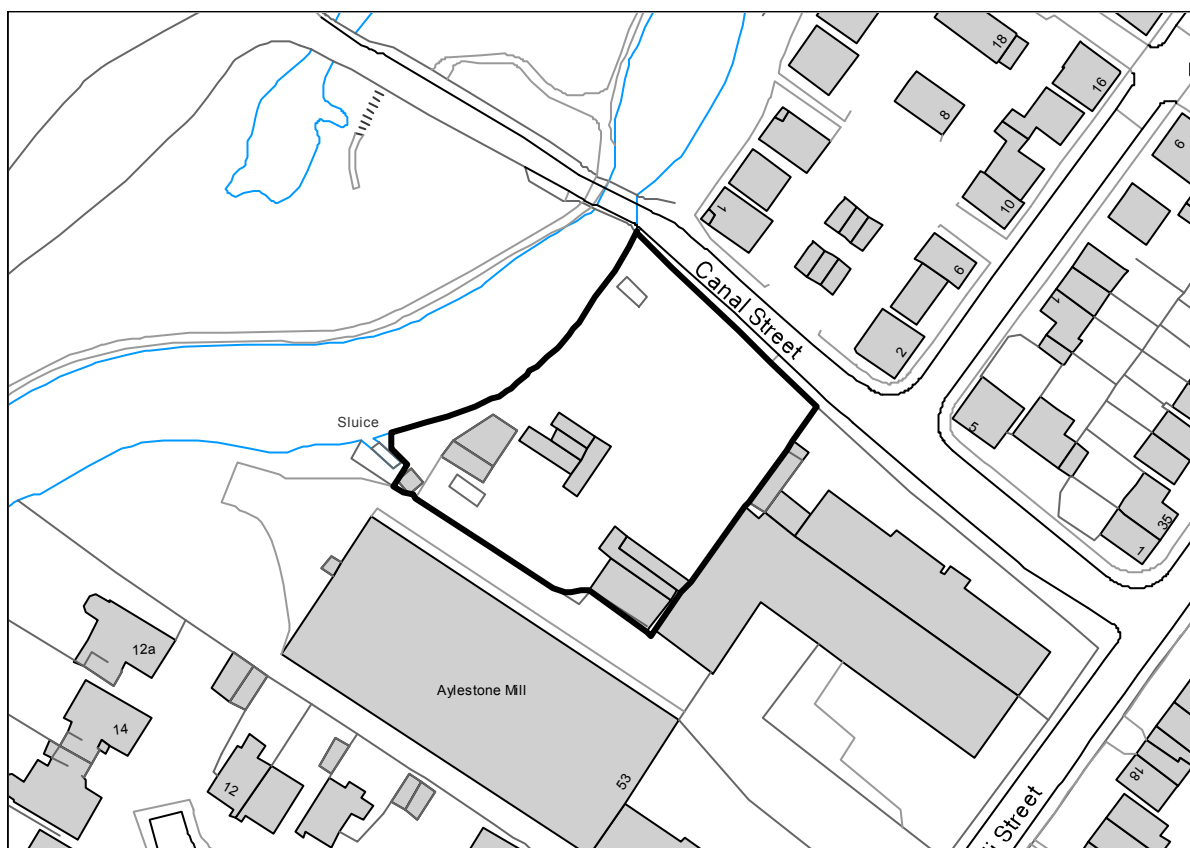


Recommendation: Conditional approval	
20172690	10 CANAL STREET, AYLESTONE
Proposal:	CONSTRUCTION OF A 3 STOREY RESIDENTIAL DEVELOPMENT OF 28 FLATS (3 X STUDIO, 22 X 1-BED, 3 X 2-BED), CAR PARKING, LANDSCAPING AND HARD STANDING. (CLASS C3). (AMENDED PLANS RECEIVED 4 DECEMBER 2018)
Applicant:	MAXI PROPERTY MANAGEMENT LIMITED
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20172690
Expiry Date:	31 January 2019
LL	WARD: Aylestone



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Summary

- This application is being returned to committee after being deferred at the 30 January meeting. Members asked for additional visuals to illustrate the scheme.
- This application was brought before the committee as 24 objections, including from Councillors Clarke and Porter, have been received.

- In addition, Councillor Clarke objects on the grounds of the inappropriateness of such development in the context of the conservation area, the nature reserve and the historic nature of Aylestone village.
- Cllr Porter also objects on grounds of overdevelopment, the development being out of context, and poor quality design.
- The main considerations are design, biodiversity, living conditions, flood risk and highway safety.
- The application is recommended for approval subject to conditions.

The Site

The site is alongside the River Soar, which in this area has been canalised and is also known as the Grand Union Canal. Directly opposite to the north-west is Aylestone Meadows, to the south-west and south-east are commercial/industrial sites, and across Canal Street to the north-east is housing, part of the Bloor Homes development constructed in about 2011.

