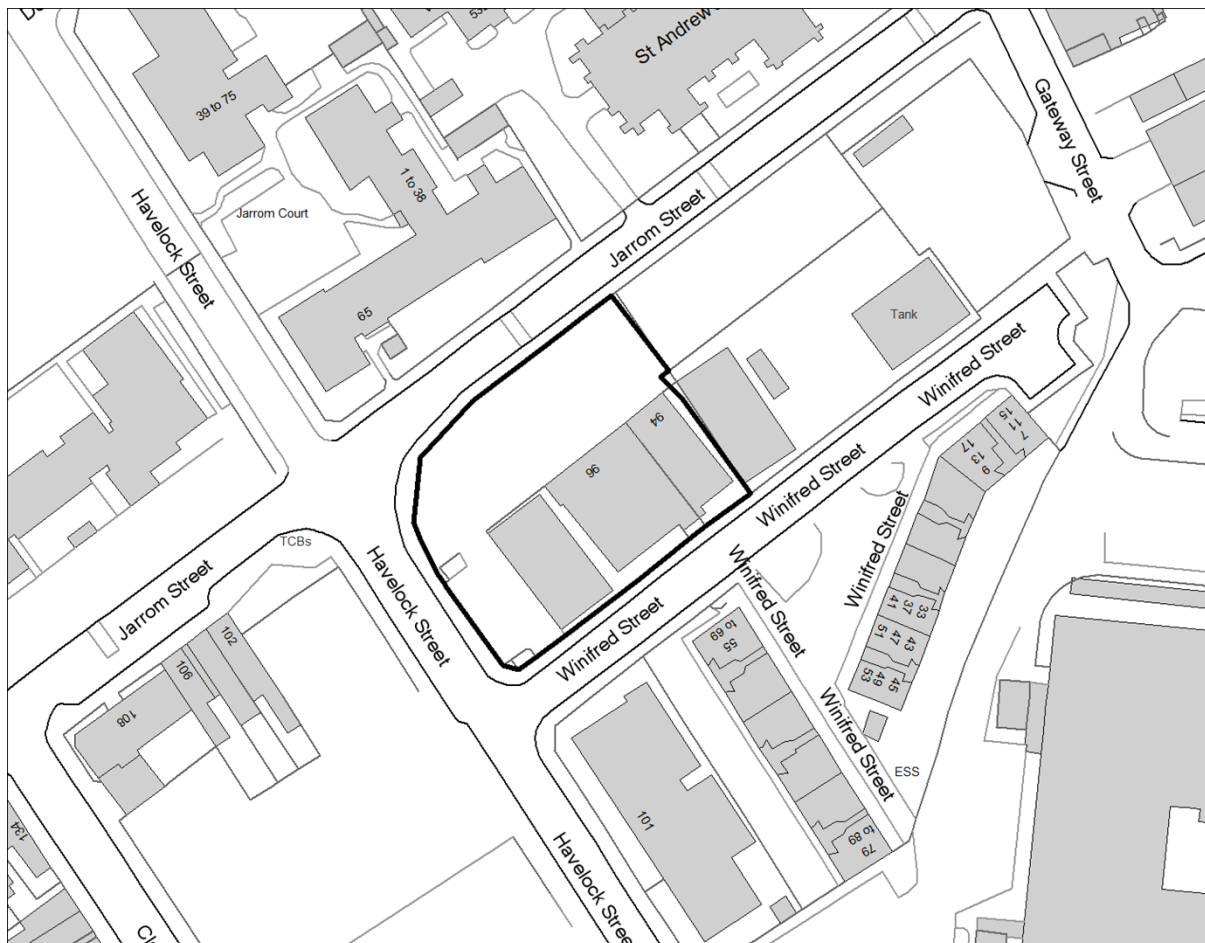


Recommendation: Conditional approval	
20180801	96 JARROM STREET
Proposal:	DEMOLITION OF EXISTING BUILDING; CONSTRUCTION OF FIVE AND EIGHT STOREY MIXED USE BUILDING COMPRISING OF 159 RESIDENTIAL STUDIO FLATS (CLASS C3); GROUND FLOOR UNIT FOR NURSERY/RETAIL/RESTAURANT (CLASS D1/A1/A3) (AMENDED PLANS RECEIVED) (SUBJECT TO S111/S106 AGREEMENT)
Applicant:	SMMS DEVELOPMENTS LTD
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20180801
Expiry Date:	25 October 2019
LL	WARD: Castle



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Summary

- This application is being brought to committee having been referred by Cllr Kitterick.
- Four objections have been received.

