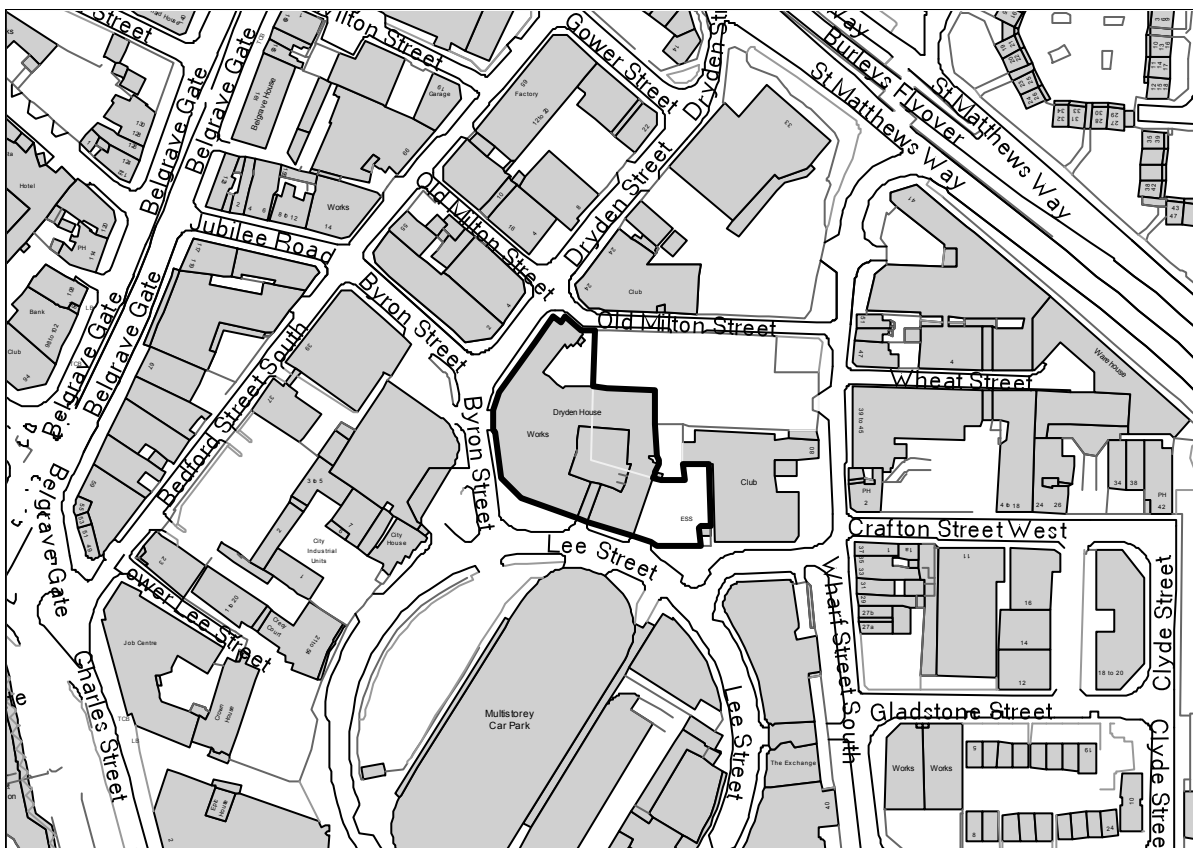


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|--------------------------------|--|
| Recommendation: Refusal | |
| 20172677 | FLEET STREET, FLEET HOUSE |
| Proposal: | DEMOLITION OF BUILDINGS; CONSTRUCTION OF 10 AND 11 STOREY BUILDING COMPRISING 211 FLATS (76 X 1 BED; 136 X 2 BED) (CLASS C3); ANCILLARY COMMUNAL ANCIALLRY FACILITIES; 238 SQM OF FLEXIBLE SPACE TO BE USED FOR A RANGE OF USES (CLASS A1, A2, A3, A4, A5, B1A); 163 SQM OF LEISURE (GYM) USE (CLASS D2); LANDSCAPING AMENITY SPACE; NEW VEHICLE AND PEDESTRIAN ACCESS(AMENDED PLAN REC 27/6/18) |
| Applicant: | LEE CONTRACTS |
| View application and responses | http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20172677 |
| Expiry Date: | 30 November 2018 |
| KER | WARD: Castle |



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Summary

- Application brought to committee at the request of Councillor Kitterick
- Application relates to a wider site that has been divided into two
- Site contains Fleet House – Local Heritage Asset
- Application to demolish locally listed buildings and replace with ten and eleven storey building
- 79 objections on grounds loss of heritage asset, impact on nearby music venue.
- Main issues to consider are conservation and heritage, townscape, massing and urban form, design, residential amenity, SuDs/Landscaping, amenity, access housing and archaeology.
- Application is unacceptable on design, conservation and quality of living accommodation grounds.
- Application recommended for REFUSAL

Introduction

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

For the purposes of the development proposals, two separate planning applications (20172678 is considered separately on this agenda) have been submitted (which will be considered and determined separately) for different sections of the site but showing a linked proposal. This application directly relates to that part of the site which covers the main Fleet House buildings facing Fleet Street, Dryden Street and Byron Street.

There is a section of car parking to the east of the site and a larger section of car parking to the north facing Old Milton Street. There is a vehicular entrance on Fleet Street and one on Old Milton Street. The car parks are in operation as private car parks but the buildings of Fleet House are vacant and have been for some time. To the south is a section of hedge which bounds the car park. There is also an electricity substation which is outside the site. The site is within the St George's North Regeneration Area. The site is located in a Critical Drainage Area, within 250 metres of a known polluting use and within the archaeological alert area.

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

A planning application (20172259) for the demolition of existing buildings on 80 Wharf Street South and the construction of an 8 – 11 storey building to accommodate 4 retail units on the ground floor and 72 flats above. This was refused on the grounds of the loss of the locally listed building, excessive height and poor design, the lack of a sequential test for retail, inadequate parking arrangements, insufficient cycle parking, inadequate bin stores and failure to comply with the Supplementary Planning Document for Affordable Housing. A current application (20190380) for the demolition of existing buildings and the construction of a 8-11 storey building to accommodate 4 retail units on the ground floor and 72 flats above is still under consideration.

The wider area contains a mix of buildings. To the north on Dryden Street at the rear of the site is a single storey building in use as a music venue known as the Dryden Street Local. The remainder of Old Milton Street is bounded by a 2 metre brick wall with parking behind. To the east on Wharf Street South are a mix of buildings ranging from two, three and four storeys containing residential and commercial uses.

The four storey building at 4-18 Wharf Street South, Gilbros Business Centre is also on the local list. To the south is Lee Circle a seven storey multistorey car park which is also on the local list. There is also a five storey former telephone exchange building at 40 Wharf Street South which extends up to the corner of Fleet Street. To the west is a single storey building located on the corner of Byron Street and Lee Street in use as a car hire facility. On the corner of Dryden Street / Jubilee Road and Old Milton Street are two storey brick buildings in use as commercial properties.

