

Leicester  
City Council

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

**DATE: WEDNESDAY, 6 DECEMBER 2023**

**TIME: 5:30 pm**

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

**Members of the Committee**

Councillor Pantling (Chair)

Councillor Aldred (Vice-Chair)

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

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

For Monitoring Officer

**Officer contacts:**

Tel: , e-mail: [jess.skidmore@leicester.gov.uk](mailto:jess.skidmore@leicester.gov.uk) / [jacob.mann@leicester.gov.uk](mailto:jacob.mann@leicester.gov.uk)  
Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

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If you have any queries about any of the above or the business to be discussed, please contact: **Jacob Mann, Democratic Support Officer on 0116 454 5843**. Alternatively, email [jess.skidmore@leicester.gov.uk](mailto:jess.skidmore@leicester.gov.uk) / [jacob.mann@leicester.gov.uk](mailto:jacob.mann@leicester.gov.uk), or call in at City Hall.

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## **PUBLIC SESSION**

### **AGENDA**

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

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 15 November 2023 are a correct record.

- 3. DECLARATIONS OF INTEREST**

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

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

Members who are not on the committee but who are attending to make

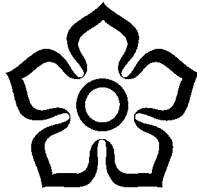
representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact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

**4. PLANNING APPLICATIONS AND CONTRAVENTIONS** **Item 4**  
**(Pages 1 - 4)**

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) 20231214 48A LONDON ROAD, THE PARCEL YARD** **Item 4a**  
**(Pages 5 - 37)**
- (ii) 20231215 48A LONDON ROAD, THE PARCEL YARD** **Item 4b**  
**(Pages 39 – 69)**
- (iii) 20221898 48 LITTLE HOLME STREET** **Item 4c**  
**(Pages 71 – 130)**
- (iv) 20231511 FREEMAN ROAD NORTH, REAR OF 102, BUILDERS YARD AND STORES** **Item 4d**  
**(Pages 131 – 147)**

**5. ANY URGENT BUSINESS**



Leicester  
City Council

**Wards:**  
**See individual reports.**

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Planning & Development Control Committee

Date: 6 December 2023

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## REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

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### Report of the Director, Planning and Transportation

#### 1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

#### 2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

#### 3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

#### **4 Equalities and personal circumstances**

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

#### **5 Crime and disorder**

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

#### **6 Finance**

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

## **7 Planning Obligations**

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

## **8 Legal**

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

**9 Background Papers**

Individual planning applications are available for inspection on line at [www.leicester.gov.uk/planning](http://www.leicester.gov.uk/planning). Other reasonable arrangements for inspecting application documents can be made on request by e-mailing [planning@leicester.gov.uk](mailto:planning@leicester.gov.uk) . Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

**10 Consultations**

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

**11 Report Author**

Grant Butterworth [grant.butterworth@leicester.gov.uk](mailto:grant.butterworth@leicester.gov.uk) (0116) 454 5044 (internal 37 5044).

**INDEX  
APPLICATION ORDER**

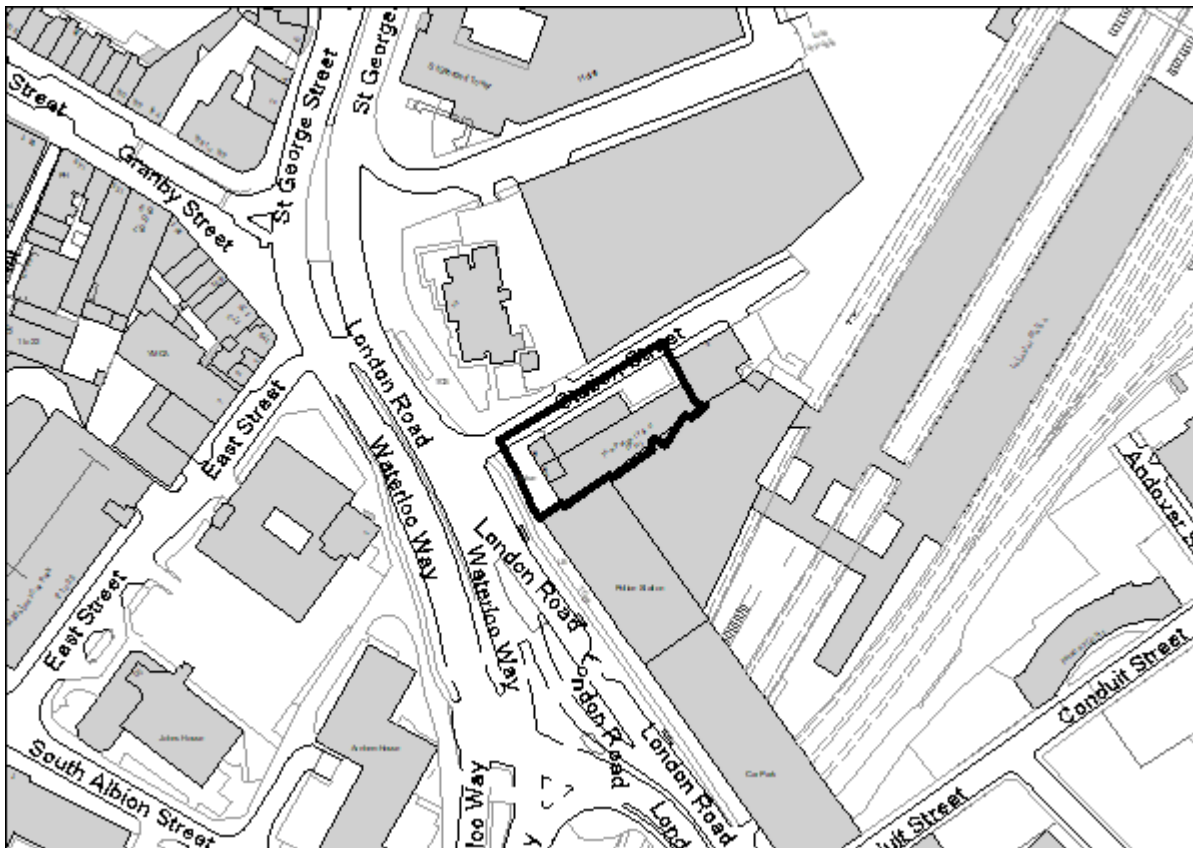
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# Item 4a

## COMMITTEE REPORT

<b>20231214</b>	<b>48A London Road, The Parcel Yard</b>	
Proposal:	Demolition of 48 London Road	
Applicant:	Leicester City Council/Network Rail	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	16 November 2023	
JL	TEAM: PM	WARD: Castle



### BACKGROUND AND CURRENT POSITION

At your last meeting determination of this application was deferred for further information and consideration of matters relating to:

- the justification and necessity for programming and deliverability of the demolition phase ahead of the main comprehensive scheme
- Funding arrangements, commitments and programme risks

This report provides the applicant's response to these issues at **Appendix A**.

**Appendix B** sets out my full report on the application as presented at the last meeting, updated to include matters set out in the Supplementary report of the 15th November 2023.

## **FURTHER CONSIDERATION**

The main report at **Appendix B** details the proposal and how it relates to the intentions for the wider redevelopment of the railway station and surrounding area.

**Appendix A** sets out the applicant's response to the request for further information at your last meeting and the proposals for the deliverability of the substantial and significant wider scheme and thus the context of the initial demolition proposals.

I consider the information provided by the applicant shows that the substantial benefits of wider station redevelopment proposals rely upon- and cannot be delivered without- the demolition of 48A London Road, the Parcel Yard.

However, the application for the demolition of the Parcel Yard building, including the creation of a landscaped public space and the reinstatement of original features of the revealed historic northern façade of the station building are proposals in their own right, and at this stage have to be determined as such.

The proposals subject of this application will deliver significant public benefit through:

- the creation of an amenity space to create an enhanced arrival point for users of the station and nearby residents
- enhancing the setting of Leicester's Grade II listed railway station through the revealed listed façade of the original building

I consider the proposed public realm scheme would have a significant positive impact on the amenity of residents by providing a well-designed landscaped "pocket park" enhancing the environmental value of the site and providing an attractive communal space which could have an extended flexible use through the provision of pop up stalls.

The building is now empty, the upper floor office space having been vacant for a significant time. Similar accommodation for the original uses can be found throughout the city centre and I do not consider that they offered any particular public services which cannot be accessed in close proximity. It is therefore the physical loss of the building and the benefits of the development proposals which are the most material considerations of this application.

Whilst it is acknowledged that the demolition of the building would result in some harm due to the loss of an attractive building which contributes to the street scene, this building is not locally or nationally listed in its own right as explained in the main report. The level of harm has also been described in the main report as being less than substantial and securing the reinstatement of the features on the revealed north façade of the station building and quality public realm open space is significant when considering the planning balance.

I consider the additional information from the applicant gives clear project and programme delivery context on the wider scheme which show the application proposals are needed to facilitate delivery of the wider scheme.

However, I remain of the opinion that the Heritage Impact Assessment and other information submitted in support of the application demonstrably justify that the public benefits of the proposed public realm development and revealed heritage proposals, in their own right, outweigh the associated harm.

## **RECOMMENDATION**

My recommendation remains as set out in the main report attached at **APPENDIX B**, namely that this application is **APPROVED** subject to conditions as set out in full below.

# APPENDIX A

## APPLICANTS RESPONSE TO REASONS FOR DEFERRAL

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### Applications 20231214/20231215

#### 48A London Road The Parcel Yard

#### Response to Matters Raised

This paper responds to queries raised by Members at the Planning and Development Control Committee on 15<sup>th</sup> November.

#### **What is the justification and necessity for programming and deliverability of the demolition phase ahead of the main comprehensive scheme?**

The two-phase approach follows the logical sequence of the railway station project starting with demolition and then followed by the construction of the main scheme.

The reason for taking a phased approach is out of necessity to avoid delay and spend the Government funding within their required timeframes, as well as managing the significant practical risks of delivering a major complex project on railway premises and avoid significant additional costs.

If a combined planning application approach were taken to demolition and the main scheme this would cause a project delay of around eight months ie from now (November) to an estimated planning application decision date next July (following planning application submission in March).

The cumulative impact of an 8-month delay would be as follows:

- There would be a significant risk of the £17m Government funding being lost – originally the bid approval required Government grant monies to be spent by March 2024 and this has previously been re-negotiated to be spent by March 2025.
- East Midlands Railways has indicated that a delay will put at risk their programme to practically sequence other important Network Rail works alongside the station scheme, including Midland Mainline Electrification. Resequencing to accommodate essential track works etc will inevitably add even further complexity, delay and cost to the project.

- The station must stay open during works and the resulting impact of a delay on works delivery timescales would inevitably create additional disruption to rail passengers during elongated works.
- Areas of the station building to be retained are currently inaccessible, hidden behind 48 London Road. Demolishing the building early as planned will allow:
  - o detailed surveys to be carried out to complete construction details of the ramp and related structures such as the new station bike park. This will allow potential building contractors to price their works accurately. Delaying this will require contractors to make assumptions and estimate costs which will inevitably increase overall project costs
  - o surveys which will inform the listed building consent application to accompany the main station planning application.
- The demolition duration is 20-weeks. An eight-month delay for demolition will significantly delay the start of construction by several months resulting in additional programme cost.

#### Costs of Delay

- An eight-month delay resulting from a combined demolition and main works planning application will lead to the following additional costs:

#### Additional costs of securing an empty building

- The building is now empty and cannot be reoccupied in the short-term for practical and contractual reasons.
- British Transport Police are very concerned about the possibility of trespass and arson with the resulting potential impact on the operation of the station, which would be extremely serious.
- The site would need to be maintained as secure for an additional 8 months with security patrols as necessary.

#### Additional contract costs

- Delay in awarding a demolition contract by 8 months will increase the cost of demolition above that currently quoted by contractors through our tendering process, and also add cost to the main scheme works, due to ongoing inflation in the construction sector.
- Extending the programme will incur additional fees from the Council's appointed professional consultant team, for example, for additional project management support.
- An eight-month delay from a combined application approach is estimated to lead to avoidable additional costs to the project in the order of £300,000 (not including on any inflation on delayed main works)

## **What are the Funding arrangements and commitments, and programme risks of the main station scheme?**

- £17.6m of Government funding is fully secured with a signed grant agreement for this project. Regular monitoring reports are submitted to Department for Levelling Up Housing and Communities and the current planned delivery programme is agreed.
- The council has formally committed £5m in its capital programme.
- We have already invested £3m of grant funding in design, signed legal agreements with the rail industry and secured vacant possession from tenant occupiers of the building. (Government may look to claw this back if project delivery does not proceed).
- Department for Levelling Up Housing and Communities has confirmed that the balance of the funding is secured by agreement which currently states the grant must be spent by March 2025 and we are committed to maintain progress against our agreed programme (demolition being a key stage). Failure to do so risks loss of future grant payments.
- Delaying a decision on demolition until July 2024, would prevent the Council from maintaining its programme and the March 2025 deadline will be missed.

## **What is the certainty of the Main scheme proceeding?**

- A series of contracts have been signed which require the project to go ahead.
- The Council has a formal agreement with Government to deliver the station scheme. Government is providing funding and in turn we have obligations to deliver project, by agreed deadlines.
- The Council has a further signed contract with East Midlands Railways and Network Rail to work in partnership to deliver the project. The contract places obligations on each to undertake specific tasks. So far, the following tasks have been completed:
  - Clearly define partner requirements with the rail industry and a wide range of other stakeholders
  - Agree an outline design based on those requirements
  - Consult on that design (this was the subject of extensive public and stakeholder consultation in Spring 2023)
  - Obtain vacant possession of tenanted areas – this is now substantially complete and closes-out a significant project risk.

The next tasks are to:

- Commence demolition works on-site

- o Procure a main contractor
  - o Progress design to planning application and Network Rail Technical Approval (submit March, anticipate determination July)
  - o Construct
- The council has an excellent track record of delivering major transport projects in recent years, including two large bus stations – this is one of the main reasons it has been successful in securing a number of large Government grants, often in competition with other councils.

### **What is the status of the Project Budget?**

- The scheme continues to progress within the approved budget.
- Like other Levelling-Up funded projects, the station will be affected by construction inflation. Potential provision has been identified and previously reported in the council's Capital Monitoring Report. The project budget will be finalised when we have the benefit of a confirmed contract sum from a construction company.

### **Why can't the Parcel Yard be retained?**

- The overriding aims of the station project are to:
  - o create an effective safe and efficient transportation hub both for now and to accommodate expected future passenger growth, and
  - o support regeneration of around the station to encourage growth in the city economy.
- We know from options-testing that the ramp on the site of the Parcel Yard is the best station access for most passengers, as the majority approach from the city centre. Alternatives have been considered but are not as effective and do not meet the needs of rail industry partners.
- The proposed new entrance and public realm on the Parcel Yard site opens-up opportunities for large-scale redevelopment at the former Royal Mail sorting office just across Station Road. Proposed commercial development here may create many hundreds of jobs for Leicester residents, but without the attractive approach the station scheme provides, this will remain, a difficult to develop backland site.

### **What will the final scheme look like?**

- Advanced plans and artists impressions that indicate what the completed scheme will look like and how it will operate are included in the officer report. The applicant team will explain these to Committee members at the member presentation.

## **What are the main risks in summary?**

- If the demolition application is not approved this will lead to a significant delay of 8 months for which there is a real risk that Government withdraws funding – a significant number of Levelling-Up schemes are not progressing nationally due to delivery and funding issues. This is a once in a generation opportunity and this is the second time the council has applied for funding for the station scheme – it will not get another chance in the near term. This would also potentially blight the council's excellent record of delivery and may impact on its ability to secure future Government funds. At the very least if Government funds were able to be retained, an 8-month delay would incur significant additional cost to the project, which isn't budgeted, and potentially greater disruption to passengers during construction.
- If the demolition is approved, and in the very unlikely event the main scheme did not proceed, a building of limited heritage value (acknowledged by the council) would be demolished but the original side façade of the Grade II listed station building would be revealed and restored and an attractive new public space created alongside – both of which would be conditioned in a planning approval.