- The main considerations are the principle of development and proposed use, design and relationship with the nearby church, and residential amenity.

The Site

The site is on the south side of Jarrom Street, about 230m from the junction with Infirmary Square and Infirmary Road. The site was until recently used for a kitchen business, which has now closed. The site is roughly rectangular, about 36m north-east to south-west (Jarrom Street to Winifred Street) and 46m south-west to north-east (Havelock Street to boundary).

The site is between the campuses of the Leicester Royal Infirmary (LRI) to the south and east, and De Montfort University (DMU) to the north. Jarrom Street is used for access to the LRI main car parks, which are down Havelock Street, and also provides a route to DMU car parks on Gateway and Havelock Streets.

There is a commercial building towards the rear of the application site, which is partly two storey of brick and partly a single storey metal shed building that is roughly the same height. There are roller shutters and dropped kerbs to the rear, on Winifred Street, allowing access to interior areas. At the front of the site is a parking area, with three dropped kerb accesses to Jarrom Street.

To the north of the site is Jarrom Street, with a four-storey block of flats opposite (Jarrom Court). Next to the flats is the Grade II* listed church of St Andrew. There is a four-storey block of flats on the corner diagonally opposite the site (Queen's Court).

To the south of the site is Winifred Street. This is a narrow street, and there are three-storey blocks of flats opposite, as well as a single storey modular building related to the Infirmary.

To the immediate east of the site is a small service yard related to the Infirmary site. Beyond this and across Gateway Street is the Kensington Building of the LRI, which is 5-6 storeys tall.

To the north-east of the site, beyond the church, is a recent student development. This is of 5 storeys closest to the church, rising over a distance of to 9 storeys adjacent the main road junction.

To the west of the site the built form is primarily two storey terraced houses, although there is also a large surface level car park on Havelock Street.

There are trees within the site, just along the Jarrom Street boundary, and also within the council car park to the east.

The site is within the Strategic Regeneration Area, the City Centre, and a Critical Drainage Area. The site is partly within a Final Hotspot for drainage.

Background

Pre-application discussions were held about development on this site. The application site is partly in the ownership of the applicant, and partly in city council ownership.

The Proposal

The proposal is to demolish the existing building and to construct a 5 to 8 storey block of 159 flats, including a small commercial unit at ground floor. The flats would all be studio flats, varying in size from 25 sq m to 42.4 sq m, with communal facilities including laundry, lounges, a roof garden and cycle store.

The building would cover the rear half of the site, closest to Winifred Street, at 8 storeys, and there would be a five storey front wing projecting towards Jarrom Street on the side of the site away from the junction.

The scheme when first submitted was nine storeys tall, across the southern/rear half of the site. At that time it would have provided 180 studios all at 25 sq m. Following discussions aimed at increasing the sizes of flats the building proposal was increased to eleven storeys. Following further discussions the current proposal was submitted.

The applicant is understood to be working with University Hospitals of Leicester, who have supplied a letter setting out their requirement for accommodation for staff and also for the relatives of patients.

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraph 11 – the presumption in favour of sustainable development

Paragraph 56 – the tests for planning obligations must be met

Paragraph 57 - viability

Section 5 – Delivering a sufficient supply of homes

Section 7 – Ensuring the vitality of town centres

Paragraph 96 – Access to open spaces

Paragraph 110 – priority within development to pedestrian and cycle movement and to support sustainable travel

Paragraph 111 – travel plan

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Paragraph 149 – Planning for climate change

Paragraph 170 – secure net gains for biodiversity

Paragraph 178 – pollution

Section 16 – Conserving and enhancing the historic environment

Development Plan policies

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

The most relevant Core Strategy and Local Plan policies are H07, AM01, CS02, CS03, CS06 and CS18.