Canal Street runs towards the canal from Disraeli Street, and although it accommodates two-way traffic alongside the site, the crossing over the canal using the old bridge is narrow with very poor visibility. Immediately across the canal is a public car park for people visiting Aylestone Meadows, and used also for overflow parking by those visiting St Andrew's Football Club which is just within Aylestone Meadows.

The site has an area of about 2,350 sq m, a street frontage of 41m and is about 46-58m deep. To the north-west along the canalside the edge of the site slopes down, and until shortly before this application was submitted the site edge was wooded. The trees were removed (consent was not required).

The site was previously in commercial use (B1 and B8) and was used unlawfully for car sales. The site was cleared of buildings some time ago, although some traces of rubble remain, and currently has no use.

The Proposal

The scheme as amended is for a three-storey block of 28 flats. The block would have a flat roof and has been designed with seven bays of varying materials, some of which would have a set-back upper floor. Balconies would project, some upper floor flats would have a roof terrace, and there would be no ground floor flats on the car park side of the building.

To the riverbank side of the block would be a landscaped area, to the other side would be a car park.

The scheme as initially submitted was for a 3, 4 and 5 storey block of 37 flats.

Policy Considerations

National Planning Policy Framework (NPPF)

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

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development.

In making an assessment Paragraph 108 of the NPPF (2018) states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable level.

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

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

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

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

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

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

Paragraph 59 states that a sufficient amount and variety of land needs to come forward to support varying and specific housing requirements and to boost the supply of homes.

Section 11 sets out how land should be used effectively, including brownfield land, and that weight should be given to using brownfield land within settlements.

Paragraph 148 requires the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 170 encourages planning policies and decisions to contribute to and enhance the natural environment, including protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

This section also states that planning decisions should enhance the natural environment by minimising impacts and providing net gains for biodiversity.

Paragraph 175 states that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Paragraph 178 places an emphasis on local planning authorities to ensure that development sites are suitable for their proposed use, taking into account ground conditions; after remediation, as a minimum, land should not be capable of being contaminated under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is available to inform these assessments.

The council does not currently have a five-year housing land supply. The NPPF indicates that in this case applications for housing should be approved unless the

adverse impacts of doing so would outweigh the benefits, considering the policies in the NPPF as a whole.

Development Plan policies

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

The most relevant local plan policies are: AM01, AM02, BE20, E03, H07.

The most relevant core strategy policies are: CS01, CS02, CS03, CS14, CS17.

Appendix 1 –City of Leicester Local Plan Parking Standards

Supplementary Planning Documents (SPD)

Employment Land (2007)

Residential Amenity (2008)

Climate Change (2011)

Consultations

Local Highway Authority

Canal Street is unclassified and there is a TRO in place which restricts parking between 8am and 6.30pm.

No objection subject to conditions relating to parking, access, travel packs and construction method statement.

Pollution Control – Contamination

A contaminated land condition is recommended.

Pollution Control – Noise

Development is close to a B2 premises engaged in steel fabrication. The noise assessment does not consider the likely impact noise which would be most disturbing.

Recommend improved ventilation and glazing measures for the façade facing the B2 uses to protect the amenity of future occupiers of the development.

Lead Local Flood Authority

No objection subject to conditions.

Environment Agency

No objection subject to conditions.

Waste Management

No objection. Bin storage area likely to be large enough.

Better Buildings

No objection subject to condition.

Housing Development

Set out the affordable housing requirements for the scheme.

Trees and Woodlands

The site has been cleared of all vegetation. There are no trees nearby likely to be affected.

Parks

Request contribution of £35,541 towards improvements at Aylestone Meadows.

Canal and River Trust

Given the distance between the development and the canal bank it is unlikely that loadings from the completed development will significantly affect the canal structure. However, some caution expressed regarding the possible impact of construction activities on the stability of the canal bank.

Commented that the proposed surface water discharge into the canal will require CRT consent.

Also commented on contamination, design, landscaping, lighting and ecology.

School Organisation Team

The scheme does not meet the requirements for education developer contributions request.

Representations

Twenty-four objections including those from Cllr Clarke and Cllr Porter were made in respect of the scheme as initially submitted:

- Proposed development is not in keeping with the area.
- Aylestone is a Conservation Village which is not mentioned in the application
- Development will be a lot taller than the nearby buildings and will dominate the river
- Will reduce natural light falling onto the riverbank and river
- Harm to biodiversity
- Site was lined with trees along the riverbank until the developer felled them all
- Increased noise and light pollution – there is no light along Riverbank Walk to protect wildlife
- Disruption during construction and from new residents
- School capacity may not be able to cope
- [Residents of Bloor development] pay for the greens and play area which is used by other people
- Development will block light to our property (1 Riverbank Walk, 5 Riverbank Walk, 13 Riverbank Walk and 17 Riverbank Walk, 19 Riverbank Walk) and to the area where children play
- Inadequate amount of [car] parking. Yellow lines on Canal St and Disraeli St mean overflow parking will be on streets in the estate

