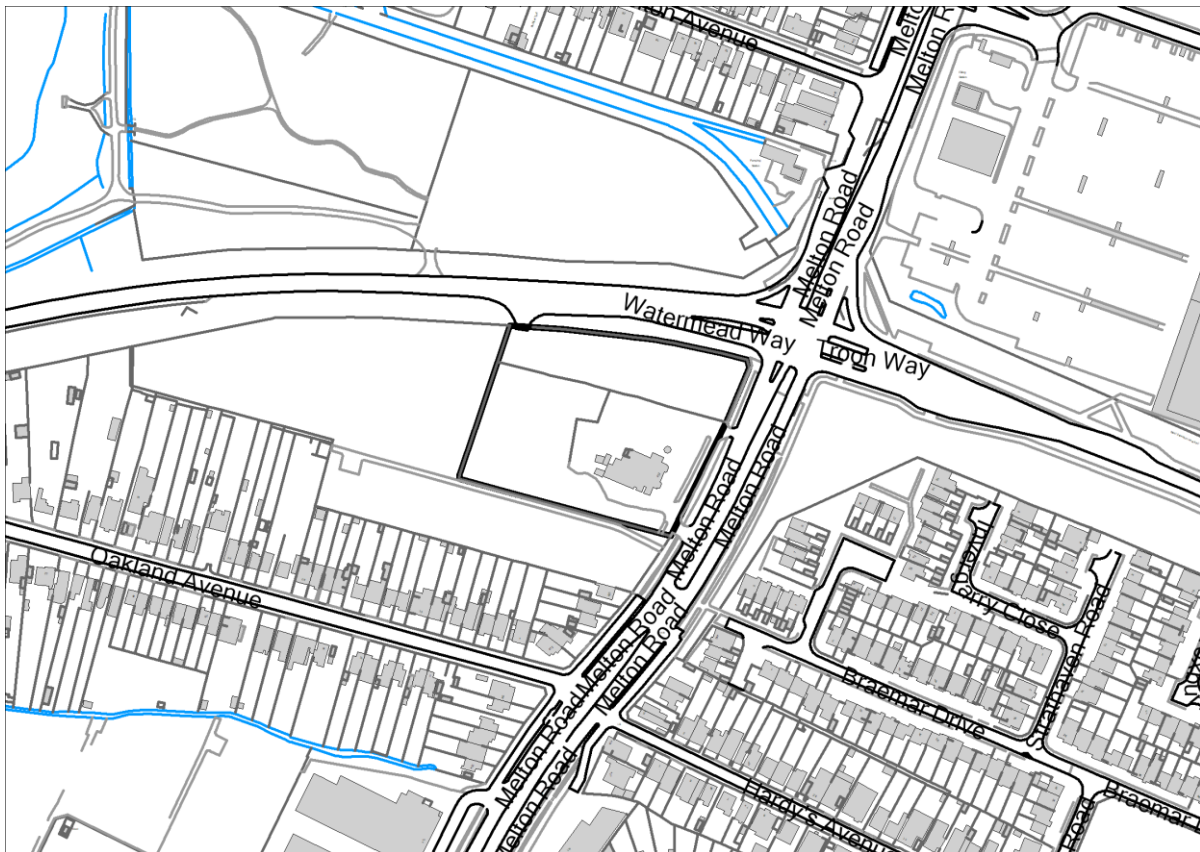


Recommendation: Conditional approval	
20181712	432 Melton Road, Indigo
Proposal:	Demolition of existing restaurant; construction of one to five storey building to provide a mixed-use facility with a banqueting hall and ceremony room; restaurant and hotel (Sui Generis) (Amended plans 11/5/2020, 2/6/2020 & 12/6/2020)
Applicant:	MR JAGDISH GHELANI
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20181712
Expiry Date:	30 June 2020
WJJ	WARD: Rushey Mead