Supplementary Planning Documents (SPD)

Residential Amenity SPD 2008

Other legal or policy context

The Nationally Described Space Standard (NDSS) sets out minimum space standards for dwellings, although it is not explicit as to whether studio flats are included. This standard is not mandatory, and has to be adopted into the local plan before a planning authority can insist on its standard being met.

Leicester City Council has not adopted this standard, however this is being considered as part of the current local plan process.

Community Infrastructure Levy Regulations 2010.

Consultations

Local Highway Authority

No objection, but conditions recommended and a request for footways to be widened.

Lead Local Flood Authority

No objection, although further information is required. Condition recommended.

Better Buildings (Sustainability and Energy Efficiency)

No objection subject to condition.

Pollution Control – Noise

No objection provided that all rooms have protection from noise and confirmation of satisfactory ventilation strategy.

Pollution Control – Land

A condition is recommended, as the submitted ground conditions report recommends further investigation.

Trees and Woodlands

No objection to removal of trees.

Waste Management

No objection.

Conservation Advisory Panel

Initially objected, however following revisions are content subject to a concern relating to the blank gable ends. (*Officers note: addressed*)

Housing

Affordable Housing contribution sought in accordance with policy CS07. This policy requires a 15% contribution in this area.

Neighbourhood and Environmental Services

Contribution of £147,473 sought for open space enhancements and outdoor sports space improvements

Representations

Four objections were received to the scheme before it was revised. These relate to:

- A nine storey building would be higher than any other in the area and would overshadow the church and its related buildings. Proposal to increase the height further increases our objection
- Height should be reduced to seven storeys
- The accommodation is below the government's space standard. Units of 25 sq m do not offer the kind of decent accommodation that key workers should have. The council should include this in the local planning guidance
- Cllr Kitterick has objected on the grounds that the development does not comply with the NDSS.

Consideration

Principle of development

The site is within the city centre, and the Strategic Regeneration Area (SRA). Although the main DMU campus is 100m to the north, and the LRI is 40-50m to the south and east, the primary use around the junction and to the west is residential, including student residences.

Policy CS1 supports residential development within the SRA and Policy CS4 (SRA) supports high quality residential neighbourhoods with access to a range of facilities.

Policy CS12 (City Centre) supports residential development where an acceptable living environment can be maintained or created.

The site is well related to existing residential areas, and also to a variety of services and facilities including bus services just over 200m away, and safe walking and cycling routes to and beyond the city centre.

In principle, the site is suitable for residential use to support the hospital's needs.

The proposed ground floor commercial unit is proposed for use classes D1/A1/A3. This could be, for example, a nursery, shop or restaurant/café. This area is within the

city centre and the strategic regeneration area where mixed use development is supported. The proposed 89.4 sq m of commercial use is considered acceptable, subject to consideration of residential amenity (see below).

Policy H03 sets out minimum densities, and in this area expects a density of 50 dwellings per hectare (dph). This proposal would provide a density of about 1,000 dph. This is considered to be an efficient use of land.

I consider that the development is acceptable in principle, subject to considerations set out below.

Design

The design has changed during the application process, and the proposal now is for a building of two main elements. An eight storey element, with the top storey set back, would be along Winifred Street at the rear of the site. The front wing would be of five storeys, and this would project from the rear element creating an L-shaped building.

The design is contemporary, with a mixture of brick, render and cladding to the exterior, and regular fenestration with a vertical emphasis. Elements to the front which would be otherwise blank would be treated with textured brickwork to ensure a lively frontage.

Most of the larger flats would have balconies, and these would form part of the overall pattern of the elevations. The design of the railings and proportion of the balconies is appropriate, subject to details of materials.

The design is now considered acceptable and I recommend a condition to secure details of materials, and a brick sample panel, prior to the commencement of works above ground level.

Subject to conditions being addressed satisfactorily, the development will be in accordance with policies CS03 and CS18.