- Likely to lead to additional parking on surrounding streets where there is no capacity. Surrounding streets used for overflow car parking when events held at St Andrew's Football Club
- Increased traffic will be dangerous, to pedestrians including school children
- Increased congestion at Aylestone Road/Hall Lane junction
- Extra traffic may harm the canal bridge
- Will increase flood risk to nearby properties
- Would support family homes/affordable housing which would be more in keeping
- May be pressure on the industrial units to relocate and further develop the sites as housing
- Bloors proposed to develop further but were told they could not build there due to it being a flood plan
- We did not receive a letter from the council about this

The following representations were made in respect of the amended scheme:

- Building is not in keeping with surrounding environment and will look out of place
- Will affect the light to our property (1 Riverside Walk) blocking out light at certain times of day
- Will reduce natural light falling on the riverbank having a detrimental impact
- High concentration of people and vehicles will increase levels of air, noise and light pollution
- No capacity for extra cars in the area
- Many people have to park away from their houses, car crime is a problem
- Residents and visitors will park on Mallard Close which already has cars parked on both sides
- Increased traffic danger to children who play out
- Aylestone Village is a family community that attracts young working families and elderly residents, the proposed structure would be more fitting to a city centre location
- Loss of light along pathway at Riverbank Walk
- Mature trees are mature and should not be removed
- No doubt some of these will be allocated to social housing, this will bring a unique set of problems to an overpopulated area
- Where will the children go to school
- Road is too narrow and dangerous
- Wildlife will be affected with light and noise pollution and rubbish thrown out of car windows.

A representation was received from Aylestone Meadows Appreciation Society raising the following concerns:

- Five storeys out of keeping
- Insufficient car parking
- Increased traffic to local roads, increased risk to school children
- Entrance/exit to development very close to blind single track canal bridge
- Detrimental to amenity views of the nature reserve. May be detrimental to wildlife
- Increased traffic pollution

Consideration

Principle of development

The site is allocated as employment land under policy CS10. Although employment land should be used primarily for employment purposes, in this case the Employment Land SPD 2007 identified the wider area as low quality and suitable for alternative uses. Most of the Disraeli Street employment allocation has been developed for housing. The 2017 Employment Land Study has not recommended that the remaining part of the site be retained for employment use in the emerging local plan. The principle of the loss of employment land, and residential development on the site, has been accepted.

The site is within convenient distance of shops, services including bus routes and health care, open space and other local and community facilities. The location is considered appropriate for residential development.

Although the site is accepted as being suitable for residential development in principle, there are considerations within the SPD relating to nature conservation, flooding, comprehensive development and highway implications. Flooding, nature conservation and highways are covered below.

As mentioned above the 2007 SPD, in accepting residential development on lower grade employment sites, mentions that comprehensive development should be sought in order to maximise the benefits of redevelopment. This relies on land owners co-operating. In this case, comprehensive development has not been achieved. So far the allocation has been developed in at least three stages and there are, including the application site, three or four more sections of the allocation that have not been redeveloped. I do not consider, given the lack of a housing land supply and the redevelopment pattern in the area so far, that it would be reasonable to resist this proposal on the grounds that it is not comprehensive with the remaining parts of the site still in employment use.

The site is within the Riverside as covered by policy SPA09. This policy states that development will be permitted if it helps to sustain, enhance and regenerate the waterside. There are various criteria to this policy which may apply:

- a) *Reflect the variations in character in terms of use location and design:* I consider that this is complied with.

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- b) *Protect and enhance the nature conservation value of the riverside*: I consider that this is complied with.
 - c) *Enhance the architectural quality of the riverside and preserve the character of the urban canal*: I consider that this is complied with.
 - d) *Improve the relationship between the site, the riverside and any adjoining public areas*: this criteria appears to apply to sites which have public access to the river, which this does not.
 - e) *Improve access along and across the river or canal corridor*: not applicable
 - f) *Promote surveillance of the river/canal frontage*: I consider that this is complied with.
 - g) *Enhance the public amenity value*: I consider that the proposal would enhance this by presenting a more active, managed and landscaped site rather than a bare site.
 - h) *Provide moorings where appropriate*: not applicable.
 - i) *Include appropriate lighting*: to be controlled in this location for biodiversity reasons.
 - j) *Protect or enhance important views outward from the canal corridor*: I consider that this is complied with.
 - k) *Protect and enhance the landscape between the edge of the development and the river or canal channel*: I consider that this is complied with.

Most of the 28 flats would be one-bedroom or studios. Although this would result in a development tending to be occupied by single persons or couples, in the context of the local area I do not consider that this would be harmful. There is a range of houses in the area able to accommodate larger households.

