009_PL(20)109 rev B, received 30/07/2021
Proposed Demolition Plan First Floor, 0009_PL(20)110 rev A, received 30/07/2021
Proposed Ground Floor Plan, 0009_PL(20)102 rev A, received 30/07/2021
Proposed Site Ground Floor Plan, 0009_PL(20)101 rev C, received 30/07/2021
Proposed First Floor Plan, 0009_PL(20)103 rev A, received 30/07/2021
Proposed Roof Plan, 0009_PL(20)104 rev A, received 30/07/2021
Proposed Site Roof Plan, 0009_PL(20)100 rev C, received 30/07/2021
Proposed Ground Floor Plan, 0009_PL(20)102 rev A, received 30/07/2021
Proposed Elevations, 0009_PL(20)105 Rev B, received 30/07/2021
Proposed Elevational Comparisons, 0009_PL(20)107 Rev B, received 30/07/2021
Proposed Sections, 0009_PL(20)106 Rev A, received 30/07/2021
Proposed Elevations, 0009_PL(20)105 Rev B, received 30/07/2021
Proposed Sectional Comparisons, 0009_PL(20)108 Rev A, received 30/07/2021
(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

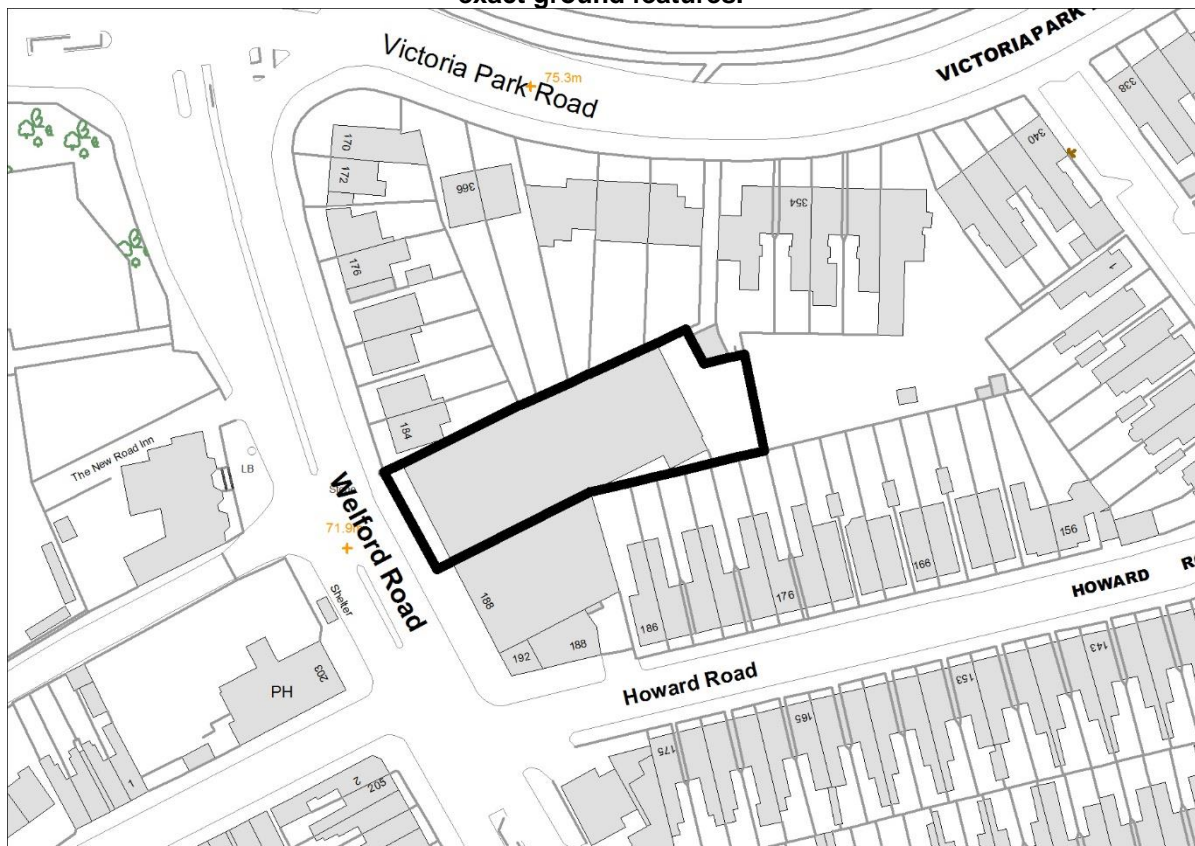
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| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
|-----------|------------------------------------------------------------------------------------------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

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_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.
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.

COMMITTEE REPORT

20192082	186 Welford Road	
Proposal:	Demolition of antiques warehouse (Sui Generis); construction of two blocks (1 x 3 storey & 1 x 4 storey) for student accommodation (Sui Generis) to provide 43 studio apartments; vehicular access (Amended plans) (S106 Agreement)	
Applicant:	UK Land Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	24 September 2021	
WJJ	TEAM: PM	WARD: Castle

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Summary

- The application is brought to the Committee as the recommendation is for approval and more than five objections have been received from more than five different City addresses.
- Twenty-nine letters of objection have been received that raise concerns regarding: need for and impact of additional student accommodation in the area, contrary

to Council policy regarding student accommodation and areas with Article 4 Directions, harm to character and appearance of area, impact on neighbouring residential amenity including loss of light and privacy, problems arising from increased parking demand, highway safety and problems arising when development under construction.

- One individual representation has been received that is fully in support of the application, the design of the proposal, and the provision of accommodation in close proximity to the university. Another representation mentions that the scheme is an improvement on the earlier scheme (20182790 - withdrawn).
- The main issues are the principle of student accommodation in this location, the impact on the residential amenity of neighbours, the residential amenity of residents, the impact on the character and appearance of the area, and the impact on highway safety and parking.
- The application is recommended for approval subject to conditions.

The Site

The site is on a main road leaving the city. It is within a largely residential area. The site itself and some of the neighbouring properties along the Welford Road are in commercial uses. With the exception of a yard at the rear, the existing building on the site occupies all of the site. It has been used as an antiques warehouse for around four years; prior to which it accommodated a windscreen replacement centre.

With regards to flooding from fluvial sources, the site is at very low risk of flooding. It is within Flood Zone 1 and is at less than 1 in 1000 year risk. With regards to flooding from pluvial sources, the site is within a Critical Drainage Area (CDA). Although flooding from pluvial sources is unlikely to take place here, the rapid runoff of water may lead to flooding in neighbouring hotspots.

The site is within an Air Quality Management Area (AQMA).

The application site is within an area that removes the Permitted Development Right to convert a dwelling (Class C3) to a house in multiple occupation (HiMO, Class C4).

The Clarendon Park area, including the application site, is also subject to a Regulation 7 Direction that seeks to restrict To Let boards.

The Donkey Public House on the other side of the Welford Road is on the Local Heritage Asset Register.

There is a known source of pollution at EE Contracts on Morris Road.

Background

The Welford Road is one of the ancient roads leading out from the city. Maps from the 1880's indicate the area was starting to develop. Victoria Park Road, Fleetwood Road and Clarendon Park Road were in place, but buildings were few. Most of the development around the site dates from the late Victorian and Edwardian period and from the 1920's and 30's.

186 Welford Road (application site)

Maps from the 1930's show a building on the application site. The footprint is the same as the current one, and so it is likely the current building dates from 1930's. As such,

the current building pre-dates the existing planning system that came into force on the 1st of July 1948.

Relevant planning history is as follows:

19860986 - Change of use of vehicle rental depot to use for the storage and fitting of automotive windscreens, side glass, sunroofs and ancillary works - Approved and implemented.

20151732 - Change of use from motor vehicle windscreen replacement garage (no use class) to retail, repair and storage of antiques (Sui Generis) – Approved and implemented.

20182790 - Demolition of building and construction of three four storey blocks to provide 56 student studio apartments (Sui Generis) - Withdrawn

Google Maps indicates the Leicester Antiques Warehouse has been operating here for around four years; prior to which it housed a windscreen replacement centre, called Autoglass.

188 Welford Road (neighbouring site to south east)

Maps from the 1930's show a building on the site; albeit with a staggered front wall, in contrast to the existing building. Maps from the 1950's show a building with the same footprint as the existing one. In the absence of any record of a planning application from the 1940's or 50's, the current building probably pre-dates the existing planning system that came into force on the 1st of July 1948.

Since being built, the building has been used for several uses and some minor alterations have been made. Google Street View indicates it has been used as a carpet shop since around 2011 and was a bathroom shop around 2008. Permission has also been granted on two occasions since 2015 to demolish the existing building and to redevelop the site for schemes involving a retail unit and student flats. Those have now expired. There is an extant permission to change the use from a shop to a restaurant/takeaway.

There is a current planning application to demolish the existing building and to redevelop the site with a three-storey block of eighteen student studio flats (20182726).

The Proposal

The proposal is to demolish the existing building on the site and replace with two blocks of student accommodation. One block is next to the Welford Road and is four storeys high (with an additional storey of a basement beneath). This is Block A. The other is set back within the site and is three storeys high. This is Block B. Block A, next to the Welford Road, incorporates a vehicular access that leads to a loading/unloading area with two car parking spaces. A bin store is provided within the front elevation of Block A. There are two communal gardens; one between the two blocks and one behind Block B, next to the rear boundary of the site.

Block A will have twenty-two studio flats on the ground to third floors, plus a basement that provides a plant room and a recreation room. Block B will have twenty-one studio flats. This gives a total of forty-three studio flats.

Amended plans have been submitted. The general plan of the scheme is similar to the original plans, but lots of small changes have been made.

Policy Considerations

National Planning Policy Framework (NPPF) July 2021

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

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

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

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

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

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

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

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

a) an economic objective

b) a social objective

c) an environmental objective

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

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

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

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.'

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

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

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through

mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Achieving appropriate densities. The following paragraphs are particularly relevant to matters related to density.

Paragraph 119 states that *‘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 124 states that *‘Planning policies and decisions should support development that makes efficient use of land, taking into account:*

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

Paragraph 125 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. ...’*

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

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

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

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

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

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

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

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

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

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

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

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

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

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.'

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

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

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

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

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

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

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

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

Paragraph 185 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; ...'

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

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

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

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

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

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

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

Other planning and material considerations

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

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

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

Leicester Street Design Guide (First Edition)

Leicester City Council Waste Management guidance notes for residential properties

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

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

Leicester City Corporate Guidance – Achieving Well Designed Homes 2019

Building Research Establishment (BRE) - Site layout planning for daylight and sunlight: a guide to good practice (BR 209)

Consultations

Local Highway Authority

The site is located directly opposite Knighton Junction Lane and approximately 60m south of the Welford Road/Victoria Park Road/Putney Road traffic signal junction. The site has a footway crossing covering most of its frontage to Welford Road, originally to facilitate vehicles entering and leaving the building. However, this tends also to provide informal parking for customers; particularly when loading or unloading large goods.

The current access and parking arrangements are poor. This scheme offers the opportunity to improve the situation and this opportunity has been taken.

Vehicle access

The proposed vehicle access location is off-set from the gap in the central reservation of Welford Road, for traffic turning into and out Knighton Junction Lane. Drivers entering the proposed access from the south, may well choose to carry out a semi U-turn manoeuvre, while those exiting from the proposed access headed north, may

seek to cut across southbound traffic to turn right out of the access. These potentially hazardous manoeuvres need to be mitigated. The Transport Statement provided with the application refers to installing 'left turn only' signage and markings and to imposing sanctions on residents and service operators contravening advice. We consider that, with a firm management policy and determination to impose sanctions, our concerns will be addressed. However, we recommend the applicant monitors and reports on the effectiveness of the policy for a set period after its implementation.

The proposed access arrangement will require the re-instatement of a section of the existing footway and kerb line.

Parking

Provision of two car parking spaces for servicing is likely to be adequate.

Public transport options are very good in this location. On the other hand, there is no dedicated cycle infrastructure on this section of Welford Road; though the site is less than 100m from several cycle routes and the residential streets in the vicinity of the site are generally suitable for cycling. On balance, I consider the provision of no car parking (save for servicing), to be acceptable.

The scheme makes ample provision for cycle storage. However, it does not specify whether this is both secure and sheltered. Secure and sheltered cycle parking is required for a scheme of this nature.

Traffic Impact

The proposed development is likely to generate fewer vehicle trips than the site's current use, which has a lot of vehicles. As such it is unlikely to result in significant adverse impacts on the highway network.

Other highway related issues

The site is highly sustainable in terms of travel. Residents should be provided with Travel Packs to help maximise the take-up of sustainable travel options available to them.

To ensure the scheme is managed in a way that does not cause harm to the safe operation of the highway a Management Plan should be agreed.

Air quality

The scheme has the potential to increase air pollution to unacceptable levels during demolition and construction. An Air Quality Assessment has been submitted with the application that makes recommendations for working practices during construction. These should be secured.

The site is next to a road that carries a high number of vehicles. This may provide residents of the scheme to an acceptably low quality of air. This can be addressed through supplying flats with air drawn from locations away from the road, such as the roof, and through filtration. These should be secured.

Waste Management

A bin store is provided within the front elevation of Block A. This allows the bin store to be opened by the refuse collection operatives and the bins swiftly emptied into the vehicle and returned. A dropped kerb will need to be installed to aid taking the bins to the rear of the bin lorry.

Lead Local Flood Authority (LLFA)

The drainage details submitted are acceptable and incorporate permeable paving and water butts. Full details of the Sustainable Drainage System (SuDS) need to be secured.

Severn Trent Water

Acceptable drainage can be secured.

Environmental Services, Land contamination

Investigation for potential land contamination and, if found, clean-up should be secured.