Heritage Assets

The site is not within a Conservation Area, although there are listed buildings in the vicinity. The site is located close to two nationally listed buildings on Jarrom Street, the Grade II* Listed Church of St Andrew's and the Grade II Listed Vicarage. The Church of St Andrew together with the attached former school room is one of only 35 Grade II* Listed Buildings in the entire city.

Initially, the proposed residential block was of nine storeys throughout and was significantly out of scale with neighbouring development, which is predominantly a mixture of one to four storeys buildings. A building of this scale would dominate the townscape and impact a number of key views of the listed buildings. Subsequent amendments saw the height increased to eleven storeys, which exacerbated its harmful impact.

As subsequently amended and now proposed, the development has been reduced in height, rising to a maximum of eight storeys with a lowered five storey element to Jarrom Street. The lowered front wing and the set back upper floor to the taller element help to reduce the visual impact of the development. This is to the benefit of the setting of the adjacent Grade II* and Grade II Listed buildings, reducing the visual impact of

the structure as viewed from along Jarrom Street and Deacon Street. The break up of massing and reduction of total height produce a more suitable, less monolithic design. Despite the increased footprint of the latest amendment, the lowered element would reduce the dominance of the development, especially when viewed from the east.

The quality of materials and detailing will be fundamental to ensuring the scheme has a positive effect on the locality and the setting of the listed buildings; a condition is recommended to secure this detail.

The site is in an area with known archaeological potential, as set out in the Desk Based Assessment provided with the application. I therefore recommend a condition to secure further work to ensure that below ground heritage assets are appropriately investigated and secured/recorded.

Subject to the conditions being appropriately addressed, the proposal would comply with policy CS18.

Living conditions

The proposed flats would all be single aspect, and vary in size from 25 sq m to 42.4 sq m. The breakdown is:

80 flats at 25 sq m

4 flats at 31.2 sq m

69 flats at 38.5 sq m

6 flats at 42.4 sq m.

Policy H07 sets out criteria for new build flats, one of which is “the creation of a satisfactory living environment”. I consider that, as these flats would be purpose built with well designed and built-in storage, and with shared facilities and a good provision of noise insulation, daylight, outlook and privacy, the smaller units could not reasonably be refused. The applicant has provided a plan showing that the 25 sq m units could be converted to larger one-bedroom flats in the future, but this is not required as part of the consideration of this proposal.

I consider that the other criteria of Policy H07 are met.

Two areas of communal living room space are shown. One would be at fifth floor level, and would open on to the roof terrace. The other would be on the ground floor. A shared laundry would be provided in the basement, with lift access so that all residents could use it.

it is understood that the building would be used by UHL to support the functions of the local hospitals, especially LRI, and has been designed on that basis, however I consider that the building, and the standard of accommodation offered, would be acceptable in planning terms (in the context of currently adopted policy) for general residential use regardless of this.

The area around the site can be noisy, and so acoustic protection with suitable ventilation would be required to the flats. Protection from noise has to be considered alongside the provision of ventilation and protection from heat, as part of the mitigation of climate change requirements. The applicant has confirmed that all flats will have mechanical ventilation with heat recovery, capable of providing at least four air

changes per hour (which will allow for purge ventilation). Full details will be required by condition.

Some of the ground floor flats would be very close to the site boundary. There would be four ground floor flats to Winifred Street. These flats would have a small private open space buffer to the street by way of a terrace between the window and the footway, with a wall and railings boundary. This would provide some privacy, and the application drawings show that there would be a typical height of 1.7m between footway level and the top of the terrace railings. Details of the boundary treatment should be carefully considered to discourage climbing from the street without creating a “fortress” appearance, and so I include a requirement for this detail to be provided by condition. I anticipate that this might mean a railing designed without footholds, attached to the outside edge of the wall, rather than anything more obviously defensive.

The boundary height is likely to minimise impact on privacy, and as Winifred Street is quiet I do not consider that these flats, in the context of the overall quality of the proposed development, are unacceptable.

Two of the ground floor flats would be to the side of the site, 2-3m from the boundary with the LRI service yard to the east. These flats would have a restricted outlook due to the large tank alongside which would be about 4m away. Flats above with the same orientation would not suffer this restricted outlook as views would be over the tank. Although this restriction is less than ideal, in the context of the development overall I consider that this restriction to two units is acceptable.