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Summary

- Brought to the Committee as the recommendation is for approval and more than five objections have been received
- The main issues are the impact of the proposal on and for:
 - the principle of building in this area a mixed-use facility with a banqueting hall and ceremony room, restaurant and hotel
 - the character and appearance of the area
 - the use of sustainable means of transport
 - air quality

- function and safety of the highway
- the amenity of neighbouring dwellings
- wildlife, trees and landscaping
- 107 objections and four petitions (with a total of 138 names) mainly concerned whether the proposed use is acceptable here, the impact on wildlife, the appearance of the proposed building, the impact on residential amenity, and highway/ traffic/parking congestion.
- The application is recommended for approval subject to conditions.

The Site

The site lies on the southwest side of the junction of Melton Road and Watermead Way. It is on the diagonally opposite side of the junction from Sainsbury supermarket.

On the northern side of Watermead Way, opposite the site, a sports centre is currently being built (20150794). On the eastern side of the Melton Road, opposite the site, is a sculpture and suburban style housing.

A rectangle running across the northern part of the site is Green Space. At the eastern end of this rectangle this consists of unused land with some trees. To the western end it consists of land laid with hardcore. The Council owns this land within the Green Space. In order for the scheme to be built the applicant will need to come to an agreement with the Council.

To the eastern end of the rectangle of Green Space by the junction of Watermead Way and Melton Road is a highway improvement line.

To the south and west of the site are the Oakland Avenue Allotments which are designated as Green Space. To the south, beyond the allotments, are the dwellings of Oakland Avenue.

With regards to flooding from fluvial sources the site straddles Flood Zones 1, 2 and 3a. As such parts of it are at very low risk of flooding while other parts are at high risk. The site is not at significant risk of flooding from pluvial sources and no pluvial related designation applies to it.

The site is within an area of archaeological potential. There is evidence for what is likely to be a Roman farmstead, settlement or perhaps even a villa close to the Fosse Way.

Background

There was a hotel on the site since the 1950s.

Various minor alterations have been permitted over the years. The most recent permission was granted for works to trees and removal of trees covered by Tree Protection Order; construction of single and two storey extension to side of restaurant ventilation flue and alterations to car park (20162537).

Pink hardcore has been laid across much of the rear of the site.

The Proposal

The proposal is to demolish the existing three storey restaurant and construct a one, two and five storey building to provide a mixed-use facility with a banqueting hall and ceremony room, restaurant and hotel with thirty-four bedrooms.

To the sides and rear of the proposed building car parking and landscaping is proposed.

The roof of the fifth storey will be 17.6m high. This will face Melton Road and Watermead Way in an L shape following the shape of the road junction corner.

Above the fifth storey there is some plant which is set back and screened. Behind the fifth storey element will be lower elements of one and two storeys. These fill out and extend the L shape so that the overall footprint of the building is close to being a rectangle.

On the Watermead Way side beyond the five storey part, at the western edge of the building, is a porch of about two storeys in height, which protrudes northwards from the rectangular shape of the building.

A group of mature trees, that are close to the middle of the site and currently covered by Tree Preservation Orders, will need to be removed to make space for the proposed building. Most other mature trees, that are around the edges of the site, will be retained.

Policy Considerations

National Planning Policy Framework (NPPF) February 2019

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

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

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

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

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

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

Of particular relevance to this scheme are the following paragraphs.

Sustainable Development

Paragraph 8 states ‘Achieving sustainable development means that the planning system has three overarching objectives, 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):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following paragraphs are particularly relevant to the principle of use aspects of this scheme.

Paragraph 86 states that *'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 89 states that *'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:*

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'

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

Paragraph 108 states that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

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

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

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

Paragraph 109 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Paragraph 111 states that *'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*

The following paragraphs are particularly relevant to matters related to density.

Paragraph 117 states that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.'*

Paragraph 122 states that *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

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

The following paragraphs are particularly relevant to design matters.