Environmental Services, Noise

Sufficient information has been submitted, to demonstrate the flats can provide residents with acceptable levels of quiet and ventilation, without resulting in an increase in the height and significant changes to the appearance of the proposed blocks of flats.

Full details of the noise insulation and ventilation measures should be secured by condition, to ensure the details are acceptable.

Environmental Services, Parks Service

The proposed residential development, within the Castle ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are severely limited and therefore we seek to make quality improvements to existing green space provision to address the needs of residents. A contribution of £26,588 is required towards landscape improvements and a fitness trail at Nelson Mandela Park.

Leicestershire & Rutland CCG

No contribution is sought.

Better Buildings, Estates and Building Services

The orientation of the buildings, with the main glazed elevations facing approximately east-west, is not the most advantageous in terms of passive solar design. However, it is acceptable bearing in mind the constraints of the site. Daylighting of the apartments is acceptable in terms of reducing the need for artificial lighting.

The Sustainable Energy Statement proposes thermal performance parameters for the scheme which improve upon the Building Regulations limiting parameters.

A connection to the district heating network is discounted due to the limited heat demand of the development and distance of the site from the network. The Sustainable Energy Statement, submitted with the application, also argues that the development will have insufficient heat demand for a communal CHP system to be beneficial. I accept these conclusions.

The use of electric panel heaters, electric instantaneous water heaters and electric showers are proposed. Natural ventilation is proposed for the apartments in Block B, and, due to its proximity to Welford Road, heat recovery is proposed for the mechanical ventilation system required in Block A. All lighting will have low energy use.

The use of a localised direct electric solution for the heating and hot water will not allow the development to benefit from the more efficient conversion of electricity to heat available by using a heat pump system (subject to insulation of storage vessels and pipework). I therefore expect a very good standard of user and energy efficiency controls to be provided for the panel heaters, including some form of over-ride to ensure that heating cannot be left on when windows are open, in addition to the programmer and thermostatic controls mentioned in the statement. This can be addressed by condition.

The Sustainable Energy Statement reviews the renewable and low carbon energy generation and supply options for the development, concluding that solar PVs are the most appropriate renewable technology for this development. This is due to the availability of unshaded flat roof areas, which will enable optimum panel orientation. I accept this conclusion and solar PVs are proposed for the roofs of both blocks.

In terms of energy strategy, the scheme is acceptable, and the details can be secured by condition.

Representations

Conservation Advisory Panel (CAP). The application was on the B list (for members information) for the meeting of the 18th of March 2020. The Panel did not comment on the application.

One individual representation has been received in full support of the application. Grounds:

- Good that development is proposed
- The plans look great
- The scheme will bring students closer to the University ready for its 100th year
- Cars will not be needed by students as everything they need is within walking distance
- Much needed influx of youth in the local environment and to the economy
- Great addition to the Clarendon Park Campus with locals and students living in harmony

Another representation, that makes both positive and negative comments, mentions that the scheme is an improvement on an earlier scheme for which an application made and later withdrawn (20182790).

Twenty-nine individual objections have been received to the scheme. Grounds:

- There may be sufficient or and overprovision of accommodation in the area for students due to many schemes being built, a dip in the numbers coming through and a reduction in the number of students coming from overseas.
- The density of student accommodation is damaging to the local economy and is pricing all those, except students, out of the area. One type of resident should not dominate the area. It is unfair to expect existing residents to accommodate a further increase on top of what is already being introduced at the Freeman's Common & Nixon Court scheme.
- The site needs to be developed for affordable housing such as 1, 2 & 3 bed flats or houses for single people, couples or families.
- Potential anti-social behaviour by students. Litter, pests, and busyness in the area may increase; in an area that is already over-crowded.

- The universities are not accountable for the problems that too many students can bring to an area.
- The scheme is contrary to the Council policy regarding student accommodation and areas with Article 4 Directions - Student Housing Supplementary Planning Document 2012 (SHSPD), the documents for the third stage of the new Local Plan consultation, including 'City of Leicester Local Plan 2020 to 2036 - Draft Plan for Consultation February 2020'.
- If approved the scheme would undermine the Article 4 Direction (that removes permitted development to change a dwelling (Class C3) to a house in multiple occupation (Class C4)).
- The Article 4 Direction was introduced too late. Now it is a hindrance to selling properties in this neighbourhood. Maybe the Article 4 Direction should be scrapped?
- Property prices in the area have fallen and selling property is becoming harder. This puts residents in a precarious position; especially the elderly, first time buyers and the disabled.
- One person states an estate agent stated that they no longer regarded the area as "residential". That person states that there are a few here who enjoy their properties.
- There is no evidence that Purpose Built Student Accommodation (PBSA) development frees up houses for use by non-students. Rundown houses become student properties, are still cheaper than PBSA and often do not lock students into a fifty one week contract.
- The proposal should be postponed for at least two years so it can be assessed once the implications of the current large development of Freeman's Common & Nixon Court and some smaller schemes are known.
- The scheme will be harmful to the character and appearance of the area. It is disproportionate in size and height to surrounding residential buildings. The current structure is no more than the equivalent of two storeys in height and all the surrounding properties are two storey houses. Block A (four storeys) will be overbearing and will look more so if planning application 20182726, for 188 Welford Road, is approved with three storeys.
- Concern that the height of Block B has been increased by amended plans that add solar panels on the roof.
- The nature of the accommodation is likely to result in noise and other disturbances to neighbours. The garden areas may be used for noisy activities. The garden behind Block B will be deep within the quiet area at the rear ends of the properties here.
- Loss of light and privacy for neighbours.
- Block B will be 15m from the gable end of existing houses on Howard Road. The SPD for Residential Amenity states that the distance between a two-storey extension and an existing house should be a minimum of 15m. As Block B is three storeys high then it should exceed this distance.
- Views to trees, especially those by Victoria Park Road will be blocked.
- At present, on some nights noise levels in the area are almost on par with those of the city centre. Building further flats, close to the homes of families and people who have to be up early for work, will bring more unacceptable noise.
- The plans do not show a boundary treatment between the scheme and neighbours.

- Will contribute to parking problems, noise from traffic and traffic congestion. Cars are often parked in a manner that blocks pavements and pedestrian crossings/dropped kerbs. This is particularly harmful to residents who have disabilities, are infirm or have pushchairs.
- Another vote should take place as to whether a Residents Parking Scheme (with car parking permits for residents) should be introduced to manage on-street parking in the area. *(Case Officer note – I understand that since this letter was received, an experimental scheme has been introduced on a temporary basis. This is limited to a restriction on non residents parking between 9.30 and 10.30am on weekdays from 1 February 2021 to 31 August 2021, with a focus on the streets immediately adjacent to Queen’s Road.)*
- Harmful impact for safety and congestion on the, already very busy, junction at Welford Road and Victoria Park Road; both during the construction period and after.
- Travel Packs for residents and bus services nearby will not stop residents of the scheme having vehicles and parking them in the surrounding streets. Parking in the area is already a significant problem. It may get worse as new residents arrive at the Freeman’s Common & Nixon Court scheme that is currently being built. Family and friends visiting students in this scheme may come by car.
- Safety concerns for pedestrians walking past the vehicle entrance.
- There is no parking space for a disabled resident or visitor.
- The existing buildings acts as retaining walls to neighbouring properties. If removed their gardens may fall into the site.
- The demolition and construction may be detrimental to the respiratory and cardiological health of neighbours.
- The application includes a shadow diagram which shows significant shadowing from Block A to properties in the east in March. The shadow diagram does not show shadow in December when it will be considerably worse. If the Mansard roof was removed the shadowing would be less intrusive.

Consideration

Principle

Loss of existing retail use

The site is not within a Local Centre, where the retention of retail and similar uses is sought. Before being used for a retail and storage use (antiques) the planning history also indicates it has been used for a vehicle rental & windscreen fitting depot.

On the neighbouring site at 188 Welford Road permission has been granted on two occasions since 2015 for mixed use buildings, consisting of retail and student accommodation. Those schemes are no longer extant but a third application involving the loss of the retail use is under consideration (20182627). I consider that the loss of the current retail use is at 186 Welford Road is unlikely to significantly affect the function of the area and the balance of uses and would be difficult to sustain at appeal. As such, the loss of the retail use is acceptable.

New student accommodation

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 six criteria against which applications are to be determined:

- A. *The development meets an identified need for the type of accommodation proposed.* I accept that there is a limited 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 within walking distance of Leicester University Campus and would therefore allow sustainable means of travel for potential residents. The city centre and railway station are a longer walk but are reasonably accessible by cycling and bus.
- C. *The scale of the development, including height and massing of the buildings, should be designed to not adversely conflict with adjacent properties or the general residential environment of the surrounding area.* This matter is addressed in the 'Character and appearance' section of this report.
- D. *When considered with existing nearby student housing provision, the development should not have an unacceptable cumulative impact upon surrounding residential neighbourhoods.* The scheme does not involve the loss of any existing residential accommodation such as housing suitable for families. There are a number of sizeable student schemes near the site; the largest are Freeman's Common and Nixon Court (under construction), which are on the other side of the Welford Road. I consider that the majority of pedestrian movements from the site are likely to be towards facilities that students use. These include: north to the new academic building and square within Freeman's Common, north to the Leicester University campus along University Road, east towards the Queen's Road Local Centre, and south towards the Welford Road Local Centre. With the exception of the Queen's Road Local Centre, these all avoid large residential neighbourhoods. The Queen's Road Local Centre is within a largely residential area but already attracts students living in that residential area and from further afield, such as Freeman's Common and Nixon Court. I consider that the increase that this scheme may deliver is not significant and it would be difficult to demonstrate harm. There are a large number of recreational facilities available locally, such as the open space to the north at Victoria Park, and further afield, in the city centre. As a result, I do not have any concerns regarding the cumulative impact of the proposal on residential neighbourhoods.
- 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.* This matter is addressed in the 'Residential amenity' section of this report.
- 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.* As with point E this matter is also addressed in the 'Residential amenity' section of this report.

Density

The indicative map for policy CS08 locates this site within an area described as an 'Inner Area'. Policy CS08 states that *'New housing provision within the Inner Areas will mainly be on small scale industrial sites that are no longer appropriate for industrial use.'* Although, since 2005, the existing building has been used for a retail and storage use (antiques) the planning history also indicates it has been used for a vehicle rental & windscreen fitting depot. As such the application site has some aspects in common with the *'small scale industrial sites'* referred to in policy CS08. I consider this site is appropriate for residential uses.

Three aspects of sustainable development

I consider that the proposal complies with all three aspects of sustainable development (economic, social and environmental) as set out in the NPPF. The proposal ensures that new purpose-built student accommodation is located in a sustainable location (that is close to facilities and amenities relevant to students and public transport) and makes effective use of land. The proposal would also make a positive contribution to the housing land supply in the city.

Character and appearance

The existing building is not of significant architectural and historic merit. I consider it makes a neutral contribution to the area. I consider that the demolition of the existing building is acceptable, subject to replacement by an equally acceptable building.

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

The Welford Road is a main and wide road that leads into the city centre. Such roads are often suitable for development that reflects the main and wide nature of the road and which are taller than buildings on more minor roads behind. At four storeys high Block A will be taller than the other buildings along this part of the Welford Road, which are two and three storeys high, although the upper storey (mansard) will be set back around 1.8m from the main front wall. I consider that a difference of one to two storeys is not incongruous and reflects the main and wide nature of the Welford Road. It is an appropriate change in this location.

Paragraph 130 states that *'Planning policies and decisions should ensure that developments: ... b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

The area is characterised by an eclectic mix of building designs. The design of the scheme uses window dimensions that are typical of modern blocks of flats. The choice of a red brick is also typical for Leicester. A multi-brick is proposed, which will give a textured appearance. The mansard top storey is slightly unusual, although its form is not so different to a simple upper storey. It will add to the variety of building designs in the area, without being so unusual and poorly detailed as to be incongruous.

The solar panels on Block B will be hidden behind a parapet. Section details have been provided which show a 125mm reveal depth to the windows.

To ensure the building is executed in an acceptable manner I recommend that precise materials, brick bond, detailed window and reveal design and a sample panel to show how these will work together, are secured by condition.

There are mature trees in the gardens of neighbouring properties. The details submitted with the application (AT2, Tree Survey, 10th of May 2018) shows how these trees can be protected during development. I recommend this is secured by condition.

A 0.6m high wall is proposed for the front. I recommend details of this along with the landscaping across the site are addressed by condition.

I consider that the proposed scheme will make a neutral contribution to the character and appearance of the area. The scheme is acceptable in this respect.

The proposed scheme will maintain the setting of The Donkey Public House which is on the Local Heritage Asset Register (defined as a 'non-designated heritage asset' in the NPPF) and on the other side of the Welford Road from the application site.

Residential amenity

Of residents

The scheme does not provide any private outdoor amenity space for any of the flats, such as balconies and rooftop gardens.

Two communal gardens are provided; one between Block A & Block B and one at the rear of Block B. The SPD for Residential Amenity indicates a one-bedroomed flat should have 1.5sqm of outdoor amenity space or the equivalent of this should a communal garden be provided. For forty-four flats this comes to 66sqm. The communal garden between Block A & Block B has a useable area of about 160sqm and one at the rear of Block B a bit short of 200sqm, giving a total of around 360sqm. The scheme exceeds the amenity space guidance in the SPD. The two amenity spaces are also highly useable; being well-surveyed and regular in shape. I consider the proposed two communal gardens will provide future residents of the scheme with a good level of outdoor amenity space.

For when the weather is poor, there is a recreation room in the basement of Block A that is provided with natural light by a lightwell. While the communal amenity provided solely by the recreation room is limited, the overall communal amenity that the two gardens and recreation room provide is acceptable.

The scheme does not have a communal laundry. Each flat will have its own washing machine. This is acceptable.