Residents of these units will have access to the communal areas which will partially mitigate the in-room restriction.

Other ground floor units would have views to the street and to the site frontage. The boundary treatment proposed here is 1m railings, however the relationship with the street is not uncommon and again residents will have access to the communal spaces.

The proposal appears to be capable of meeting the accessibility requirements of Part M4(2) of the Building Regulations (accessible and adaptable dwellings) and I recommend a condition to ensure that the building is constructed to this standard. The applicant has indicated that 11 of the ground floor units would be built to category M4(3), wheelchair user dwellings, which is welcomed, but I do not consider that it is necessary to control this.

I recommend a condition requiring a management plan to ensure that matters such as security, refuse storage, and the relationship between the residential and commercial uses, are managed suitably.

Subject to conditions being satisfactorily addressed, I consider that the proposal is acceptable in respect of living conditions for occupiers, and in accordance with policies H07, PS10 and CS06.

Residential amenity

Nearby residents most likely to be affected would be in the flats to the north-west and south. The separation distances would be a minimum of 16m across the street to the flats to the north-west, Jarrom Court, and 26m to the nearest facing windows on the

flats to the south, although it would be only about 12m to a blank gable wall to the south.

There would be some increase in shading to the flats in Jarrom Court, this would be in the morning and in winter and would not affect all of the flats. A front to front separation distance of 16m is not unusual in city centre areas, and the outlook from those flats would still be open. Daylight would not be restricted. There are existing trees on the street outside the flats opposite, and although the trees within the site that are along the south side of the street would be removed, there would be replacement planting along the front boundary.

I do not consider that the proposed building would cause unacceptable impact on occupants of the flats to the north.

The proposed roof terrace would give views at 5th floor level towards the flats at Jarrom Court. I have included a requirement for screening within the recommended landscaping condition, to avoid direct overlooking or the perception thereof.

Use of the site for residential purposes and a small amount of commercial use might increase the comings and goings in the immediate area, but I do not consider that this would be harmful in the overall context of the site. The development would relate closely to the hospital campus which operates at all hours. I do however recommend a condition to control the opening hours of the commercial unit, to ensure that there is no late-night disturbance within the same building as the flats. I consider that allowing opening from 0700 to 2100 (9pm) will enable use as a nursery or health care facility, or shop, or as a café or daytime restaurant, but not as a late night facility. The unit would be small and unlikely to attract other D1 uses such as education, place of worship or assembly hall. I do not consider it necessary to impose any noise conditions on the commercial unit as the proposed uses are not inherently noisy, although I do recommend that management of the commercial unit is included in the site management plan. This will ensure that matters such as its refuse storage is considered.

The application does not propose a ventilation flue, which would be required if a restaurant occupied the unit. I therefore propose a condition requiring details of a flue prior to this unit being used for any use including cooking.

Subject to these conditions, I consider that the proposed development would not have any unacceptably harmful impact on the amenity of nearby residents. The proposal would therefore be in accordance with Policy PS10.

Waste storage and collection

The development would include a main refuse bin store alongside Winifred Street with a small section for the commercial refuse. The proposed stores would be large enough, and each would have double doors to the street frontage. There is space between the footway and the building which would allow manoeuvring of bins. A dropped kerb would be required to allow the bins to be taken to the refuse collection vehicle. This is not shown on the plans, so I recommend conditions to secure both the dropped kerb and the provision and retention of the bin store.

This will ensure compliance with the relevant provisions of policy H07.

Highways and Parking

The proposal includes 2 car parking spaces, and 100 cycle parking spaces. The car parking spaces would be accessible and it is not intended that general car parking is available. The location has public car parking available nearby, and there are nearby public bus services including the Hospital Hopper.

The location is sustainable, with access to the city centre, and very close to both the LRI and DMU. I consider that the lack of car parking provision would be acceptable.

The cycle parking would be within the basement, and the plans show a staircase to the basement with a cycle ramp. This is not ideal, and the applicant has confirmed that there would be space for a lift large enough for cycles to be accommodated. I therefore recommend a condition to secure non-stepped access to the cycle store as well as provision and retention of the cycle parking.