Background

The main building on site pre dates the planning system; however, some of the most relevant history is as follows:

The planning history for the site dates back to the 1950's and details an application for use of the land for club premises with or without living accommodation. Another application for signage in the 1950's describe the site as industrial premises.

Planning application 15247 for the construction of a building of 3,483 square metres for the storage and maintenance of company vehicles was approved in 1966.

Consents in the 1960's and 1970's relate to the provision of temporary vehicular entrances and buildings to the site and applications to retain them. In 1982 planning application (19820380) for the use of sites as permanent car parks were approved in 1982.

Planning application 19861361 was for installation of windows in a gable end wall was approved. The application form described the building as offices. Another application in 1994 (19941137) for alterations to windows also described the premises as offices.

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

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

The proposal would result in the loss of a large complex of primarily late Victorian two, three and four storey buildings included on the Council's adopted Heritage Asset Register. Their loss is not considered acceptable due to the positive contribution they make to the street scene and character of the area by providing a focal corner landmark on Fleet Street, Byron Street and Dryden Street. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 131, 132 and 135 of the National Planning Policy Framework.

The demolition of the primarily late Victorian two, three and four storey buildings from the application site would result in the loss of a large collection of buildings which make a positive contribution to the areas built form and following their removal a large cleared vacant site would be detrimental to the character and appearance of the area contrary to Policies CS03 and CS18 of the Core Strategy and paragraphs 131, 132 and 135 of the (2018) National Planning Policy Framework.

The site has been divided into two and there is a separate application 20172678 for: Demolition of buildings; construction of 8 and 11 storey building comprising 227 flats (111 x 1 bed; 89 x 2 bed; 27 x studios) (Class C3); ancillary uses comprising: communal facilities; 71 sqm of storage use (Class B8) and crèche (Class D1); landscaping amenity space; new vehicle and pedestrian access. That application is being considered at the same time as this application and is reported separately on this agenda.

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

Prior notification application 20190449 for notification of a proposed change of use from offices (Class B1) to 155 flats (Class C3) is currently incomplete.

Pre-application advice was sought regarding the scheme and the applicant and their agent were advised that the loss of Fleet House was unacceptable and the proposed design did not respond to the context and character of the area. The applicant has engaged with local ward councillors.

The agent has submitted a request which is being considered relating to alterations to the facade of the office building which they consider could be carried out as permitted development. These alterations could undermine the character of the building if implemented however its substantive positive contribution to the character of the area would remain.

The Proposal

The applicant proposes to demolish the existing buildings on site and replace them with two blocks, Block A and Block B.

Block A The block fronting Fleet Street would be ten storeys in height comprising the following:

Basement

Plant rooms, storage, 8 bike storage racks, lift and unusable space

Ground floor

238 square metres of flexible commercial space to be used for a potential range of uses- Class A1, A2, A3, A4, A5 and/or B1a, amenity areas including an area for washing machines, bin store, concierge area and undercroft parking

First and Second floor apartments

10 x 1 bed

16 x 2 bed

Third floor apartments

4 x 1 bed

7 x 2 bed

Public terrace

Fourth, fifth, sixth and seventh floor apartments

16 x 1 bed

28 x 2 bed

Eighth and ninth floor apartments

10 x 1 bed

16 x 2 bed

Total of 107 flats in block A

Block B

168 square metres of leisure (gym) (Class D2), amenity area which includes washing machines, concierge, bin store, plant rooms, substation and undercroft parking spaces.

First and Second floor apartments

4 x 1 bed

16 x 2 bed

Third floor

2 x 1 bed

8 x 2 bed

Fourth, fifth, sixth and seventh floor apartments

16 x 1 bed

28 x 2 bed

Eighth and ninth floor apartments

8 x 1 bed

14 x 2 bed

Total of 96 flats in block B

Total for blocks A and B = 203 –

To the exterior there would be a paved area to the front of Block A. In between Block A and B on the corner of Fleet Street and Byron Street would be a gated entrance with landscaping either side which leads to a paved area and further landscaping area to the rear of Block B. There would also be a small number of cycle parking spaces to the rear of Block B.

Block A would have entrances to the flexible commercial space on Fleet Street. There would also be doors to the plant and bin store areas, and the main entrance to the apartments would be through the concierge area. There would also be a roller shutter to the undercroft parking area.

Block B would have its main entrance on the corner of Byron Street and Dryden Street leading into the concierge area.

The buildings are of a contemporary design and would consist of the following materials: Powder coated aluminium panels, red brick, dark grey render, grey render, white render, powder coated aluminium vertical fins, powder coated aluminium horizontal fins and toughened laminated coloured glass panels.

The building would be rectangular in appearance. Facing Fleet Street the main part of the building would be the dark grey render with the end section being white render.

There would be glazed shopfronts to the ground floor units. The windows facing Fleet Street would be predominantly small with some slightly larger windows. There would be vertical fins placed across a large number of windows. There would be an opening about a third along the front elevation from floor three up to floor seven. The base of the opening would be a public terrace for all occupants of the building. The sides of the opening would form a green wall. Facing the rear the windows would be set in a rhythm defined by cladding surrounds. There would be coloured panels placed in a random pattern across the street elevation. The vertical fins would be placed to the left hand side of the elevation in a random pattern. The side elevation facing Fleet Street and the end of Block B would be powder coated aluminium panels brown and red in colour. The other end elevation would consist of similar arrangement of windows as to the main rear elevation.

Block B would consist to the left of large square of white render with the top three floors consisting windows framed by dark grey render. The lower eight floors would have vertical fins across a large number of windows. The windows would be a mix of sizes. To the right the building would be grey render with a mix of window sizes both large and small. There would also be vertical fins across a large number of windows. The rear elevation would be similar to the rear of A Block in that there would be coloured panels and the side elevations would be similar to Block B.

The combined ground floor layout which shows both this site and that of planning application 20172678 has been amended by showing a different arrangement to the outdoor space for the nursery. The pick-up / drop off bay that serves the other site has been removed.

Further amended plans have been submitted to address concerns raised, these comprise:

Amendments to the number of units resulting in 76 x 1 bedroom units and 135 x 2 bedroom units, resulting in a total of 211 units overall.

Changes have also been made to the fenestration to make some windows smaller and some larger. Other external changes include increasing the amount of fins to some windows and increased coloured panels.

A revised Transport Assessment and Travel Plan have also been updated. A daylight and sunlight assessment has also been provided. A revised Energy Statement has been submitted.

The agent has provided a comprehensive response to issues raised in terms of the scheme. They include the following comment in respect of urban design:

They comment that the townscape analysis (see reference later in this report) has no status as a planning document. Whilst the document has no formal status the work that has been carried out is an urban design analysis of the area in the context of Policy CS03 of the Core Strategy and the analysis will be explained in the context of CS03 below.

Note that a coordinated approach is welcomed but recognition needs to be made of each sites opportunities. Consider Councils approach premature.