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 and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

Paragraph 127 states that *'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

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

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

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

Paragraph 130 states that *'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 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 the permitted scheme (for example through changes to approved details such as the materials used).'

The following paragraphs are particularly relevant to energy matters.

Paragraph 153 states that *'In determining planning applications, local planning authorities should expect new development to:*

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

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

The following paragraphs are particularly relevant to flooding matters.

Paragraph 157 states that *'All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

a) applying the sequential test and then, if necessary, the exception test as set out below;

b) safeguarding and from development that is required, or likely to be required, for current or future flood management;

c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.'

Paragraph 159 states that *'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.'*

Paragraph 160 states that *'The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:*

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'*

Paragraph 161 states that *'Both elements of the exception test should be satisfied for development to be allocated or permitted.'*

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

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

Paragraph 165 states that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

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

The following paragraphs are particularly relevant to nature conservation.

Paragraph 170 states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

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

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

Paragraph 174 states that 'To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'

Other policy considerations

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

Supplementary Planning Document (SPD) – Residential Amenity

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

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

Consultations

Property

The development site in part extends onto land held by Estates and Building Services for Leicester City Council, which the proposed plans show to be used as a one way system driveway and car park. After discussion with the proposer, the Council has agreed to enter into a lease, subject to planning approval. It wishes to ensure that, as per the submitted proposed plans, that wildlife is protected and encouraged and a suitable, protected wildlife corridor is retained to the allotments and sites beyond. The corridor should be protected from encroachment by parked vehicles.

Neighbourhood and Environmental Services, Parks Service

No objection to the use of the rectangle of land across the northern part of the site for car parking and landscaping.

Buildings and Estates, Better Buildings

The scheme makes use of natural light where possible. The plans have been amended to provide windows to provide natural light to areas that were originally served only by artificial light. They have also been amended so that less air will escape from the building when guests enter through the banqueting hall entrance.

The target U values and air permeability figure provided demonstrate that a fabric first approach is being taken, consistent with Core Strategy Policy CS2. They are acceptable.

Air source heat pumps are proposed as the main heating technology for the development. This is appropriate. An array of photovoltaic (PV) panels is proposed for the roof.

The inclusion of electric vehicle charging points in the scheme is welcomed.

They recommend a condition be attached to ensure the details of the on-site renewable energy generation, energy efficiency measures and electric vehicle charge points are acceptable and provided.

Neighbourhood and Environmental Services, Trees

Tree protection and no dig areas should be in accordance with drawing Drw No TPP_432Meltonrd_2 Rev A Tree Protection Removal Plan.

Environment Agency (EA)

In order to ensure users of the building are not subjected to unnecessary flood risk the mitigation measures detailed in the submitted Flood Risk Assessment, such as the appropriate floor level, should be secured by condition.

In order to ensure the scheme does not displace water, and so increase flood risk elsewhere, floodplain compensation measures should be secured by condition.

Lead Local Flood Authority (LLFA)

The proposed Sustainable Drainage System (SuDS) will reduce the rate at which surface water leaves the site. It will be carried out using measures including permeable paving, collector drains and a green roof. This will reduce the risk of flooding to places outside of the site. The SuDS should be secured by condition

Severn Trent Water

No objection subject to approval of drainage. This can be addressed by a condition. An informative alerting the applicant to the existence of public sewers and their responsibilities should be attached to the permission.

Highway Authority

The site is located on the north side of the city centre, approximately 85m south of the A563 Outer Ring Road (Watermead Way & Troon Way). Vehicular access to the proposed development will be taken from Melton Road to a surface car park.

The A607 Melton Road is a dual carriageway trunk road which passes the development site in a north-south direction and has carriageway widths of 7m each. There are footways and street lighting present on both sides of Melton Road.

A Transport Assessment (TA) has been submitted with the application. This indicates the available visibility at the proposed egress to Melton Road provides an acceptable safe stopping distance and that the development can be accommodated without improvement to the existing Melton Road/Outer Ring Road junction.