The LHA has asked that footways around the site are widened to 2-3m. A dimensioned plan from the applicant shows that the footways generally meet this requirement already. Including land within the site boundary, which would be treated in some locations to form part of the public realm, there would be 3.5m in front of the entrance to the commercial unit and 4.9m in front of the service doors (including bin and cycle stores). The existing footway along the site on Winifred Street is about 2m, and there are four sections of dropped kerb included in this. It is likely that pedestrians use the other footway, and as this is a quiet road I consider that the overall arrangement would not cause a highway safety concern.

Footways to Jarrom Street are generally about 2m wide already.

Subject to satisfactory compliance with conditions, the proposal would be in accordance with policies AM01, AM02 and AM12.

Sustainable Energy

The applicant is proposing high efficiency gas boilers for hot water and heat. Photo voltaic panels are proposed to the roof, and a fabric to the building which exceeds Building Regulations standards for insulation.

Although the building could not be connected to district heating at the moment, the basement layout shows an area that could be used to facilitate such a connection in the future.

I recommend a condition to secure further details, and implementation, of these features.

In addition, as mentioned above, ventilation arrangements need to ensure that the building can be occupied comfortably at all seasons. Mechanical ventilation with heat recovery will be used. This will enable overnight cooling in hot weather, and recovery of heat from stale air in the colder weather.

I consider that these measures would ensure compliance with the relevant sections of policy CS02.

Contamination

The site has previously been in commercial use. A ground conditions desk top report has been submitted, and this report concludes that further investigation will be required. I therefore recommend a condition to secure this to ensure compliance with the relevant sections of policy PS11.

Drainage

Some information of a sustainable drainage system has been provided, but not sufficient to be approvable at this stage. I therefore recommend a condition to secure full details prior to the commencement of development.

This will ensure compliance with the relevant sections of Policy CS02.

Nature conservation/Trees/landscaping

There are trees along the front of the site, and immediately to the east which overhang the site, and which are proposed for removal as part of the development. There is no objection to the removal, although there is not likely to be sufficient space on the site to secure replacement planting to the same level.

A scheme of landscaping will be required as part of the development and this should include biodiversity enhancements such as a brown roof suitable for Black Redstarts, and additional planting along the front of the building. As the development will include a roof terrace at fifth floor level biodiversity enhancements can also be provided here. Boxes for bats and birds should also be provided in suitable places on the building.

As the site is currently vacant, and given the nature of the buildings and trees to be removed, and taking into account that the ecology survey is out of date, I recommend a condition to secure a further site inspection for protected species prior to any demolition or removal of trees.

I recommend a condition to secure a scheme of landscaping and biodiversity enhancements. This will ensure that the development is in accordance with the relevant provision of policies CS17.

Viability and Developer Contributions

The proposed residential development, within the Castle ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are severely limited and therefore we will be looking to make quality improvements to existing green space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD a contribution of £147,473 is required.

The contribution would be used to fund refurbishment and enhancement works as follows:

- landscaping at Castle Gardens
- outdoor sports/activity spaces at Victoria Park.

An affordable housing contribution of 15% has also been requested.

Both of these requests are in accordance with policy.

A viability appraisal has been provided. The development does not meet the viability thresholds within the NPPF, nevertheless the applicant has agreed to make a contribution of £50,000. This contribution, based on the breakdown in the request received, would be made as follows:

£23,500 landscaping improvements at Castle Gardens

£26,500 outdoor sports/activity spaces at Victoria Park.

The applicant is contracted to purchase part of the development site from its current owners (the City Council). As such, the applicant cannot legally enter into the section 106 agreement at present. An agreement pursuant to section 111 of the Local Government Act 1972 (as amended) is therefore required which will require the developer to enter into the section 106 agreement simultaneously with the purchase of the development site.

The Council has given due consideration to the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (to the extent relevant to the obligations required as set out in this report) and the advice set out at paragraph 204 of the National Planning Policy Framework and considers that the required obligations are:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development.

Subject to securing a satisfactory agreement, the proposal would be in accordance with policy CS19.