Accept some of existing buildings in wider area continue to make positive contribution but should not be to the detriment of regeneration as overall quality of the area is low.

They consider the suggestion by the Council of a uniformity of height has not been given any rationale and will not aid legibility or improve the contribution heritage assets make in the area.

Policy Considerations

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

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

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

At the heart of the Framework is a presumption in favour of sustainable development. It suggests that in decision-taking, this means:

- approving development proposals that accord with the development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF also states:

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

- Paragraph 59 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Paragraph 80 - requires great weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- Paragraph 86 - Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- Paragraph 87 - When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- Paragraph 102 - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
 - a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- Paragraph 103 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

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- Paragraph 104 states that planning policies should support an appropriate mix of uses across an area and within larger sites to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.
 - Paragraph 105 - If setting local parking standards for residential and non-residential development, policies should take into account:
 - a) the accessibility of the development;
 - b) the type, mix and use of development;
 - c) the availability of and opportunities for public transport;
 - d) local car ownership levels; and
 - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
 - Paragraph 106 - Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
 - Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - Paragraph 111 - All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
 - Paragraph 117 - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
 - Paragraph 122 is concerned with achieving appropriate densities. It states that planning decisions should support development that makes efficient use of land, taking into account:
 - The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - Local market conditions and viability;
 - The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further

- improvement and the scope to promote sustainable travel modes that limit future car use;
 - The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - The importance of securing well – designed and attractive healthy places
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- Paragraph 126 of the NPPF suggests that to provide maximum clarity about design expectation at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.
- Paragraph 127 - Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - C) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well – being, with a high standard of amenity for existing and future users, and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.

- Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussions between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by the proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to the development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to a permitted scheme.
- Paragraph 150 states that new development should be planned in ways that:
- Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets.
- Paragraph 185 states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
 - the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and

- opportunities to draw on the contribution made by the historic environment to the character of the place.
- Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
 - 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.
 - Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- Paragraph 187 details how local authorities should maintain or have access to a historic environment record. This up to date information will be used to:
 - assess the significance of heritage assets and the contribution they make to their environment; and
 - predict the likelihood that currently unidentified assets, particularly sites of historic and archaeological interest, will be discovered in the future.
- Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.
- Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- Paragraph 192 requires local planning authorities to take into account the following:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- Paragraph 193 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- Paragraph 197 states that the effect of an application on the significance of a non – designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non – designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- Paragraph 198 Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- Paragraph 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Other planning and material considerations

Development plan policies relevant to this application are listed at the end of this report. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty of local planning authorities to have special regard to the desirability of preserving or enhancing the character and appearance of conservation areas.

St George's Conservation Area Character Appraisal and 2010 Addendum

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

Supplementary Planning Document – Affordable Housing

Leicester Local Heritage Asset Register (2016).

City of Leicester Local Plan Appendix One– Vehicle Parking Standards

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

Consultations

Pollution – Noise

Consider the sound insulation scheme details submitted to be acceptable. They recommend a condition that secures noise level of 45dB in line with the World Health

Organisations standard. This means that the sound reduction performance required of the glazing units will have to be increased to 40dB_{TRA}.

The noise survey also recommends a passive, background ventilation system but no further detail is provided. They require details for the ventilation arrangements before the grant of any permission.

An Air Quality Assessment is also required to be submitted.

Pollution – Land

Have no objection subject to a contaminated land condition being attached.

Waste Management

Comment that they would expect the proposal to have sufficient space for the storage of 25 x 1100 litre bins and 14 x 1100 litre bins for recycling.

Two bin stores are shown which are likely to be large enough to accommodate the required number of bins for a weekly collection. They provide minimum carry distances that will need to be complied with. The door opening needs to be wide enough to accommodate all bins, there should be no steps to the access and there should be a dropped kerb from the pavement to the road near the bin store. They also outline a number of other management requirements such as access fobs and point of contact for management.

Education Authority

Comment that the area already faces a deficit of 13 primary school places and 6 secondary places. They therefore request the following financial contributions:

Primary places - £159,071.59
Secondary places -£92,151.98
Total contribution required: £251,223.57

Highway Authority

Originally had concerns about the size of the car parking spaces and the vehicular access was not compliant with standards for a shared access. In addition, doors were opening out onto the highway. Concerns were also expressed over the content of the Travel Plan. The applicant has submitted revised plans and amended the Transport Assessment and Travel Plan to address these concerns. The Highway Authority considers that the amended information is acceptable and recommends conditions regarding sight lines, satisfactory streetworks, reinstatement of dropped kerbs, appropriate driveway material, compliance with the Travel Plan, Travel Packs, cycle parking, parking marked out and construction method statement.

Private Sector Housing

Comment that they have concerns in terms of the proposed layout as the majority of the flats have bedrooms as inner rooms with means of escape in case of fire, through a

kitchen/diner – in some instances the kitchen facilities are next to the flat entrance door. Fire precautions and means of escape in case of fire need to fully take in to account the layout of each flat.

They recommend that where flats contain internal habitable rooms; kitchens/living /dining rooms and bedrooms that they are redesigned so as to be able to obtain a reasonable level of natural daylight provision to each interior, to avoid unnecessary reliance on artificial lighting.

Environment Team

Have concerns about the type of occupant used regarding some of the calculations as student occupancy was used instead of private sector rented. Students have different occupancy rates which would affect energy usage. Corrected information is therefore required.

Comment, that as a general guide, if the area of glazing is much less than 20% of the total floor area some parts of the dwelling may experience poor levels of daylight, resulting in increased use of electric lighting.

Information has been submitted detailing the fabric performance of the building. The air permeability is to be 4m³/hr/m²@50Pa.

Water consumption shall be no more than 125 litres/per person/per day using low water flow rate sanitary ware.

A Construction Method Statement, including a Site Waste Management Plan will need to be implemented ensuring as much waste as possible is re-used and diverted from landfill.

Environmentally low impact materials will be specified for the building envelope using the BRE Green Guide to Specification and will include A and A+ rated insulation products.

The Building Regulations, Part L, (2010) energy requirements, are expected to achieve a 3% improvement in mid floor studio flats in CO₂ performance. The building is expected to achieve a Pass under the Part L.

The LDEC district heating system is too far away to provide an opportunity for a district heating connection during the expected construction, programme however given the extent of this proposal they require consideration of community heating systems serving all flats together with the potential for future connection to be available to an extended heat network and of CHP and Renewable Energy Systems.

It would appear that the consideration of the use of gas CHP in the Energy Statement is incorrectly based on this accommodation being used for student flats, which does not appear to form part of the planning application, referring only to residential flats. The hours of residential occupancy will be greater than would be expected from term time use and there will be a substantial base heat load from the accommodation in this phase of the development.

Plan revisions concerning natural daylight in living and habitable rooms are needed together with detailed consideration of the whole life viability and CO2 savings for CHP/ decentralised energy use/community heating and hot water and renewable energy, including a proposal, before any recommendation may be made.