The flats vary in size from 24sqm to 30.9sqm with a steady spread between these sizes. This is less than the 37sqm minimum in the National Space Standards. However, student accommodation is typically occupied for part of the year and for a relatively short overall period of time of a few years, while a course is running. The flat sizes when viewed with the level of communal amenity is considered acceptable for student accommodation.

Overall, the flats are regular in shape so that the floorspace provided is useable. Each flat has good outlook over the street, the garden between Blocks A & B or the garden behind Block B. Three flats are dual aspect and no flats have side facing windows. With the exception of the windows in the Mansard roof of the top floors (where they are wider), the windows are floor to ceiling, and so will allow good light and outlook to

the flats. Overall, the windows are of an acceptable size for a building of this type and style.

Block A and Block B are a minimum of 21m apart. This accords with the suggested separation distance between windows on neighbouring properties in the SPD for Residential Amenity and is greater than the separation distances in many parts of the city such as much of the Victorian and Edwardian ring of terraced housing around the city centre. I consider this separation distance will provide residents with an acceptable level of privacy. The windows to the proposed flats are all a good distance from the windows on existing neighbouring dwellings.

Small canopies are provided over the entrances to each block. These will make entering and exiting in the rain more comfortable.

A low boundary wall at the front of 0.6m is proposed. Along with the front landscaping, this will provide a sense of separation between the flats at the front of Block A and the street. I recommend that details and implementation be secured by condition.

Due to the location of the site on a main road, there is the potential for residents to receive air of an unacceptable quality. To protect residents from such a situation, I recommend that measures be taken to ensure they are provided with air taken from the roof and/or from elevations away from the Welford Road. The elevation and roof plans show ventilation vents at the rear of Block A (away from the Welford Road), on both the front and rear of Block B and on the roofs of both blocks. I consider that acceptable noise insulation and ventilation can be provided, without resulting in a significant change to the appearance nor a change in the height of the buildings, from that on the submitted plans. I recommend that details and implementation of the noise insulation and ventilation be secured by condition.

Of neighbours

Appendix G of the SPD for Residential Amenity indicates that single storey development should not cut a 45 degree line taken from the middle of windows to principal rooms on neighbouring properties. This moves to the nearside edge for development with two storeys. Block A in the proposal accords with this for the neighbouring house at 184 Welford Road. There are no side windows in Block A that face towards 184 Welford Road. I therefore consider the impact of Block A on 184 Welford Road is acceptable

Appendix G of the SPD for Residential Amenity indicates that where windows face each other so two storey extensions should be 21m from the rear windows to principal rooms. The windows in the west facing front of Block B will be around 25m from the rear windows of number 184 Welford Road. I therefore consider the impact of Block B on 184 Welford Road is acceptable.

At 188 Welford Road there is currently a carpet shop. The proposed scheme will not have a significant impact upon this property. However, there is a planning application under consideration to demolish the carpet shop building and replace it with a three-storey block of student flats (20182726). Block A will be directly to the blank side wall of the proposed scheme at 188 Welford Road and the impact on that property would therefore be acceptable. The west facing windows of the proposed Block B will face towards the rear windows of the scheme at 188 Welford Road at an oblique angle. At their closest they will be about 9m away. Given the oblique angle, I consider this is acceptable on planning balance.

The view from Block A towards the houses along Howard Road will be partly shielded by the carpet shop at 188 Welford Road. As the proposed Block A is taller than the carpet shop, so the upper floors may have a long view of those houses, the nearest of which, at 186 Howard Road, is about 20m away at its closest point. Should it be approved and built, the proposed scheme at 188 Welford Road, will largely shield those houses from any view from Block A.

The houses along Victoria Park Road are 35m from the rear windows of Block A at the nearest point.

The side walls of Block B will run down the rear boundaries of houses along Howard Road and Victoria Park Road. This will affect their outlook. Some residents have raised concerns that views of the trees along Victoria Park Road will be blocked. Block B will be taller than the existing building but not so deep as the existing building on the site. On balance, I consider the impact on those dwellings to be acceptable in terms of outlook and there is no 'right' to retention of views. There will be no side windows in both Block A and Block B so their privacy will be maintained.

The plans do not give details of the boundary treatments at the rear. A fence or wall no higher than 2m in height would be acceptable. 2m in height is the Permitted Development Right away from a vehicular highway, and close boarded fencing is around 1.8m high. I recommend the details and implementation be secured by condition.

A shadow diagram has been provided. Some representations raise concerns regarding the shadows that will be cast. The shadow diagram shows the shadow cast from the existing and proposed buildings in March, June and September. As the proposed buildings are taller than the existing building, so the shadows cast are longer. However, as two buildings are proposed to replace one, so two shadows with a gap between them will be cast, rather than once shadow. The proposed two buildings will throw an overall greater amount of shadow than the existing building. These new shadows will mostly fall on the gardens of neighbouring dwellings and so the amenity of residents will be affected to a degree. The shadow diagram indicates that at times of the year, especially in winter, shadows will be cast across the walls and gardens of some neighbouring dwellings, where at present they are not. However, while this will have some effect on the amenity of those properties, I consider the overall impact is not excessive and it would be difficult to sustain a refusal for this reason at an appeal.

Highway and parking matters

The current access and parking arrangement are poor. Redevelopment offers the opportunity to improve the situation, and I consider this opportunity has been taken. The proposed scheme for student flats is likely to generate fewer vehicle movements than the existing Leicester Antiques Warehouse.

NPPF Paragraph 111 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* For this scheme, the impact on the highway will be an improvement and is therefore acceptable. As vehicle trips are likely to be fewer than at present so the residual cumulative impacts on the road network will not be severe in this context.

The scheme is in an accessible location close to student facilities, local centres, a park and public transport. It is possible to live here without the need for a car. The

two parking spaces proposed are solely for dropping-off and collection (particularly at the beginning and end of terms), servicing and deliveries.

The site is on a road that carries a significant amount of traffic and is close to two junctions. The scheme takes the opportunity to remove seven informal car parking spaces at the front and replace them with dedicated car parking within the site with space for turning. This will improve highway safety by reducing the width of pavement crossed by vehicles and enabling vehicles to leave the site in a forward direction. It will enable the scheme to be served by vehicles but will not encourage the use of private cars by residents.

Waste collection carries a relatively high risk of accidents with waste vehicles stopping and starting, the movement of a large vehicles, lots of movement on foot by operatives and the movement of bins back and forth from properties. A bin store is proposed in the front elevation of Block A. This will enable waste collectors to swiftly empty bins and return them to the store.

The scheme takes the opportunity to provide cycle parking. This will encourage the use of sustainable means of transport. I recommend the amount and type is secured by condition. I also recommend that Travel Packs for residents be secured.

To ensure the scheme is managed in a way that does not cause harm to the safe operation of the highway, a Management Plan should be agreed. In particular, this will address dropping-off and collection at the beginning and end of terms. I recommend this is secured by condition.

One objector has raised a concern that the scheme has no parking spaces for those with disabilities. The two parking spaces proposed are solely for dropping-off and collection (particularly at the beginning and end of terms), servicing and deliveries. They are not intended for long term parking by residents. However, provision could be made through the Management Plan for the use of one of the spaces for those with disabilities, if needed.

One objector considers that another vote should be taken on whether a Residents Parking Scheme should be introduced to Clarendon Park. I understand that since this letter was received, an experimental scheme has been introduced on a temporary basis (limited to a restriction on non-residents parking between 9.30 and 10.30am on weekdays from 1 February 2021 to 31 August 2021, with a focus on the streets immediately adjacent to Queen's Road). This matter is outside the scope of this application. It should be possible to live in this scheme without the need for a car and the scheme is relatively small. Therefore the scheme should not lead to a significant increase in problems associated with on-street parking in the area.

One representation makes the request that consideration be given to implementing double yellow lines up to the Putney Road/Victoria Park Road/Welford Road junction. I consider this disproportionate given the scheme will improve the highway situation and that double yellow lines remove the right of vehicles to wait at any time. This does not preclude any consideration to implement double yellow lines in relation to another development or a highway scheme.

Waste management

The scheme takes the opportunity to provide a bin store within the front of Block A. At collection times, crews can open the doors to the store, take the bins the short distance to the collection vehicle and then return them. Refuse collection should be

quick and as safe as it can be for a development in this location. Noise and hazards are minimised by this arrangement. I consider that in visual terms, this arrangement is very good.

Land contamination

It is possible that the land has contamination from former uses. This can be addressed by a condition that requires investigation and, if contamination is found, a clean-up.

Air quality

With air drawn from the roof and the rear, away from the Welford Road, the air quality for residents will be acceptable.

Some representations raise concerns that the demolition and construction may be detrimental to the respiratory and cardiological health of people in the area. Appendix A of the Air Quality Assessment details good demolition and construction practice. I recommend a condition be attached to ensure demolition and construction take place in accordance with this; in order to protect people in the area.

Water environment

The site is currently nearly entirely covered by hard surfaces; a building and rear yard. As such the scheme offers the opportunity to implement a Sustainable Drainage System (SuDS) that may significantly reduce the rate of surface water runoff and provide other benefits such as wildlife habitats, removal of pollutants from the water cycle and amenity areas for residents.

The scheme includes amenity areas, permeable paving and water butts. In order to ensure the design of the SuDS makes full use of the opportunities provided, I recommend a condition be attached to ensure the design details are submitted and the SuDS is secured.

I recommend a condition be attached to ensure foul drainage is acceptable.

Wildlife

The updated ecological appraisal is satisfactory, and no further surveys are required. The findings and recommendations are accepted and the precautionary methods of working as specified in section 6.1 (pages 23-24) should be followed. This can be secured by condition.

The submitted Biodiversity Enhancement Plan is also accepted and I am satisfied that a satisfactory level of biodiversity net gain will be achieved on site via the planting of native species within the soft landscaping scheme and the provision of bird and invertebrate boxes. These can be secured by condition.

Energy

The orientation of the buildings is acceptable given the other design constraints of the site. Daylighting of the apartments is acceptable. The use of thermal performance parameters which improve upon the Building Regulations limiting parameters, electric panel heaters, electric instantaneous water heaters and electric showers, along with natural ventilation is proposed for the apartments in Block B and heat recovery the mechanical ventilation system required in Block A, low energy lighting and solar PVs is acceptable subject to a high standard for the design details being secured by condition.

Developer contribution

A contribution of £26,588 is required towards landscape improvements and a fitness trail at Nelson Mandela Park. The applicant has agreed to enter into a S106 Agreement to secure this.

Summary

Considerable time has been spent by Council officers to negotiate improvements to the scheme, to make it acceptable.

This scheme takes the opportunities to:

- Provide good levels of amenity for future residents
- Improve the access and parking arrangements for this site
- Provide a SuDS that will reduce the rate of surface water runoff and provide other benefits such as wildlife habitats, removal of pollutants from the water cycle and amenity areas for residents.
- Provide wildlife habitat through planting and boxes
- Provide an energy efficient building

The scheme is acceptable in all other respects.

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

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

CONDITIONS

1. START WITHIN THREE YEARS

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 City Council as local planning authority, on demand at all reasonable times. (To enable the Local Planning Authority to consider the need for affordable and accessible housing and education provision to be provided, in accordance with policies CS06, CS07 and CS19 of the Core Strategy and policies PS10 & H07 of the City of Leicester Local Plan.)

3. Prior to the commencement of 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, shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to the occupation of any flat, the approved remediation scheme shall be implemented, and a completion report shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to the occupation of any flat, any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation

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

4. Should the development, or any phase of the development, not commence within 24 months of the date of the last protected species survey (May 2021), then a further protected species survey shall be carried out of all buildings, trees and other features by a suitably qualified ecologist. The survey results shall be submitted to and approved in writing, by the City Council as local planning authority, and any identified mitigation measures carried out before any development of that phase is begun. Thereafter, the survey should be repeated annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000), the Habitat and Species Regulations 2010 and CS17 of the Core Strategy. (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. All works shall be carried out in accordance with the precautionary methods of working, as specified in section 6.1 (pages 23-24) of the Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) dated May 2021, submitted with this application. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000), the Habitat and Species Regulations 2010 and policy CS17 of the Core Strategy.)

6. Trees shall be protected during the demolition of the existing building, and removal of hard standing, and during the construction of the development, in accordance with the details submitted (AT2, Tree Survey, 10th of May 2018). (To maintain the character and appearance of the area in accordance with policy CS03 of the Core Strategy.)

7. Prior to the commencement of development above ground level, a detailed landscaping scheme 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 tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots); (viii) details of the make and type of 5 x bird boxes/tiles/bricks and 3 invertebrate boxes to be installed under the guidance and supervision of a qualified ecologist. 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 the provision of wildlife habitats, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 & CS17.)

8. Prior to the commencement of 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 in writing, by the City Council as local planning authority. No flat shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (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 approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

9. Prior to the commencement of development (excluding the demolition of the existing buildings), details of foul drainage shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to the occupation of any flat, the foul drainage shall be installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

10. Prior to the commencement of development above ground level:
A) a full material schedule (with specification and manufacturer information) for all the proposed materials to be used for external parts of the building,
B) largescale plans of the windows and reveals,
C) and a 1sqm sample panel (showing the brickwork detailing, mortar and bond, capping and a section of the window and window reveal),
shall be for A) & B) submitted to, and for C) constructed and then viewed and approved in writing, by the City Council as local planning authority. Development shall be carried out in accordance with the approved details and panel. (In the interests of visual amenity, to maintain the setting of heritage assets, and in accordance with policies CS03 & CS18 of the Core Strategy.)

11. Prior to the commencement of development above ground level, details of the boundary treatments for the sides and rear of the site (to the east of the rear wall of Block A), shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to the occupation of any flat, the boundary treatments shall be installed in accordance with the approved details and retained at all times. (To

protect the amenity of the residents of neighbouring dwellings and in accordance with policy PS10 of the City of Leicester Local Plan 2006.)