Vehicular access to the car park will be taken via newly constructed access points taken off Melton Road. It consists of a one-way system where vehicles enter the car park through one access road and exit through the other.

While the proposed car parking provision is lower than the policy level of 203 spaces, a parking accumulation assessment has been undertaken based on forecast TRICs vehicle trip generation. This identified a maximum parking demand of seventy-nine spaces.

Ninety-eight standard car parking spaces, four wider spaces for disabled users, a space for coach parking, and two further spaces for deliveries/servicing are proposed. This provides a total of 102 spaces. This accommodates the expected

maximum level of parking occupation of seventy-nine spaces identified in the accumulation survey.

Parking accumulation assessments are undertaken using expected levels of traffic generation. However, as the proposal includes a banqueting use, it would be reasonable to expect larger numbers of people attending for special occasions which may exceed the level of parking provision from time-to-time. As such, some guests are likely to park outside of the site in nearby streets. The residential streets opposite the site, on the eastern side of Melton Road, have a pavement parking scheme. This was introduced to manage the existing level of on-street parking demand and maintain access. Further pressure should not be put onto these streets as a result of a lack of on-site parking provision as part of this scheme. It is recognised that provision has been made for coach parking and pick up/drop off within the site to reduce the number of cars which may be generated by large events, and that as the venue would cater for wedding receptions, coaches and mini-buses are normally provided to transport guests.

Furthermore, a Travel Plan and Car Parking Management Plan has been submitted in support of the application, setting out measures to seek to minimise single occupancy car trips to the site and control of off-site parking.

Whilst the Travel Plan has been accepted, it should be noted that the website for the venue would need to state that the site discourages any parking of guests within the nearby residential streets covering: Oakland Avenue, Braemar Drive, Braemar Close, Hardy Avenue, Lockerbie Avenue, Strathaven Road, Invergarry Close, Glencoe Avenue, etc. There is ample on-street parking available on the Melton Road service road south of the development site (which serves the industrial estate) in evening and weekends that would provide for any off-site parking without detriment to the arterial route or neighbouring residents.

The dimensions of car parking spaces are shown at 4.8m long by 2.4m wide, which is below the recommended dimensions of 5.5m by 2.4m. It is acknowledged however that a 0.9m strip has been provided at the ends of the parking spaces which would provide additional space for some vehicles to over-hang the spaces and provide space for circulation.

The landscaped area in the northeast corner of the site falls within Highway Improvement Lines relevant to altering the intersection. The scheme will not compromise these.

The Highway Authority considers the scheme is acceptable subject to the following being secured by conditions: access works, cycle parking, vehicle parking, the Travel and Car Parking Management Plans and construction management.

Air Quality

The area suffers high levels of air pollution and is designated an Air Quality Management Area (AQMA). The City Council has invested in retrofitting buses that use the Melton Road corridor with Selective Catalytic Reduction Technology (SCRT) to lower the pollution levels. The air quality monitoring station located on Melton Road has been recording levels below the EU limit value annual mean for NO₂. We attribute this to the retrofitted buses as well as the buses to Euro VI standard, that the bus companies have invested in, which are cleaner than older ones. We are concerned to see a scheme be proposed that may reverse drops in pollution levels through traffic connected to it. The impact can be partly mitigated through landscaping, electric charging points for vehicles

(10% of total parking suggested), cycle parking, and a Travel Plan to promote the use of sustainable means of transport.

Environmental Services, Noise

The proposal is for a potentially noisy use close to a residential area. The applicant seeks unrestricted opening hours.

The existing restaurant has no planning controls such as conditions to address noise. This is because it was built before the planning system came into force in its current form in 1948.

With appropriate insulation, informed by an acoustic survey, to prevent noise breakout, and outdoor activities managed in an appropriate manner, it should be possible to operate the proposed use without causing unreasonable disturbance to neighbouring residents. Construction work also needs to be managed appropriately. They recommend these matters are addressed by conditions.