**David Beale**  
**Programme Manager, Development Projects**  
**Leicester City Council**

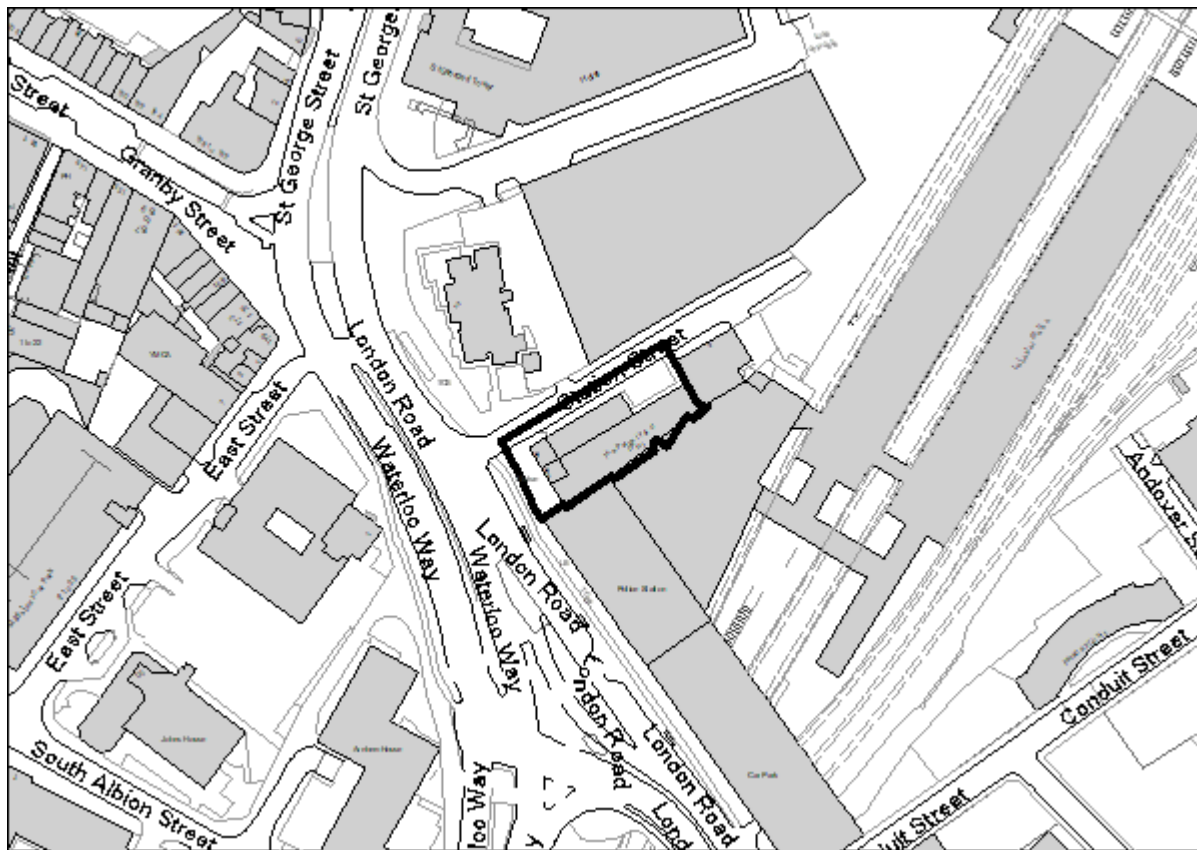
**24<sup>th</sup> November 2023**



# APPENDIX B

## COMMITTEE REPORT/ADDENDUM (AS CONSIDERED BY PDCC ON 15<sup>TH</sup> NOVEMBER)

<b>20231214</b>	<b>48A London Road, The Parcel Yard</b>	
Proposal:	Demolition of 48 London Road	
Applicant:	Leicester City Council/Network Rail	
App type:	Operational development - full application	
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Expiry Date:	16 November 2023	
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### Summary

- The application is being brought to committee at the request of Councillor Kitterick due to the proposal affecting listed buildings and the proposal to

demolish the building without a clear position on what will replace the building.

- Two objections have been received for the application.
- The main issues to consider are the loss of the building, impacts on ecology, impacts on neighbour amenity and highway safety impacts.
- The application is recommended for conditional approval.

## The Site

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

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

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

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

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

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

## Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **The Proposal**

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

- A new main station entrance
- Improved access to the ticket hall to reduce bottlenecks at peak times
- Increased capacity in the ticket hall area

- A reconfigured porte cochere (currently used as a taxi drop off / pick up area) that will feature additional retail and hospitality outlets
- A new public realm connecting the station with the city centre and surrounding area
- Provision for taxis and passenger pick up and drop off
- Links to Leicester's sustainable travel network
- Safeguarding of the station's unique Victorian heritage through the conservation and restoration of unique historic features.

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

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

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

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

The proposal will retain the existing tree to the front of 48A London Road.

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

## **Policy Considerations**

National Planning Policy Framework (NPPF) 2023

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

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

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

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

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

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

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

a) an economic objective

b) a social objective

c) an environmental objective

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 126 states that ‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is

essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.’

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

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

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

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.’

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

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

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

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

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

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

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

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

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

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



minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

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

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

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

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

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

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

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

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

#### Other planning and material considerations

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

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

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty of local planning authorities to have special regard to the

desirability of preserving or enhancing the character and appearance of conservation areas.

Leicester Street Design Guide (First Edition)

## Consultations

- Historic England response-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 202 states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”

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

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

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

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

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

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

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

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

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

- Lead Local Flood Authority (LLFA) -

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

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

- Local Highways Authority -

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

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

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

## Representations

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

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

Of particular concern is the fact that there is a proposal to demolish a listed building without a clear proposal of what will replace it and there needs to be more clarity about this.

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

## Consideration

### Principle of development

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

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

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

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

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

Further detail in respect of heritage consideration is included below.

### Design

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

This includes a landscaped area where it is proposed that the area of land left vacant following demolition will be landscaped to include planters and areas of seating. An area is also proposed which would allow for pop up stalls/ kiosks to be erected. It is

considered that the proposed open space is of an appropriate design providing enhanced public realm as well as helping to enhance the setting of the listed railway station building.

### Heritage Assets

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

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

As mentioned above, a detailed Heritage Assessment has been submitted that references the heritage status of the site. This sits alongside a range of material on the proposed works and the context for their funding and delivery. As such, the submission is adequate in terms of the requirements of paragraph 194 of the NPPF. It follows on from extensive pre-app engagement, with both the Local Planning Authority, Historic England and a range of local and national heritage/amenity societies. It should be noted that a number of heritage/ amenity societies were consulted on this application but no responses were received other than from Historic England.

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



that the impact on the setting of heritage assets other than the current/former Railway Station will be negligible.

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

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

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

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

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

#### Residential amenity

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

#### Highways and Parking

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

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

#### Drainage

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

#### Nature conservation/Trees/landscaping

The Update Preliminary Roost Assessment and Update Emergence Survey report (EMEC Ecology, August 2023) is acceptable. Recommendations in the report for

nesting birds and bats should be followed (in summary below) and made a condition of any planning permission granted:

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

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

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

#### Other matters

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

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

#### **Conclusion**

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

The proposed development would result in the loss of an attractive building in the city, which is curtilage listed due to its physical attachment to the railway station and historic use of the site. 48A London Road as a separate building is not locally or nationally listed. Whilst it is regrettable that there would be the loss of this building, this is necessary to enable the redevelopment of the train station, which would help to improve the appearance of the station, improve accessibility and help to encourage regeneration in this area of the City centre. It is considered that the loss of this building would result in “less than substantial harm” as defined in the NPPF at paragraph 202. The demolition would expose the listed railway station, enhancing the setting of the listed building, which as identified at paragraph 206 of the NPPF,

should be treated favourably. Due to the future works proposed, it would not be possible for the redevelopment to happen without the demolition of the building.

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

I recommend that this application is APPROVED subject to conditions:

### CONDITIONS

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

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

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

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

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

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

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

i) window & door schedule of repair;

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

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

iv) methodology of repairs to masonry.

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

4. No groundworks, slab removal or new development shall take place or commence until a programme of archaeological investigation and mitigation has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the local planning authority. The scheme shall include:

- (1) an assessment of significance and how this applies to the regional research framework;
- (2) the programme and methodology of site investigation and recording;
- (3) the programme for post-investigation assessment;
- (4) provision to be made for analysis of the site investigation and recording;
- (5) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (6) provision to be made for archive deposition of the analysis and records of the site investigation;
- (7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

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

5. No groundworks, slab removal or new development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4 above. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).

6. In the event of the fallback scheme being implemented, the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction periods. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in

accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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

9. The development hereby permitted shall be carried out in strict accordance with the details contained in 10054277-ARL-XX-XX-MS-ZZ-0004-C1-Parcel\_Yard\_Demolition\_Method\_Statement Revision: 01 March 2023, received by the Local Planning Authority on 27 June 2023. (In the interests of the amenity of nearby residential occupiers in relation to noise levels during demolition and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

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

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

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

13. All trees on the site to be retained shall be protected from damage during building operations, in accordance with section 4 of the BS 5837 Arboricultural Report & Impact Assessment (EMEC Arboriculture, July 2022) received by the local planning authority on 27 June 2023. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. Prior to the commencement of demolition, details of the storage of the granite setts to be removed shall be submitted to and approved in writing by the Local Planning Authority. (To ensure the satisfactory development of the site, and in

accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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

Fallback Plans - Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-907009 P02;  
Fallback Plans - Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097007 P02 and  
Fallback Plans - Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097008 P02,  
received by the local planning authority on 27 June 2023.

and

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

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

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

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

Proposed Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097002 P04;  
Post Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097005 P02;  
Proposed Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-097003 P04;  
Demolition Elevations – NE & SE, 177016-ARC-ZZ-ZZZ-DRG-EAR-201004 P03;

Demolition Elevations – SW & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201003 P04; and

Post Demolition Elevations – SW, N & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201005 P01,

Received by the local planning authority on 28 June 2023

Site Layout Plan, 10054277-AUK-XX-XX-DR-ZZ-0007-P1;

Demolition Extents, 10054277-AUK-XX-XX-DR-ZZ-0008-P1; and

Traffic Management Plan, 10054277-AUK-XX-XX-DR-ZZ-0009-P1,

Received by the local planning authority on 13 July 2023

(For the avoidance of doubt)

#### NOTES FOR APPLICANT

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

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

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

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

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

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



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

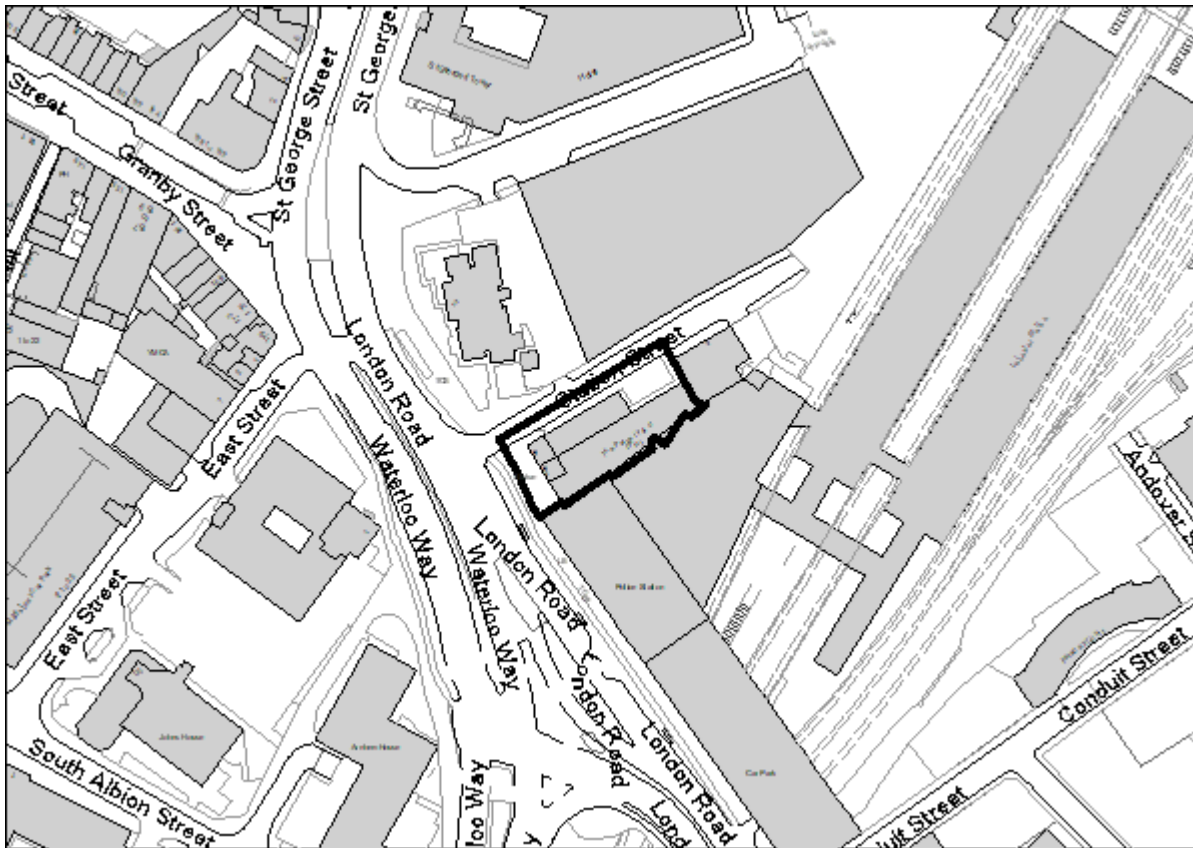
### **Policies relating to this recommendation**

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS04	The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
2014_CS12	In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
2014_CS18	The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.



## COMMITTEE REPORT

<b>20231215</b>	<b>48A London Road, The Parcel Yard</b>	
Proposal:	Listed Building Consent for proposed demolition of 48 London Road	
Applicant:	Leicester City Council/Network Rail	
App type:	Listed building consent	
Status:	Other development	
Expiry Date:	16 November 2023	
JL	TEAM: PM	WARD: Castle



### BACKGROUND AND CURRENT POSITION

At your last meeting determination of this application was deferred for further information and consideration of matters relating to:

- the justification and necessity for programming and deliverability of the demolition phase ahead of the main comprehensive scheme
- Funding arrangements, commitments and programme risks.

This report provides the applicant's response to these issues at **Appendix A**.

**Appendix B** sets out my full report on the application as presented at the last meeting, updated to include matters set out in the Supplementary report of the 15th November 2023.

## **FURTHER CONSIDERATION**

The main report at **Appendix B** details the proposal and how it relates to the intentions for the wider redevelopment of the railway station and surrounding area.

**Appendix A** sets out the applicant's response to the request for further information at your last meeting and the proposals for the deliverability of the substantial and significant wider scheme and thus the context of the initial demolition proposals.

I consider the information provided by the applicant shows that the substantial heritage benefits of wider station redevelopment proposals rely upon- and cannot be delivered without- the demolition of 48A, London Road, the Parcel Yard.

However, the application for the demolition of the Parcel Yard building, including the creation of a landscaped public space and the reinstatement of original features of the revealed historic northern façade of the station building are proposals in their own right, and at this stage have to be determined as such.

These proposals subject of this application will deliver significant public benefit through:

- the creation of an amenity space to create an enhanced arrival point for users of the station and nearby residents
- enhancing the setting of Leicester's Grade II listed railway station through the revealed listed façade of the original building

I consider in the context of this Listed Building Consent the heritage benefits of the revealed façade to be particularly significant. The proposed public realm scheme would have further positive impact on the setting through improved amenity and the provision of an attractive communal space from which the expanded view of the original listed building can be better appreciated.

It is therefore the physical loss of the building and heritage impacts which need to be weighed against these benefits in consideration of this Listed Building Application.

Whilst it is acknowledged that the demolition of the building would result in some harm due to the loss of an attractive building which contributes to the streetscene, this building is not locally or nationally listed in its own right as explained in the main report. The level of harm has also been described in the main report as being less than substantial and securing the reinstatement of the features on the revealed north façade of the station building and quality public realm open space is significant when considering the planning balance.

I consider the Heritage Impact Assessment and other information submitted in support of the application demonstrably justify that the public benefits of the

proposed public realm development outweigh the level of harm on the heritage assets as set out in the report.

## **RECOMMENDATION**

My recommendation remains as set out in the main report attached at **APPENDIX B**, namely that this application is **APPROVED** subject to conditions as set out in full below.

# APPENDIX A

## APPLICANTS RESPONSE TO REASONS FOR DEFERRAL

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**Applications 20231214/20231215**

**48A London Road The Parcel Yard**

### **Response to Matters Raised**

This paper responds to queries raised by Members at the Planning and Development Control Committee on 15<sup>th</sup> November.

### **What is the justification and necessity for programming and deliverability of the demolition phase ahead of the main comprehensive scheme?**

The two-phase approach follows the logical sequence of the railway station project starting with demolition and then followed by the construction of the main scheme.

The reason for taking a phased approach is out of necessity to avoid delay and spend the Government funding within their required timeframes, as well as managing the significant practical risks of delivering a major complex project on railway premises and avoid significant additional costs.

If a combined planning application approach were taken to demolition and the main scheme this would cause a project delay of around eight months ie from now (November) to an estimated planning application decision date next July (following planning application submission in March).

The cumulative impact of an 8-month delay would be as follows:

- There would be a significant risk of the £17m Government funding being lost – originally the bid approval required Government grant monies to be spent by March 2024 and this has previously been re-negotiated to be spent by March 2025.
- East Midlands Railways has indicated that a delay will put at risk their programme to practically sequence other important Network Rail works

alongside the station scheme, including Midland Mainline Electrification. Resequencing to accommodate essential track works etc will inevitably add even further complexity, delay and cost to the project.