Lead Local Flooding Authority (LLFA)

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

The development is considered Brownfield and to comply with *Leicester City Council's Local Plan, 2006 - Policy BE20 (LP-BE20)* 50% betterment of current, on site runoff rates is required. Permeable paving, cellular attenuation and a Hydrobrake flow control device will be used to restrict runoff to 17.9l/s and achieve 50% betterment.

Impermeable surfaces are expected to decrease by approximately 240m² as a result of the proposed development.

A Flood Risk Assessment (FRA) (HLEF59838-002R) has been completed as part of this application, which adequately evaluates flood risk from all sources and recommends suitable mitigations and surface water management measures.

Additional information in the form of an exceedance diagram, drainage details, green roofs and confirmation that the first 5mm of run off will be retained on site was requested and provided. They consider the items could be secured via condition which includes a SuDs and drainage condition.

Conservation Advisory Panel (CAP)

The panel were strongly opposed to the pair of schemes that would involve the total loss of a Local Heritage Asset. They raised attention to the awkward relationship between the two proposed developments, such that if only one was to be approved, the junction with the retained building elements in the other plot would be problematic – both practically and visually. They confirmed that they did not have an objection to the loss of later extensions and that their primary concern was the oldest part of the existing building – particularly the front wing. They were critical of the quality of the visual material provided and argued that this made assessment more challenging. They raised concern with the scale of the proposed new build, but felt more detailed comments would not be appropriate in the absence of better quality material, such as accurate 3d views.

Housing development

Comment that the following affordable housing is required in line with Policies CS06 and 07:

Affordable Private Rent: total 32 units:

1 x 1 bed / 2 person flat built to National Wheelchair Accessible Standard M4(3)(2)(b), to be located on lowest residential floor (first floor);
13 x 1 bed / 2 person flats built to National Accessible and Adaptable Standard M4(2);
2 x 2 bed / 4 person flats built to National Wheelchair Accessible Standard M4(3)(2)(b), to be located on lowest residential floor (first floor);
16 x 2 bed / 4 person flats built to National Accessible and Adaptable Standard M4(2);

Representations

Councillor Kitterick objects on the grounds of a poor standard of living, and that there are a number of important issues which the application raises including the retention of the valuable Fleet House, issues around protecting long standing night clubs in that area and the standard of living put forward by the developer.

He feels it is worth giving greater transparency to how the Council determines the maximum height of developments in the city as the current cap of 7 storeys that is emerging in the area has not been consulted on and appears to be arbitrary without basis in the local plan.

Taking the application to committee will give residents and developers greater clarity as to why some developments in the city exceed 7 storeys and some are refused.

I have received 79 objections on the following grounds:

- Impact on local nightclub – Dryden Street Social, may need to close, venue has been licensed for over 34 years, not included in noise report
- May need license to club revoked
- ‘Agent of Change’ rules should be adopted – Bill currently going through Parliament – at second hearing – 11th May 2018 – has 8 other stages to go through until Royal Assent – Bill to require specific controls in relation to developments likely to be affected by existing noise sources and for connected purposes. Has been adopted by some UK cities
- Music Venue Trust objects, quote paragraphs 6 and 123 of the NPPF and Policy PS10 of the Local Plan and paragraph 180 of the 2019 NPPF, Agent for Change
- Too many music venues in UK are being closed ‘pushed out’ by developments
- Travesty if Council neglects one of last remaining live music venues
- Need music venues to stay open and maintain cultural identity of city
- Other similar venues – The Shed – receive noise complaints
- New housing in city welcomed but not at the expense of existing businesses
- Development of flats would only be of benefit to property developer
- Impact of both applications together
- Lots of derelict buildings that could be used for flats
- Height of buildings not appropriate for the area
- Loss of former offices of BSS Ltd

- Very attractive and interesting buildings in this part of the city
- Building is on the Council's Local Heritage Asset register – described as good example of early 20th Century office due to its architectural qualities and strong street presence
- The building was re-glazed and if it hadn't been it would probably have been listed
- BSS nationally known company and is a testament to the company's status and prosperity

I have also received an objection from Leicester Civic Society on the following grounds:

- Fleet House on local Heritage Assets list and is covered by an Article 4 direction restricting permitted development
- Proposed building would adversely affect quality of surrounding area
- Pre application advice stated buildings over 7 storeys not appropriate for the area
- Current application should be rejected
- Impact on Dryden Street Social

Consideration

Principle of Development

The Strategic Regeneration Area is the focus of major redevelopment. The St. George's Residential and Working Community and the City Centre have the potential for mixed use redevelopment.

Paragraph 86 of the NPPF and Core Strategy Policy CS11 (Retail Hierarchy) seeks to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date plan. This is to determine if there are any sequentially preferable suitable, available and viable sites within a town centre before edge of centre and then out of centre sites would be considered to be acceptable. This approach is important in supporting the vitality and viability of town centres. The application site is not in either the Central Shopping Core or in an existing Local Centre. A sequential test should therefore be carried out for the proposed retail uses.

The other A Class uses proposed are considered acceptable although they are outside the Central Commercial Zone. The lower half of the nearby Lee Circle car park has struggled to retain retail uses. The Class D2 gym use is likely to serve the residents of the development, however it has not been described as ancillary. The previous St

Georges guidance did direct such uses to this area and therefore I consider the proposed gym element would be acceptable.

Residential uses are acceptable in this location which is within the City Centre, the St. George's Residential and Working Community and the Strategic Regeneration Area.

Main issues

Although residential use is acceptable in principle, further information is required in terms of the provision of retail uses outside a designated centre and the applicant has failed to provide this information.

The main issues to consider in terms of the application are conservation and heritage, townscape, massing and urban form, design, residential amenity, SuDs/Landscaping, amenity, access housing and archaeology.

Conservation and Heritage

A register of local heritage assets has been in existence in Leicester since the late 1980s, but was comprehensively revised in 2014 with a detailed document on all entries produced in 2016 and related Article 4 Directions made in 2017. Fleet House has been on the register since 1994 and the bespoke Article 4 Direction relating to it was made on the 9th November 2016. It has therefore been identified as a heritage asset for over twenty years and has been subject to the development of more detailed heritage policy and guidance since then. The property owner did not object to the clarification of its inclusion on the register of local heritage assets in 2014 or to the making of the Article 4 Direction in 2017. In both cases, the property owner was contacted directly and invited to comment.

The property was assessed using the revised criteria for inclusion on the local heritage assets in 2014 and achieved the requisite number of points. The building scored strongly on the criteria of historic interest, architectural interest and age, with further points for rarity. In addition, it can be argued that the property has value in terms of group value – particularly in relation to 80 Wharf Street South, and has some local landmark value. Its status as a non-designated heritage asset is clear and is detailed on page 77 of the Leicester Local Heritage Asset Register (2016). The value of the Local Heritage Asset Register was recently assessed through an appeal (APP/W2465/W/17/3177241) on a development proposal relating to another property in the city centre that is included on the register. The Inspector concluded that the assessment relating to that entry on the register was sound. The applicant has suggested an alternative score for the property; however, the score suggested does not take into account all indicators.