Environmental Services, Land Contamination

There is no evidence to suggest there might be land contamination here.

Representations

107 objections and four petitions with 138 signatures:

- The location is not suitable for the proposed use. Planning policy indicates the use should be located in or near the city centre or shops.
- There are more appropriate sites such as the much larger 510 Melton Road (formerly Paprika restaurant). Alternatively sites in and near the Golden Mile would be more appropriate; such as 5 Belgrave Road (the former Sainsbury site).
- The use should not be located here close to primary and secondary schools; another restaurant, a medical centre, ecological park, an already busy ring road and so many homes.
- There is no need for another hotel in the area.
- There is no need for another banqueting hall in the area.
- The scheme is an overdevelopment of the site.
- The scheme, when combined with many other developments taking place in the area, will have a big impact on the character and function of the area.
- The documentation provided for the application assumes a level of knowledge that residents find challenging.
- Will contribute to traffic congestion and air pollution.
- The air quality information provided with the application is poor and could be interpreted in different ways.
- Often there is a tailback of vehicles leaving the existing restaurant. This will become far worse if the proposed scheme is approved.
- The Transport Assessment provided with the application is light and does not take into account all the relevant uses nearby and ones that are permitted

such as the Watermead Sports Centre on the other side of Watermead Way and the approved care home next to Sainsbury.

- May be harmful to highway safety; especially given the road is busy and the traffic fast and the access is close to the junction of Melton Road and Watermead Way. Will it be safe for children to walk and ride their bikes? What impact will it have on the considerable amount of people who walk in the area? They already struggle with the impact of vehicular traffic.
- The area is residential in nature. Residents are contending with Feast India, the industrial estate, Sainsbury's and, in the near future, Watermead Sports Centre. Parking from Feast India currently overflows.
- It is difficult to enter and exit Oakland Avenue by car at present. The scheme may make this worse.
- The junction of Melton Road and Watermead Way is already very busy. The scheme may make this worse and it may become a bottleneck.
- Highway users may be aggravated.
- Illegal u-turns often take place at present. The scheme may make this worse.
- The parking level proposed is not sufficient to accommodate the use. This is especially true for large events.
- Neighbouring car parks are either not large enough to cope with the parking overspill that large events will create or are not appropriate. For example the Sainsbury car park is limited to three hours.
- The car park is designed to flood to reduce the likelihood the building will flood. This will reduce car parking provision at such times.
- Concern that the scheme may result in an increase in parking on neighbouring streets.
- Concern that the nature of events here may require smart dress and seek to arrive here by car rather than public transport.
- Public transport in the area is limited. This will encourage people to come here by car.
- The transport information provided with the application is poor.
- Possible increase in crime.
- The large number of cars that will park here and on neighbouring street may attract car thieves so car crime will increase in the area.
- Loss of a pleasant building.
- Unpleasant design of proposed building.
- A five storey building, which is much taller than the mostly two storey buildings nearby, will be incongruous.
- Most buildings in the area are made of brick. The materials proposed for the scheme are not in keeping with the area.
- Loss of a pleasant green area.
- The impact of light pollution on neighbouring residents and wildlife.