12. No construction, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has first been submitted to and approved in writing, by the City Council Noise Team. The methodology shall be submitted at least 10 working days before such work commences and approved by the City Council Noise Team. The City Council Noise Team shall be notified of any unforeseen emergency work as soon as is practical, after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf. (To protect the amenity of residents in accordance with policies PS10 & PS11 of the City of Leicester Local Plan 2006.)

13. Prior to the commencement of development, a Construction Method Statement (CMS), with consideration being given to highway management and safety, the water environment and flood risk management, shall be submitted to and approved in writing by the City Council as local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for: (i) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors, (ii) the loading and unloading of plant and materials, (iii) the storage of plant and materials used in the development, (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, (v) wheel washing facilities, (vi) measures to control the emission of dust and dirt during construction, (vii) a scheme for storage and management of waste resulting from excavation works, (viii) the proposed phasing of development and a detailed description of the works in each phase, (ix) the temporary access arrangement to the construction site, (x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public, (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works, (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident, (xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (To ensure the satisfactory development of the site, and in accordance with policies AM01 & UD06 of the City of Leicester Local Plan and Core Strategy policy CS2 & CS3.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

14. At all times, demolition and construction practice shall comply with Appendix A of the Air Quality Assessment, October 2019, Ref: 17-3877, from Syntegra Consulting, submitted with this application. (To ensure air quality is acceptable and in accordance with policies PS10 & PS11 in the City of Leicester Local Plan.)

15. Prior to the commencement of development above ground level, details of measures to ensure residents of the scheme are protected from unreasonable levels of noise and poor air quality, and to ensure that each flat has acceptable levels of ventilation, shall be submitted to and approved in writing, by the City Council as local planning authority. No flat shall be occupied until the measures have been implemented. The measures shall be retained thereafter. (To ensure they have an

acceptable level of residential amenity and in accordance with policies PS10 & PS11 in the City of Leicester Local Plan.)

16. Prior to the commencement of development (excluding the demolition of the existing buildings), design details of on-site installations to provide renewable energy and energy efficiency measures, shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to the occupation of any flat, evidence demonstrating satisfactory operation of the approved scheme including on-site installation, shall be submitted to and approved in writing by the City Council as local planning authority. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

17. Prior to any occupation of the development, 2 metre by 2 metre sight lines on each side of the vehicular access shall be provided. They shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 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)" (view from <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 policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

19. Prior to any occupation of the development, the following works shall be carried out in accordance with details first submitted to and approved in writing, by the City Council as local planning authority: (a) footway crossing at the vehicular access; (b) alterations to the footway crossing, including a dropped kerb to enable acceptable bin collection; (c) reinstatement of any redundant footway crossing and/or damaged or altered areas of footway or other highway. (To ensure a satisfactory means of access to the highway, to ensure bins can be collected in an acceptable manner, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

20. Prior to any occupation of the development, details of a scheme of traffic management to discourage vehicles from turning right into the site (when approaching from the south) and turning right when exiting the site (so heading north), together with an implementation schedule, shall be submitted to and approved in writing by the City Council as local planning authority. The scheme of traffic management shall be implemented in accordance with the implementation schedule and retained thereafter. (In the interests of highway safety and in accordance with policy CS03 of the Core Strategy.)

21. Prior to any occupation of the development, secure and covered cycle parking shall be provided, in accordance with details first submitted to and approved in writing by the City Council as local planning authority. It shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.)

22. Prior to the start of each academic year (or period of tenancy), each student taking up residency in each of the flats shall be provided with a 'New Residents Travel Pack'. The contents of this shall first be submitted to and approved in writing, by the City Council as local planning authority. They 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 policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy.)

23. Prior to any occupation of the development, the parking and servicing area shall be laid out in accordance with the approved plans. It shall be retained thereafter for those purposes. (To ensure that parking and servicing can take place in a satisfactory manner and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

24. A turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests of highway safety and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

25. Prior to any occupation of the development, the bin store shall be provided in accordance with the approved plans. It shall be retained thereafter for that purpose. (To ensure that refuse can be stored and collection take place in a satisfactory manner and in accordance with Core Strategy policy CS03.)

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

27. Development shall be carried out in accordance with the following approved plans: Location Plan – A4 (912 P01) (received 1/11/2019), Site Plan – A1 (912 P02F) (received 12/3/2021), Block A – Plans – A1 (912 P03C) (received 24/2/2021), Block A Elevations – A1 (914 P04D) (received 4/3/2021), Block B – Plans – A1 (915 P05F) (received 12/3/2021), Block B – Elevations – A1 (912 P06G) (received 12/3/2021), Welford Road Streetscene – A1 (912 P07B) (received 1/3/2021), Site Sections – A1 (912 P08E) (received 12/3/2021), Topographical Sections – A2 (912 P09C) (received 2/6/2020), Landscape Plan – A1 (912 P13B) (received 12/3/2021), Typical 1:20 Elevation Details – A1 (912/16A) (11/8/2021).

NOTES FOR APPLICANT

1. Please note this permission is subject to a S106 legal agreement that secures a contribution of £26,588 towards landscape improvements and a fitness trail at Victoria Park.
2. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed above unless the City Council Noise Team is satisfied that
 - a) the work will not be detrimental to occupiers of neighbouring propertiesor
 - b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.
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 provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:
<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>
As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.
4. 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
5. 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.
6. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
7. The implementation of the approved scheme could cause pollution to the water environment. The Environment Agency (EA) advise, that in order to prevent pollution, developers should follow best practice as follows:
<https://www.gov.uk/guidance/pollution-prevention-for-businesses>, and, in particular, the 'Construction, inspection and maintenance' section. Please contact the EA to arrange a site meeting, to agree measures necessary, to prevent pollution of the water environment, during the implementation. The EA can carry out pollution prevention visits. Please contact EastMidWaterQuality@environment-agency.gov.uk for further information and advice.

8. 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 2021, is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

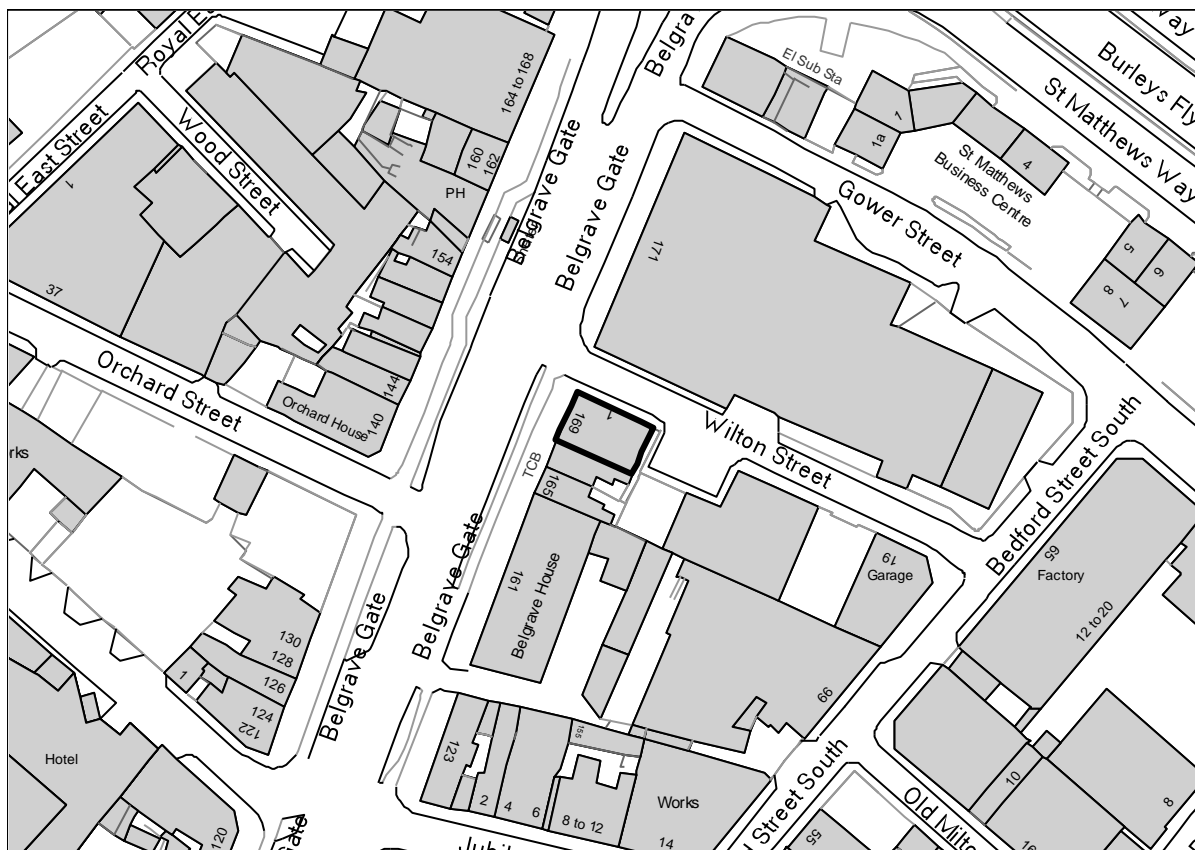
2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_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_CS13	The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

COMMITTEE REPORT

20192079	169 BELGRAVE GATE	
Proposal:	Variation of Condition 2 attached to planning permission 20190451 to extend hours of use from 07:30 to 23:00 daily to 05:00 to 23:00 daily for use of ground floor as restaurant (Class E)	
Applicant:	Mr Milan Sonigra	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	7 January 2020	
TEI	TEAM: PD	WARD: Castle

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Summary

- The application is before committee at the request of Cllr Kitterick as the regeneration of the Belgrave Gate corridor is of strategic importance to the city and the area has received and will continue to receive large amounts of public funding.

- The proposal is to extend the permitted hours of use from 07:30 to 23:00 to 05:00 to 23:00.
- The main issue is the impact of the proposal on the amenity of nearby occupiers.
- The recommendation is for refusal.

The Site

The application relates to the ground floor of a three-storey building on the corner of Belgrave Gate and Wilton Street. The ground floor is in use as a café and the upper floors are in use as four flats. The property is in the Central Commercial Zone and in the St George's Residential and Working Community described as the St George's North regeneration area in the Core Strategy.

Background

Conditional approval (20131704) was granted on 09.12.13 for the change of use of the ground floor restaurant to three self-contained flats and for alterations associated with the change of use. This change of use does not seem to have occurred. Nor do the external alterations seem to have taken place. A condition was also attached requiring that an insulation scheme to prevent the transmission of external noise into the flats be installed.

Conditional approval (20190451) was then granted on 20.09.19 for the use of the ground floor as a restaurant. Conditions were attached requiring that the use be carried out only between the hours of 07:30 to 23:00, that there be no live or amplified music or voice nor any noise or vibration from the flue that would be detrimental to the amenities of neighbouring properties, and that within three months of the date of the permission an insulation scheme to prevent the transmission of noise to any residential properties be installed. However, this condition does not appear to have been complied with and no evidence has been submitted to demonstrate that it has been installed.

The ground floor is currently in use as Bagel Factory, with hours of opening advertised as 07:30 to 16:00.

The Proposal

The proposal is to vary Condition 2 of approval 20190451 to extend hours of use from 07:30 to 23:00 to 05:00 to 23:00. This is with a view to allowing two hours preparation and baking time to open the premises for customers at 07:00. The application notes that the applicant would be happy with noise levels being monitored to ensure minimal disturbance and also notes that the neighbouring gym is open 24 hours a day.

Given that the desired opening time of 07:00 would require a two hour preparation and baking time it is presumed that to support the current opening time of 07:30 there is a similar preparation and baking time making it likely that current hours of use are in breach of the condition attached to 20190451.

Policy Considerations

National Planning Policy Framework 2021:

Chapter 7: 'Ensuring the vitality of town centres'

- Para 86 (vitality and viability of town centres)

Chapter 12: 'Achieving well-designed places'

- Para 130 (high standard of amenity)

Development Plan Policies:

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

Consultations

Environmental Health (pollution) (LCC): - EHO comments on the original application continue to be relevant. They raised some concern that the proposal may have an impact on the residential amenity of neighbouring properties, particularly by way of noise. Conditions were recommended restricting the hours of use and hours of delivery, ensuring there is no live or amplified music or voice that would be detrimental, requiring an effective scheme of insulation and ensuring there is no perceptible noise or vibration from any plant or machinery.

When consulted on the proposed variation of condition EHOs raised concerns that at 05:00 the background noise in the area is very low and someone opening up the shop and baking at this time could easily cause a nuisance to the residents above and to residential properties in the wider area. They noted that one thing that could help to reduce the impact would be a sound insulation scheme such as that which was required by condition attached to the original approval. However, as discussed above, there is no evidence that this insulation scheme was installed.

Representations

None

Consideration

The application is solely for the variation of Condition 2 of 20190451. Condition 2 was attached to this consent to preserve the amenities of nearby occupiers. As such it is only the acceptability of the proposed change of hours on the amenity of nearby occupiers that is under consideration.

The application property is on a main route into the heart of the city centre and there are residential properties close by including four flats directly above the property and that a food and drink use has potential to cause an unacceptable level of harm to occupiers of these residential properties. For these reasons planning consent (20190451) has a condition restricting the hours of use to between 07:30 to 23:00.

I do not consider that there have been any material changes to local or national policies or guidance or to the local context of the site that would justify a variation of the condition to increase the hours of use to commence at 05:00. Furthermore, no evidence has been provided that the sound insulation scheme to prevent the transmission of internal and external noise into the flats above and the surrounding area has been carried out as required by condition attached to planning approval 20190451.