The oldest part of the building complex was approved in two phases in February and April 1898 for John Neal Sedgley, a local businessman who was responsible for the development of a number of sites in Leicester in the late 19th century. The plans reveal that the property was developed as a terrace of four distinct business units, within the building envelope; spatially similar to a modern business incubator complex. The building was designed by the acclaimed local architect Frank Seale, who was responsible for designing several hundred buildings in the city in the later 19th and early

20th centuries. Seale designed the Grade II Listed Former Constitutional Club on Pocklington's Walk and five other Local Heritage Assets in the city. Sedgley was listed as one of the early occupiers of the property. One of the first four tenants was British Steam Specialties Limited, who, over time, expanded and gradually took on more of the property ultimately occupying the entire complex.

The building was expanded in the following decades, albeit with extensions that were subservient in scale to the host building and were broadly sympathetic to its building fabric.

The building is a good example of eclectic late Victorian industrial architecture, with a notably sympathetic inter-war extension. The well-proportioned building has a relatively simple structure, embellished with ornate detailing, such as a series of dentilled brick courses and stone arches. Although the applicant argues in their Heritage Statement that the building compares badly to comparable buildings, they fail to substantiate this in terms of building stock in the wider city. A simplistic comparison is provided against a pair of factories in the local area that date from the 1870s and are of divergent scales and styles. While the two other properties listed on Wharf Street South are of heritage interest, they were of comparable scores to Fleet House when assessed for local listing in 2014. The property clearly adds architectural richness to the quality of the streetscape and provides a strong building form that contributes to a robust block structure.

The building has significance in terms of the industrial history of the city as the headquarters of British Steam Specialities Ltd, who employed several hundred staff at the site. The company specialised in the distribution of heating, ventilation, pipeline and mechanical services and continue to operate as the BSS group. The company occupied the site for over one hundred years and left its mark on it in the form of a carved stone parapet detail and a distinctive painted advertisement on the eastern gable wall. They were responsible for the most attractive of the later extensions, a two storey inter-war side extension on the street frontage. This structure is simply detailed in a stripped classicism style and complements the primary Victorian structure with a contextually responsive materials palette. Although the later extensions are of limited historical or architectural interest, they do display a sympathetic approach to the older structures, being subservient in scale and generally light weight forms. For example, the recessed glazed entrance feature, behind the main entrance to the building, allows the ornate arched opening and original metal gates to dominate in the key views. The original plans for the building reveal a simple internal arrangement for large workshop rooms that has not been dramatically degraded in the decades that followed. There has been some loss of historic material, such as the replacement windows, but these are reversible. The primary windows are still in timber and match the proportions of the original ones.

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

There are therefore fundamental conservation objections to the demolition of a building that positively contributes to the character and appearance of the area. The proposed

development would result in the loss of all of the heritage asset, including the most architecturally significant elements.

Following additional heritage information a further assessment has been made which considers that if, as the applicant argues, the quality of the urban environment in the local area is relatively poor, it is therefore crucially important that existing buildings of architectural quality, such as Fleet House are retained. A reductive analysis that legibility is only aided by tall buildings fails to appreciate that in a historic urban environment, legibility is partly created by historic buildings that have associational interest, such as places of employment or community buildings. Regardless, Fleet House is a relatively large structure and provides legibility through its architectural form from a number of angles and works alongside the other heritage assets in helping create a more legible neighbourhood.

An appropriate reuse of the building and redevelopment of the site would be welcomed, as it would provide an opportunity to improve the character and appearance of the area, addressing an important part of the city that has unfortunately suffered from years of decline, following the clearance of various sites and the building of the inner ring road.

Townscape, Massing and Urban Form

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

Leicester City Council recognises the opportunities and issues within the Wharf Street area and has consequently, undertaken a townscape analysis of the Wharf Street and Lee Circle area in the last 2 years and on the basis of those findings is looking to guide development in this area through the new local plan. Whilst this is not an adopted document it is an assessment of the area based on Policy CS03 and is likely to be adopted in the future as part of the Local Plan.

This townscape analysis aims to inform a cohesive and comprehensive approach to the area rather than considering sites in isolation, which has occurred in the past. The level of potential growth requires a coordinated and comprehensive approach to enable the creation of an attractive, successful and sustainable place with a distinctive identity. A place that will become, over time as development comes forward, a great place to live. It is also recognised that the area has challenges and issues which need to be overcome. The Wharf Street / Lee circle area will undergo significant change in the next 15-20 years and this process needs to be managed positively and proactively.

The main conclusions of the townscape analysis are;

The area requires a coordinated and comprehensive approach to guide development to ensure the Wharf Street area becomes a place that has a coherent character, a sense of place and a distinctive identity. In the long term providing the infrastructure of an increasing residential community.

Development sites should not be considered in isolation of the wider objectives for the area.

The area has a number of heritage assets and buildings that make a positive contribution to the townscape and are very legible. There is also St. Georges Conservation Area. These will also continue to make a significant contribution to the character and ongoing identity of the area as it undergoes change. They will aid legibility and should remain the dominant 'markers' and frontages in the area.

A uniformity of height will assist in achieving the aspiration above, in particular along Wharf Street and the frontages around Lee Circle car park.

The highway design and layout is over dominant in certain locations and does not assist legibility, or indeed give an appropriate setting to the heritage assets and buildings that make a positive contribution to the area. These buildings should define the space, not the highway layout.

There are tall buildings in this area and the scale works well. In particular, where the scale and footprint create an appropriately proportioned tall structure, for example, Crown House.

However, they should not be a justification for taller buildings on development sites in isolation of a comprehensive approach across the area which also considers key views and the setting (and opportunities to enhance the setting) of heritage assets and buildings that make a positive contribution to the townscape.

It is acknowledged that there are many areas which require significant improvement and repair but new development in these areas must enhance the setting of the townscape assets and heritage in the area and also positively contribute to creating a new character and sense of identity.

Heights and approved permissions;

In considering the context and heights of the surrounding context the general (ambient) height is 7 storeys. In considering some of the most dominant frontages which contribute positively to the character of the Wharf Street / Lee Circle area they are no higher than 7 storeys;

Heritage asset of Lee Circle Car Park is 7 storeys

Heritage asset of Gilbros Business Centre is equivalent of 5 storeys

The Exchange (Wharf Street South) is 5 and 6 storeys, although given the increased height to the ground floor and generous floor to ceiling heights this is approximately 7 storeys equivalent (ie 21m)

Crown House and Epic House are tall buildings in their context at 11 storeys and can be considered to be appropriately proportioned tall buildings contributing in scale to the townscape, notwithstanding that improvements need to be made and opportunities to do so taken in the future.

The Telephone Exchange at approximately 80m is the tallest structure in the city centre but this should be considered a townscape anomaly and should not be a justification for height, although it is not being used as such by the applicant.