Policy sets out a minimum residential density in this area of 30 dwellings per hectare. This proposal, albeit on a small site where density is not always a useful indicator, would provide a density of about 110 dph.

The city does not currently have a five year housing land supply. This means that the presumption in favour of development within the NPPF comes into effect. This requires that applications for housing development are approved unless there is an area designation subject to policies within the NPPF which indicates refusal, or the adverse impacts of granting consent would demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

I consider that this proposal is in accordance with local and national policy and that this particular NPPF policy does not need to be weighed against other matters.

Design

The design of the building has evolved during the application process and was reduced in height following discussions.

The predominant height of the surrounding buildings is two storey, and houses to the south west, beyond an industrial unit, are bungalows. The proposal now responds to and reflects the ambient height of the area by proposing a maximum three storeys, with a setback upper floor along portions of the building. The use of varying materials

on the façade on both front and rear elevations, as well as the provision of two circulation cores, aids in breaking up the mass and creating articulation.

The wall facing Canal Street would be articulated and would contain windows and a doorway to avoid a blank face in the streetscene.

The block is proposed with a flat roof. The initial submission had a pitched roof but that scheme was too large for the site. The applicant has not provided any justification for the current design, or explanation for the flat roof. Although the other dwellings in the area have pitched roofs, the proposed building would have a partly set-back upper floor which, together with the variation in materials, would create an interesting appearance.

Policy SPA09 requires that development along the Riverside enhances the architectural quality of the Riverside. I consider that the quality of this building would form an enhancement, certainly when compared to the existing condition of the site. The same policy also requires that the character of the urban canal is preserved and I consider that this proposal, by building on a site within a built up area and by retaining a soft boundary to the canal, will adequately preserve the character.

The car park would occupy all of the space between the south-east elevation of the block and the site boundary – slightly more than one-third of the site. Some of the car parking spaces are shown with grasscrete surfacing but this is unlikely to have much of a softening effect. The quality of the boundary treatments here will be important to the success of the landscaping. The plans show a low brick wall with timber fencing above, but this is unlikely to wear well. The opposite plots have brick walls to their gardens, and a parking area between, so there is already some element of parking to the streetscene. I consider that the boundary treatment to this part of the site should be reconsidered, probably to secure a brick wall to part of the boundary and a wall with railings further along, and this can be secured by condition. Additional landscaping to this area should be secured under the landscaping condition.

The long views, particularly from the river corridor, have been considered and the impact of the revised scheme is considered acceptable.

I consider the design broadly acceptable for the site and in accordance with relevant policy.

Heritage Assets

The site is not in a Conservation Area, and there are no listed buildings in the immediately vicinity. The canal and bridge are identified as historic features but there is no listing or similar statutory protection in place. Impact on these assets is therefore not a major consideration, and in any case I consider that the proposed scheme would not have any significant impact on the setting.

The site is close to the Aylestone Conservation Area (about 100m in a straight line), but the scale of the development and the distance to relevant heritage assets means that the impact on the setting is not significant.

There is the potential for archaeological remains to be found on the site, so I recommend a condition to secure appropriate works.

I consider that the proposal is in accordance with relevant policies relating to heritage assets.

Living conditions

The proposal provides two stair/lift cores and two entrances from the parking area. There is some provision for access other than via the car park, comprising two side gates giving access to the side door.

The flats would all be single aspect, apart from secondary windows to two of the flats at the end of the block, but would be of a suitable size with adequate light and outlook. Each flat would have a balcony or terrace large enough for sitting out. Flats facing the river would have a pleasant outlook, those facing the car park and industrial units less so, but having an outlook over a car park is not unacceptable in itself. There would be no ground floor flats to this side, so no residents would be overlooked from the car park.

Floor areas would vary from 40 sq m for the studio flats, through 46-47.5 sq m for the one-bed flats, and 71.5-84 sq m for the two-bed flats.

The flats would all benefit from adequate privacy. Although some of the flats would be about 10m from the south side of the bridge, which would give views from the bridge into the ground and first floor flats, those views would be oblique. The main footway is to the north side of the bridge so looking into these flats would be limited. There would also be some potential for overlooking to the flats from the footpath on the other side of the river, but the separation distance would be at least 20m and would include landscaping so I do not consider that this would be unacceptably harmful.

The landscaped area between the block and the river does not appear as though it would be easy to access from the flats, and the Landscaping Plan states that it would be seeded with a wildflower mix cut once a year, indicating that it would not be designed for sitting out. Given the location of the site I consider that keeping the riverbank suitable for wildlife should be given significant weight, and also that as residents have access to public open space directly opposite as well as their balconies/terraces, the lack of a communal garden is not harmful.