- The station must stay open during works and the resulting impact of a delay on works delivery timescales would inevitably create additional disruption to rail passengers during elongated works.
- Areas of the station building to be retained are currently inaccessible, hidden behind 48 London Road. Demolishing the building early as planned will allow:
  - detailed surveys to be carried out to complete construction details of the ramp and related structures such as the new station bike park. This will allow potential building contractors to price their works accurately. Delaying this will require contractors to make assumptions and estimate costs which will inevitably increase overall project costs
  - surveys which will inform the listed building consent application to accompany the main station planning application.
- The demolition duration is 20-weeks. An eight-month delay for demolition will significantly delay the start of construction by several months resulting in additional programme cost.

#### Costs of Delay

- An eight-month delay resulting from a combined demolition and main works planning application will lead to the following additional costs:

#### Additional costs of securing an empty building

- The building is now empty and cannot be reoccupied in the short-term for practical and contractual reasons.
- British Transport Police are very concerned about the possibility of trespass and arson with the resulting potential impact on the operation of the station, which would be extremely serious.
- The site would need to be maintained as secure for an additional 8 months with security patrols as necessary.

#### Additional contract costs

- Delay in awarding a demolition contract by 8 months will increase the cost of demolition above that currently quoted by contractors through our tendering process, and also add cost to the main scheme works, due to ongoing inflation in the construction sector.

- Extending the programme will incur additional fees from the Council's appointed professional consultant team, for example, for additional project management support.
- An eight-month delay from a combined application approach is estimated to lead to avoidable additional costs to the project in the order of £300,000 (not including on any inflation on delayed main works)

**What are the Funding arrangements and commitments, and programme risks of the main station scheme?**

- £17.6m of Government funding is fully secured with a signed grant agreement for this project. Regular monitoring reports are submitted to Department for Levelling Up Housing and Communities and the current planned delivery programme is agreed.
- The council has formally committed £5m in its capital programme.
- We have already invested £3m of grant funding in design, signed legal agreements with the rail industry and secured vacant possession from tenant occupiers of the building. (Government may look to claw this back if project delivery does not proceed).
- Department for Levelling Up Housing and Communities has confirmed that the balance of the funding is secured by agreement which currently states the grant must be spent by March 2025 and we are committed to maintain progress against our agreed programme (demolition being a key stage). Failure to do so risks loss of future grant payments.
- Delaying a decision on demolition until July 2024, would prevent the Council from maintaining its programme and the March 2025 deadline will be missed.

**What is the certainty of the Main scheme proceeding?**

- A series of contracts have been signed which require the project to go ahead.
- The Council has a formal agreement with Government to deliver the station scheme. Government is providing funding and in turn we have obligations to deliver project, by agreed deadlines.
- The Council has a further signed contract with East Midlands Railways and Network Rail to work in partnership to deliver the project. The contract places



obligations on each to undertake specific tasks. So far, the following tasks have been completed:

- Clearly define partner requirements with the rail industry and a wide range of other stakeholders
- Agree an outline design based on those requirements
- Consult on that design (this was the subject of extensive public and stakeholder consultation in Spring 2023)
- Obtain vacant possession of tenanted areas – this is now substantially complete and closes-out a significant project risk.

The next tasks are to:

- Commence demolition works on-site
  - Procure a main contractor
  - Progress design to planning application and Network Rail Technical Approval (submit March, anticipate determination July)
  - Construct
- The council has an excellent track record of delivering major transport projects in recent years, including two large bus stations – this is one of the main reasons it has been successful in securing a number of large Government grants, often in competition with other councils.

### **What is the status of the Project Budget?**

- The scheme continues to progress within the approved budget.
- Like other Levelling-Up funded projects, the station will be affected by construction inflation. Potential provision has been identified and previously reported in the council's Capital Monitoring Report. The project budget will be finalised when we have the benefit of a confirmed contract sum from a construction company.

### **Why can't the Parcel Yard be retained?**

- The overriding aims of the station project are to:
  - create an effective safe and efficient transportation hub both for now and to accommodate expected future passenger growth, and

- o support regeneration of around the station to encourage growth in the city economy.
- We know from options-testing that the ramp on the site of the Parcel Yard is the best station access for most passengers, as the majority approach from the city centre. Alternatives have been considered but are not as effective and do not meet the needs of rail industry partners.
- The proposed new entrance and public realm on the Parcel Yard site opens-up opportunities for large-scale redevelopment at the former Royal Mail sorting office just across Station Road. Proposed commercial development here may create many hundreds of jobs for Leicester residents, but without the attractive approach the station scheme provides, this will remain, a difficult to develop backland site.

### **What will the final scheme look like?**

- Advanced plans and artists impressions that indicate what the completed scheme will look like and how it will operate are included in the officer report. The applicant team will explain these to Committee members at the member presentation.

### **What are the main risks in summary?**

- If the demolition application is not approved this will lead to a significant delay of 8 months for which there is a real risk that Government withdraws funding – a significant number of Levelling-Up schemes are not progressing nationally due to delivery and funding issues. This is a once in a generation opportunity and this is the second time the council has applied for funding for the station scheme – it will not get another chance in the near term. This would also potentially blight the council's excellent record of delivery and may impact on its ability to secure future Government funds. At the very least if Government funds were able to be retained, an 8-month delay would incur significant additional cost to the project, which isn't budgeted, and potentially greater disruption to passengers during construction.
- If the demolition is approved, and in the very unlikely event the main scheme did not proceed, a building of limited heritage value (acknowledged by the council) would be demolished but the original side façade of the Grade II listed station building would be revealed and restored and an attractive new public space created alongside – both of which would be conditioned in a planning approval.

**David Beale**  
**Programme Manager, Development Projects**  
**Leicester City Council**

**24<sup>th</sup> November 2023**

## APPENDIX B

### COMMITTEE REPORT/ADDENDUM (AS CONSIDERED BY PDCC ON 15<sup>TH</sup> NOVEMBER)

<b>20231215</b>	<b>48A London Road, The Parcel Yard</b>	
Proposal:	Listed Building Consent for proposed demolition of 48 London Road	
Applicant:	Leicester City Council/Network Rail	
App type:	Listed building consent	
Status:	Other development	
Expiry Date:	16 November 2023	
JL	TEAM: PM	WARD: Castle

#### Summary

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

#### The Site

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

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

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

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

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

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

## **Background**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **The Proposal**

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

- A new main station entrance
- Improved access to the ticket hall to reduce bottlenecks at peak times
- Increased capacity in the ticket hall area
- A reconfigured porte cochere (currently used as a taxi drop off / pick up area) that will feature additional retail and hospitality outlets
- A new public realm connecting the station with the city centre and surrounding area
- Provision for taxis and passenger pick up and drop off
- Links to Leicester's sustainable travel network
- Safeguarding of the station's unique Victorian heritage through the conservation and restoration of unique historic features.

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

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

The proposed demolition will remove all above ground structures at 48A London Road. Demolition will be carried out in a top-down method, to ground floor slab, leaving hardstanding, foundations, basement and basement roof in situ and intact. A temporary cover will be provided over the basement. Demolition is to be carried out with a manual de-build and mechanical plant for larger parts of the building, such as steel beams. Care will be taken to ensure that there is no damage to the historic fabric

of the railway station building. It is then proposed that temporary hoarding to match the existing building line will be erected, which will then be removed at the earliest opportunity. It is proposed that the Thomas Cook statue will remain in situ during the demolition works.

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

The proposal will retain the tree outside 48A London Road.

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

## **Policy Considerations**

National Planning Policy Framework (NPPF) 2023

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

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

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

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

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

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

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

a) an economic objective

b) a social objective

c) an environmental objective

Aspects relating to pre-application engagement. Paragraph 39 states that ‘Early engagement has significant potential to improve the efficiency and effectiveness of the

planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.'

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

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

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

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

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

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

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

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

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

Paragraph 203 states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.'

In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

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

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

### Other planning and material considerations

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

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

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

Leicester Street Design Guide (First Edition)

### **Consultations**

- Historic England Response -

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

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

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

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

to and interconnected with the station building and incorporates elements of an earlier C19 parcel yard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 202 states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”

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

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

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

The supporting information suggests that the harm that would result from the proposed demolition could be offset by the heritage and wider benefits that would arise from the envisaged wider redevelopment scheme. However, the applications contain no assurance that the redevelopment will proceed, and the

reference to fallback proposals (which contain only minimal detail) are not clear.

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

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

Historic England has concerns regarding the application on heritage grounds. In our view the proposed demolition would cause harm to the overall significance of the Grade II listed building for the reasons outlined above. As the applications have been submitted in isolation, together with a fallback position, Historic England considers that there is a significant risk of the demolition taking place without the subsequent redevelopment and associated public benefits being secured. Your authority will therefore need to be satisfied that the harm resulting from demolition is justified and outweighed by public benefits and should take all reasonable steps to ensure the redevelopment will proceed after the loss has occurred.

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

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

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

- Noise Pollution – There are concerns about potential noise and dust nuisance from the site during demolition activities in respect of loss of amenity to occupiers of adjoining properties. There are numerous residential properties (including high-rise), commercial units, licenced premises and hotels in the immediate area.

However, there are no objections in general, providing that the details in document:10054277-ARL-XX-XX-MS-ZZ-0004-C1-

Parcel\_Yard\_Demolition\_Method\_Statement Revision: 01 March 2023 are implemented throughout.

## Representations

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

- Important building which has been in the city for a long time. It has significant value to the city. Can't demolish historic listed building to make a new entrance.
- Design can be developed while keeping this beautiful listed building.
- Complete waste of money, should invest in housing as that is a major crisis than making new entrances for the station while all the services are the same.
- Levelling up funds are going to complete waste, should go to housing.
- Waste of money and time.
- Station is fine. If want to improve train services fair enough but these plans won't change any train services.
- Council should use the funds for something better.
- Leicester train station is perfect, everything is perfect right now.
- Should use the funds for housing and green space.
- Parcel Yard is a good and handy licensed premises serving people using the railway station – provides a service.
- Taxi office in the building provides a service.
- Cannot understand logic of the City Council – don't want to retain buildings.
- If buildings are making a loss would be better to utilise the properties than knocking down.
- Revealing the North wall of the arrivals and departures glazed frontage is not compensation for the loss of the frontage of 48A London Road that contributes to the overall group of railway buildings and the street.
- Three phases of railway architecture are present on site now – the original gates to the Campbell Street station, the glazed arrivals and departure frontage and 48A London Road representing a later development of use of railway and railway traffic and usage. These three are unique in close proximity in Leicester.
- The building represents a third phase of railway architecture and should not be lost.
- The demolition damages the setting of the listed glazed frontage since it takes it out of its context as one stage of an evolving group of buildings in differing architectural style.
- The design of 48A London Road is neither elaborately decorated or plain but is a neat and effective elevation with symmetry, detail, presence and a



stone clad ceramic vertical articulation that offers good legibility making it an attractive contribution to the street. It would be a loss if it was removed.

- Beneficial uses would be possible and a new station access is possible with it retained and refurbished not demolished.
- The proposal to demolish is partially promoted by the City Council and therefore may have to be referred elsewhere for an independent approach to be taken. Otherwise conflict of interest may be alleged and it might not be possible for true probity to be maintained and for it to be demonstrably impossible for such interests to persist. Reserve the right to make further comments and representations at this future point directly.
- Vital to protect Leicester's diminishing heritage and while full retention is optimum, incorporating the full façade to London Road with a quarter of the side wrapped around as part of a new building might be satisfactory if there is good design.
- Councillor Kitterick - Request for these two applications to be considered by the Planning Committee as they represent a major application in the city which affects listed buildings.

Of particular concern is the fact that there is a proposal to demolish a listed building without a clear proposal of what will replace it and there needs to be more clarity about this.

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

## **Consideration**

### Principle of development

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

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

In principle I consider the proposal, would be of significant public benefit in terms of its contribution to a major redevelopment and enhancement of Leicester's railway station. Furthermore, I consider it would also allow for provision of significant benefits to be delivered through the proposed fall-back development (landscaped pocket park) providing an area of improved public realm and enhancing the setting of the listed railway station building should the major scheme not proceed. The Parcel Yard

currently overlaps and obscures a decorative parapet and wall of the railway station and is set back and of a lower stature of the railway station. It is not considered to be a dominant or prominent building when viewing the railway station as a whole and not a key element of significance. Whilst the building is clearly an example of an Art Deco building, it is not a remarkable example in its own right, something that has been established due to the fact that it is not locally or nationally listed as a heritage asset. The local heritage asset register was reviewed in early 2023. It does not lie in a conservation area.

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

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

Further detail in respect of heritage consideration is included below.

### Design

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

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

### Heritage Assets

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

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

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

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

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

Nevertheless, the property more generally is of a much later construction than the main Victorian Station, divergent in form and style, and the product of a different architectural team. It is less significant both in terms of its younger age and its

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

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

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

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

## Other matters

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

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

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

### **Conclusion**

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

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

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

I recommend that this application is APPROVED subject to conditions:

## CONDITIONS

1. The works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)

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

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

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

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

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

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

i) window & door schedule of repair;

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

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

iv) methodology of repairs to masonry.

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

4. No groundworks, slab removal or new development shall take place or commence until a programme of archaeological investigation and mitigation has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the local planning authority. The scheme shall include:

(1) an assessment of significance and how this applies to the regional research framework;

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

(3) the programme for post-investigation assessment;

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

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

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

(7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

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

5. No groundworks, slab removal or new development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4 above. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).

6. In the event of the fallback scheme being implemented, the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).

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

Site Plans – Location Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-08100 P02;

Site Plans – Site Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081001 P02;

Post Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097004 P02;

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

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

Received by the local planning authority on 27 June 2023

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

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

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

Demolition Elevations – NE & SE, 177016-ARC-ZZ-ZZZ-DRG-EAR-201004 P03;

Demolition Elevations – SW & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201003 P04; and

Post Demolition Elevations – SW, N & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201005 P01,

Received by the local planning authority on 28 June 2023

Site Layout Plan, 10054277-AUK-XX-XX-DR-ZZ-0007-P1;

Demolition Extents, 10054277-AUK-XX-XX-DR-ZZ-0008-P1; and

Traffic Management Plan, 10054277-AUK-XX-XX-DR-ZZ-0009-P1,

Received by the local planning authority on 13 July 2023

(For the avoidance of doubt)

#### NOTES FOR APPLICANT

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

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

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

2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.

2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

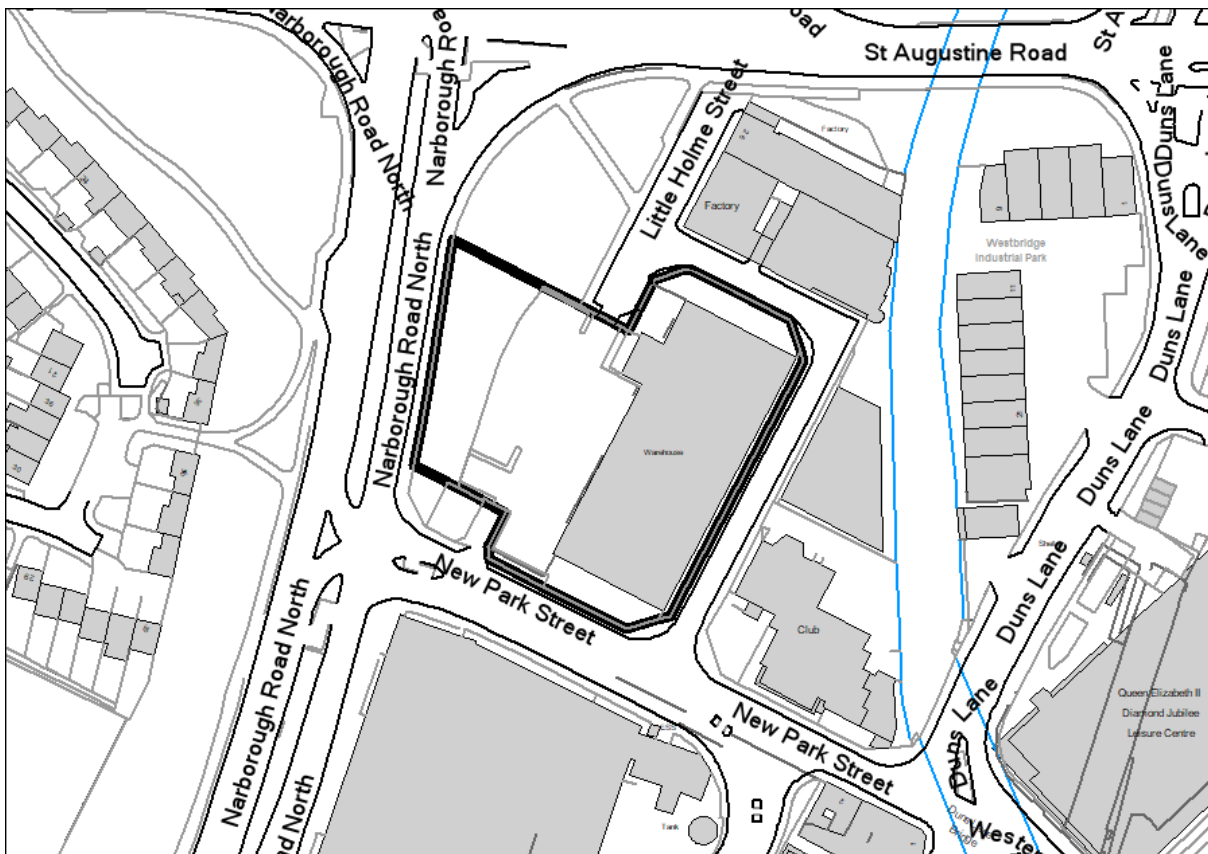






## COMMITTEE REPORT

<b>20221898</b>	<b>48 Little Holme Street</b>	
Proposal:	Demolition of factory (Class B2); construction of a 6 and 7 storey building containing student accommodation (Sui Generis), 2 storey building housing plant and cycle/bin storage, with associated ancillary works and landscaping (as amended).	
Applicant:	CC Leicester Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	21 September 2023	
SR	TEAM: PM	WARD: Westcotes



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### BACKGROUND AND CURRENT POSITION

At your last meeting on 15<sup>TH</sup> November determination of this application was deferred for re-consideration and more information in respect of parking, massing and noise issues.