In considering the planning history of nearby sites the following are relevant;

- 20162286 47 Clarence Street was recently approved at 7 storeys.
- 20081176 Crecy Court, Lower Lee Street was approved at 7 storeys.
- 20011249 Lee Circle, Leicester House (next to Lee Circle car park) which is currently under construction was approved at 7 storeys
- 20172259 80 Wharf Street South. This application has been refused on the grounds of the loss of a non-designated heritage asset, failure of the proposal to appropriately consider its context not contributing in townscape terms and not positively contributing to the area's character and appearance in terms of scale, height, urban form, massing and appearance.

Further along, 27 Wharf Street 20071365 was approved in 2007 at 10 storeys and, although it has been technically implemented, it has not been constructed. Although a section 73 application for this site was approved in April 2018. A further section 73 application to vary the plans condition is still under consideration. This approval would not be consistent with the townscape analysis and the further work that has been undertaken more recently in this area.

In accordance with section 128 of the NPPF the applicant did engage with the Council in pre application discussions after an initial response was given. The Council considered that the loss of Fleet House and that the scheme proposed was unacceptable. The pre-application advice given to the applicant concluded that the proposal;

- Should retain the three storey section of Fleet House, a local heritage asset which makes a significant contribution to the character and legibility of the area.
- Development of no more than 7 storeys to Wharf Street, to maintain a consistent height around Lee Circle and 5 storeys to Old Milton Street, given the narrowness of the street and the impact on views into this area from Wharf Street
- The possibility of a 'taller element', depending on impact on townscape and heritage assets, to the corner of Byron Street and Dryden Street subject to further examination

In summary, the applicant's justification for the scale proposed;

- Is not supported by a thorough townscape analysis and views analysis of the wider context. There is some townscape analysis but specifically this does not justify the scale and massing proposed in the application.
- Does not comply with the conclusions of LCC's own townscape analysis.
- Does not comply with the pre-application advice previously given, which was given with a view to work positively towards a potentially acceptable scheme
- The massing and urban form of the proposal cannot be considered in isolation of scale. The massing and urban form proposed are not acceptable give the concerns raised above.

Other design considerations.

Public space / public realm:

Given the density and extent of the development proposed the proposals are offering little contribution to improving the townscape or options to make improvements to better connect the development to the surrounding streets including wider pavements, improving the public realm to the streets and spaces surrounding the proposals.

The central green area (of both applications) provides amenity for residents and, notwithstanding statements made in the Design and Access Statement (DAS) that it could provide a public space, this would not be appropriate given the security required by the residents and potentially the crèche. Indeed, it would not be legible as public space, as it is located within a 'perimeter block'. Further page 35 of DAS provides a shadow and sun study analysis. Given the scale of the proposal from September to March from 9am – 3pm the central amenity space receives very limited sunlight. This also applies to the summer months from 3pm onwards.

Layout/Active Frontage:

The building would wrap around Fleet Street, Byron Street and Dryden Street with the corner facing Byron Street containing a gym. This would provide an active frontage to this corner, however, the part that fronts Dryden Street would contain parking, bin store and plant rooms at street level. This is not acceptable, in particular given that there are uses in the proposal that could be relocated next to the street to provide more animation to the street. The need for the bin storage next to the street is understood but this could be provided alongside other uses. The flexible use space facing Fleet Street would provide an active frontage at street level, providing the unit is occupied as there are a large number of residential schemes in the city with vacant ground floor units which detract from the character of the area. The remainder of this elevation would contain bin and vehicle areas which would have the same relationship to the street as detailed above.

The report for 20172678 details the lack of active frontages for that application.

Given those comments combined with those for this application the frontages can be categorised as followed;

Total frontage length of both applications is 172m

Non active (parking, bins, storage, plant, (marked) amenity etc.) = 90.5m = 52%

Active (block entrances) = 26.5m = 15%

Potential to be active but given uses may be restricted (e.g. gym, retail, crèche) = 53m = 33%

Given the figures above in the context of the extent of the proposal in terms of taking up nearly a whole urban perimeter block the importance of retaining activity and a relationship with the street is crucial. If active uses cannot be guaranteed up to 85% of the street frontage would not animate the street. As outlined in CS Policy 3: Public Realm and Open Space; new development should 'promote active frontages onto public spaces, streets and waterways'.

Materials

Notwithstanding the outstanding concerns previously raised over the mass, scale and urban form of the proposal the appearance of the building has been considered with regard to the mass and scale of the proposal.

At the scale and mass proposed the depth and articulation of the elevations is a consideration. The DAS suggest layers of materials which would help given the scale and mass proposed. However, it is very difficult to establish the actual depths proposed. The emphasis of the proposal is a series of large blocks which are elevated similarly and principally on one plane. There is very little variation in depth and no significant change in depth to provide greater articulation to help 'break down' the bulk of the scale and mass proposed for example by the use of full inset balconies and varied building lines (insets) other than the layers of materials.

In conclusion, the proposal is not justified in townscape terms and would not contribute positively to the area's character and appearance in terms of scale, height, urban form, massing and also appearance. The proposal is therefore contrary to Policy CS03 of the NPPF and paragraphs 124, 126, 127, 128 and 130 the NPPF which place a significant emphasis on design. Despite the proposal bringing homes to the city they would not be creating a sense of place, or a safe environment. The regeneration of the site would not be done in a manner that responds to the pattern of development in the area, would allow retention of heritage assets and would not be carried out in a comprehensive manner that would be beneficial to the area creating a place that is well connected and in which people would want to live. The balance on design is therefore tilted towards a refusal.

Residential Amenity

Saved Policy H07 of the Local Plan sets out a number of criteria which need to be met in terms of providing an acceptable level of development and provide a useful tool for assessing the acceptability of the standard of accommodation being provided.

These are:

a) the location of the site or property and the nature of nearby uses;

- b) the unacceptable loss of an alternative use;
- c) the loss of family accommodation,
- d) the creation of satisfactory living environment,
- e) the arrangements for waste bin storage and car or cycle parking,
- f) the provision where practicable, of a garden or communal open space,
- g) the effect of the development on the general character of the surrounding area and
- h) the proposed or potential changes to the appearance of the buildings, and their settings.

In response to the criteria above, I have the following comments:

A) The location of the site or property and the nature of nearby uses;
The suitability of the site for residential development has been assessed in the principle of development section. The area does contain a mix of uses including a car hire premises, car park, flats, industrial uses, late night venue and commercial premises. However, the area is undergoing regeneration and there are applications in for other parts of the area which will therefore alter the character and appearance of the area and compatibility with other uses. Measures such as sound insulation would ensure existing neighbouring uses do not prevent the redevelopment of sites.

B) The unacceptable loss of an alternative use;

The buildings are vacant and are unlikely to be suitable for current business uses, given the previous occupant a large company moved out and the premises have been vacant for some time. The area is undergoing change and also given the age of the building it may be difficult to adapt to modern business practices. Prior approval was also granted for a change of use to residential which is in the process of being renewed. I therefore consider the proposal will not result in the unacceptable loss of an alternative use.

C)The loss of family accommodation,

The proposal would not result in the loss of family accommodation.