The flats to the south-east face of the block would be facing the industrial units. One of these units accommodates a steel working business, which can be noisy at times. The applicant provided a noise assessment, and following consideration has agreed to include mechanical ventilation to the flats on this side to ensure that flats which may suffer from solar gain in summer can be adequately ventilated without suffering too much noise. The plans show how the ventilation would be accommodated, however further details of the system will be required by condition to ensure that the ventilation and glazing meet the required standards.

The plans show, and the applicant has confirmed, that the development would be built to category M4(2) of the Building Regulations, to ensure access for all.

I consider that the scheme would provide acceptable living conditions for future residents, including meeting the criteria within policy H07.

Residential amenity - neighbours

The nearest dwellings are opposite the site across Canal St. This is a development of houses about 8 years old, built by Bloor and known by some as Otter's Bank.

The side wall of the proposed block would face the closest of these dwellings at a distance of at least 12m. There are secondary and corridor windows proposed in the new development on this face, and as these windows are valuable in design terms I

consider that they should be retained. However they will face side windows on No 1 Riverside Walk so any windows on the north-east elevation of the new building should be obscure glazed. The existing side windows to No 1 Riverside Walk are two small windows to hall/bathroom, and a window to a habitable room that has other main windows. In terms of privacy, the habitable room window in question is at ground floor and about 1m from the street, so the privacy to that window is already compromised. I therefore consider that the separation distance is acceptable.

Some neighbours have objected on the grounds of shading and loss of light, but given the separation distance, relative orientations and heights, there would be no loss of light to neighbours. The shadow cast by the building would affect one neighbouring dwelling for part of the middle of the day, for about half of the year. However the shading would not be substantial as it would affect only one habitable room window, to a room that has other main windows.

Neighbours have commented also on noise from construction and from new residents, however neither of these is likely to be unusual subject to normal controls.

I consider that in respect of impact on nearby residents, the proposal is in accordance with policy.

Waste storage and collection

The proposal includes a refuse bin store that is large enough for the 5 x 1100l bins required. The store would have level access from the street, and a ramped access from the internal corridor so that all residents would be able to deposit refuse. The proposal is in accordance with policy.

Highways and Parking

The proposal includes a cycle store to accommodate 52 cycles. Policy requires one space for every two bedspaces, which would be 31 spaces to serve this many flats, so the proposal is acceptable in respect of cycle parking provision.

The car parking area shows 33 spaces, of which 2 would be accessible. This meets the adopted standard purely in terms of numbers.

The requirement for dwellings to be built to category M4(2) of the Building Regulations also applies. This standard requires that there is space to widen car parking spaces to 3.3m if needed. The scheme includes two accessible car parking spaces, and it would be possible to widen another four of them if required. The Building Regulations state that where parking is communal there must be one car parking space to the standard close to the communal entrance of each core. Although the space near to the second core is not shown as accessible, it could be made so.

It is not known whether car parking spaces would be allocated, but there would have to be provision within the management of the block to require occupants to use particular spaces if a person required one of the accessible spaces.

The plans show a 6m wide access with secure gates. These would have to be remote controlled to ensure that vehicles do not have to wait on the highway while the gates are opened by hand. Visibility splays are not shown but can be provided if the boundary treatment is suitably detailed, with railings that can be seen through.

It is acknowledged that the road outside the site is narrow, and that visibility over the bridge is poor, but there is an existing access to the site and drivers should be expected

to take reasonable care. Subject to the provision of adequate visibility splays at the entrance it is not considered that there would be unacceptable harm to highway safety.

Details of the access and the 2m wide footway along the front of the site will be required by condition.

There is no detail within the application of charging points for electric vehicles. I recommend a condition to ensure that charging points are provided to the parking spaces.

Neighbours have commented that there will be overspill parking on nearby streets. It has been observed that there is (sometimes obstructive) car parking on the roads within the Bloor development, which given that the parking takes place all the way into the development is likely to be residents and their visitors rather than (or as well as) local workers. Many garages within residential areas are not used for car parking; the proposed development does not include any garages, so every car parking space is likely to be used efficiently – probably more efficiently than the parking spaces within the Bloor development.

The proposal meets the car parking standards required, and so cannot reasonably be resisted on the grounds that overspill car parking might occur.

Subject to conditions, I consider that the proposal is in accordance with relevant highway policies.

Sustainable Energy

Policy CS2 requires that development mitigates and adapts to climate change and reduces greenhouse gas emissions. The applicant has provided a statement setting out some minimal measures to be taken and I recommend a condition to secure these.

Flood Risk and Drainage

The site is in Flood Zone 3b and 2, according to the Environment Agency (EA) maps, however following discussions between the applicant and the Environment Agency regarding site levels the EA withdrew their initial objection. The EA has nonetheless states that their objection is only lifted subject to the mitigation measures within the Flood Risk Assessment being carried out, and I recommend a condition to this effect.

The EA has made clear in their comments that although they have no objection, they still consider the site to be within flood zone 3 and therefore a sequential test is required.