The applicant's response to these issues is attached at **Appendix A**.

The applicant provides more information and policy justification on the matters queried, but does not propose any amendments to the design of the scheme.

**Appendix B** sets out my full report on the application as presented at the last meeting, updated to include matters set out in the Supplementary report of the 15th November 2023.

As the application has not been amended, Appendix B remains relevant and forms my substantive consideration and recommendations in respect of the application, along with the further consideration section set out below.

## **FURTHER CONSIDERATION**

Officer assessment of the applicant response to each of the issues raised by PDCC are set out below.

### *Parking*

The applicant's comments in respect of parking and highway issues are considered to form a comprehensive, robust and accurate assessment of the policy position. The report at Appendix B sets out the officer highway and transport considerations and conclusions which remain unchanged.

### *Massing*

The applicant's comments in respect of massing and design issues is considered to be a comprehensive, robust and accurate assessment of the policy position. The report at Appendix B sets out the officer design considerations and conclusions which remain unchanged.

### *Noise*

The applicant has considered the request made by the objector at the PDCC on 15<sup>th</sup> November 2023 and has proposed a further condition requiring to demonstrate that the noise mitigation installed is acceptable.

The Council's Environmental Health have been asked to review the proposed condition, and I will report the officers' conclusion and whether any additional condition should be recommended through the Addendum Report at the Planning Committee meeting.

## **RECOMMENDATION**

My recommendation remains as set out in the main report attached at **APPENDIX B**, namely that this application is **APPROVED** subject to completion of a section 106 Agreement and conditions as set out in Appendix B in full below.

## **APPENDIX A: APPLICANTS RESPONSE TO REASONS FOR DEFERRAL**

23 November 2023

Mr Sam Rosillo  
Planning Department  
Leicester City Council  
115 Charles Street  
Leicester  
LE1 1FZ

Pearce Planning Ltd  
Woodspring House  
17 Hill Road  
Clevedon  
BS21 7NE

Our Ref - AP/RosilloLtr

Dear Sam,

### **CROWN STUDENT LIVING – 48 LITTLE HOLME STREET, LEICESTER PLANNING APPLICATION REFERENCE 20221898 PURPOSE BUILT STUDENT ACCOMMODATION PROPOSAL**

Further to the planning committee last week (15 November) which considered the above planning application, we agreed to set out our client's position in respect of the Committee's decision to defer the planning application rather than follow the officer's recommendation to approve. We were very disappointed and somewhat perplexed by the comments raised by some members and would like to offer the following robust response to demonstrate that the matters raised have all been addressed through the planning application process, which as you know has been very extensive and thorough.

### **Background Summary**

The three key matters that led to the deferral related to noise, parking and design principally raised by Cllr Haq and Cllr Moore. We did note that 4 of the 9 Councillors abstained which suggests they would welcome further clarity on the items of concern raised. We welcomed the support provided by the Chair (Cllr Pantling) and Cllr Agath. It is very important that a decision is made on 6 December for contractual reasons otherwise this opportunity will be lost.

We did appreciate both Grant Butterworth's and your efforts to satisfy members on these points. We did feel slightly frustrated that members had not fully digested and understood your committee report, which we accept had to be detailed and lengthy to cover all matters, and we would like you to confirm that the contents of this letter will be discussed with members directly in advance of the 6 December committee. In our conversation following the committee decision you advised that we can either seek to amend the scheme and submit further information or provide a robust rebuttal against these points to assist you in the presentation of the application to members in December.

**I can confirm that following a review of potential alternatives and options, my client wishes to provide clarification/justification rather than amendment as we feel our proposals are policy compliant.**

The principal reasons for this are that we have worked extremely hard to provide justification for the development and obtain support from officers in design, highways and heritage and noise. I note that you have agreed to liaise with your environmental health officer to assist and provide further comfort on noise concerns raised by the Ward Councillor, objectors, and members which is helpful.

The proposals have a recommendation for approval based on a rigorous process involving significant changes to the scheme several times working closely with you to overcome the alleged shortfalls as you saw them and arrive at a development proposal that we can all be proud of which makes the best use of land in a strategic regeneration area and identified development plot. The proposal delivers much needed student accommodation in a sustainable location which counts towards the 5-year housing land supply position.

## **Experience & Precedents**

It is useful for context to explain that we are planning experts in PBSA developments and are currently working on over 20 sites across the country having delivered permissions for well over 5,000 beds. The issues raised are not new and come up on most projects given the PBSA sites are in city centre / edge of city locations, regeneration areas, often by existing music venues and deliver zero parking solutions which are carefully managed and clearly very sustainable encouraging walking and cycling.

All the PBSA providers we work with are experienced in designing and managing PBSA schemes between 300 beds and 850 beds. All these schemes are designed to be car free with very low provision of essential spaces relating to either accessible units, staff and drop off pick up. All schemes have management plans and the developers provide a comprehensive move in / out strategy with staff on hand to help and students are given a time slot to arrive in so it is very well co-ordinated.

When students arrive, they are also provided within information on the local area and key facilities so as to encourage non car use. If students are found to have cars this is raised with them and action taken to cease their tenancy. This is normal practice for PBSA developments throughout the country including those in Leicester. It is encouraged by Central Government policy and Local Plan policy. If parking were provided on site, it would simply lead to competition for spaces, more movements by car to and from the site in the hope that there may be an available space. If there is no parking then students will know this and not attempt to bring a car with them and nor will visitors or they will simply seek to use local car parking and walk across or cycle.

Considering an alternative scenario for this site being developed for residential or indeed retained for its current warehouse use, both scenarios involve considerably more movements by car and provision of parking, turning and road activity. This would lead to greater congestion and as such a PBSA scheme is clearly advantageous. We would urge members to review other planning consents granted in the city and elsewhere and note that parking was not required at those developments either and it is not a defensible reason to refuse the application.

We work around the country on student developments and other forms of proposals near existing music venues and have successfully designed and mitigated noise impacts so these uses can coexist. Indeed, in city centre locations such as this it is common place to manage this arrangement.

### **Key Issues**

I have sought below to provide some more background on the specific points raised during the Committee debate and provide our justification below.

### **Noise**

It was quite disappointing to hear objections from the venue, Music Venue Trust, and the Ward Councillor on this matter despite the submissions made to provide clarity and comfort and the conclusions of your expert Noise officer. We do not see a valid reason to refuse the application that would be defensible at appeal. Many venues struggle with support, patronage, and funding particularly post covid and as a result to resist a development on the doorstep of this facility which will bring 466 new enthusiastic young people who are customers or potential staff/supporters does not make sense.

Many students would welcome this facility and if they are not minded on attending the venue then that may influence their decision on whether to rent a room. The

venue exists and students visiting to decide on accommodation will be in full knowledge of its presence and consider whether it is appropriate for them. For some, it could be a reason to choose to live here and support the venue.

You will be aware that our client has funded investigations in respect of the existing noise levels from the adjacent club. We noted objections were submitted however we felt the findings of the report together with the mitigation measures proposed as part of the development and the properly worded conditions confirm that these developments can coexist.

This site is allocated for development and is identified in the regeneration zone where you would expect some form of residential accommodation to come forward. Our client's proposal is for PBSA and as such is a more tolerating use than perhaps a residential estate of families would be. In addition, we have worked hard with the environmental health officer and you to mitigate the layout of the development to alleviate any future issues related to noise complaints. In this regard, the floor layouts of the development have been designed to have the living areas of the cluster flats at the end of the block in closest proximity to the club thereby moving any sleeping areas further away.

#### Noise survey

A query about the adequacy of the survey in the context of potential noise breakout from the roof of the club was raised in the verbal comments made by the MVT at the Committee meeting. Mach Acoustics have confirmed that the microphone location utilised for the most recent survey was robust/onerous in that it reflects a point on the proposed building facade which is close to the club. The mic was mounted at circa 3.5m above ground level, so approximately at second storey height. The mic specification utilised measures all sorts of noise in the environment, which would include noise from the club roof, walls, road noise, etc.

Noise levels emitted from a building will be dominated by the weakest elements, in this case it has been noted that the club's garden entrance and fire escape doors appear to be relative 'weak points' in terms of noise emissions, offering little by way of sound resistance. The noise from the roof would not be a significant additional factor due to these other weak links. Therefore, the facade design numbers proposed would be geared to mitigate noise from the roof club as well. In this respect, it is considered that the noise monitoring undertaken to date is suitably robust to support the detailed design of the proposed 6/7 storey building.

#### Pre-occupancy noise condition

We work on other schemes next to music venues and we have copied below wording extracted from a recent noise mitigation condition imposed on a residential scheme that we are acting on in Bristol:



*The residential accommodation hereby approved shall not be occupied until an assessment to demonstrate the effectiveness of the approved noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, to be effective, the noise mitigation measures must provide acceptable internal living environments for the residential accommodation in accordance with Bristol City Council Development Management Policy DM35: Noise Mitigation and shall not exceed the following levels:*

- *Daytime (07.00 - 23.00) 35 dB LAeq 16 hours in all rooms and 50 dB in outdoor living areas.*
- *Night-time (23.00 - 07.00) 30 dB LAeq 8 hours and LAm<sub>ax</sub> less than 45 dB in bedrooms.*

*Noise Rating Curve NR20 at all times in any habitable rooms where residential properties are affected by amplified music from neighbouring pubs or clubs.*

We feel that a further condition beyond those listed is not necessary however, to be of assistance if it is deemed necessary by the Council's EHO and Planning Committee, we would accept a suitably worded condition. A key caveat is that our internal monitoring would be accompanied by external monitoring as well, to ensure that the nightclub is not exceeding noise levels as measured during the noise monitoring undertaken by Mach Acoustics – i.e., on the basis that it is these measured noise levels which will be the basis for the design and specification of the proposed noise mitigation measures.

## **Parking/Highways**

Highways considered the planning application to be acceptable and at Committee confirmed there was no requirement to provide parking in this location and that they did not have any reason to object to the proposals. Despite this, one Councillor muted that the proposals should have more parking. The same Councillor also raised a concern over highway impact and traffic resulting from the development.

I must say this was quite surprising given that the site is in a very sustainable location with excellent walking and cycling opportunities to the University. We are currently working on over 20 PBSA schemes across the country in city centre and edge of city locations and all are car free (other than staff parking/drop off/pick up or accessible parking). The proposed spaces on site cater for these needs and meet policy requirements and the thrust of Government guidance towards creating sustainable places to live, study and work. There is no requirement for parking for a PBSA scheme or indeed a residential scheme in the centre of a city. If the developer felt parking was essential to the operation of PBSA then it would be proposed as clearly the development only works financially if attractive to the market. Most PBSA schemes do not provide parking for their students.

If additional parking was proposed it would make the development less sustainable and encourage students to bring cars to university and increase movement patterns along the surrounding roads. If the site were developed for housing rather than PBSA then the use of the road and provision of parking related to these use would lead to more movements, parking requirements and disruption to businesses and be more sensitive to the noise of businesses and the club. A PBSA scheme is the most appropriate use for the site and there is no policy requirement to deliver parking.

Our client uses a management plan, secured by condition 27, which requires students taking a place at their scheme to not bring a car and if they are found to have a car they are warned and can lose their accommodation place. This is common place in the industry given the age and profile of many students and the location of PBSA schemes in relation to the University campuses and social amenities. The fact the PBSA scheme would be professionally managed is an important factor here and why PBSA schemes are so successful and reduce the issues often seen in residential streets through the proliferation of HMOs. PBSA provides all the necessary infrastructure and information to not require students to have a car such as cycle parking and information. HMOs on the other hand which will be in greater need, if this scheme is not approved, cannot cater for parking, cycle parking, refuse/recycling and are not managed. These problems are simply endured by other residents in the street.

Turning to the application documents submitted with the application and the highway officers assessment in the report, we submitted a comprehensive assessment of transport issues in the Transport Statement and Travel Plan to encourage non-car use and consider the impacts of development. We also confirmed acceptance of condition 27 which requires a management plan to be signed off by officers prior to occupation and items covers arrival / departure, servicing, restriction of car ownership / use of parking, cycle parking and dealing with issues of complaint from neighbours. This should provide sufficient comfort to members that the developer is taking this all very seriously and officers have secured requirements in advance of impact.

We also feel it is worth highlighting the NPPF in respect of highways:

*111. 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.***

*112. 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;*

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

The proposed development secures £70,000 of contributions to improve the local highway network from a cycle and pedestrian perspective at Little Holme St to St Augustine's Rd and Little Holme St / New Park St, together with a residents travel pack to encourage sustainable movement (condition 28).

The proposals will not lead to severe impacts on the road network given the car free nature of the proposals and existing provision of pedestrian routes/crossings as confirmed by the highway response. We therefore comply with paragraph 111. We have provided priority to pedestrians and cycle movements and satisfied paragraph 112. We have satisfied paragraph 113 through submission of documents. As a result of the contributions, we are compliant in respect of highway considerations.

## **Design**

### Background

The proposals for this site were first submitted as a pre-application in 2019 for approximately 715 student beds. Since that time amendments were made and a follow-on pre-application was lodged in February 2022 for 723 beds and a 9-13 storey building with the LPA formal response being provided in August 2022. This response resisted a building of this scale. The scheme was then submitted formally as an application in September 2022 and comprised 646 beds over 7 to 11 storeys with a 6-storey spine. The layout of the building has been consistently maintained following the initial review and proven to be the best way to develop the site.

The accommodation provides a mix of cluster apartments (6 to 11 beds) and studios. Both are popular with the market and provide a range of prices to meet different needs. Clusters are supported by the Universities as more affordable accommodation for students and attractive to returning students who would otherwise seek HMOs. Studios are very popular with students to provide their own space. All students have access to the fantastic amenity spaces provided by Crown in this development.

Since the submission there have been numerous discussions and meetings with officers to seek to address all the issues raised by consultees and on design. The

scheme has been modified during the year of determination through detailed assessment of the city model and identifying key locations and views. It has also been tested in terms of immediate views and impacts on existing buildings. In particular we have worked with the Urban Design Lead and you together with a meeting with Mr Smith (Director of Planning, Development and Transportation) to address the concerns raised and have followed the proposed and agreed LCC officer's scale and mass which results in a low level of less than substantial harm in heritage terms which is considerably outweighed by the benefits of the scheme.

The Committee report provides commentary on the process and the responses from consultees. It also helpfully points out that the proposals were considered by the Conservation Advisory Panel in July 2023 and no objections were raised. They concluded that the reduced scale and revised design including curved elements represented a positive design development.

The report also confirms the proposals accord with the Student Housing SPD in that it helps meet the identified need for PBSA, it is within easy walking distance of the two campuses, is of acceptable design and does not lead to over concentration of PBSA. It also has an appropriate level of facilities and has a good layout and future management is controlled by condition.

At page 23 of the report detailed assessment of the urban design credentials are discussed. This section identifies the concerns that existed for the original scheme and how these were worked through by revising the design collaboratively. The design addendum submitted helpfully outlined the changes made which significantly reduced the scale and mass, removed the western block scale and improved built form. The report confirms the building would not be considered tall for Leicester being under 24m and is located in a transitional zone between the city centre and the suburbs. Given the presence in the regeneration zone it is appropriate for this site to be of greater scale and mass than existing and it was found to be acceptable by your Urban Design Lead when balancing all matters, viability being one.

The curved edges proposed are identified as positive to soften the mass and articulation was defined to reduce any bulk. The officer also supported the proposed materiality of brick and cladding to help break up the elevations and the 6<sup>th</sup> floor being set back. The layout was supported and creation of two areas for external amenity against Little Holme Street was a pleasing response to what is currently a fairly hostile dead frontage.