Conclusion

The proposed flats would provide suitable living accommodation, without causing harm to the amenities of existing residents in the area.

The accommodation would be a sustainable development and would contribute towards meeting the city's housing need

The design is considered appropriate to the site and would not cause harm to the setting of nearby listed buildings.

Suitable drainage, landscaping and mitigation of land and noise pollution can be provided.

The lack of an affordable housing contribution, and the limited green space contribution, are acceptable on viability grounds.

I recommend that this application is APPROVED subject to conditions and the prior completion of a s111 agreement to secure a s106 obligation.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. (A) No demolition or development shall take place or commence until a programme of archaeological work and a Written Scheme of Investigation in respect of an archaeological evaluation has been submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - (1) the programme and methodology of site investigation and recording;
 - (2) the programme for post-investigation assessment;
 - (3) provision to be made for analysis of the site investigation and recording;
 - (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (5) provision to be made for archive deposition of the analysis and records of the site investigation;
 - (6) nomination of a competent person or persons or organisation to undertake the works set out within the Written Scheme of Investigation.(B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.
(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority.
(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the system has been completed in accordance with the approved details. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:
 - (i) full design details,
 - (ii) a timetable for its implementation, and
 - (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime.(To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details

are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. No development shall take place, including demolition and the removal of trees, until the site has been inspected by a suitably qualified ecologist for the presence of protected species and a report demonstrating presence or absence has been submitted to the local planning authority. Should any protected species be found on the site, development shall not commence until a scheme of mitigation has been submitted to and approved in writing by the city council as local planning authority. Development, including demolition and removal of trees, shall thereafter be carried out in accordance with the approved mitigation. (In the interests of biodiversity and in accordance with policy CS17 of the Core Strategy. In order to ensure that no harm is caused during demolition, this is a PRE-COMMENCEMENT condition.).
5. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

(To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;

- (ii) the loading and unloading of plant and materials;
- (iii) the storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

7. Prior to any development being carried out above ground level, details of the materials to be used for the external parts of the development shall be submitted to and approved in writing by the City Council as local planning authority. Details of the following materials shall be provided.
 - (i) Walling materials including bricks, cladding, reconstituted stone and render;
 - (ii) roofing materials;
 - (iii) window and door frames including sections through the windows/doors and their reveals;
 - (iv) louvres, balustrades and coping;
 - (v) a 1 square metre sample panel of brickwork showing the flat brickwork and the textured detail panel, mortar and pointing.Development shall be carried out in accordance with the approved details.
(In the interests of visual amenity, and in accordance with Core Strategy policy CS03).
8. No development above ground level shall take place until details of the following energy efficiency measures have been submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved photo voltaic scheme, and evidence of compliance with points (i) (iii) and (iv), has been submitted to and approved in writing by the City Council.
 - (i) Confirmation of basement provision for possible future district heating system connection;
 - (ii) roof-top photo voltaic panels;
 - (iii) construction details to achieve improvements in building efficiency equivalent to those contained within the Sustainability Statement revision C;
 - (iv) mechanical ventilation with heat recovery.(In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).
9. No part of the development shall be occupied until cycle parking, including step-free access thereto, has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking and access shall be retained thereafter and made available to occupants of the development for the storage of cycles. (In the

interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

10. Before the development authorised by this permission is occupied, and notwithstanding the approved plans, a detailed landscaping scheme showing the treatment of all parts of the site, and including biodiversity enhancements, shall be implemented in accordance with details that have previously been submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of:
 - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - (ii) new tree and shrub planting, including plant type, size, quantities and locations;
 - (iii) construction, planting and maintenance details of the brown roof;
 - (iv) construction, planting and maintenance of the roof terrace;
 - (v) screening to the north-west side of the roof terrace;
 - (vi) biodiversity enhancement including bird boxes and bat boxes;
 - (vii) means of planting, staking, and tying of trees, including tree guards;
 - (viii) other surface treatments;
 - (ix) fencing and boundary treatments including details of non-climb treatments to ground floor flats;
 - (x) any changes in levels;
 - (xi) the position and depth of service and/or drainage runs (which may affect tree roots).