The applicant has carried out a sequential test which is considered acceptable. The exception test, which has to follow on from the sequential test, requires that development is safe for its lifetime and will not increase flood risk elsewhere. The EA has confirmed this.

The site is also within a Critical Drainage Area. The Lead Local Flood Authority has commented that the proposed drainage scheme is broadly acceptable however further details are required. I therefore recommend a condition requiring details of the drainage scheme.

Subject to these conditions the proposal is in accordance with relevant policies.

Nature conservation/trees/landscaping

The Grand Union Canal is a Local Wildlife Site (LWS) in this location, and the designation extends for some distance onto adjoining land including part of the application site. The proposal will result in development on the LWS. Aylestone Meadows is a Local Nature Reserve.

The site is currently vacant, and has a gravelly/debris-strewn surface with evidence of some recent exploratory work. The bank area has become re-vegetated during the year since the trees were cleared.

The ecology survey was carried out in December 2017, and the survey states that the results are valid for up to one year. The application was submitted in that month, and I consider that rather than requiring another survey prior to determination of the application a survey should be required prior to commencement of development, to identify any measures required during site clearance and construction.

Given the site and adjacent designation, a high level of mitigation should be secured. The submitted Ecology Report recommends a variety of habitat boxes as well as planting, and I recommend a condition to secure these.

Some landscaping detail is provided, indicating that native planting will be used to benefit biodiversity, and that the open area alongside the river will be sown as wildflower meadow. The details shown could be improved, and developed to include vertical greening features to areas in the car park (such as pergolas). I recommend a condition to secure details of the landscaping scheme prior to occupation of the development, as well as the boundary treatment condition mentioned above.

Initially, the scheme was proposed with a pitched roof. There is now a flat roof proposed, which introduces the possibility for a green/brown roof. Given that the site is close to/within two designated areas, this potential should be maximised. I recommend a condition to secure details.

No lighting is proposed to the riverside of the building, other than that to the flats, and I recommend a condition to ensure that this remains the case as this area is ecologically sensitive. Details of lighting to other areas should also be secured.

Subject to the conditions being satisfactorily addressed, I consider that the proposal would be in accordance with relevant biodiversity policies.

Contamination

A Phase 2 Investigation has been submitted explaining that some work has been done, but that further investigative work is required; therefore I recommend a condition to secure further work and remediation as required.

Viability and Developer Contributions

The applicant has provided an affordable housing statement and a viability appraisal. Having considered these, it is concluded that no contributions can be secured.

Land Stability

The Canal and River Trust has made lengthy comments, and among other matters has asked for a condition requiring a construction methodology including foundation design and earthmoving/excavation work. Given that the site is not inherently steep, there is no identified instability, and the scheme includes an 8m easement to the river, I do not consider this condition to be necessary. A construction method statement will be

required, and I consider that it would be reasonable in this case to add to the standard requirements a requirement relating to distance to be kept from the edge of the site.

Other matters raised are covered elsewhere in this report and would be dealt with by respective conditions.

Other matters

Some objectors have commented that they did not receive a letter, however the consultation was carried out in accordance with statutory requirements.

One objector has commented that Bloors were told they could not build on this site as it is a flood plain. This is not relevant, as consultations with the Environment Agency have resolved the flood risk issue (as they did on the site opposite).

Impact on local schools has been raised by objectors. As the proposed development is mainly one-bedroom flats, it is unlikely that a significant number of school-age children would live there. The School Organisation Team were consulted and confirmed that the scheme does not meet the requirements for education contributions.

Objectors have commented that they (the residents of the Bloor development) pay for the green areas and play area that are used by non-residents but this is not a reason to resist the development.

Conclusion

The proposed development is on a site that, although being in an employment allocation, is acceptable for residential development

The development will provide residential units offering an acceptable standard of amenity for residents

The impact on existing residents will be acceptable

Adequate access and parking will be provided and there will be no unacceptable impact on highway safety

The development will be safe in respect of flood risk and will not increase flood risk elsewhere

Biodiversity protection and enhancement can be secured

The implications of contamination can be addressed.

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) No demolition or development shall take place or commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall include an assessment of significance and research questions; and: (1) the programme and methodology of site investigation and recording; (2) the programme for post investigation

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- assessment; (3) provision to be made for analysis of the site investigation and recording; (4) provision to be made for publication and dissemination of the analysis and records of the site investigation; (5) provision to be made for archive deposition of the analysis and records of the site investigation; (6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation. (B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above. (C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. (A) Before any demolition or development is begun, if the results of the archaeological investigations demonstrate the existence of remains to be preserved in situ, details of all below ground disturbance including but not limited to basement, foundations, piling configuration, drainage, services trenches and temporary works covering relevant areas as agreed in advance with the Local Planning Authority, to include a detailed Design & Method Statement, shall be submitted to and approved in writing by the City Council as local planning authority, such details to show the preservation of surviving archaeological remains which are to remain in situ.
(B) Unless otherwise approved in writing by the City Council as local planning authority, the basement, foundations and piling configuration shall be constructed in accordance with the details set out on the drawings and Design & Method Statement approved under (A) above. (To help to determine the extent of the loss of heritage assets of archaeological interest that will result from this development; 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).
4. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human