Conclusion:

I therefore recommend REFUSAL for the following reason:

REASON FOR REFUSAL

1. The proposal is likely to be detrimental to the residential amenity of the neighbouring occupiers due to an increase in noise and disturbance resulting

from the use of the premises for preparation, baking and opening up during the earlier part of the morning. It is therefore contrary to Core Strategy policy CS12 and saved policies PS10 and PS11 of the City of Leicester Local Plan.

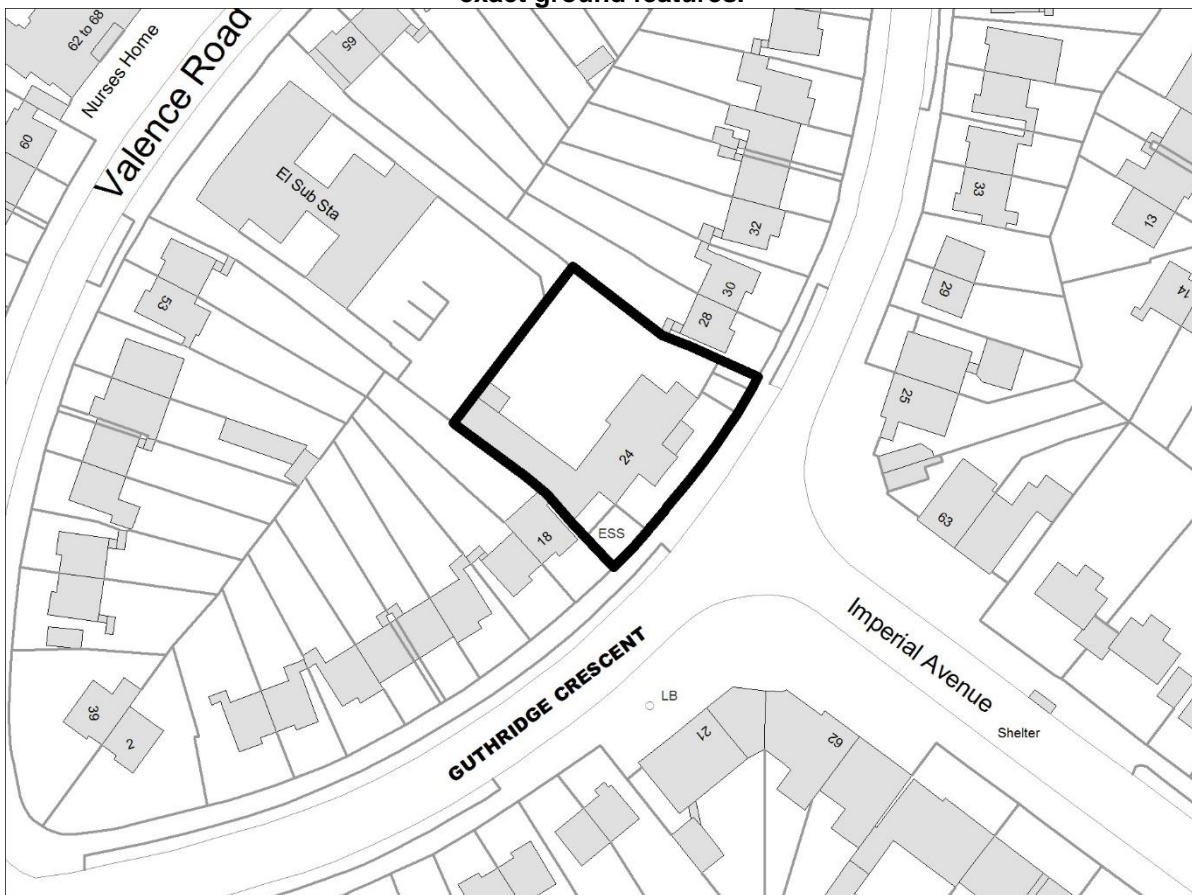
Policies relating to this recommendation

- | | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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_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. |

Appendix B4

Recommendation: Conditional approval	
20210777	24 Guthridge Crescent, Former Braunstone South Housing Office
Proposal:	Change of use from office (Class E) to non-residential educational use and place of worship (Class F1); alterations (Amended plans received 23/6/2021)
Applicant:	Mr Mohammed Mahdi
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20210777
Expiry Date:	17 September 2021
ACB	WARD: Braunstone Park & Rowley Fields

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Summary

- Reported to committee as more than 6 objections received from 6 different City addresses.
- 340 objections raising concerns relating to noise, parking and residential amenity.
- 18 comments in support.
- Issues are impact on residential amenity and highway.
- The application is recommended for approval.

The Site

The application site is a single storey L shaped building previously used as housing office for the City Council. The neighbouring properties to the north and south are in residential use. At the rear is an electricity substation and opposite to the west is the Guthridge Crescent local shopping centre. The site is also within a Critical Drainage Area.

Background

In January 1981 planning permission 19802518 was granted for alterations and extension to vacant office to form an area housing management office. A condition was attached to the permission which states;

Notwithstanding the provisions of Class 11 of the schedule to the Town and Country Planning (Use Classes) Order 1972 the office shall be used only as a Housing Area Management Office

Reports were received in 2017 and 2019 that the property was being used as a place of worship without the benefit of planning permission but no evidence of this was found. A further report was made in August 2020 that the property was being used as a place of worship and evidence of this was found.

The Proposal

The application has been submitted as a result of the investigation and is for the change of use of the building from office to a non-residential education use and place of worship. The submitted plans show that the part of the building facing Guthridge Crescent would be used as the place of worship and the part of the building to the rear of the site would be for educational use.

The hours of opening originally proposed were 0600 to 2300. Alterations would be made to the existing car park to the rear to provide 15 parking spaces. An additional two cycle parking areas would be provided. There would be no changes to the appearance of the building.

Amended plans have been received which reduce the number of proposed parking spaces to 14 and alter the hours of proposed use to 0730 to 2200. A Travel Plan has also been submitted. A Noise Assessment has also been submitted.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

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

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

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 93 states to secure social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

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

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

Paragraph 111 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 130 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 users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 185 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.

Most relevant Core strategy policies are CS08 and CS16 and Local plan policies are AM11 and PS10

Other Guidance

Appendix 01 – Vehicle Parking Standards

Consultations

Service Director, Noise and Pollution Control – Initially raised concerns over noise from worshipping activity including musical instruments. Also raised concerns over the opening hours and noise from vehicles using the site. Request that hours of use are amended and a noise survey to be carried out before use commences.

A noise assessment and amended hours have been submitted and there are now no objections subject to conditions.

Local Highway Authority – The proposal would be unlikely to generate more traffic than the authorised use of the site and is in sustainable location. Raise concerns over the car parking layout proposed and request amendments to this as well as further details of the cycle parking provision.

Following submission of amended details they raise no objections subject to conditions.

Local Lead Flood Authority – Request information on how the premises can use sustainable drainage systems to reduce surface water run off.

Representations

340 objections have been received. The grounds of objection are:

- Property already in use without planning permission.
- Not the right location for a place of worship.
- Premises will cause noise issues from worship activities.
- Increase with traffic leading to congestion and poor parking including blocking driveways
- Not enough parking spaces for the size of the building
- Concerns over future expansion
- Possible noise from a call to prayer

- Possible tension between users of the building and residents of the area.
- Too many places of worship in the city already
- Impact on bus route
- Hours of use are too early and too late.
- House prices will be affected (not a planning issue)

A petition has been received signed by 20 persons claiming to be existing members of the group stating that they didn't have knowledge of the application being submitted and that the proposal included the use for a place of worship and it would be made available to be used by other communities including a food bank.

18 letters of support have been received.

Consideration

Principle of development

Policy CS08 of the Leicester Core Strategy states that the Council will work closely with a range of partners including health agencies, education providers, the police, housing associations, community groups and private developers to ensure that each neighbourhood will have access to a local centre, public open space, play facilities, public transport, sport and active recreation facilities and other community and leisure facilities. The policy further states that the provision of new community facilities will be supported where they meet the identified needs of local communities and have a viable long term management and funding proposal. Where there are increased demands on existing facilities as a result of development, the enhancement of facilities or suitable additional provision will be sought. The policy further states that in considering proposals for new places of worship the Council will take account of the demand for it within the local neighbourhood, the scale of activities for which it is likely to be used and the nature of the area around it.

The site is located within an area characterised by a mix of uses including residential and the Guthridge Crescent Local Shopping Centre. The building itself was formerly a local authority housing office and is restricted by condition to remain as one. Given the previous public use of the building, the mix of uses that exist in the area already and that the proposal would provide a new community facility I consider that the proposal is acceptable in principle and would be in accordance with policy CS08 of the Leicester Core Strategy.

Residential amenity (*neighbouring properties*)

There are residential properties located adjacent to the property on Guthridge Crescent and to the rear on Valence Road. The original proposed hours of use of 0600 to 2300 would have been likely to cause noise and disruption to the residents of these properties, however the hours have been amended to 0730 to 2200. Although the housing office would have operated between 0900 and 1700, this was not restricted by a planning condition and I therefore consider that the proposal will enable control to be formally established over the hours of operation of the building. These hours

would also be similar to those of the shops within the local centre. I therefore recommend a condition relating to these opening hours.

A number of the objections relate to a possible call to prayer. No details of one have been proposed and I consider that if there was it may cause noise issues for the local area. I therefore recommend a condition to ensure that there is no call to prayer at the property.

The premises has been in operation as a place of worship since it was sold by the City Council in 2017. There have been some concerns received in relation to noise within the premises during times of worship. A noise assessment has been submitted and this shows that there would be little impact on noise in the area. I therefore consider that the impacts of the development in terms of noise can be controlled by conditions.

Some of the concerns have related to the playing of amplified music and voices which have been heard outside of the property. I consider that this would also be detrimental to the residential amenity of the occupiers of nearby residential properties. The applicants have confirmed that it is not their intention to have amplified music or voice and I recommend a condition to allow control of this.

I consider that the proposal subject to conditions would not generate a significant amount of noise and general disturbance to cause significant harm to the amenity of local residents and I consider that it would not be contrary to paragraph 130 of the NPPF and saved policy PS10 of the City of Leicester Local Plan.

Waste storage and collection

The amended plans show an area for the storage of bins however no details have been provided for any covering of the area. Given its location close to the boundary with 28 Guthridge Crescent I consider that the area should be covered and I recommend a condition to require details of the bin store to be provided.

Highways and Parking

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

The site is located opposite the junction of Guthridge Crescent and Imperial Avenue. Both roads are served by a regular bus service. The site is also within a reasonable walking distance of further bus stops on Narborough Road that would provide a good further range/choice of bus services. Therefore, public transport could provide a suitable and sustainable choice of travel to and from the site.

The site is around 100 metres or so of a signed cycle route on Braunstone Avenue, and therefore cycling could provide a suitable and sustainable choice of travel to and from the site.

Given the previous use of the site as a local authority housing office I do not consider that the proposal would lead to a significant increase in vehicular movements and I do not consider that alterations to the existing access are necessary. The accident records suggest that the access has operated reasonably safely, with no recorded personal injury road traffic accidents at the site access.

The property has an existing car park which previously had 13 marked spaces. The submitted plans showed that this would be changed to provide 15 car parking spaces, however two of these did not meet parking standards. An amended plan was received which proposed 14 spaces however there were concerns with the width of two of the spaces. A further amended plan has been received which proposes 13 parking spaces and has resolved the issues with the width of the spaces.

A Travel Plan has been submitted which gives details of how sustainable transport options will be provided to users of the site. The travel plan also indicates that the premises would be likely to generate 10 arrivals and 10 departures when it is in use and that they expect this to be accommodated within the proposed car park. I consider that the Travel Plan is acceptable, and I recommend a condition to require the use to operate in accordance with the Travel Plan.

The original parking layout provided shows details of cycle parking however this was not sufficiently clear. Amended plans have been received which propose two cycle parking areas, one inside the building and one outside, however the full details of how this would operate have not been submitted and I recommend a condition to require these.

Objections refer to parking problems caused by supporters attending matches at Leicester City Football Club. Whilst the stadium is some distance from the application site I am aware that supporters may park in the vicinity of the application site, however I consider that the proposal with its own off street parking would not add significantly to existing traffic issues to justify refusal.

I therefore consider that the proposal would not cause severe harm to the highway network and would be in accordance with paragraph 111 of the NPPF and policies CS14 and CS15 of the Leicester Core Strategy.

Other matters

One objection has been submitted by current users of the building who state that the applicants have no control over the premises. The objectors have been advised that the current use is unauthorised, and they are required to submit an application. They also state some other matters in relation to financial claims that are not planning matters. I consider that if planning permission is granted, the current use would be authorised by it as planning permission goes with the land and not the applicant and I do not consider that the other matters raised justify refusal of planning permission.

Further claims were made that the applicants do not own the building. A Land Registry search has confirmed that they do, along with a third party and amendments have been made to the application form to reflect this.

A number of the objections relate to other possible uses for the building that should have been considered when it was sold. The application has been submitted for a particular use and it is noted that the building was sold through a public auction in 2017. However, the Council as planning authority can only consider the application that has been formally lodged.