D)The creation of satisfactory living environment,

Block A would front onto Fleet Street with the rear facing the rear of the other site being considered under application 20172678. All principal rooms would be provided with a window. The windows are of varying sizes, however, the large majority are narrow two pane windows. Fenestration has been changed to some windows with some becoming larger and some smaller. Originally there would have been 54 windows covered by vertical fins and this has been increased to 68 windows. The flats are of varying shapes but a large majority are rectangular extending back to a central corridor with many rooms relying on light from a single window at distance from the rear section of the room.

Given the complexity of the elevation each flat is not considered in detail, however, as an example on floors 4 – 7 on Block B there would be a two bedroom flat with its living room and one of its bedrooms covered by vertical fins. The window serving the bedroom is small. Whilst the applicant has provided a daylight and sunlight

assessment, the windows are west facing and I consider there would be some loss of light. In addition, the rooms may be perceived as being dark due to the fins. The flats on Fleet Street are south facing and therefore would be provided with some light.

Whilst the windows facing Fleet Street are of an unacceptable size and restricted they do provide a view across Fleet Street. In terms of the rear elevation facing the other development site the number of vertical fins covering windows is less with only 10 covered. However, these windows are only approximately 2 – 3 metres from the boundary with the second site. The second site has been designed so that there would be no windows in the end elevation. Whilst there would be no direct overlooking between these blocks the outlook from the rear elevation would be limited given the distance to the boundary and the location of the block to the rear. This situation is replicated on upper floors.

In terms of Block B there are similar arrangements in terms of the vertical fins which are to the front elevation only. Of particular concern are the two bedroom flats which are located to the rear corner closest to Block A. The living area to these flats would only be served by a small window which is located at an angle. The applicants have amended the plans to include a window to the side. It would be facing the side of Block A and therefore could not be relied on for outlook as this would be limited, however, some additional light would be provided.

E) The arrangements for waste bin storage and car or cycle parking,

The layout does include bin storage on the ground floor for both blocks. Waste management consider there would be adequate capacity for the amount of bins required. The plan has been amended to ensure no doors overhang the footway. The bin store facing Fleet Street to Block A has been reduced from 12 bins to 11 to allow for internal access to the bin store as previously occupants would have only been able to access it from the street. There is also a larger bin area serving Block B.

Parking is proposed with Block A having four spaces and Block B amended to have only 3 spaces each in an undercroft area. No provision has been made for disabled parking. It is accepted that the site is located in the city centre, however, it is on the edge of the city centre. The flexible retail space would need to be serviced via Fleet Street as whilst there is a rear access from Old Milton Street given the location of fences and lack of turning space it would not be able to be serviced from this access. Cycle parking is provided for Block A in containers to the rear which could be accessed via the pedestrian route from the corner of the site. If approved the Highway Authority recommends a condition to require details of cycle storage to be agreed.

F) the provision where practicable, of a garden or communal open space,

The scheme does propose some limited external amenity space. There are incidental areas to the sides of the main pedestrian area in between both Block A and to the rear of Block B. The area to the rear of Block A is no more than a strip of landscaping that could not be classed as useable space. There is a slightly larger area to the rear of Block B and a triangular piece in between both application sites which contains play equipment. This would not be large enough to provide sufficient space for all occupants. In addition, given its shape it is unlikely to offer much in terms of usability.

The third floor of Block A contains a public amenity space which is in effect a roof garden. Either side of the amenity space will be green walls. The area above is void up to the eighth floor. The applicants have stated the area is for use by all residents and will be clearly signposted. However, I consider the amenity space may not be used by a large number of people, especially those not living on the third floor. The space would contain some trees and possibly benches. I am concerned that the living walls may be difficult to maintain as they are unlikely to benefit from adequate levels of sunlight and water. It may also pose a health and safety risk as no barrier/netting is proposed. There is the possibility of birds flying through and potential health and safety issues, contrary to paragraph 127 of the NPPF which requires development to create safe environments. I therefore consider inadequate amenity space would be provided.

G) The effect of the development on the general character of the surrounding area and

H) The proposed or potential changes to the appearance of the buildings, and their settings.

In terms of the above two criteria these have been covered in the Conservation and Heritage and Townscape sections of the report, especially the loss of Fleet House. The scheme is therefore unacceptable in respect of these criteria.

Impact on neighbouring amenity

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

The site as a whole (including both application sites) as described elsewhere is an island site that occupies the majority of the island with the only other property in the block being at 80 Wharf Street South. Block A would be the closest to this neighbouring property. The building currently at 80 Wharf Street South which faces Fleet Street is two storey of varying heights and does have some windows facing the side elevation of the site, there are also some extract vents. The site is currently in use as a late night venue, however, applications have been submitted to redevelop the site. There is also another building belonging to this site which fronts Wharf Street South and is also locally listed. The proposed building would look out of context in relation to the scale of the neighbouring site and this is discussed elsewhere. The sheer scale and size of the proposal and the position of windows close to the boundary with 80 Wharf Street South would prejudice the future redevelopment of the site as it could result in part of it being undevelopable.

In terms of the remainder of the area the neighbouring buildings are predominantly much lower to the Byron Street end and therefore the proposed development would tower over these sites and could also prejudice their redevelopment.

A number of objectors have raised concerns about the impact upon the Dryden Street Social club which is located further along Dryden Street. The music venue is likely to

produce noise and activity. However, if residential development was to be approved in the area I do not consider the club would be under threat of closure. Any acceptable scheme would be required to demonstrate prior to any planning permission being granted that a satisfactory noise insulation scheme and a ventilation scheme could be provided in the development to ensure that future occupants would not be significantly affected by external noise.

Highway and parking

The Highway Authority originally had concerns regarding the size of parking spaces and access arrangements. An amended TA and Travel Plan have been submitted and they now consider the application to be acceptable in highway terms. The site is located close to the city centre and within walking distance of the main retail and amenity areas. I therefore consider it is located within a sustainable location. Whilst combined with the other application site there would be in excess of 400 new residents I consider it would be unreasonable to refuse the application on highway grounds. If recommended for approval conditions would need to be attached in respect of highway matters.

Archaeology

Within a 250m radius of the application centroid a Mesolithic macehead/hammer (MLC650) Roman pottery and coins (MLC1051, MLC1273, MLC1274, MLC1282, MLC1284, MLC1292) have been found, in addition to the line of the putative Roman Fosse Way (MLC607) and possible cremation (MLC60). Located less than 100m to the southwest of the application boundary known road-side Roman activity was identified during archaeological investigations (MLC2472) associated with the Roman extra-mural suburb identified in the area (MLC1786). Finds of Medieval and post-Medieval material have also been found in the area, but at a much lower level.

The recent desk-based assessment identifies a high potential for Roman archaeology. Archaeological investigations near to the site and elsewhere in the city have demonstrated that where archaeological deposits have not been destroyed or disturbed preservation of the archaeology has been very good. Areas that have seen little or no below ground truncation may preserve archaeological features and objects relating to its past history and which would further contribute to understanding Leicester's past. A condition would be required, in the event of planning permission being granted, for details to be submitted and approved of all below ground disturbance which should include a Design and Method Statement.