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- health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
5. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No flat shall be occupied until the system has been brought into use. It shall thereafter be managed and maintained in accordance with the approved details. The details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
 6. Prior to the commencement of development details of drainage shall be submitted to and approved in writing by the City Council as 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 agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
 7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; (viii) details of the area of construction

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- activity with specific reference to the canal bank. (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 CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
8. Prior to the commencement of development an ecological assessment for protected species shall be carried out by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing by the local planning authority and any identified mitigation measures required before and during construction carried out in accordance with the approved plan. (In the interests of biodiversity and in accordance with policy CS 17 of the Core Strategy. In order to ensure that the details are agreed in time to be incorporated into the construction process, this is a PRE-COMMENCEMENT condition.).
 9. Prior to any work above ground level, and notwithstanding the approved plans, details of the following materials for the development shall be submitted to and approved in writing by the City Council as local planning authority. The details shall include a sample panel to be constructed on site.
Walling materials including bricks, render, coping and cladding
Window and door framing
Balcony railings and balustrades
Louvres to ventilation system and bin store
Vents.
Development shall be carried out thereafter in accordance with the approved details.
(In the interests of visual amenity, and in accordance with Core Strategy policy CS3).
 10. Before the commencement of any development above ground, full specification details of a brown roof including construction, planting details and maintenance strategy shall be submitted to and agreed in writing by the City Council as local planning authority. The brown roof shall be provided and maintained thereafter in accordance with those details. (To ensure sustainable construction and adaptation and mitigation of climate change, and biodiversity enhancement, in accordance with policy CS2 and CS 17 of the Core Strategy).
 11. No part of the development shall be occupied until details of the following off-site highway works have been submitted to and approved in writing by the City Council as local planning authority:
 - a. The provision of a new 'Bellmouth' access which incorporates tactile paving and bollards;
 - b. The provision of a 2.0 metre wide footway along the whole of the site frontage which shall include the relocation of a street lighting column, a telegraph pole and dog waste bin to the back of the new footway;
 - c. Reinstatement of the carriageway which fronts the site which will be made necessary as a consequence of damage to the existing carriageway during

construction of the development site and when undertaking the works associated with constructing the new footway on the site frontage to Canal Street.

The off-site highway works shall be constructed in accordance with the approved details prior to the development being first brought into use. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

12. No development shall take place above ground level until full design details of how the development will provide a gas fired heating and hot water system and energy efficiency measures have been submitted to and approved in writing by the City Council as local planning authority. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme, including on-site installation has been submitted to and approved in writing by the City Council. (In the interests of securing energy efficiency in accordance with Policy CS2 of the Core Strategy).
13. Prior to any above-ground development, details of an insulation scheme to prevent the transmission of noise into the south-east facing flats within the development shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include mechanical ventilation to the flats including purge ventilation, and shall not require that windows are fixed shut. The flats shall not be occupied until the approved scheme has been installed and is operational. The insulation and ventilation shall be retained thereafter. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan).
14. Prior to occupation of the site, a detailed landscaping scheme and landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site that shall remain unbuilt upon shall be implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) all new planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots); (vii) a detailed plan of the biodiversity enhancements on the site such as meadow/wildflower creation including a management scheme to protect habitat during site preparation and post-construction. The approved landscaping scheme shall be completed prior to occupation for hard landscaping and within one year of occupation of the development for soft landscaping. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all landscaped areas in accordance with the approved plan. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.).

15. Notwithstanding the approved plans, and prior to occupation of the development, boundary treatments shall be installed in accordance with details that have previously been submitted to and agreed in writing by the local planning authority. The boundary treatments shall be retained as such thereafter. The details shall include provision for visibility splays at the vehicular entrance, and details of entrance gates showing access for refuse collection. (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).
16. No part of the development shall be occupied until 52 No. lit, secure and covered cycle parking spaces have been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The approved spaces shall be retained as approved thereafter for the use of residents and visitors in connection with occupation of the development. (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).
17. Before the occupation of the development the car parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking by residents in connection with occupation of the development. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
18. No construction work shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank or Public Holidays. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
19. Prior to first occupation of the development, 10 1FR bat tubes, 10 Swift boxes, 5 Sparrow terrace boxes, 5 House Martin boxes and 4 insect boxes shall be incorporated within the development as detailed on Ecology Plan (no reference) and within the revised Ecology report completed by Hillier Ecology Limited dated May 2018 (Updated October 2018), and in accordance with details (to include type and location) that have previously been submitted to and approved in writing by the local planning authority. An ecologist shall supervise the installation. The development shall be carried out in accordance with the agreed details and use of the boxes monitored for a period of two years and results submitted annually to the local planning authority with the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).
20. Within one month of the first occupation of any flat, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack' or access to an equivalent provision of information by electronic means (such as a resident's intranet). The contents of this shall have previously been submitted to and approved in writing by the local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in

accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).