Conclusion

In conclusion I consider that the proposal is in accordance with national and local planning policy for the area and any potential harm to residential amenity and the highway can be mitigated through conditions. I recommend that this application is APPROVED subject to the following conditions.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use shall not be carried on outside the hours of 0730-2200 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. There shall be no external amplified call to prayer or oral announcements. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. The bin storage shall be provided in accordance with the agreed details and the collection of waste arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. No part of the development shall be occupied until secure and covered cycle parking shall be provided and retained thereafter, in accordance with written details previously approved by 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).
7. The development shall be operated in accordance with the approved Travel Plan and Parking Strategy Document dated June 2021. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11

of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

8. No part of the development shall be occupied until the following works have been carried out in accordance with details shown on the amended plan 786/004 received by the City Council as local planning authority on 13 July 2021: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
9. This consent shall relate solely to the amended plans ref. no. 786/001, 006, 007, 008, 009 and 010 received by the City Council as local planning authority on 23 June 2021 and 786/002 and 004 received by the City Council as local planning authority on 26 July 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_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and

maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

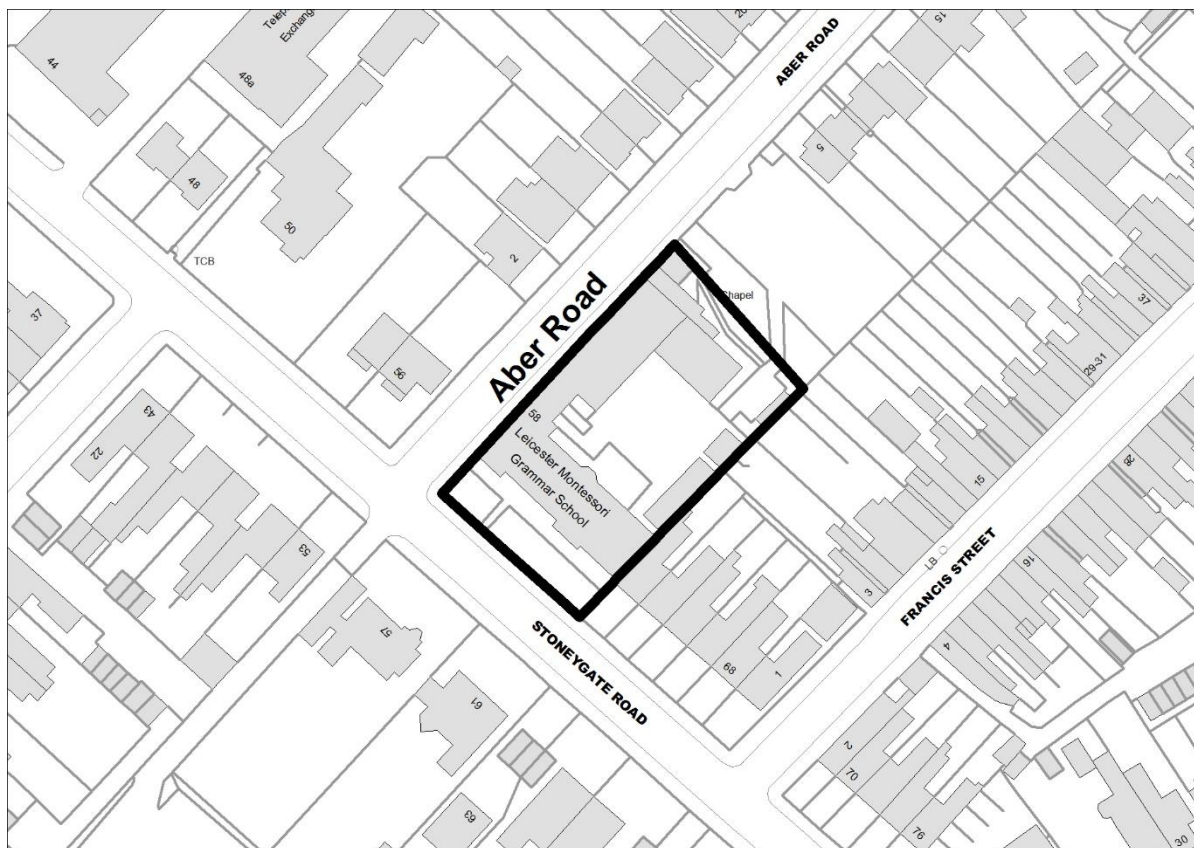
2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

2014_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.

COMMITTEE REPORT

20201190	58 Stoneygate Road	
Proposal:	Change of use of school (Class D1) to 15 flats (Class C3) (1x 3bed, 13x 2bed, 1x1bed); part demolition of building; insertion of roof windows; associated works. (Amended plans and information received) (Section 106 Agreement)	
Applicant:	Mr Kieran Dayah	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	7 December 2020	
JL	TEAM: PM	WARD: Knighton

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Summary

- The application is brought to committee as more than 6 objections have been received
- Objections from 19 separate addresses have been received on the grounds of parking, highway safety, impact on trees, living environment, heritage considerations and affordable housing

- Representations of support have also been received from 13 separate addresses
- Main issues for consideration are principle of use, heritage (impact on Conservation Area and Listed Building), highways (including parking), living environment and affordable housing
- Application recommended for approval

The Site

The application relates to the site of the former Montessori Grammar School, now closed, that is situated on the north-east side of Stoneygate Road. The site is located within the Stoneygate Conservation Area and is in a Critical Drainage Area. The site is defined on the Local Plan proposal map as a 'residential' area.

The site comprises a part three, part single storey 'L' shaped building with some single storey buildings within the grounds. The site is bound with metal rail fencing with hedge behind along Stoneygate Road extending around into Aber Road and a 2-metre-high brick wall along Aber Road.

There is a large area of hardstanding to the rear of the site which is accessed off Aber Road. This area is located on a lower level as the land slopes downwards to the north of the site. It is proposed that this area is to be separated from the application site and therefore is not included in the red line of the application.

To the east of the site is the Allandale Road/Francis Street local centre. There are on street parking restrictions along Stoneygate Road, but no parking restrictions along Aber Road.

After this application was submitted, an independent application was made to Historic England to list the building. The property was subsequently designated as Grade II Listed on 13th January 2021, due to the architectural and historical interest of the site. The building and boundary walls are included in the description of the listing.

Background

There is a lot of planning history for the site which relates to the previous school use and tree works applications. The most relevant applications are reference 20172432 and 20180611.

Application 20172432 sought the change of use of part of ground floor and all of the first and second floors from a school (Class D1) to house in multiple occupation (23 bedroom) (Sui Generis). This was withdrawn on 31/01/2018.

Application 20180611 sought the change of use from a school (Class D1) to house in multiple occupation (35 bedrooms) (Sui Generis); new gates to car park; alterations to car park layout; construction of ramps, steps and retaining walls; replacement of garage doors with roller shutters; (amended plans received 03/08/2018 & amended supporting information received 08/02/2019). This application was refused by your committee on 13th March 2019 for the following reason:

The proposal would result in a poor standard of living accommodation offering poor amenity for occupants by reason of the scale (including numbers of occupants), the interconnected nature of the accommodation, the size of and poor light and outlook for bedrooms. As such the proposal is contrary to Policy PS 10 of the City of Leicester Local Plan.

The Proposal

The proposed development is to change the use of the building from a school (Class F1 – previously Class D1) to 15 flats (Class C3). It is proposed that the development would create 1x 3bed, 13x 2bed and 1x1bed flats. The proposal would require some demolition and alteration to the building, including internal alterations.

The flat sizes proposed are:

- Flat 1 – 2 bed, 137 sqm, separate access, ground floor.
- Flat 2 – 2 bed, 82 sqm, shared access with flat 3, ground floor.
- Flat 3 – 2 bed, 74 sqm, shared access with flat 2, ground floor.
- Flat 4 – 1 bed, 53 sqm, separate access, ground floor.
- Flat 5 – 2 bed, 81 sqm, separate entrance, spread over 2 floors.
- Flat 6 – 3 bed, 121 sqm, separate entrance, spread over 2 floors.
- Flat 7 – 2 bed, 111 sqm, separate entrance, spread over 2 floors.
- Flat 8 – 2 bed, 80 sqm, separate entrance, spread over 2 floors.
- Flat 9 – 2 bed, 85 sqm, separate entrance, spread over 2 floors.
- Flat 10 – 2 bed, 114 sqm, shared entrance, first floor.
- Flat 11 – 2 bed, 83 sqm, shared entrance, first floor.
- Flat 12 – 2 bed, 78 sqm, shared entrance, first floor.
- Flat 13 – 2 bed, 114 sqm, shared entrance, second floor.
- Flat 14 – 2 bed, 78 sqm, shared entrance, second floor.
- Flat 15 – 2 bed, 83 sqm, shared entrance, second floor.

It is proposed that an existing science block and covered area, and garage will be demolished. The demolition of the garage will require a minor rebuild to the main building at ground floor (bedroom 1, flat 8).

The application has been amended to remove a previously proposed two storey extension to the front of the property. The amendments also reduced the number of flats proposed from 17 to 15. Additional information was submitted, including heritage statement, photographs, updated plans and schedule of works, following the listing of the building.

Any works to the listed building would need a listed building consent application, which has not yet been submitted. The applicant and agent are aware of this requirement.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 2 of the NPPF (Achieving sustainable development) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning decisions should play an active role in guiding development towards sustainable solutions, taking into account local circumstances, to reflect the character, needs and opportunities of each area. At the heart of the NPPF is a presumption in favour of sustainable development.

In relation to sustainable development, paragraph 11 states that for decision taking, this means approving development proposals that accord with an up-to-date 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 38 states that local planning authorities should approach decision on proposed development in a positive and creative way. Decision makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 60 states that 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 needed, 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 planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

Paragraph 104 states that transport issues should be considered from the earliest stages of 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 105 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 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 states that taking into account paragraph 109, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 119 states that planning 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.

Paragraph 124 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, attractive and healthy places.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

At paragraph 130, the NPPF states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local guidance and supplementary planning documents. Conversely, significant weight should be given to a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

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

Paragraph 135 states that Local planning authorities should 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).

Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage

the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 states that new development should be planned for in ways that 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 157 states that when determining planning applications, Local Planning Authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

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

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

Paragraph 185 states that decisions should 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.

Paragraph 187 states that 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 197 of the NPPF states that in determining applications, local planning authorities should take account of:

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

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

Development Plan policies

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

Most relevant Core strategy policies are CS03, CS06, CS08, CS18 and Local plan policies are PS10, UD06, AM12 and H07.

Supplementary Planning Documents (SPD)

Residential Amenity SPD (adopted 2008)
Climate Change SPD (January 2011)
Green Space SPD (July 2013)

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)

Leicester City Council Waste Management guidance notes for residential properties.

Stoneygate Conservation Area Character Appraisal (2015)

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.

Consultations

- Better Buildings – Requested more information to consider the feasibility and viability of a communal heating and hot water system based on heat pump technology, as a potentially more energy efficient and lower carbon alternative to the proposed electric panel heaters currently proposed, and to consider energy efficient controls on the lighting in shared areas of the development.
- Highways - The proposed development is likely to generate trip numbers similar to those of the site's current / former use. As such the proposal would raise no traffic concerns. The earlier proposals submitted did raise a number of other issues that needed to be addressed.

The layout drawing shows 18 car parking spaces, as in the previous layout. For the proposed flat configuration, the Council's normal requirement for parking spaces in this zone would be calculated at 29. Where in cases of building conversions this cannot reasonably be achieved the Local Plan parking standards do allow some relaxation in numbers, especially where sustainable transport alternatives are good and there are reasonable opportunities to park on street. On balance therefore, this level of off-street parking appears to be tolerable.

The existing Aber Road courtyard entrance is to be retained as it serves a part of the site to be sold. The proposed development is to be accessed by modifying the existing garage access to form a separate site access. The Leicester Street Design Guide (LSDG) requires the access to be a minimum width of 6m where it serves more than 5 dwellings, as is the case here. This width should be maintained over at least the first 5m of its length measured from the highway boundary. The applicant has revised their original layout to meet this, with the exception that the gateway width is only 5.5m wide. This is not ideal but is nevertheless unlikely to cause safety concerns in this instance.

It is therefore acceptable.

The car parking spaces on the revised layout drawings appear to have been increased in size to 2.4m x 5.5m with aisles of 6m as previously recommended.

The layout drawing indicates two cycle stores with a revised combined storage capacity of 34 bikes, which nonetheless still exceeds the Council's standard requirement of 33 spaces (based on 1 per 2 bed spaces for residents plus 1 per 20 bed spaces for visitors). The revised arrangements have overcome earlier concerns regarding accessibility and now allows for independent access by individual owners. This is therefore now acceptable.

Refuse management and collection appears to be relatively straightforward from the perspective of the highway authority, and the bins are to be located to be acceptable for public collection purposes.

Recommend that new residents be issued with Travel Packs providing sustainable travel advice. Advice on the content of these can be provided and the details can be approved before any occupation. No objection subject to conditions covering alterations to footway crossing, cycle parking provision, travel packs and parking area to be surfaced and marked out.

- Historic England - On the basis of the information available to date, do not wish to offer any comments.
- LLFA – No objection subject to conditions relation to SuDS and drainage.
- Noise Control Officer – No objection subject to working hours condition.
- Parks and Green Spaces – The proposed residential development, within the Knighton 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 £22,819.00 is required in response to this application. The contribution will be used for landscape and access improvements at Highway Road Spinney.
- Private Sector Housing – The layout of the flats are satisfactory.
- Tree Officer - No major issues with the proposal other than the two birch to the rear, these have now been included in the report for retention, however they were severely pruned in contravention some time ago and it was understood that these were to be replaced with new planting 2 x 14-16cm extra heavy standard Betula.
- Waste Management - The development requires sufficient space for the storage of refuse bins and recycling bins to accommodate a capacity of 2231.25 litres for refuse and 1275 litres for recycling: e.g. 3x 1100 litre refuse bin and 2x

1100 litre recycling bin. The proposal shows a bin storage area which would be large enough to accommodate the number of bins stated.

Representations

- Conservation Advisory Panel - The revisions introduced to the scheme were welcomed, in particular the retention of the existing timber windows, removal of the proposed upward extension and installation of a stylised metal gate to Aber Road. The members requested that further information regarding materiality and additional services (vents and pipework) is submitted for consideration. Subject to these details being appropriate, the members had no objections to the scheme as currently proposed.