The report notes that further information will be required by condition in terms of the actual materials to be used and 1:20 scale plans defining the detailing which is normal. As such there is an element of control still within the appearance of the scheme in order to ensure quality. (Conditions 18 and 19 relate). The images provided to date do propose a quality building and appropriate materials. There will also be no works affecting underground archaeology until investigation has been undertaken as per the conditions.

Whilst some Councillors welcomed the design, some sought clarification on a few matters such as the increased scale and mass when compared to immediate surrounding buildings. Cllr Moore was not in our view justified in her assertion of brutalist architecture and comparing it to Battersea power station was not appropriate or accurate in our view.

## Response

We have been challenged on the scale and mass throughout the pre-application and application process and been asked to investigate heritage impacts and townscape analysis and views as well as daylight / sunlight assessment and impact on adjacent sites. The scheme has been reviewed and modified substantially throughout. We acknowledge that the surrounding existing built form is principally 2 storey. Some buildings are of greater mass and significance such as Tesco. However, we strongly feel that the work undertaken by both LPA officers (planning, design, heritage, landscape), consultees and our consultant team has examined the impacts robustly.

The height and scale proposed is appropriate for this location given proximity to the city centre and Universities, main A5460 road which marks separation of the city centre and suburban area and considering other built form in the area and heritage assets / key views. The scheme has been reduced from 13 storeys max height down to 6/7 storeys which shows considerable flexibility on our client's part but to further reduce the scheme would hamper future intentions in this regeneration zone to make the best use of land. It would also mean the scheme was unviable (given the loss of 250+ beds through the process already) and all the benefits would not be delivered and the existing harm caused visually of this existing building would remain. As would all the harm caused by the continuing use of HMOs.

In these regeneration zones development should be denser and the mass of the building has been tested and does not have an adverse impact on surrounding buildings. In turn, it is likely that these will be regenerated too in due course and a denser urban form created which will assist with resisting the loss of greenfield land in unsustainable locations and support the 5-year housing land supply position.

We have included a number of rendered images and views to show the proposed building in more detail given some comments by members on the night. The approach to layout, form, scale, mass, and appearance have followed significant discussion with key officers at the LPA and have been agreed as an appropriate solution for this site. When compared to the existing building and area the proposals are considered to represent a significant public benefit in terms of improvement of the site's appearance.

## **Summary**

Our Planning Statement and application as a whole together with the committee report and our presentation at Committee have demonstrated that the proposals are in accordance with National and Local planning policy and will bring huge benefits to the City of Leicester. It will help to address the unmet demand for PBSA in Leicester as demonstrated by the submitted market report.

It is notable that this major application has only received 19 representations, 4 supporting, 3 offering comments and 12 objecting. As you know most people do not bother to write in support of proposals and if university students were asked directly to comment they would be supportive. Considering this proposal would benefit 466 students throughout its life every year and countless existing residents in Leicester suffering from the effects on living near HMOs with their unplanned or managed regime there is significant support for the proposals which outweigh the objections.

There are no reasons to not support this application given the policy position supporting regeneration of the site, the desire to make the best use of land in sustainable locations, increase density and deliver much needed PBSA which has the positive benefit of reducing the reliance on HMOs in the city. Furthermore, it is the most appropriate use for this site given the surrounding uses which may be greater affected by a pure residential scheme given the more sensitive nature of potential residents/families.

The NPPF confirms that PBSA is an appropriate supply of housing to consider in terms of delivery. The scheme would deliver 466 PBSA beds which is equivalent to approximately 186 homes (applying a 2.5 ratio). This is a considerable contribution and will also lead to reduced pressure on the need to use existing HMOs or create new ones which releases these back to the market for pure residential lettings or purchase. This effective double supply has been given significant weight by Inspectors in the determination of planning appeals in terms of new build delivery and HMO release.

Currently Leicester cannot demonstrate a 5-year supply of housing and is sitting at between 2.8 and 3.5 years according to the Housing Land Supply Index. This is a significant shortfall which would be considered in any decision and potential future appeal and the tilted balance is engaged as you will know which supports sustainable development. Paragraph 11d of the NPPF confirms that development proposals which accord with the development plan should be approved without delay. We believe this is the case. Notwithstanding this, where there are no relevant policies or policies are out of date permission should be granted unless there are clear policy conflicts with protected areas (which there are not) or any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits.

As you will appreciate this test of significantly and demonstrably outweighing benefits is a hard test for LPAs to defend when the benefits of the development are so substantial and the land in question is within a regeneration zone. This is the reason the development was supported by officers and why members would be

advised to support this recommendation and help create a very important catalyst for improving this part of Leicester and delivering homes for the students of the city.

We look forward to hearing from you and will be wanting to speak in support of the application.

Yours sincerely

**ALAN PEARCE MRTPI**  
**Managing Director**





Existing and Proposed Visual Impact Imagery

View Looking North along New Park Street



Existing



Proposed

View Looking South on Little Holme Street



Existing



Proposed

View Looking East along New Park Street



Existing



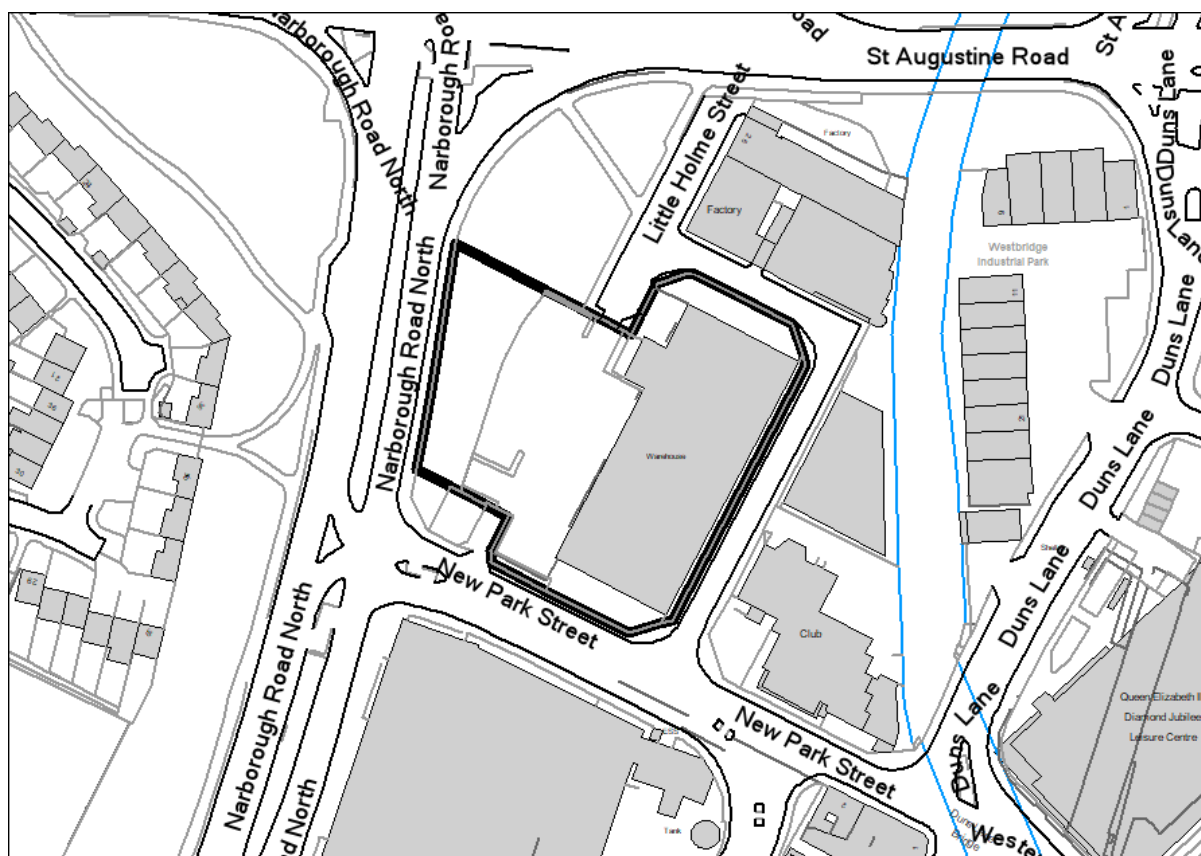
Proposed



## APPENDIX B

### COMMITTEE REPORT/ADDENDUM (AS CONSIDERED BY PDCC ON 15<sup>TH</sup> NOVEMBER)

<b>20221898</b>	<b>48 Little Holme Street</b>	
Proposal:	Demolition of factory (Class B2); construction of a 6 and 7 storey building containing student accommodation (Sui Generis), 2 storey building housing plant and cycle/bin storage, with associated ancillary works and landscaping (as amended).	
Applicant:	CC Leicester Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	21 September 2023	
SR	TEAM: PM	WARD: Westcotes



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## Summary

- The application is brought to the Committee as 13 objections have been received including those from Councillor Clarke and Councillor Russell.
- Thirteen objections have been received regarding: the provision of student accommodation; issues relating to traffic, noise impacts; impact on existing business in the area; and the impact on historic environment.
- The main issues for this proposal are the design of the new buildings; built conservation impacts; archaeology; and residential amenity (specifically relating to noise impacts).
- The application is recommended for approval subject to conditions and a S106 Agreement to secure developer contributions towards open space, highways improvements and healthcare provision.

## The Site

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

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

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

## Background

Planning permissions of relevance to the Site are as follows:

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

## The Proposal

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

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

The buildings are supported by associated landscaping, ancillary and communal facilities.

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

Type	Number	Bedspaces	Percentage
6 bed apartment	2	12	3%
7 bed apartment	10	70	15%
8 bed apartment	1	8	2%
10 bed apartment	12	120	26%
11 bed apartment	5	55	12%
Studio	201	201	43%
Total		466	

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

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

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

## **Policy Considerations**

### National Planning Policy Framework (NPPF) (revised 2023)

The relevant sections of the NPPF are as follows:

Section 1 – Introduction. Paragraph 2.

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

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

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

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

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

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

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

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

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

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

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

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

### Development Plan policies

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

### Supplementary Planning Documents (SPD)

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

### Other legal or policy context

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

### Other Guidance

- National Planning Practice Guidance (published 2016, as amended)
- City of Leicester Local Plan Appendix One – Vehicle Parking Standards.
- National Design Guide (published 2019, as amended)

- National Model Design Code (published 2021).
- Building for a Healthy Life (2020)
- Leicester City Council Waste Management guidance notes for residential properties.
- Emerging Leicester City Council Local Plan (Regulation 19 submission, January 2022)
- Local Plan evidence base document: Tall Development in Leicester (Regulation 19 submission, November 2022)
- Castle Conservation Area Character Appraisal (2007)
- Tall Buildings: Historic England Advice Note 4 (2002)

## **Consultations**

### Local Highways Authority

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

### *Cyclists and pedestrians*

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

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

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

### *Section 106*

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

- £20,000 – Upgrading the footpath link from Little Holme Street to A47 St Augustine's Road to safely accommodate cyclists.

- £50,000 – Reconfiguration of Little Holme Street to better ensure pedestrian safety (the contribution being to cover the costs of paving the western verge alongside the proposed building and measures at or close to the Little Holme Street / New Park Street junction where the majority of pedestrians will need to cross).

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

#### *Planning conditions*

Planning conditions are recommended to ensure street works and car parking is delivered in accordance with the Leicester Street Design Guide and to ensure the development is not occupied until the secure and covered cycle parking and pool of loan bikes has been provided.

#### Pollution – Land

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

#### Air Quality

The application site is not located within the Air Quality Management Area (AQMA), where concentrations of nitrogen dioxide (NO<sub>2</sub>) are expected to exceed national air quality objectives, primarily attributed to emissions from transport. A change of use from industrial to residential represents the creation of sensitive receptors and where these end users may be exposed to pollutant concentrations in exceedance of national air quality objectives, mitigation must be applied.

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

During the operational phase, additional vehicle movements generated by the proposal are expected to be minimal, largely due to the lack of car parking spaces. The air quality assessment (Air Quality Consultants Ltd, ref: J10/14034A/10/1/F2, July 2023) has scoped out an assessment of road traffic emissions on this basis, as the proposed does not meet the requisite criteria set out in EPUK/IAQM guidance. With regards to end user exposure, background concentrations of NO<sub>2</sub> and PM<sub>10</sub> are reported at below their respective air quality objectives meaning residents are unlikely to be exposed to pollutant levels exceeding national limits. Additionally, the site is set back from the main road network (and AQMA), likely resulting in dispersion of pollutant concentrations to levels below national air quality objectives.

Although mitigation of operational phase emissions is not strictly required, proposals to limit car usage and provide cycle storage spaces will encourage more sustainable methods of transport and may provide mitigation to any contribution to local NO<sub>2</sub> concentrations associated with the development.

## Archaeology

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

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

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

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

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

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

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

## Parks and Green Spaces

The proposed residential development, within the Westcotes ward, will result in a net increase in the number of residents within an area which already exhibits a

deficiency in green space. Opportunities to create new open space to address the needs of the new residents are limited and therefore we will be looking to make quality improvements to existing open space provision to minimise the impact of this development. Based on the formula from the Green Space SPD a contribution of £288,146.00 is required in response to this application. The contribution will be used towards one or more of the following open space enhancements:

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

#### Police (Crime Prevention Design Advisor)

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

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

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

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

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

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



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

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

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

### *General Recommendations*

Door sets will be to PAS 24 (2022), which is now included in building regulations for doors and windows. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also, BS EN 50131 and PD 6662 in relation to wired systems. It is also recommended consideration be given to Secured by Design accreditation as a deterrent to potential offenders and to provide effective security for residents.

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

11. Consideration of Safe Routes through open space and walkways should take account of the use by women and girls.

## Environment Agency

### *Flood Risk*

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

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

### *Protection of controlled Waters*

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

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

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

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

Without these conditions, the proposal poses an unacceptable risk to the environment and the Environment Agency would object to the application. The

Environment Agency have also recommended a series of informatives be attached to any subsequent decision notice (which are included at the end of this report).

#### Local Lead Flood Authority

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

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

The total site area has been defined as 0.46ha (4,468m<sup>2</sup>). Within the Below Ground Drainage Strategy (ref: Issue P02 – 23rd June 2023) it is stated that the existing site is entirely impermeable (hardstanding) and it is understood that the entire site is to remain as impermeable as proposed.

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

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

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

#### Better Buildings (Sustainability)

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

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

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

#### Pollution (Noise)

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

#### Arboriculture

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

#### Waste Management

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

#### Health and Safety Executive (Fire Safety)

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

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

*door and the stair door*)". Accordingly, the clusters should be lobbied from the staircases. In this instance, however, the resolution of this matter is unlikely to affect land use planning considerations. This will be subject to subsequent regulatory stages.

#### Drainage (Severn Trent)

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

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

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

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

Housing/flat developments result in a population increase of patients and therefore put additional pressure on healthcare services and the infrastructures those services are delivered from. On the basis that there would be an expected minimum of 466 patients looking to occupy the development, the ICB seek developer contributions to help mitigate any increased pressures arising from increased patient demand. As the development is student accommodation, it is expected that those patients will not necessarily be local resident and new population attracted by the University.

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

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

The contribution requested would be £70,347. The ICB have considered student will be at university for 9 months of the year which is worked out at 75% of the total cost. Even though students study for 3-5 years, there will continuous rotation of students coming into the university and therefore registering at the GP and local healthcare

services. The ICB would also like the council to carefully consider the developer occupancy trigger points and have the opportunity to review the S106 agreement ahead of signing. Primary Care is experiencing significant capacity issues in relation to its premises and would need to increase access to facilities to meet the needs resulting from this development. Therefore both the ICB and the practice would wish for any contributions to be released prior to first occupation.

### Historic England

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

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

#### *Significance of the Designated Heritage Assets*

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

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

#### *Impact of the Proposed Development*

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

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

While a degree of consideration has been given to how some listed buildings may appear in views together with the development, the potential impact that the proposal might have on how the castle site is experienced within its setting, and on the ability to understand its relationship to the physical and historic social landscape,

is not clear.

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

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

#### *Policy Considerations*

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

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

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

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

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

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

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 202).

Paragraph 203 details that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated

heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### *Historic England's Position*

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

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

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

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

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

### *Recommendation*

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 195, 197(c), 199, 200, 202 and 203 of the NPPF.

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

### **Representations**

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

- More student housing is not required.
- There are way too many student schemes being put up when the demand is exaggerated, and nothing is being done to promote new home developments. No justification has been provided to show that there should be a removal of much needed employment space.
- The application should be brought to committee to discuss how student accommodation developments help the city's needs over the next 10 years.