21. Prior to occupation of the development, charging points shall be provided to the car parking spaces to allow for the charging of electric vehicles. (To encourage the use of low-emissions vehicles and in accordance with policy CS2 of the core strategy and relevant sections of the NPPF).
22. Before the occupation of the development the windows to the north-east facing elevation towards Canal Street and the south-west elevation shall be fitted with sealed obscure glazing and retained as such thereafter. (In the interests of the amenity of occupiers of 1 Riverside Walk, and in order to ensure that residential development of the adjoining site is not prejudiced, and in accordance with policy PS10 of the City of Leicester Local Plan).
23. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated (June 2018) (FW1394/FRA/001-v3) and the following mitigation measures detailed within the FRA:
 1. Flood plan
 2. Flood resilience measures
 3. Finished floor levels (FFL)The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority. (To ensure safety from flooding in accordance with policy CS02 of the Core Strategy.)
24. Before any external lighting is installed a detailed design plan of lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted to and approved in writing by the local planning authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained thereafter. No additional lighting shall be installed without prior agreement from the Local Planning Authority. (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS 17 Biodiversity of the Core Strategy)
25. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)

26. This consent shall relate solely to the following submitted plans received by the City Council as local planning authority, unless otherwise submitted to and approved by the City Council as local planning authority.
- Ground floor plan drawing P02 revision E received 4/12/18
 - First floor plan drawing P03 revision D received 4/12/18
 - Second floor plan drawing P04 revision D received 4/12/18
 - Proposed elevations drawing P08 revision C received 4/12/18
 - Proposed elevations drawing P09 revision D received 4/12/18
 - Indicative section on shown on drawing P10 revision B received 4/12/18.
- (For the avoidance of doubt.)

NOTES FOR APPLICANT

1.
 - A. 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.
 - B. 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 highway.management@leicester.gov.uk.
 - C. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should seek advice from Bal Minhas (Leicester City Council's Travel Plan Officer via telephone 0116 4542849).
 - D. Some land will need to be dedicated into the public highway in order for the proposed 2.0 metres wide footway on the site frontage to become part of the publicly maintainable highway system. The applicant will be required to cover all associated legal costs.
 - E. The footway will require a telegraph pole, a street lighting and dog waste bin to be repositioned to the back of the new footway to avoid it forming an obstruction to pedestrians.
2. Further to condition 4 (SuDS), the details provided with the application are broadly acceptable however the following remain to be clarified:
 - Confirmation of agreement with Canal and River Trust/Environment Agency regarding proposed outfall and copies of relevant correspondence
 - Method statement for mitigation measures during construction
 - Further SuDS considerations including justification for non-inclusion of suitable features
 - SuDS designs.
3. Development on the site should avoid impact on wildlife and their habitats and any removal of vegetation required prior to development should be carried out in accordance with mitigation measures set out in the Ecology Report (dated October 2018) by Hillier Ecology. Any works should avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests

should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

This is to avoid killing, injuring or disturbing any wildlife or habitat in use, or damage to or destruction of, an active nest or eggs protected under the Wildlife and Countryside Act (1981) as amended, and the Habitat & Species Regulation (2010).

4. To meet condition 25: All those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.
5. The proposed surface water discharge from the site to the adjacent Grand Union Canal/River Soar will require the prior consent of the Canal and River Trust (CRT). The CRT advises that the Trust is not a land drainage authority and such discharges are not granted as of right; where they are granted they will usually be subject to completion of a commercial agreement. In the first instance the applicant/developer should contact Beth Woodhouse, Senior Utilities Surveyor, at beth.woodhouse@canalrivertrust.org.uk or on 07484 911355 to discuss this matter.

Policies relating to this recommendation

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| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented. |
| 2006_BE22 | Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria. |
| 2006_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_E03 | Planning permission granted for the development of appropriate B1, B2 and B8 uses in Primarily Employment Areas and not for changes to other uses unless it meets criteria. |
| 2006_GE02 | Permission not normally granted if development adversely affects Sites of Importance for Nature Conservation, Local Nature Reserves and the Regionally Important Geological Sites. |

2006_H03	Provides guidance on minimum net densities to be sought for residential development sites according to location.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_SPA09	Development within the Riverside policy area will be encouraged to sustain, enhance and regenerate the Riverside subject to criteria.
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_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_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_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.