Objections were received from 19 households, 1 comment and 13 representations in support. Many of the objections received were prior to the building being listed and some make reference to the original proposal, which included an extension to the front of the property. A re-consultation exercise was carried out following the listing of the building and receipt of amended plans and information.

Objections:

Living Conditions/ Impact on Neighbours

- Small room sizes.
- Poor quality of light.
- Concerns that the extension will block out light to neighbours. (*Extension now removed from proposal*).
- How would the development minimise noise/ traffic pollution.
- Overlooking/ loss of privacy.
- Concerns about layout and density of the building.
- Although not a HMO, still serious overcrowding with potential for social problems.
- Overlooking, which was not previously an issue when building was a school.
- Number of units needs to be reduced/ reconfigured to ensure that everyone has sufficient natural light.
- Increase in noise pollution.
- Over development of site.
- Overlooking from Aber Road elevation and no provision for privacy.

Outdoor space/ Trees

- Not much access to outside green space
- Trees should not be removed and hedge and railings should remain.
- Green area to the front is small and not very private. Also not easily accessible by residents to the rear.
- Greenspace is important for wellbeing, especially during covid.
- Playground could be retained and provide landscaped communal gardens.
- Tree report does not mention the courtyard.
- Assume tree would need to be felled to create access. Strongly object to any felling. Trees important to conservation area and wildlife.

- Tree survey appears to be compiled prior to revision. (*Amended tree survey has been submitted*).
- Too many trees have been lost in the area to development. Mature trees cannot be replaced.
- Hope garden frontage is retained in keeping with Victorian character.
- Trees are a haven for wildlife.
- Considerably enhance the development if the courtyard was used for green space.
- If the former playground was included in the development, there would be no need to demolish the former science block or garage.
- Inadequate report to justify removal of the mature trees in the conservation area.
- Revision makes no substantial change to the amount of greenspace proposed.
- Removal of trees damaging to birds and general biodiversity.
- Using playground would result in no need to create new entrance or demolish any original buildings on site.
- Decorative timber fence is wholly inappropriate – picture shows basic wooden fence. Wrought iron railings would be more appropriate.
- Calling parking area amenity space is not appropriate. Proper amenity space is vital – especially for post-pandemic development. This could be avoided by reducing number of flats proposed and not selling off land.
- Brick to NE boundary more appropriate than fencing.

Highways

- Does not appear to be enough or large enough parking spaces.
- No residents parking scheme in the area.
- If the playground were to be retained, this could provide sufficient parking.
- No provision for electric vehicle charging points.
- Majority of outdoor space is for parking.
- No more capacity for on street parking and new entrance will decrease on street capacity.
- Transport statement speed survey does not give a true picture of traffic on site (held on Monday afternoon in January).
- Statements about school traffic incorrect.
- School traffic problems – drove into playground to drop off and caused issues on Aber Road.
- Staff parked on the road, not in the playground.
- More highways data is required.
- Parking provision does not adhere to national and local standards and does not take into account pre-application advice.
- Traffic data is out of date (2011).
- Nearest bus stop is over 250m away.
- Parking/ traffic will be worse than school as extra traffic could be predicted at certain times of day.
- Inadequate parking/ loading/ turning.
- Parking admitted being below standard but there is adjacent land owned by the applicant that can be used.

- Many properties on Stoneygate Road are in multiple occupancy or without garages, which demand on street parking.
- Increase traffic resulting in increased pollution, noise and anti-social behaviour.
- Revised plan does not include any additional parking spaces.
- Aber Road is used as a cut through and parking for Allandale shops and commuters in the city.
- Car ownership in area is more than 1 per property.
- Bike shed does not answer car parking problem.
- Proposed driveway is too narrow for 2 cars to pass, meaning cars will be waiting queuing to get in, causing congestion.
- Applicant has not shown scheme would not increase congestion.

Design/ Heritage

- Concern about the design of the flat roof in the conservation area – should be pitched or different materials. (*This has now been removed from the proposal*).
- New Aber Road entrance should reflect the conservation area.
- Proposed extension and tree removal would impact the character of the conservation area and contravene conservation area guidelines.
- Retaining playground for sale as a separate development site is not comprehensive development. Appears to be an attempt to exploit the site for further development. The whole site should be looked at this stage as one, with one entrance and proper visibility splays.
- No appraisal of building's heritage significance. (Updated heritage statement submitted after listing).
- Heritage statement consistently understates the buildings significance and quality of design. (Updated heritage statement submitted after listing).
- Two storey extension – harmful to historic asset – fundamentally change spatial relationship between the home and adjacent terrace. A different design would reduce this harm. (Extension removed from proposal).
- Physical alterations to Aber Road appear sympathetic but there are some potentially damaging heritage impacts not detailed: window design, water and soil pipes and boiler flues.
- While water consumption is discussed in detail, energy consumption for heating is not.
- Boiler/ heating information is unclear. Is central heating proposed? Will additional thermal insulation be installed? Would like thermal performance considered more holistically. Want more details on soundproofing between flats. (This information was provided following the revision to the application).
- Alterations substantially impact the integrity of the original building.
- Detrimental change to the exterior by installing UPV windows and flues in every apartment.
- As gas boilers are due to be phased out, would be more sustainable to install a more environmentally heating system.
- Still substantial changes proposed to original roofs and elevations – skylights and extension. Loses the distinctive nature of the original function and design.
- Internal fireplaces should not be removed.

- Concerned about damage to fabric due to plumbing and services.
- Pleased to see electric heating and not gas central heating.
- Note original windows retained and renovated and secondary glazing to be installed. Might be less costly and more sustainable to replace like for like, but modern, efficient double glazed.
- Fact property and boundary walls are now grade II listed make plans inappropriate.
- Following listing application impinge negatively on the boundary walls and historic nature of the building. Hope interior alterations respect the listed status.
- Skylights and dormers would be very visible from the street and impair the character of the steep, sheltering roof which is a major and historic feature of the Listed Building.
- Services should be sited carefully and designed to not intrude.
- Internal features should be preserved.
- Do not understand how boundaries can be changed if protected site.
- Separation of the car park reduces the character of the plot.
- Secondary glazing system (with central horizontal bar) would detract from the appearance of the retained timber sashes that do not have a central glazing bar.
- Concerned that the East perimeter wall would be lost due to site division.
- Suggest way of retaining East wall would be to build housing inside (with shared access through the same entrance gate as the 15 flats).

Other Issues

- Concern about party wall and any plans for demolition. (*Not a material consideration*).
- Note affordable housing providers are not interested in taking on the flats. Concerned there is no affordable housing proposed.
- No consideration for school space requirements the development may generate.
- Inappropriate type of development for location.
- Support change of use to allow to bring building back into use and recognise the great improvement on previous applications.
- Lack of clarity around potential purchasers/ owners and affordability. (*Potential ownership/ occupation not a material consideration*).
- Lack of consultation/ presentation for local residents.
- How would building be covid safe/ allow for self-isolation.
- Regrettable planning regulations allow units so small.
- Affordable housing should not mean low quality housing.
- Layout should be re-designed with fewer flats and at a larger size due to lack of affordable housing provider.
- Welcome attempt to breathe new life into the building and apartments would provide a sustainable long term future.
- Welcome reduction of number of flats to 15.
- No attempt to comply with inclusive access and design standards.
- Room layouts fail to indicate compliance with building regs part M.

- Door widths are too narrow for wheelchair access and there is insufficient turning space.
- Insufficient worktop space in kitchens.
- Wheelchair turning not shown on plans taking into account furniture.
- Most lounge/ living areas have inadequate space for dining.
- Fails to satisfy growing needs of young families and elderly residents.

Comment:

- Glad to hear building granted grade II listing.

In Support:

Highways

- More than sufficient parking.
- Traffic will be better than when the building was used by 250 pupils.
- No issue with access.
- Parking patterns have changed.
- Access seems well designed.
- Needing more parking shows backward thinking.
- Should be promoting cycling

Reuse of building/ Heritage

- Make use of currently unused building.
- Keeping original appearance helps keep the authentic appearance.
- Proposed visual changes are minimal and don't detract from character or history of building – revitalise building.
- Minimal disruption to building.
- Keeping building vacant is counterproductive to the area and preservation of its condition.
- Listed status gives even more importance in supporting bringing building back into use.
- Sensitive and balance proposal.
- Keen to see old school put to better use.
- Note change from fence to metal railings at rear and support this.
- Conserve building for years to come.

New Housing

- Significant need for new housing.
- Council must support schemes that bring new high quality accommodation especially when there is a shortage of accommodation
- Bringing new accommodation to large unused site in heart of Stoneygate.
- Area would greatly benefit from additional houses and flats.
- Attention to detail and commitment to sustainable living is long sought after in the area.
- Offers young professionals and downsizers vastly more opportunities for living.

- Hopefully attract younger generation to currently upmarket and priced out area of Leicester
- Housing requirements continue to grow.

Living Conditions

- Flats are generous dimensions and aimed to be high quality.
- More spacious and accommodating than some flats recently approved in the city centre.
- See flats in other areas with far less on site and off site green space options, such as in the city centre.

Other

- Fits in well with the area – positive change.
- Fantastic public infrastructure. Can walk, cycle and site is near to town.
- Close to parks and open spaces.
- Better than HMO proposal.
- Great for local businesses and the community (new local residents).
- Bring vibrance and new residents to area.
- Far better than HMO, which was strongly objected to by residents.
- Great location.
- Building has been empty or long enough – brining value of area down.
- Objections do not reflect the needs of the area and community.
- Would request some brickwork is repaired.

Consideration

The main issues in this case are: the principle of the proposal; residential amenity of neighbours; residential quality; character and appearance of the Conservation Area and Listed Building and character of the local area; parking and highway safety; and trees.

Principle of development

Policy CS06 of the Core Strategy (2014) sets out the housing strategy for the city. In relation to conversions, it states that:

“Careful consideration will be given to conversions...to ensure there is no adverse impact on the character of the area or the maintenance of mixed communities. In particular, the conversion of existing large houses will be resisted where it would still be appropriate for family use and meet an identified demand for this type of accommodation. Specific considerations will be property size and location, including amount of the amount of private amenity space and parking provision”.

The policy further advises that *“the impact on flat conversions on the special character of the area, as identified in Character Statement, will be a material consideration”.*

The building is located in an area which is predominately residential. Whilst the proposal would result in the loss of an educational facility, it is noted that the building has been closed since 2014. It is considered that the principle of the building for use for residential occupation is acceptable.

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

Design

Much of the alterations proposed are internal and have been considered acceptable, due to the listed status of the application. The only significant external alterations include the demolition of a garage and science block/ covered area and minor rebuilt/ extension where the garage block is currently attached to the main building, erection of railings and access gate, landscaping and bike/ bin storage facilities.

The proposed extension is single storey only and will project 0.6m from the building and have a width of 4m. It is proposed that this extension will be constructed of reclaimed materials following the demolition of buildings on site. It is considered that this minor extension is acceptable and not harmful to the character and appearance of the building or amenity of any neighbouring occupiers. Other alterations have been considered in the Heritage Assets section. It is considered that the proposed development is in accordance with the NPPF and policy CS03 of the Core Strategy.

Heritage Assets

The site is located within the Stoneygate Conservation Area and the building and boundary walls was given grade II listed status during the consideration period of the application.

The complex was constructed in 1881 to the designs of W Beaumont Smith, most recently in use as the Leicester Montessori Grammar School. It occupies a prominent corner within the Conservation Area and is one of the most prominent buildings along Stoneygate Road. It is of high architectural interest with an elaborate frontage, punctuated by timber sash windows, with two gabled projections and a moulded pointed entryway to centre. Complimentary brick boundary walls with blue brick decoration and clay copings define its curtilage along Aber Road, with railings complimented by hedges to Stoneygate Road. A heritage statement identifies the designated status of the building and its location within the Stoneygate Conservation Area.

The outbuildings scheduled for partial / total demolition are of limited historic and architectural interest, with portions in poor condition.

The science block has been added into the building around mid to late 20th century. Whilst portions of the outbuilding at the north end of the complex are historic, early additions to the building, negligible internal architectural features survive. The existing surround, which is of historic and architectural interest, will be retained and relocated to the new outrigger proposed, with the dentilled cornice replicated.

There are no alterations proposed to the primary south (front) elevation. The application also proposes to retain most of the existing windows, to be repaired where necessary.

New windows and doors are introduced to north, east and west elevation. Most will be set in existing openings. Whilst these alterations are not objected to, joinery details need to be conditioned. Further details of the new openings to the west elevation and new doors to south (courtyard) elevations should be conditioned.

The introduction of rooflights is acceptable, subject to them being conservation grade quality.

Where the rooflights are removed (east courtyard roof slope), all damage needs to be made good with reclaimed slates. The use of reclaimed / existing materials to construct the proposed new outrigger to north is supported. This will have a lesser impact externally and internally.

Whilst the part demolition of the brick wall / garage and the introduction of stylized metal gates and railings is not objected to (preserving the public vs. private definition), I have some concerns over the proposed sliding gate. Design details have been covered by a pre-commencement condition.

A Listed Building Consent application (LBC) for the necessary works has not yet been submitted. The applicant has been advised that this needs to be submitted and approved before the start of any material alterations to the building under consideration. Internal alterations to the existing Grade II Listed asset will be dealt with as part of the LBC for the building. This can also be included as a note to applicant in any decision for this application.

Whilst it will constitute some loss of historic fabric externally and internally, the harm to the Grade II Listed asset would be less than substantial, outweighed by the public benefit of the development. It is proposed that conditions should be included in any decision to cover joinery details for windows and doors, cross section detailed drawings for new windows and doors, use of reclaimed materials, details of external details such as railings and rainwater goods and vents and flues.

It is considered that the proposed development would result in less than substantial harm and is considered acceptable in heritage terms, taking into account the NPPF and policy CS18 of the Core Strategy.