- Too many student developments are in this area of the city. They operate differently and have different habits to typical private residents. They are extremely noisy, whilst the city is busy during term time it very quiet during summer and Christmas. It doesn't help the actual people of this city who love and care for it. We need proper housing in the city, not small student lets.
- Concerns over traffic issues causing a loss of business and blocking the road for customers and suppliers.
- An inadequate noise assessment has been undertaken and part of the noise surveys undertaken were on a night where no live events were taking place at the 2 Funky Music Café. A revised noise assessment should be undertaken with active consultation from the venue operator so that survey findings represent late night sound-system output.
- The application has not given adequate consideration to NPPF paragraph 187 (the Agent of Change policy).
- The Noise Assessment completely disregards any source of noise that would originate from nearby business premises.
- The application proposals as represented do not account appropriately for existing operations in area, nor is it considerate of the significant disruption that will arise to them.
- The site has a clear employment use and is, for all intents and purposes a substantial and highly functional employment premises which is considered attractive to the employment land market.
- The location of the proposal and the brutalism of its form in the landscape in an otherwise historic setting of the utmost significance will undeniably cause harm to the significance of existing heritage assets.

The reasons for supporting the proposal are as follows:

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

Comments raised on the proposal are summarised as follows:

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

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

- *Cllr Clarke* – Concerns relating to over-development, scale, massing, transport, loss of employment space, biodiversity, climate and the suitability of the site given existing uses of adjacent sites. Primary objection focuses on policy CS18 and the impact on listed, locally listed heritage assets and the Castle Conservation area. Concern that the HIA glosses over the fact that it relies on the screening of mature, dense tree coverage to mitigate the impact of this proposed development.

- *Cllr Russell* – Significant overdevelopment in an area that is already struggling with traffic and identifiable green space. There is little sense of how this impact on the existing local community could be mitigated.

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

## **Consideration**

### Principle of Development

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

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

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

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

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

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

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

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

#### Urban Design

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

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

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

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

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

#### *Discussions on the original proposal*

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

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

- The proposal was considered to be contrary to CS03, NPPF Section 12 Achieving Well Designed Places and the National Design Guide, which is now very clear on defining the characteristics of well-designed places, expanding upon the NPPF, and is a material consideration.

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

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

The amended proposal has significantly reduced in mass and scale, the western block has been removed and improvements to the built form have been undertaken. A Design Addendum has been submitted which helpfully outlines the changes. The following considerations relate to the amended proposal.

#### *Scale: Height*

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

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

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

### *Scale: Massing*

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

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

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

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

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

### *Character*

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

### *Appearance: Details and Materials*

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

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

provide reveal depth of approximately 200mm. The design of the 2 storey plant building is simply designed with a cladding envelope and is complementary.

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

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

#### *Landscape and Quality of Public Realm*

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

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

A planning condition is required to secure this information.

#### *Design Summary*

As set out above, significant amendments have been made to the design of the proposal during the determination period, including a reduction in height across the proposed buildings, improvements to the massing and the reduction in height of the development block to the west. Therefore, the proposal is considered acceptable from a design perspective and accords with the Section 12 (Achieving well-designed places) of the NPPF and Policy CS03 of the Core Strategy.

#### Building Conservation

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

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

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

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

No objections have been raised by the Conservation Advisory Panel.

### *Considerations*

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

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

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

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

The proposal would be visible in some views looking across the Grade II Listed West Bridge, and potentially in some views of other infrastructure that has heritage status, such as the locally listed bridge and bridge parapet by Western Boulevard, but the proposal would not cause clear harm to their setting or undermine their significance. The improved building design and materiality, as well as the reduced height of the amended proposal, have enhanced this dynamic. The group of locally listed buildings close to the junction of Narborough Road and Braunstone Gate would have some limited glimpsed views of the proposal at the periphery, but the



distances are such that clear harm to their setting would be hard to justify. There is an argument that the domestic scale of properties here would be harmed to some degree by large scale development further to the north, especially if this led to more development of a similar scale, resulting in cumulative impact. However, the reduced scale of the amended proposal has reduced this issue.

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

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

### *Summary*

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

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

### Residential amenity

The City of Leicester Local Plan Policy PS10 (Residential Amenity and New Development) states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport. The section below identifies the key considerations relating to residential amenity.

### *Separation distance*

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

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

### *Light*

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

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

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

#### *Noise*

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

A revised noise assessment was provided in July 2023 (reference 1804 – Little Holme Street, Leicester – Façade Assessment, received on 07/07/2023) that aimed to address concerns raised. The revised assessment focussed on the potential impact of the existing 2 Funky Music Café on the proposal with updated surveys undertaken between 16th June to 19th June 2023 (including the weekend period). In interpreting the measured noise levels, a further 9dB adjustment was made in the report to all frequencies to represent a worst-case scenario. The report recommended the following, which are integrated into the proposal:

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

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

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

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

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

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

#### *Air Quality*

The application site is not within the Air Quality Management Area (AQMA) and therefore concentrations of nitrogen dioxide (NO<sub>2</sub>) are not expected to exceed national air quality objectives. The proposal represents a change of use from B2 industry to residential and therefore the creation of sensitive receptors. Where end users are exposed to possible poor air quality, suitable and proportionate mitigation must be applied. The Dust Management Plan (Air Quality Consultants Ltd, ref: J10/14034B/10A/1/F2, June 2023) concludes an overall Medium risk site for these emissions and suggests suitable methods of mitigation in Section 2. The conclusion of the report are accepted in that it is appropriate to request submission of a revised and site-specific Dust Management Plan by condition, once a suitable contractor has been appointed.

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

### Living environment

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

The flats/bedrooms are relatively small; however, this is a proposal for student accommodation. 430m<sup>2</sup> of communal and social facilities including a break-out space, cinema, laundry and a gym are incorporated into the proposal. This provision would benefit all residents in providing communal activity and break out space. Landscape areas are proposed immediately outside the main building, although the final details of these areas will be secured through a pre-commencement condition. These areas will provide additional areas for communal activity when weather permits.

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

### Archaeology

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

This proposal is located in an area with known and significant archaeological remains and deposits, and close to a number of nationally and locally designated heritage assets. The Archaeological Desk-Based Assessment provides details of the likely archaeological value of the site. Given the anticipated use of pile design, careful consideration will need to be given to the impact on any surviving archaeological deposits/remains and suitable mitigation prior to these construction works commencing. The pile design and related construction and services should be informed by the results of an archaeological evaluation.

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

### Highways and Parking

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

The site is in a location that has strong active travel and sustainable transport links. The proposal will be car free (aside from four spaces provided for management

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

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

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

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

#### Nature conservation

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

An ecological assessment (Ecology Solutions - June 2023) has been provided which is based upon previous survey work undertaken in May 2019 and January 2022 but has since been updated with a site walkover in June 2023. The report identifies no significant changes from the original surveys which confirmed the unlikely presence of protected or priority species within the development area.

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

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

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

#### *Achievement of Biodiversity Net Gain (BNG)*

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

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

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

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

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

#### Fire Safety

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

#### Waste storage and collection

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

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

#### Sustainable Energy

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

#### Flood risk and drainage

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

#### Land contamination and protection of controlled waters

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

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

#### Arboriculture

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

plan. Further detail on the planting strategy will be secured through condition requiring submission of a LEMP. Overall, I consider the proposal acceptable from an arboriculture perspective.

### Section 106 contributions

Contributions have been sought towards the following:

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

In order to comply with CIL Regulations, information on the potential candidate sites for healthcare investment which might be improved to support the development are required. The ICB have confirmed that the potential candidate sites are De Montfort Surgery and/or Briton Street Surgery.

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

### **Conclusion**

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

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

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

The initial proposal had a number of issues from an urban design perspective, most notably that the scale and massing was inappropriate for this location. However, the amended proposal has addressed the urban design concerns and the design represents a scale of development that is appropriate for the local context. The inclusion of curved wings is a positive design change that has been made and the reduction in mass has meant that appropriate landscaping and separation distances have been achieved. The proposal is acceptable from an urban design perspective and accords with Section 12 (Achieving well-designed places) of the NPPF and policy CS03 of the Core Strategy.

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



addresses Section 16 (Conserving and enhancing the historic environment) of the NPPF and policy CS18 of the Core Strategy.

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

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

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

### **CONDITIONS**

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990).
2. All street works shall be constructed in accordance with the Leicester Street Design Guide. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3).
3. No part of the development shall be occupied until secure and covered cycle parking and pool of loan bikes have been provided, in accordance with written details previously approved by the local planning authority. These facilities shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
4. The car parking area shall be provided in accordance with guidance in the Leicester Street Design Guide before the occupation of any part of the development and shall be retained and kept available for that use. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS03).
5. Prior to the commencement of development (with the exception of demolition and site clearance) full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (1) full design details, (2) a timetable for

its implementation, and (3) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. Prior to the commencement of development details of drainage (with the exception of demolition and site clearance), shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
7. Prior to the commencement of (1) demolition and/or (2) development, a Construction Method Statement, with consideration being given to the water environment and flood risk management, shall be submitted to and approved in writing by the local planning authority for the demolition and development phases of the development. The approved Construction Method Statement shall be adhered to throughout the construction period. The Statement shall provide for: (1) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors; (2) the loading and unloading of plant and materials; (3) a dust management plan; (4) the storage of plant and materials used in the development; (5) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (6) wheel washing facilities; (7) measures to control the emission of dust and dirt during construction; (8) a scheme for storage and management of waste resulting from excavation works (9) the proposed phasing of development and a detailed description of the works in each phase (10) the temporary access arrangement to the construction site; (11) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public (12) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works; (13) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident; (14) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (To ensure the satisfactory development of the site, and in accordance with policies AM01 & UD06 of the City of Leicester Local Plan and Core Strategy policy CS02 & CS03). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
8. Prior to the occupation of development, an Emergency Flood Plan shall be submitted to and approved in writing by the local planning authority. The Emergency Flood Plan details shall include: (1) details of the flood risk posed

to the site and the reasoning for an Emergency Flood Plan; (2) safe access and egress routes from the property and site and the return period to which this will remain 'safe' - describing the safety of the access and egress route using the Hierarchy [13.3] and the UK flood hazard rating [13.7], in accordance with the appropriate approach [13.4] as outlined in Environment Agency's Flood Risk Assessment Guidance for New Development (FD2320) [Section 13; Requirements for Safe Access and Exits]; (3) define the areas of safe refuge for residents and/or users of the development to use if safe access and egress is not possible; (4) location of utility meters and stop taps and procedure for turning off [electricity, gas and water]; (5) consider whether it would be safest for vehicles on site to be moved to areas at lower risk of flooding, and reflect this in the plan as appropriate; (6) include provision for the signing up to the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service – where available for the site; (7) the evacuation procedure, including activation and call off; (8) assembly points (if applicable) – position of assembly points on layout plan, colour and image of sign; (9) the procedure for starting and stopping the emergency flood plan; (10) outline how the site will be reoccupied and made safe after a flood event; (11) responsible person/organisation for implementing flood plan (Risk Owner); (12) how the emergency flood plan will be stored, how it can be accessed by residents, employees or suitable 3rd party's (Local Authorities, Emergency Services etc.) and how it can be obtained (downloaded or physical copy); (13) testing of the Emergency Flood Plan – overview of testing procedure, frequency and training required; (14) procedure for updating emergency flood plan – review period, amendment and version control; (15) emergency contact details – emergency services (999), utility providers (gas, electricity and water) etc. The development shall be managed in accordance with these details thereafter. (To minimise the risk of damage and to ensure the safety of occupants in times of flooding, and in accordance with policies PS10 of the City of Leicester Local Plan and policy CS02 of the Core Strategy).

9. The development shall be carried out in full accordance with the submitted Flood Risk Assessment (document ref 21-340-60, Revision No 05, Received on 17/08/23) and the submitted Landscape Strategy Plan (drawing no.19-05-PL-201 Rev G, created by the Richards partnership, received 11/09/2023) and the mitigation measures they detail, including finished floor levels shall be set no lower than 56.200metres Above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).
10. Prior to the commencement of development, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority. This strategy will include the following components: (1) a site investigation scheme, to provide information for a

detailed assessment of the risk to all receptors that may be affected, including those off-site; (2) the results of the site investigation and the detailed risk assessment referred to in (1) and, based on this, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and (3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the developments can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan and paragraph 174 of the NPPF). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

11. Prior to occupation of any part of the development, a verification report demonstrating the completion of works set out in the remediation strategy approved under condition 10 (and the effectiveness of the remediation) shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the developments can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan and paragraph 174 of the NPPF).
12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. If Piling or any other foundation designs using penetrative methods is proposed to be used, a piling risk assessment shall be submitted and approved in writing by the local planning authority prior to the commencement of any development (other than demolition and site clearance). The development shall be carried out in accordance with the approved details. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the developments can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan and paragraph 174 of the NPPF).
13. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the

developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the developments can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan and paragraph 170 of the NPPF).

14. Prior to commencement of above ground development, full design details of on-site installations to provide energy efficiency measures, including solar PV arrays, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until evidence demonstrating the satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the local planning authority. (In the interests of securing energy efficiency and in accordance with Core Strategy policy CS02).
15. Before the development is begun on any relevant phase, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected not within the root protection area in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
16. Prior to the commencement of development (with the exception of demolition) a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing with the local planning authority. This scheme shall include details of: (1) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (2) new tree and shrub planting, including plant type, size, quantities and locations; (3) means of planting, staking, and tying of trees, including tree guards; (4) other surface treatments; (5) fencing and boundary treatments, including details of the entrance gates; (6) any changes in levels; (7) the position and depth of service and/or drainage runs (which may affect tree roots); (8) a detailed plan of the biodiversity enhancements on the site such as meadow creation and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction; (9) details of planting design and maintenance; (10) details of the make and type of 4 x bat integrated bat bricks and 4 x swift nest bricks under the guidance and supervision of a

qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

17. Should the development not commence within 24 months of the date of the last protected species survey (June 2023) then a further protected species survey shall be carried out of all by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated annually and any mitigation measures reviewed by the LPA until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and CS 17 of the Core Strategy).
18. Notwithstanding the approved plans, prior to the commencement of any above ground works, a materials schedule for the development shall be submitted to and approved in writing by the local planning authority in general accordance with the submitted Design Principles document (received 01/09/2023). All materials for use on the buildings and surface treatments shall be provided, including the product and manufacturer specification. (In the interests of visual amenity and character and appearance of the area and in accordance policy CS03 of the Core Strategy and saved policy UD06 of the City of Leicester Local Plan).
19. Prior to the commencement of the development above ground level, samples of the materials to be used on all external elevations and roofs, and the construction on site for inspection of sample panels (size, number and detail to be agreed) showing (but not necessarily limited to) brick, bonding & mortar, window frames, reveals, ventilation panels/louvres and cladding shall be provided and approved in writing by the local planning authority. No works shall be carried out other than in accordance with approved details. (In the interests of visual amenity and character and appearance of the area and in accordance policy CS03 of the Core Strategy and saved policy UD06 of the City of Leicester Local Plan).
20. No groundworks or development shall take place or commence until a programme of archaeological investigation has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the planning authority. The scheme shall include: (1) an assessment of significance and how this applies to the regional research

framework; (2) the programme and methodology of site investigation and recording; (3) the programme for post-investigation assessment; (4) provision to be made for analysis of the site investigation and recording; (5) provision to be made for publication and dissemination of the analysis and records of the site investigation; (6) provision to be made for archive deposition of the analysis and records of the site investigation; and (7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

21. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 20 above. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).
22. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 20 above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).
23. The development shall be carried out in full accordance with the submitted Façade Assessment (document ref 1804 – Little Holme Street, Leicester – Façade Assessment, received on 07/07/23) and the mitigation measures that are detailed, including the façade treatment adjacent to the 2 Funky Music venue. These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development. (To minimise noise impacts for future residents, and in accordance with the Leicester Local Plan saved policy PS10 and NPPF paragraph 187).
24. The flats shall only be occupied by students enrolled on full-time courses at further and higher education establishments or students working at a medical or educational institution, as part of their medical or education course. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times. (To enable the local planning authority to consider the need for affordable housing and education provision and to assess floor space standards and the suitability of the accommodation for general residential purposes in

accordance with policies CS06, CS07 & CS19 of the Core Strategy and policies PS10 & H07 of the City of Leicester Local Plan).

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

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

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



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

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

- W0382-0323/A Streetscene Elevations 02 (revision A, received by the City Council 16/08/2023)
- W0382-0324/A Streetscene Elevations 03 (revision A, received by the City Council 16/08/2023)
- W0382-0325/A Sectional Elevations 01 (revision A, received by the City Council 16/08/2023)
- W0382-0326/A Sectional Elevations 02 (revision A, received by the City Council 16/08/2023)
- W0382-0332/A Plant (Western) Building Elevations (revision A, received by the City Council 16/08/2023)
- W0382-0333/A Bay Elevation - Upper Link (revision A, received by the City Council 16/08/2023)
- W0382-0334/A Bay Elevation - Lower Link (revision A, received by the City Council 16/08/2023)
- W0382-0335/A Bay Elevation - Principle Facade Lower (revision A, received by the City Council 16/08/2023)
- W0382-0336/A Bay Elevation - Principle Facade Upper (revision A, received by the City Council 16/08/2023)
- W0382-0337/A Bay Elevation - Lower Typical Façade (revision A, received by the City Council 16/08/2023)
- W0382-0338/A Bay Elevation - Upper Typical Façade (revision A, received by the City Council 16/08/2023)
- 19-05-PL-201/G Landscape Strategy Plan (revision G, received by the City Council 12/09/2023)

(For the avoidance of doubt).