Access Housing

The application needs to ensure it is in accordance with the requirements of Building Regulations Standard M4(2) (accessible and adaptable dwellings.) The buildings do have double sliding doors which are likely to provide adequate access. There is a lift to provide access to the upper floors. However, in terms of the flats themselves none appear to have been specifically designed for wheelchair use. The doorways to the flats are unlikely to be wide enough to accommodate a wheelchair and bathrooms are unlikely to be large enough to accommodate wheelchair turning. Any scheme would be required to demonstrate prior to any planning permission being granted that flats

would be provided to meet Building Regulations Standard M4(2) A condition could be attached to secure this.

Sustainable Energy

The information submitted was originally based on more student occupation and inaccurate data was used. The applicant has provided additional information and this is still being considered. I will report my findings to your committee.

Nature Conservation

The site is located on a brownfield site and is not designated in terms of nature conservation. However the area is known to have the potential for Black redstart and Peregrine Falcons. The surveys submitted are considered acceptable. However, the reports are now over 2 years old (July 2016) and are therefore considered out of date. If development on the site was to be considered favourably an updated survey would be required in order to inform appropriate mitigation prior to planning permission being granted. However, based on the consideration elsewhere that the development is not acceptable it was considered unreasonable to request a further Ecology Survey at this time.

During the bird surveys Peregrines were recorded within 100m of the site and flew past Lee Circle car park. In addition, Swifts (Species of Principle Importance – SPI) as well as Dunnock and Grey wagtail (amber and red-date species) were noted. No Black redstarts were noted.

The principle of development on this brownfield site in ecology terms is not objected to provided sufficient mitigation and compensation is provided to ensure that there is:

A biodiversity net gain to mitigate against loss of brownfield habitat; increase in nesting/roosting sites and increase in foraging/feeding habitat

Sufficient mitigation to avoid disturbance to Schedule 1 birds and SPI species.

The design of a green wall within the scheme is welcomed, but there is concern at the location and whether appropriate in terms of shading, wind/drought conditions. A detailed Landscape & Ecology Management Plan (LEMP) will be required to show how this will be constructed and maintained. Details should be provided upfront and it is recommended that this information is submitted prior to any planning permission being granted.

Due to the presence of Black redstart nearby it is also considered necessary to secure a brown roof on one section of the flat-roofed buildings. This should be appropriately designed to mimic a brownfield site and include Black redstart nesting boxes.

Other bird boxes suitable for Dunnock, Swifts and Finches should also be provided on elevations within the building and/or incorporated into the green wall.

Bat boxes and/or tiles should be incorporated into the built design to provide additional opportunities for bats to roost due to the increased foraging areas provided within the scheme.

These requirements have not been requested in terms of the brown roof and bat / bird boxes given the overall unacceptability of the scheme.

Landscape

The information submitted with the application stresses that the landscaping is important. However the shading diagrams and the mass of the buildings on the southern side would have the potential to create a dark space which would have limited use for biodiversity.

The green walls appear to be an attempt to green up an otherwise massive block of development. These walls if they are to work well would need to be linked to plant rooms and have rigorous maintenance regimes. It is unlikely that any planting towards the top of the wall would flourish due to shade and water issues.

The elevations show trees at ground floor. Yet there is no space allowed for them on plans. There is limited information in terms of how the public realm would be treated and maintained.

The scale of the development would have an impact on surrounding streets creating shaded areas in areas that would benefit from brightening up rather than receiving additional shade.

The proposal is therefore considered unacceptable in landscaping terms.

SuDs

The site is located within a Critical Drainage Area. The applicant has provided additional information in respect of SuDs and the LLFA have considered this is acceptable and recommend conditions be attached in the event of planning permission being granted.

Contributions

The applicant has submitted a viability appraisal to demonstrate no contributions could be provided with respect to affordable housing, open space or education. During the processing of the application the applicant did offer a financial contribution towards open space, however, based on the consideration that the development is not acceptable and given the likely recommendation I have not entered into negotiations with the applicant in terms of securing the contribution.

Conclusion

Notwithstanding the contribution the proposal would make to the council's housing land supply, in assessing the relevant planning balance in this context the negative impacts are considered to outweigh the schemes benefits as set out in the report. While the

reuse and redevelopment of this site offers the following opportunities these opportunities have not been taken.

- make good use of a building on the Local Heritage Asset Register that makes a positive contribution to the character and appearance of the area
- to provide that building and other heritage assets with an improved setting
- to regenerate the area in accordance with the aspirations for the City Centre, the St. George's Residential and Working Community and the Strategic Regeneration Area

The proposed development would result in the loss of a valuable non designated heritage asset which makes a positive contribution to the character and appearance of the area. The applicant has been advised that certain parts of the site could be cleared which would leave scope for redevelopment but incorporating the retention of Fleet House. The applicant did submit draft options that showed the retention of Fleet House but the new build elements would have been even higher than the scheme currently proposed. The applicant claimed that this proposal was based on viability grounds. The applicant has tried to address concerns relating to standard of living, however, as detailed above the amendments have failed to provide a satisfactory living environment and in some cases made the situation worse. The standard of living proposed would be detrimental to future occupiers and not be in accordance with the aims of paragraph 127 of the NPPF.

I do not consider the proposal has been considered fully in the wider context of the area which has resulted in a scheme which is over dominating and not well thought out. It would tower over surrounding neighbouring streets and the scale and massing of the proposal is not appropriate in the context of the area. The proposal would also not provide an acceptable level of living accommodation.

I therefore recommend REFUSAL for the following reasons:

1. The proposal would result in the loss of a large complex of primarily late Victorian two, three and four storey buildings included on the Council's adopted Heritage Asset Register. Their loss is not considered acceptable due to the positive contribution they make to the street scene and character of the area by providing a focal corner landmark on Fleet Street, Byron Street and Dryden Street. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.

2. The proposal fails to appropriately consider and respond to the local context and to the immediate surroundings of the site. The proposal is not justified in townscape terms and would not contribute positively to the area's character and appearance in terms of scale, height, urban form, massing and appearance. As such the proposed building will be harmful to the character and appearance of the area and the proposal is contrary to policies CS03 and CS18 in the Core Strategy and to the relevant provisions of the NPPF; in particular paragraphs 122, 124, 126, 127,128 and 130.

3. The proposed development would by reason of its design and layout result in a poor standard of living environment for future occupants due to the size of some of the units, the internal layout and positioning and size of fenestration of some units, the placing of fins to principal room windows and the lack of sufficient external amenity space. The proposal is therefore contrary to Policy H07 and PS10 of the City of Leicester Local Plan and Policy CS03 of the Core Strategy.

4. The proposed development would by reason of its location and excessive height have an adverse effect on the Local Heritage Asset 80 Wharf Street South. The proposal is therefore contrary to Policy CS18 of the Core Strategy and paragraphs 185,187,189,197 and 198 of the National Planning Policy Framework.

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

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- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 2014_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 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.