Living conditions

The Local Plan policy H07 relates to self-contained flats and includes a number of criteria to assess proposed living environment. These relate to the location of the site; unacceptable loss of alternative uses; loss of family accommodation; creation of a satisfactory living environment; arrangement for general facilities; provision of open space; effect of the development on the general character of the surrounding area and; proposed or potential changes to the appearance of buildings and their settings.

Although not adopted in policy, all flats except for flats 12 and 14 have a floor area which do not meet the Nationally Described Space Standards (NDSS) that would require 79 sqm. Flats 12 and 14 are both 1sqm under the requirements. Although slightly under, this is not a significant amount under and the NDSS has not yet been adopted by Leicester City Council. It is considered that the size of the flats proposed

are acceptable. It is considered that the size of the rooms inside the flats are also of a sufficient size.

First floor bedrooms to flats 5-9 will only have a roof window to provide light to the room. Whilst this is not ideal as it does not provide a generous outlook, this is not the only bedroom for the corresponding flat. Due to the listing and design of the building, it would not be appropriate to install a dormer window in the roof, as had been previously proposed at the time of the original submission. Given that these flats will have a bedroom (and living areas) to the ground floor that would have outward facing windows providing adequate outlook, it is considered that the use of the roof windows to the bedrooms is acceptable.

Objectors had raised concerns in relation to the light the flats would have. It is considered that the flats have sufficient windows to provide sufficient natural light.

The proposed development provides an area of amenity space to the front of the building, to which all residents have direct access from within the site, and areas of grass and planting in the courtyard area. It is regrettable that there is limited amenity space on the site, however the site constraints make it difficult to provide any further amenity space. The existing car park to the rear of the site does not form part of the application site and therefore it is not proposed for use in conjunction with this development. Due to the shortfall in amenity space proposed, a financial contribution is sought from Parks and Green Spaces.

To the front of the site, it is proposed that the existing railings and hedge will be retained, which will help to provide some privacy to the residents using this amenity area.

It is considered that the proposed development would provide adequate living conditions for the proposed residents and is in accordance with the NPPF and policy CS03 of the Core Strategy.

Residential amenity

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 proposed development would result in the building being brought back into use after a period of closure. The previous use of the site as a school meant that noise from the site was largely limited to school hours and during the school term. The proposed use would result in the site being occupied at all times. However, any noise from the proposed use is likely to be compatible to that from other neighbouring residential properties. The school use would have had a significantly greater number of pupils on site, using the external areas as a playground, which would have resulted in a far greater amount of noise and disturbance of local residents. I consider the amount of noise from the proposed use would not be significantly harmful to the amenity of local residents.

Concerns have been raised by neighbouring residents in relation to overlooking from the Aber Road elevation of the building. There would have previously been some element of overlooking from the building to these properties when the property had been used as a school. The properties affected over the road would have the same relationship as many other properties facing on the street with a short frontage. It is considered that the relationship between properties and potential for overlooking is acceptable and would not warrant the refusal of the application.

A condition has been recommended by the Noise Officer to protect the amenity of residents during the construction phase by restricting working hours on site. No concerns were raised about the operational phase of the development.

It is considered that the development would accord with policy PS10 of the Local Plan and the NPPF.

Waste storage and collection

Bin storage is proposed to the rear of the site, near to the gated entrance. It is proposed that this location is appropriate and that a sufficient amount of bin storage is proposed. It is proposed that this will be in a timber store, which is acceptable and will be secured by condition to ensure that it is provided.

Highways and Parking

The site is located approximately 2 miles from the city centre in a predominately residential location. It is proposed that vehicular access to the site will be from Aber Road. It is not considered that the proposed use would result in a level of traffic that would be higher than the previous use as a school. The LHA have confirmed that the amount of car parking proposed (18 spaces) and access are acceptable for the development. Concerns had been raised in the representations received that the information submitted with the application was out of date or incorrect, however the information submitted with the application has been accepted by the LHA.

It is proposed that cycle parking for 34 cycles will be provided on site. The amount and type of cycle storage proposed is considered acceptable and is to be conditioned to ensure that the cycle storage is provided.

The LHA have also recommended that all residents are provided with a travel pack, to encourage more sustainable modes of travel.

It is considered that the proposed development is acceptable in terms of highway safety and in accordance with the NPPF and the Core Strategy.

Sustainable Energy

As the building is grade II listed, it is exempt from compliance with building regulations in relation to energy efficiency where any compliance would unacceptably alter the character or appearance of the building. It is proposed that heating and power will be electric and no gas heating is proposed.

Drainage

The site is not within a flood risk area but falls within the Critical Drainage Area. However, the proposal would not result in any significant change in the impermeable area of the site or lead to significant flooding or surface drainage issues. Plans indicate that permeable surfacing will be laid, with rainwater harvesting tanks installed. It is not considered the proposal would conflict with Policy CS02 of the Core Strategy. Pre-commencement conditions for SuDS and drainage are recommended.

Nature conservation/Trees/landscaping

The site is comprised of buildings and hard standing with a number of semi-mature trees and small areas of amenity grassland along the Stoneygate Road aspect. The site is generally poorly connected to existing ecological networks within the city, however it is noted how street trees provide a valuable collective resource for wildlife within this part of Leicester. Structural alterations to the building, including partial demolition works and loft conversions are associated with the development, therefore the applicant was historically instructed by the LPA to conduct relevant protected species surveys for bats and birds for the site.

The combined Preliminary Bat Roost Assessment / Bat Presence Absence Survey report (Lawrence Armstrong, June 2020) is satisfactory and the findings/recommendations are accepted, no further surveys are required.

Mitigation measures should be carried out in accordance with the Recommendations section of the (Lawrence Armstrong, June 2020) ecological report, Paragraph 7 – Page 13. These include:

- Mitigation measures to avoid potential impacts on breeding birds during demolition and construction and the impact of lighting on bats post development.
- Installation of 4 x Bird boxes suitable for small garden nesting birds and/or Swifts should be provided within the built design or be hung from trees within the site.
- Installation of 4 x Bat boxes/bricks/tiles should be provided within the built design as a bat box/tile attached to the building or incorporated within it.

In accordance with Paragraph 179 and 180 of NPPF (2021), the Local Planning Authority would find the proposed development acceptable if opportunities for securing measurable net gains for biodiversity are identified and pursued. The Biodiversity Net Gain requirement is for habitat provision and not merely installation of boxes as wildlife will require areas of forage as well as where to nest and roost.

It is considered that conditions in relation to bird/bat boxes/tiles and a repeat ecology survey (if works not carried out by June 2022), are appropriate for the application.

Some details have been provided in relation to landscaping. It is proposed that the boundary to the rear of the site will be black metal railings and the rest as existing. It is considered that the boundary treatments are acceptable. It is proposed that the site will be tarmac and block paved, with some areas of grass and planting. The grassed area to the front of the building will be retained. A landscaping condition will be included to ensure that full specifications of planting proposed is provided.

A tree survey has been submitted as part of this application. It is proposed that T8 (Lime tree to Aber Road) will be removed to facilitate the access. It has been identified

that this tree is in a poor condition and due to its location close to the building, could cause structural damage to the building. The trees to the front of the building will not be affected by the proposed development and will be retained. The Tree Officer has raised no objection to the proposed development. The Local Planning Authority (LPA) are aware that there had been some unauthorised works carried out to the two trees located within the courtyard area. Therefore, a condition to ensure that appropriate replacement trees are provided is recommended.

It has been brought to the LPA's attention that there is Japanese Knotweed on the site. The applicant has been made aware of this issue and details of a management plan and contract to deal with this have been submitted to the LPA. It is proposed that the works to remove the Japanese Knotweed will commence in September/ October 2021.

Developer Contributions

For a development generating 15 dwellings or more, core strategy policy CS07 would require 30% of the dwellings to be provided on site to be affordable housing. An affordable housing statement has been submitted with the application, stating that 5 registered housing providers (RPs) who operate in the area have been contacted. Emails to support this statement have been provided to the LPA, which demonstrate that there was no appetite for registered providers to take on and manage dwellings within this development. The Council's Housing Department has also confirmed that acquiring 5 leasehold flats within a privately owned listed building with service charges is not an attractive option, due to similar issues raised by the RPs. The proposal is for just 15 dwellings, and the proposed development would bring back into use a listed building in the conservation area which has been standing empty for a number of years, it is considered that it would be unreasonable to refuse this application due to the lack of provision of affordable housing in this instance. The benefits of the reuse of the building and the provision of housing to contributing to meeting housing targets is recognised.

Section 106 agreement

Regulation 122 of the CIL Regulations 2010 states that planning obligations (including Section 106) should be:

- Necessary to make the development acceptable in planning terms,
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development.

A draft Heads of Terms for a section 106 agreement was submitted with the application, which confirmed agreement for a off-site contribution to parks and greenspaces.

A financial contribution of £22,819 for Parks and Green Spaces is sought for the proposed development. It is proposed that this contribution will be for improvements to landscaping and access at Highway Road Spinney.

Other matters

Some of the objections have raised concerns in relation to potential for antisocial behaviour. This is not a substantively material consideration in relation to a proposed conversion to flats.

Concerns raised over the party wall act and compliance with building regulations are not material considerations and are covered by other legislation.

A number of objections had raised issue with the rear car park being separated from the site and sold off. As the listing includes the boundary walls, this area is still covered by the grade II listing.

Should the application be approved, a separate LBC would need to be submitted before any works to the building or boundary walls could be carried out. The applicant is aware of this requirement and has been advised to submit the application, however this has not been done to date.

Conclusion

The proposed development would bring back into use a vacant listed building located within the conservation area, which would require only minor alterations to the fabric of the building. It is considered that the proposed development would not have a detrimental impact on the amenity of neighbouring occupiers, highway safety and flood risk. It is considered that the living conditions for the prospective occupiers are acceptable. It is considered that the proposal would not be harmful to the character and appearance of the listed building, street scene or wider conservation area.

The proposal would provide additional housing within the City making a contribution to the City Council's 5-year housing land supply and would accord with the NPPF 2021, Core Strategy and the Local Plan.

I therefore recommend APPROVAL subject to the following conditions and the SIGNING OF A SECTION 106 AGREEMENT to secure the agreed financial contribution to parks and gardens:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No part of the development shall be occupied until the footway crossing(s) has/have been altered in accordance with guidance in the Leicester Street Design Guide. (To achieve satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
3. No part of the development shall be occupied until secure and covered cycle parking has been provided, in accordance with written details previously approved by the local planning authority. The cycle parking shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan.)

4. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in writing in advance by the local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy.)
5. 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.)
6. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
7. Prior to the commencement of any development full joinery details including horizontal and vertical cross sections of all window (scale 1:5 / 1:10 as appropriate) and door (inc. fanlights where relevant) (scale 1:10 / 1:15 as appropriate) types shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building 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.)
8. Prior to the commencement of any development a detailed elevation drawing and a cross-section of the new window openings to west elevation and the new doors to south sectional elevation A-A (scale 1:5 / 1:10 as appropriate), showing all materials to be used, shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building 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.)
9. The bricks and slates to be used for the external surfaces of the development shall be re-claimed from the partial demolition of the existing outbuildings and wall. If additional brickwork and slates are to be required, this should be made up of suitable reclaimed materials, a sample of which shall be submitted to and approved in writing by the local planning authority in advance of any development taking place and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building 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.)
10. Prior to the commencement of any development, details of the design and material specifications for railings, rainwater goods, paving and cycle/bin storage shall

be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building 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.)

11. Prior to the commencement of any development, details of all external vents/extracts/flues/downpipes to be installed onto the listed building shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building 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.)

12. The development shall not commence until details of the type and location of x4 bat bricks/tiles/box and x4 bird bricks/boxes to be incorporated within the elevations of the proposed building have been submitted to and agreed in writing by 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 approved details and the use of the installations monitored for a period of two years and the results shall be submitted annually to the local planning authority with the agreed features retained thereafter (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS17 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.)

13. Should the development not commence within 24 months of the date of the last protected species survey (June 2020), then a further protected species survey shall be carried out of all buildings, trees and other features by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated annually and any mitigation measures reviewed by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2017 and Policy CS17 of the Core Strategy.)

14. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

15. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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

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

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

17. Prior to the commencement of development, a landscaping scheme showing the treatment of all parts of the site, including details of trees and shrubs to be planted, shall be submitted to and approved in writing by the City Council as local planning authority. 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 CS3. 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 development, details of two 14-16cm extra heavy standard Betulas to be planted on site, including a drawing indicating the location of the trees to be planted, shall be submitted to and approved by the local planning authority. The trees shall be planted 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 drawings. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

The development hereby permitted shall be carried out in accordance with the following plans:

9212/9C and 9212/17C, received by the local planning authority on 10 June 2021, 9212/3F and 9212/16D, received by the local planning authority on 6 July 2021, and 9212/5D, 9212/6A, 9212/7F, 9212/8E, 9212/10D, 9212/11D and 9212/12D, received by the local planning authority on 2 August 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 (and/or pre-application).

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

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

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. With regards to the Travel Pack referred to above, the contents of the pack are intended to raise the awareness and promote sustainable travel, particularly for trips covering local amenities. The applicant can contact highwaysdc@leicester.gov.uk for advice.

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

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

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

a) the work will not be detrimental to occupiers of neighbouring properties
or

b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

6. Japanese Knotweed is a controlled plant under Schedule 9 (s.14) of the Wildlife & Countryside Act (1981) as amended. It is an offence to plant or otherwise cause the species to grow in the wild. The plant is classed as controlled waste and any parts of the plant should be disposed of in accordance with the Environmental Protection Act (1990).
7. You are advised that this planning permission cannot be implemented unless and until you have received the necessary corresponding Listed Building Consent.

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_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