### **Notes to Applicant**

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process and pre-application. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.
2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at: <https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/> As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk).
4. An accessible car parking pay is proposed to the north of the site (outside of the red line boundary) on an area of existing parking. The costs for the alterations of the existing Traffic Regulation Orders (TROs) in this area should be funded by the Applicant. The average cost of a TRO scheme is currently in the region of £6,000, but this cost may rise depending on the complexity. The Applicant is advised to contact [trafficmanagement@leicester.gov.uk](mailto:trafficmanagement@leicester.gov.uk) to discuss the requirements to enable the TRO to be processed.
5. A surface water pumping system has been proposed within this development. However, pumping systems require ongoing maintenance and in the event of a malfunction could increase flood risk. It is recommended that Severn Trent Water are consulted to determine whether a gravity connection into the public sewer can be made to manage surface water runoff, providing an alternative to a pumping system.
6. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
  - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
  - treated materials can be transferred between sites as part of a hub and cluster project; and
  - some naturally occurring clean material can be transferred directly between sites.
7. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
8. The Environment Agency recommends that developers should refer to their:
  - Position statement on the Definition of Waste: Development Industry Code of Practice and;
  - website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.
  - Duty of Care Regulations 1991
  - Hazardous Waste (England and Wales) Regulations 2005
  - Environmental Permitting (England and Wales) Regulations 2010
  - The Waste (England and Wales) Regulations 2011

9. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500 kg or greater in any 12-month period, the developer will need to register with the Environment Agency as a hazardous waste producer. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.
  
10. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600). Please be advised that it is an offense under S174(1) of the Water Industry Act 1991 to intentionally or recklessly interfere with any structure, installation or apparatus belonging to a water undertaker without consent.
  
11. Based on the approved plans, waste collection for the development will need to be undertaken by a private waste management company given the proposed bin storage is not suitable for the once-a-week collection service offered by Leicester City Council.
  
12. No infiltration of surface water drainage into the ground via SUDS or soakaway on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Policies relating to this recommendation.**

- |           |   |
|-----------|---|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.     |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.   |

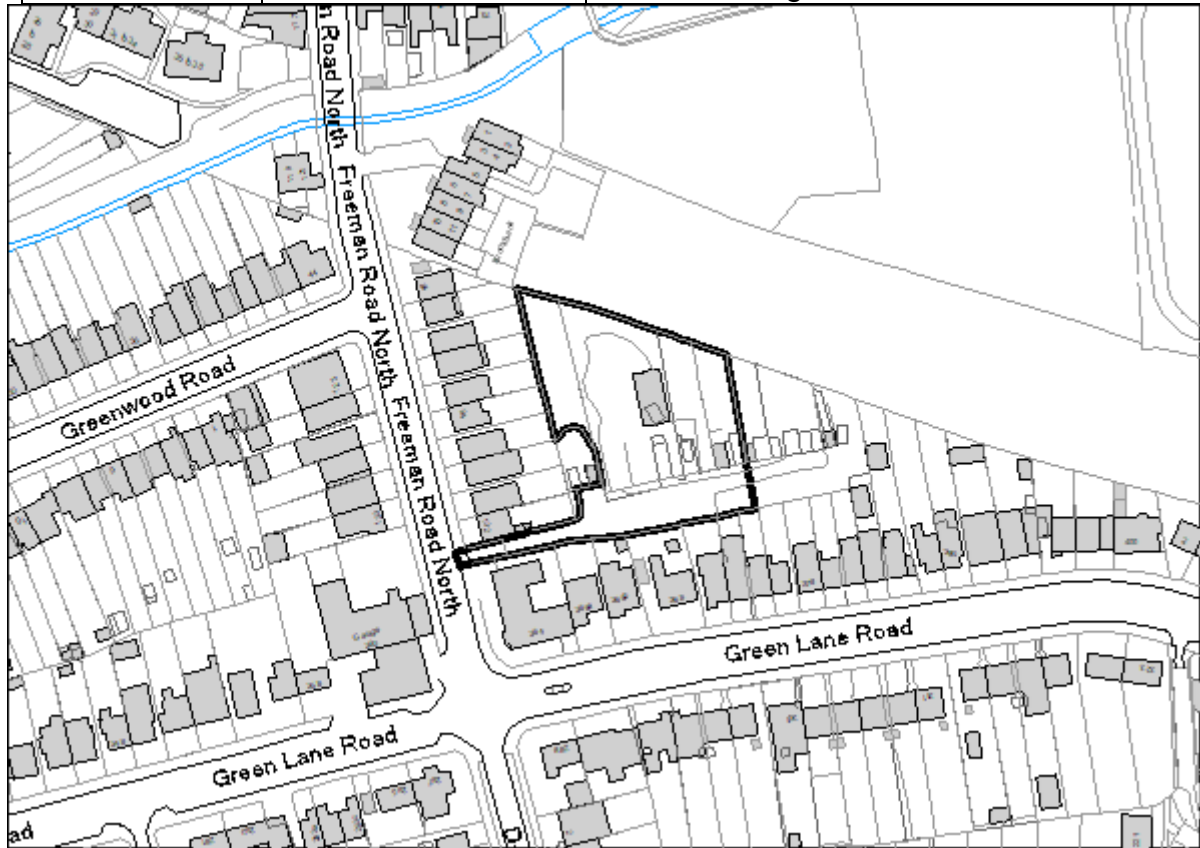
2006_BE20	Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
2006_BE22	Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS09	Development, regeneration and refurbishment will be encouraged within Potential Development Areas requiring a high standard of design and sustainable development.
2006_PS09a	Table 1 indicates Priority and Subordinate land uses for PDAs identified inside the Strategic Regeneration Area.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS12	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS04	The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
2014_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS10	The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
2014_CS11	The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
2014_CS12	In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
2014_CS13	The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.

- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

# Item 4d

## COMMITTEE REPORT

<b>20231511</b>	<b>Freeman Road North, Rear Of 102, Builders Yard And Stores</b>	
Proposal:	Retrospective application for change of use from land for the storage of building materials and equipment (Sui Generis) to land for the siting of 48 shipping containers for self-storage use (Class B8), and laying of gravel surface (AMENDED PLAN RECEIVED 07/11/2023)	
Applicant:	Mr O'Halloran	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	08 December 2023	
PB	TEAM: PD	WARD: Evington



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### Summary

- Reported to Committee as more than five objections received from city addresses
- Objections raised concerning crime/anti-social behaviour, amenity and traffic/highway safety issues

- Main issues in this case are: the principle of development; the character and appearance of the area; the amenity of neighbouring occupiers (including site security); ecology and trees; traffic and highway safety; and drainage;
- Recommendation is for approval subject to conditions.

## The Site

This application relates to a former builders' yard on a backland site to the rear of 86-102 (evens) Freeman Road North and 364-374 (evens) Green Lane Road. With the exception of 364 Green Lane Road, which occupies a corner plot at the junction of Green Lane Road and Freeman Road North and comprises a shop and a flat, and a hand car wash on the opposite corner of the junction, all of the surrounding properties are in residential use.

Adjoining the site to the east is another backland site (rear of 376-384 (evens) Green Lane Road) comprising a number of storage containers. Adjoining the site to the west is a small irregularly shaped parcel (rear of 98, 100 & 102 Freemans Road North) comprising a garage building and storage container. The application site and these two adjoining sites are served by a gated access from Freeman Road North (adjacent to 102 Freeman Road North and rear of 364, 366a & 366b Green Lane Road).

Adjoining the site to the north is the former railway embankment, now forming an area of woodland and known as the "Rally Bank". This is designated on the Local Plan (2006) proposals map as an area of green space and local nature reserve. It is also a biodiversity enhancement site and the trees are the subject of a group tree preservation order (TPO 398).

The application site is not designated or safeguarded for any particular use on the Local Plan proposals map. In terms of mapped environmental considerations, the north part of the site forms part of a critical drainage area and the whole of the site falls within a local authority air pollution control 250 metres buffer (of Green Lane Service Station).

## Background

A Certificate of Lawfulness was issued in 2003 for the use of the land for the storage of building materials and builders' equipment (20022203). The first schedule of the Certificate states that:

Use for the storage of materials and builders equipment (no use class) on Monday to Friday only, between the hours of 0730 and 1800 hours only, with vehicular access by no more than 15 vehicles daily, which are less than 7.5 tonnes in size.

In late June 2023 the Planning Compliance & Monitoring team received a complaint about an alleged change of use at the site from personal storage to commercial storage with containers.



## The Proposal

Following that complaint and subsequent investigation, this retrospective application seeks planning permission for a change of use from the last known lawful use for the storage of building materials and equipment (Sui Generis) to land for the siting of 48 shipping containers for self-storage use (Class B8). The application also seeks permission for the laying of a gravel surface that has been installed.

Information included in the planning application form states that the development started on 6<sup>th</sup> January 2023 and was completed on 10<sup>th</sup> February 2023. The hours of use proposed in the application are: 09:00 to 18:00 (every day).

A Design & Access and Planning Statement submitted with the application confirms that the site was previously used as a builders' yard, for the storage of materials and machinery by four different companies. It also states that the new use employs two people (on a part time basis) and provides a self-storage facility for local businesses and individuals.

## Policy Considerations

### National Planning Policy Framework (NPPF) (2023)

Paragraph 8 establishes three, overarching and interdependent objectives for sustainable development. They are: an economic objective; a social objective; and an environmental objective.

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision taking this means: approving development proposals that accord with an up-to-date development plan without delay; and 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 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision makers should approve applications for sustainable development where possible.

Paragraph 43 states that the right information is crucial to good decision making and that applicants should discuss what information is needed with the local planning authority as early as possible.

Paragraph 56 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable.

Paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth.

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which (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.

Paragraph 111 states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative impacts on the road network.

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, and goes on to recognise that good design is a key aspect of sustainable development.

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the surrounding built environment; and (f) create places 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 131 recognises that trees make an important contribution to the character and quality of urban environments, and states that planning decisions should ensure that existing trees are retained wherever possible.

Paragraph 134 states that development that is not well designed should be refused, taking into account any local design guidance and supplementary planning documents.

Paragraph 174 states that planning decisions should contribute to and enhance the natural environment by: (d) minimising impacts on and providing net gains for biodiversity; and (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. It goes on to state that, wherever possible, development should help to improve local environmental conditions.

Paragraph 180 states that (a) if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking account of the likely effects of pollution on health and living conditions. It goes on to indicate that decisions 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; and (c) limit the impact of light pollution of light pollution from artificial light on local amenity.

#### Leicester Core Strategy (2014) and City of Leicester Local Plan (2006)

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

#### Supplementary Planning Documents and Other Guidance

None applicable.

### Consultations

Highway Authority: No objection subject to conditions.

Lead Local Flood Authority: No objection subject to condition.

Leicestershire Police: No objection.

Pollution Control (Noise): No complaints received.

Trees & Woodlands: No objection.

### Representations

10 representations (some including photographs) have been received from 9 city addresses, objecting to the application and raising the following issues:

#### Crime/Anti-Social Behaviour

- rise in anti-social behaviour at the site/criminal damage to neighbouring properties
- stress/anxiety/financial cost of anti-social behaviour at the site/criminal damage
- CCTV camera is the corner shop's
- CCTV should be installed
- entrance open 24/7 – risk of crime (suggest a controlled entry gate)
- anti-social behaviour a health and safety concern (suggest making rear of site secure)
- such facilities operate with limited oversight – susceptible to unauthorised access and misuse – suggest increased security, monitoring and maintenance
- applicant's website refers to 24 hours' access
- wooden fence installed by applicant has been broken and not repaired
- inadequate lighting/CCTV

- no employees/management at this site

#### Amenity

- noise at unsociable hours
- overlooking/loss of privacy from raised ground
- poor maintenance/damage to fences
- fires lit when cleaning rubbish – no consideration for neighbours
- commercial pollution
- landscaping will not mitigate the containers
- raised ground presses against fence and inadequate drainage
- should not be allowed in residential area – drawbacks outweigh benefits
- risk of fly tipping and rats
- loss of former greenery
- containers an eyesore
- site being used 24/7 (past the advertised opening times)
- waste dumped on other land
- adversely affected air quality
- impact on quality of life, community character and heritage

#### Traffic/Highway Safety

- extra traffic/in addition to car wash traffic
- access not safe – potential for accident with pedestrians
- Freeman Road North has become busier – commercial vans and trucks
- extra traffic on busy road close to busy junction

#### Other Issues

- loss of property value
- no community benefit (solely commercial users/venture)
- support comments have been fabricated
- increased insurance costs
- police incident reference numbers can be provided
- number of containers should be limited to 10

In addition, 10 representations have been received from 9 city addresses, offering support for the application and the following comments:

- will eradicate lawless/anti-social behaviour
- vehicles to site have reduced
- good use of site that has caused nuisance
- reduced anti-social behaviour since security cameras installed
- added value to the area
- fencing and gates to be installed
- cleaner site
- more daylight to house and garden
- feels safer
- has brought peace to neighbouring business

## Consideration

The main issues in this case are: the principle of development; the character and appearance of the area; the amenity of neighbouring occupiers (including security of the site); ecology and trees; traffic and highway safety; and drainage.

### The principle of development

Policy CS08 of the Core Strategy (2014) calls for city neighbourhoods to be sustainable places that people choose to live and work in. Policy CS10 commits the Council to work with partners to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City.

The site is not designated or safeguarded for any particular use on the Local Plan proposals map. There is no policy basis to resist the loss of the site's last lawful use as a builders' yard. The use of the site for the purpose the subject of this application is not in conflict within any strategic provisions of the development plan for the City and, as with the last lawful use, involves a relatively modest scale of non-residential activity within a predominantly residential area. I do not consider that the application development is inherently at odds with the stated aim of Policy CS08, and I acknowledge that the development has delivered some modest business investment in line with Policy CS10. I find that the acceptability of the development in this case will turn on the consideration of its specific local impacts.

I conclude that the application development is not in conflict with Policies CS08 & CS10 and that the principle of the development is acceptable.

### Character and appearance

Policy CS03 of the Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context.

Although the site sits within a predominantly residential area, it is clear that there is a history of lawful and relatively modest scale non-residential activity. The development the subject of this application continues non-residential activity at the site of – broadly speaking – modest scale. I find that there has been no significant harm in terms of the character of the area.

As a backland site, the site does not have a conventional street frontage although glimpsed views may be obtained via the access driveway from Freeman Road North and (to a much lesser extent) via the gaps between the houses that surround the site. Insofar as the development is visible from these public vantage points, I do not consider that a harmful impact upon the appearance of the area could be demonstrated.

I conclude that the application development is not in conflict with Policy CS03 and that it is acceptable in terms of the character and appearance of the area.

### Amenity of neighbouring occupiers (including the security of the site)

As noted above, Policy CS03 of the Core Strategy (2014) requires developments to be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development, including: (a) noise, light and air pollution; (b) the visual quality of the area, including potential littering problems; (c) additional parking and vehicle manoeuvring; (d) privacy and overshadowing; (e) safety and security; and (f) the ability of the area to assimilate development. Saved Policy PS11 states that proposals which have the potential to pollute will not be permitted unless the amenity of users, neighbours and the wider environment can be assured. Saved Policy BE22 sets out criteria for the consideration of external lighting.

*(a) noise, light and air pollution*

The applicant has stated that the last lawful use of the site as a builders' yard was by four different companies. The use the subject of this application involves 48 storage containers. The Design & Access and Planning Statement submitted with the application states that the site is generating in the region of 5-10 vehicle trips per day, and that this is less than the site's previous use. I am not in a position to corroborate (or counter) this claim, but (even with each of the 48 containers separately let) I accept that it is improbable that each container would be visited by its user every day. Nonetheless, I have conservatively assumed that the new use will have involved *some* increase in the level of perceptible activity. The associated impacts could manifest primarily in the form of (i) noise from vehicle movements and the opening and closing of container doors, (ii) light pollution from vehicle headlights, and (iii) air pollution from vehicle exhaust fumes.

I acknowledge that these are significant issues for surrounding residents, and that the hours of use proposed - 09:00 to 18:00 (every day) - allow for weekend as well as weekday use (the lawful hours of use as a builders' yard were 0730 and 1800 hours, Monday to Friday only). I also note that the Pollution Control Officer has advised that no complaints about noise and pollution have been received by the Pollution Control team.

Whilst I consider it likely that the new use will have involved some increase in activity, relative to the last lawful use, I find that the hours of use proposed 09:00 to 18:00 (every day) would reasonably contain that activity, leaving residents with respite of 15 hours between the close of the site in the late afternoon/early evening and its re-opening the next morning. With such hours of use, it is my opinion that the impact of noise upon surrounding residential properties would not be unreasonable or unacceptable.