The approved landscaping scheme shall be carried out prior to occupation for hard landscaping, wildlife boxes and for planting above ground level, and within one year of occupation of the development for soft landscaping at ground level. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity and biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

11. The flats and the associated parking and approach and communal areas shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement'. On completion of the scheme and prior to the occupation of the first occupation of any of the flats a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06).
12. Prior to any above-ground development, details of an insulation scheme to prevent the transmission of noise into the flats within the development shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include mechanical ventilation to the flats including purge ventilation achieving four air changes per hour, and shall not require that windows are fixed shut. The flats shall not be occupied until the approved

scheme has been installed and is operational. The insulation and ventilation shall be retained thereafter. (In the interests of the amenities of occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan).

13. The development shall at all times be managed and operated in accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the flats. The Management Plan shall set out details of:
 - (i) how servicing and deliveries will be managed;
 - (ii) the security of the development and its occupiers;
 - (iii) refuse bin storage and collection arrangements;
 - (iv) management of commercial unit to avoid harmful impact on residents;
 - (v) maintenance of the external areas of the site;
 - (vi) contact details for the managing agent, any changes to be advised to the local planning authority within four weeks of such change coming into effect.If it is proposed that the above management arrangements change, then an Amended Plan shall be submitted to the local planning authority for approval in writing no less than two months before the date of the proposed change. The proposed change shall not occur until an Amended Plan has been approved, and the development shall thereafter be managed and operated in accordance with the amended Plan. (To ensure that the development is properly managed in the interests of the safety, security and amenity of its occupiers in accordance with the aims of Core Strategy policies CS03, CS06 and CS15 and policy PS10 of the City of Leicester local plan).
14. The commercial unit shall not be open to the public outside the hours of 0700 to 2100 daily. (In the interests of the amenities of nearby residents, and in accordance with policy PS10 of the City of Leicester Local Plan.)
15. Before the occupation of the development the parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking in connection with occupation of the development. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan).
16. Prior to occupation of the development the refuse bin stores shall be completed and made available for use by occupants of the development. The stores shall be retained thereafter for the approved use. (In order to ensure adequate facilities for the storage, segregation and collection of refuse and in accordance with policy H07 of the City of Leicester local plan).
17. No part of the development shall be occupied until a satisfactory dropped kerb and ramp has been provided in the footway adjacent the bin store. (For the safety and convenience of refuse collection; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
18. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been satisfactorily reinstated. (For the safety and convenience of pedestrians

and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

19. Prior to the commercial unit being brought into any use that requires cooking on the premises, details of a suitable ventilation and extraction system, including maintenance arrangements, shall be submitted to and approved in writing by the local planning authority. The approved system shall be installed and operational prior to the use commencing, and shall be retained and maintained thereafter in accordance with the approved details. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
20. This consent shall relate solely to the following submitted plans received by the City Council as local planning authority.
Site and ground floor plan P2-02 revision N received 2/10/2019
Upper floor plans 1st-4th floor P2-03 revision F received 30/09/2019
Upper floor plans 5th floor P2-04 revision F received 30/09/2019
Upper floor plans 6th floor P2-04-1 revision B received 30/09/2019
Upper floor plans 7th floor P2-04-2 revision B received 30/09/2019
Roof plan P2-04-3 revision B received 30/09/2019
Basement plan P2-04-4 revision A received 30/09/2019
Elevations front and side P2-05 revision G received 30/09/2019
Elevations rear and side P2-06 revision G received 30/09/2019
Boundary treatment P2-14 revision C received 2/10/2019.
(For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.
2. In respect of conditions 17 and 18, which require work within the Highway, the works will be considered satisfactory if they have been agreed with and approved in writing by the Local Highway Authority.
3. To meet condition 11: All those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

4. No consent is granted or implied for any signage on the commercial unit, for which a separate application for advertisement consent may be necessary.

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_BE10 In developments involving a new shopfront, the design should be an integral part of the whole building and should be in proportion to the lines of the facade of which it forms a part.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_H03 Provides guidance on minimum net densities to be sought for residential development sites according to location.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS04 The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing

communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.

- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 2014_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.