The Design & Access and Planning Statement submitted with the application states that the site will be managed in terms of the gates being unlocked at 9.00am and locked again at 6.00pm each day. Whilst this is welcome, I am mindful that the access also serves adjoining backland sites, the owners of which are not a party to this application. Accordingly, I find that a condition requiring the gates to be kept closed outside of the hours of use would not meet all of the tests for conditions (paragraph 56 of the NPPF). Instead, I recommend that the hours of use be secured by a condition controlling the hours of use, compliance with which would need to be monitored in the event of any of any alleged breach.

I note that third parties have alleged that the site is currently being used beyond the proposed opening hours and that the operator's website advertises 24/7 access. This has been raised with the applicant.

The boundaries with surrounding residential gardens are delineated by walls and fences. Furthermore, this is an open air site not within or near to an Air Quality Management Area (and I do not consider that the local authority air pollution control 250 metres buffer has any material bearing on the merits of the application development). It is my opinion that the impact of light and air pollution arising from the development upon surrounding residential properties is not unreasonable or unacceptable.

I do not consider that there has been any unreasonable or unacceptable noise, air and light pollution impact upon the adjoining non-residential uses.

*(b) visual quality*

The submitted plan shows that each container has a footprint of 6 metres x 2.4 metres and a height of 2.6 metres. The plan also shows (when scaled) that containers numbered 39-48 are sited between 4.4 and 5.5 metres from the rear garden boundaries of the nearest neighbouring properties in Freeman Road North (and between 15.8 and 17.5 metres from the ground floor rear elevations of those neighbouring dwellings), and that containers 1, 24 & 25 are sited between 8.0 and 9.0 metres from the rear garden boundaries of the nearest neighbouring properties in Green Lane Road (and between 14.0 and 20.0 metres from the ground floor rear elevations of those neighbouring dwellings). The containers are painted a dark green colour. A cross section drawing shows that the neighbouring Freeman Road North properties are approximately 0.8 metre lower than the application site.

In response to third party representations the applicant has stated that the ground level has not been raised. However, a gravel surface has been laid on the ground of the site and forms part of this application. The depth of this new surface has not been specified in the application, but from my own observations of the site I estimate that this will have a depth of no more than 10 centimetres.

In view of the modest height of the containers and their spatial relationship with neighbouring properties, I do not consider (even allowing for the lower level of the Freeman Road North properties) that the containers have an unacceptable visual impact upon the outlook from neighbouring dwellings or the setting of neighbouring gardens. The submitted plan proposes a hedge to be planted in the space to the rear of the containers 39-48, and that this hedge to be allowed to grow to a height of 2.5 metres. Although I am satisfied with the visual impact of the containers in their own right, I note that the hedge would (once established) screen the containers when viewed from the Freeman Road North properties, and may also have some minor benefit in terms of reducing noise pollution. I therefore welcome the intention to install the proposed hedge.

It is my opinion that the visual impact upon surrounding residential properties is not unreasonable or unacceptable.

I do not consider that there has been any unreasonable or unacceptable visual impact upon the adjoining non-residential uses.

*(c) parking and manoeuvring*

There is space between the containers for vehicles to temporarily park while loading/unloaded stored material, and the submitted plan shows space for two cars to park behind the rear boundary of 370 Green Lane Road. In these circumstances and in view of the nature of the new use, I do not consider that the development has led to any material additional on-street parking pressure and associated manoeuvring that impacts upon residential amenity.

I have already addressed the amenity impacts of vehicular activity within the site under (a) above.

*(d) privacy and overshadowing*

The new use, by its nature, involves use of the site by persons other than personnel of the operating company. However, the boundaries with surrounding residential gardens are delineated by walls and fences and I estimate that the gravel surface will have increased the site level by no more than 10 centimetres. I do not consider that legitimate activity at the site has had an unreasonable or unacceptable impact upon privacy at surrounding residential properties. I will consider non-legitimate (alleged anti-social and criminal) activity of the site separately below.

In view of the spatial relationship of the containers with neighbouring properties as described under (b) above, I do not consider that the containers cause any unreasonable or unacceptable loss of light to, or overshadowing of, neighbouring dwellings and their gardens.

*(e) safety and security*

The incidence of anti-social behaviour and criminal activity at the site is a recurring theme in objector representations, although I acknowledge that some supporter representations consider that the application has had, or will have, a beneficial impact in this regard. Some objectors have supplied photographs of alleged incidents (for example, of a child apparently throwing stones, and of apparent fly-tipping) and, whilst I am not in a position to corroborate the supplied photographs, it seems reasonable to assume that the problems are associated with intruders rather than legitimate users of the site.

In light of the representations received I have consulted the Leicestershire Police Designing-Out Crime Officer. In response, no objection has been raised, but detailed recommendations are made including the following: permitter enclosure to a height of at least 1.8 metres; use of CCTV; lighting; and foliage to be kept to a height of 1 metre (and trees 2 metres). I have furnished the applicant with a copy of the Designing-Out Crime Officer's response.



The Design & Access and Planning Statement submitted with the application states that CCTV cameras for site security have been fixed to the rear wall of 364 Green Lane Road, and that new 2 metres high fencing has been installed along the boundary with the Rally Bank. When I visited the site I observed that CCTV cameras had indeed been installed as described, and that apparently new timber fencing had indeed been installed along the north site boundary. However, the CCTV cameras are outside of the red line application site boundary, and I observed that the fencing has suffered some significant vandalism.

In response to the issues raised, the applicant has advised that they have met with the Police a number of times and are willing to work with the Police, and that an electricity supply is being installed on site to enable the installation of an electric gate, CCTV cameras and low-level lighting. Furthermore, an amended plan has been submitted during the course of the application to show the proposed installation of 2.1 metres high palisade railings (finished in a dark green colour) along the boundary with the Rally Bank.

In view of the probability that the safety and security problems being experienced by some third parties are associated with intruders rather than legitimate users of the site, I consider that it would be unreasonable to withhold planning permission, but rather to ensure that site security is enhanced through details that can be controlled by condition. The details should cover the installation of new gates at the site access from Freeman Road North, new gates and boundary treatment at the boundary with the adjoining backland site to the east, and the installation of CCTV and appropriate lighting (ensuring that any lighting installed does not cause unacceptable light pollution to neighbouring residential properties or the neighbouring local nature reserve). I would consult the Leicestershire Police Designing-Out Crime Officer upon receipt of details for approval pursuant to that condition. I also recommend a condition to ensure that the proposed palisade railings along the north boundary with the Rally Bank are installed and thereafter retained. With these enhancements to site security, I anticipate that neighbouring residents would experience a material reduction in the incidence of anti-social behaviour and criminal activity at the site, and consequently a reduction in stress/anxiety/financial cost associated with that behaviour and activity.

*(f) the ability of the area to assimilate development*

Subject to control of the hours of use and security enhancements, as addressed by recommended conditions, I am content that area is able to assimilate the development the subject of this application.

I conclude that the application development is not in conflict with Policies CS03, PS10, PS11 and BE22, and that it is acceptable in terms of amenity (including the security of the site).

Ecology and trees

Policy CS17 of the Core Strategy (2014) states that expects development to maintain, enhance and/or strengthen connections for wildlife. Saved Policy UD06 of the Local Plan (2006) states that planning permission will not be granted for any

development that impinges directly or indirectly upon landscape features of amenity value, including trees, unless (a) the removal of the feature would be in the interests of good landscape maintenance, or (b) the desirability of the proposed development outweighs the amenity value of the landscape feature.

As this is a retrospective application, the value of habitats that may previously existed on the site cannot be determined. That said, however, given the sites last lawful use as a builders' yard I consider it unlikely that the site in its former condition was of significant value for biodiversity. As I have already noted, the submitted plan proposes a hawthorn hedge to be planted in the space to the rear of the containers 39-48, and this hedge to be allowed to grow to a height of 2.5 metres. This has the potential to compensate for any former biodiversity value lost as a result of the development and provide for some enhancement, but only if the diversity of species to be planted is improved. I am satisfied that a Landscape and Ecological Management Plan, which can be secured by condition, could address this (and provide for the longer-term management of the hedge).

The Trees & Woodlands Officer has raised no objection but has noted that the already installed close-boarded timber fence along the north boundary with the Rally Bank is in close proximity to the adjacent group of TPO-protected trees. The proposed replacement of this fence with palisade railings poses the risk of additional disturbance to the adjacent trees, and in response to this concern the applicant proposes that the new railings be installed using existing fence post holes. This approach, together with the use of hand tools (only) for any necessary resizing of the post holes, should help to minimise the impact on tree roots and protected species. However, to ensure that full details of the method to be used in the installation of the railings can be agreed and enforced, I recommend that such details be controlled by condition.

I conclude that the application development is not in conflict with Policies CS17 and UD06 and that it is acceptable in terms of ecology and trees.

#### Traffic and highway safety

Policy CS15 of the Core Strategy (2014) calls for the provision of high quality cycle parking to encourage a modal shift away from the car. Saved Policies AM01 and AM02 of the Local Plan (2006) state (respectively) that planning permission will only be granted where the needs of pedestrians & people with disabilities and of cyclists has been successfully incorporated into the design. Saved Policy AM11 gives effect to the parking standards at Appendix 01 of the Plan for non-residential development.

Appendix 01 sets a standard of 1 space per 120 square metres floorspace of Class B8 warehousing; however, I do not find that this is relevant or useful in the consideration of the application development. The nature of the use is such that vehicle parking activity is likely to be predominantly characterised by short-stay drop off/pick up of stored items, and I am satisfied that there is sufficient space surrounding the containers for this to take place satisfactorily within the site. For the same reason – of the nature of the use – I do not find that it would serve any meaningful purpose to require on-site cycle parking in this case.

The arrangement of the containers on the site would enable vehicles to circulate in a forward gear. Nonetheless, the plan has been amended during the course of the application to demonstrate that there is sufficient space within the site for a vehicle to enter, turn and leave the site in a forward gear.

The local Highway Authority has advised that, having regard to the last lawful use of the site, it could not demonstrate that traffic generated by the new use would be greater than that which previously occurred. Accordingly, the Authority raises no objection to the application, but does recommend conditions requiring the loading and unloading areas and the turning space within the site to be kept available for these purposes. I am satisfied that these meet the tests for conditions and accordingly I recommend them. The Authority has also recommended that the proposed hours of use be adhered to, and I therefore add traffic and highway safety to the reason for the hours of use condition that I have already recommended.

I note that third parties have raised specific concerns in relation to traffic on Freeman Road North and at the junction with Green Lane Road and risk to pedestrians. In view of the Highway Authority's conclusions about the net impact of the development upon traffic, I do not consider that any severe cumulative impacts on the road network (that being the test set by paragraph 111 of the NPPF) could be demonstrated. The existing gates are set back sufficiently from the back-edge of the adjacent Freeman Road North footway to enable a vehicle to enter the driveway without obstructing the footway, and control (by condition) of the replacement gates can ensure that this continues to be the case. Furthermore, as I have already noted, there is sufficient space within the site to enable vehicles to enter and leave the site in a forward gear. In these circumstances, I do not consider that the development poses an unacceptable risk to the safety of pedestrians or others.

I conclude that the application development is not in conflict with Policies CS15, AM01, AM02 and AM11 and that it is acceptable in terms of traffic and highway safety.

### Drainage

Policy CS02 of the Core Strategy (2014) states that all development should aim to limit surface water run-off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of sustainable drainage techniques in developments.

The Lead Local Flood Authority (LLFA) raises no objection to the development subject to details of drainage being secured by condition. The rationale for this is that, whilst surface water run-off from the containers may drain through the new gravel surface, there are tarmac hardstanding areas close to the access from Freeman Road North.

The tarmac areas referred to appear to me to pre-date the application development (they are apparent on aerial photography from 2021 and earlier) and, in any event, these areas are to the south of the site and as such not within the mapped critical

drainage area. In these circumstances, I consider that a requirement for further drainage details to be agreed and installed would be disproportionate and would not meet all of the tests for conditions (paragraph 56 of the NPPF).

I conclude that the application development is not in conflict with Policy CS02 and that it is acceptable in terms of drainage.

### Other matters

Turning to the matters raised in the third party representations and not otherwise addressed above:

- *fires lit when cleaning rubbish – no consideration for neighbours*: this is not a planning matter;
- *raised ground presses against fence*: any damage to private property is a civil matter;
- *loss of former greenery*: I do not consider it likely that there has been any unacceptable loss of greenery from the site;
- *impact on quality of life, community character and heritage*: subject to the implementation of controlled hours of use and other details that can be secured by conditions, I do not consider that there has been an unacceptable impact on quality of life, community character and heritage;
- *loss of property value*: this is not a planning matter;
- *no community benefit (solely commercial users/venture)*: I consider that the enhancements to site security that can be secured by conditions would provide some community benefit;
- *support comments have been fabricated*: no evidence has been submitted to substantiate this claim, and I have no other reason to believe that the support comments are anything other than genuine;
- *increased insurance costs*: this is not a planning matter;
- *police incident reference numbers can be provided*: this is not necessary;
- *number of containers should be limited to 10*: I have considered the application development on its own planning merits and have found it to be acceptable;
- *added value to the area*: this is not a planning matter; and
- *has brought peace to neighbouring business*: noted.

### The Planning Balance

As noted above, paragraph 11 of the NPPF (2023) establishes a presumption in favour of sustainable development and sets out an explanation of what that means for decision taking.

I have found that the development – subject to conditions – can be retained and the use carried-on in a manner that accords with the relevant development plan policies. Accordingly, the presumption in favour of sustainable development applies and the application should be approved without delay.

## Conclusions

This is a retrospective application for development that has already taken place, and several third party representations have been received both objection to and supporting the development.

I have found that the development raises no issues of principle and that, as a backland site, its impact upon the character and appearance of the area is acceptable. Subject to conditions, the retention and continued use of the development, its impact upon amenity (including the security of the site), ecology and trees, and traffic and highway safety is acceptable. I find that the application development is not unacceptable in terms of drainage. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development applies and the application should be approved without delay.

I recommend that this application for planning permission be APPROVED subject to the following conditions:

### CONDITIONS

1. The use shall not be carried on outside of the hours of 09:00 to 18:00 daily. (In the interests of the amenity at neighbouring residential properties, and in the interests of traffic management and highway safety, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 & PS11 of the City of Leicester Local Plan (2006)).
2. Within six months of the date of this permission, or such extended period as may be agreed in writing by the local planning authority, the following site security measures shall be installed in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority: (a) new gates at the access from Freeman Road North; (b) new gates and other boundary treatment at the boundary with the adjacent site to the east; and (c) a CCTV system and external lighting. The details of the new gates under (a) shall include their siting from the back edge of the adjacent footway in Freeman Road North. The details of external lighting under (c) shall include measures to prevent light pollution to neighbouring residential properties and to the neighbouring local nature reserve. The site security measures so installed shall thereafter be retained. (In the interests of safety and security at the site and at neighbouring properties, and in the interests of highway safety, and to ensure that external lighting does not cause light pollution injurious to amenity and biodiversity, and in accordance with Policies CS03 and CS17 of the Leicester Core Strategy (2014) and saved Policies AM01, BE22, PS10 & PS11 of the City of Leicester Local Plan (2006)).
3. Within six months of the date of this permission, or such extended period as may be agreed in writing by the local planning authority, the railings shown on the approved plan shall be installed along the entire length of the site's north boundary (with the neighbouring local nature reserve) in accordance with a method of installation that shall first have been submitted to, and approved in writing by, the local planning authority. The railings so installed shall thereafter be retained. (In the interests of safety and security at the site and at neighbouring properties, and to ensure that the installation of the railings is not injurious to protected trees and

biodiversity, and in accordance with Policies CS03 and CS17 of the Leicester Core Strategy (2014) and saved Policy UD06 of the City of Leicester Local Plan (2006)).

4. Within three months of the date of this permission, or such extended period as may be agreed in writing by the local planning authority, a Landscape and Ecological Enhancement Plan shall be submitted to, and approved in writing by, the local planning authority. All planting shall be installed in accordance with the within approved Plan and within the first available planting season following the approval of the Plan. Thereafter, all planting shall be established and (for a period of not less than thirty years following the completion of the development) shall be maintained in accordance with the approved Landscape Ecological Management Plan. (In the interests of biodiversity enhancement, and in accordance with Policy CS17 of the Leicester Core Strategy (2014)).

5. The spaces between the containers shall be kept free from obstruction and shall be permanently available for loading and unloading to take place within the site. (To ensure that the space within the site remains fit for purpose and in the interests of highway safety, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy AM01 of the City of Leicester Local Plan (2006)).

6. The vehicle turning space shown on the approved plan shall be kept free from obstruction and shall be permanently available to enable vehicles to always enter and leave the site in a forward direction. (To ensure that the space within the site remains fit for purpose and in the interests of highway safety, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy AM01 of the City of Leicester Local Plan (2006)).

7. The change of use shall be carried on in accordance with the following approved plans: AVD-781-FRN-PL02 Rev.C (As Built Currently) rec'd 07/11/2023. (For the avoidance of doubt).

#### NOTES FOR APPLICANT

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

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

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

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

- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006\_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006\_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014\_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 2014\_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.