- Loss of outlook for neighbouring dwellings. Given its height it will be visible from some distance.
- Odour concerns.
- Increase in noise from vehicles and people coming and going, and events. This is especially harmful given the area is quiet.
- Unlike Sainsbury's, the scheme, will be open 24 hours a day and will not have adequate parking. As well as a hotel it will have banqueting and conference facilities with catering for up to 800 guests. There is no consideration for residents living nearby.
- The elderly may be fearful by the nature of events taking place here; such as noise and large numbers of cars.
- Particular concern is raised about the impact on those who live close to the site (house near the north corner of Oakland Avenue and Melton Road) and who are elderly or have significant learning disabilities; especially noise associated with the scheme. This applies to noise from construction and noise from when the development is completed and in operation. If the sleep of those with learning difficulties is significantly disrupted, then they become less happy in themselves and become harder to look after for their carers.
- Should the scheme cause significant problems for those residents with significant learning disabilities, and those who care for them, then finding another acceptable house would be difficult. Their house is adapted for their needs and is quiet. Having lived there for twenty-five years, they have got to know the area and are part of the community. Such things cannot be quickly found or re-created elsewhere.
- The carbon footprint of the site will increase.
- People using the hotel rooms on the upper floors will be able to look into neighbouring houses and gardens. CCTV for the site may look into neighbouring properties.
- Loss of trees may decrease privacy for neighbouring dwellings.
- Loss of trees and greenery.
- Loss of wildlife habitat on the site and harmful to wildlife at Watermead Country Park.
- The flood defences at Watermead Park have not been sufficient to protect the area from flooding; there have been a number of flooding incidents since they were installed in 1974. The area is at high risk of flooding. The scheme may increase this.
- Residents in the area currently struggle to acquire home insurance and this may become worse. Businesses can afford the cost of insurance but residents cannot.
- The flooding information indicates the likelihood of the water main on Melton Road bursting is statistically remote. However, it burst on New Year's Day 2001 and flooded properties around Oakland Avenue.

- The application does not address climate change and how the likelihood of flooding in this area may increase.
- The flood related documents contradict each other.
- Concern that food related uses can attract vermin.
- Concern there may be an increase in littering.

Consideration

Principle

Main town centre uses

Paragraph 86 of the NPPF states that *'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.'*

According to Annex 3 of the NPPF main town centre uses are *'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'*

The proposal is for a use that is in a class of its own but incorporates a number of these uses such as retail, restaurant and hotel. The site is not within the city centre or any of the town and local centres and it is not an edge of centre location.

The applicant has provided information demonstrating there are no suitable sites available in centre and edge of centre locations. This consists of a sequential assessment in October 2017 and an update in March 2019.

The purpose of the sequential assessment is to consider alternative sites that are sequentially preferable alternative sites. Sites have to be available, suitable, accessible, and viable to accommodate the proposed development. Not all centres are going to be suitable for this type of development and it is sensible to rule out the smaller centres. Some objectors to the scheme have asked whether some specific sites may be more suitable for this scheme. I will now address these as follows.

5 Belgrave Road (the former Sainsbury site) was not covered in the sequential assessment. The site has planning permission and has been marketed for a mixed retail and employment scheme. Such a scheme is important for the health of the Belgrave Road District Centre following the relocation of the former Sainsbury's to the Troon Way site. A hotel on this site would prevent this from happening. The site is ruled out on this basis.

510 Melton Road (formerly Paprika restaurant) is partly in and partly outside the City boundary. It is also an out-of-centre site. The nature of the sequential test is to seek alternative sites that are sequentially preferable to the application site i.e. alternative in-centre or edge-of-centre sites. Like the application site 510 Melton Road is also an

out-of-centre site but further away from the Belgrave Road District centre. As such it is not sequentially preferable.

I am satisfied that the application site is a sequentially preferable site for this use.

Green Space

A rectangle running across the northern side of the site is designated as Green Space (and owned by the City Council). The eastern side of this will remain unbuilt upon and will be enhanced with landscaping. The proposal for the western side is for it to form part of the car park.

Green Space should only be released for development when certain criteria are met. Policy CS13 states that *'Where proposals affect green space, outdoor sport or recreation facilities, land should not be released, either in total or in part, for development unless it is:*

- a) Surplus to requirements for its current green space function; and*
- b) Not needed for another type of green space use; or*
- c) Equivalent or better replacement green space would be provided in the local area.'*

The Open Space, Sports and Recreation (OSSR) Study (2017) provides an assessment of the quantity, quality and accessibility of publicly accessible open space throughout the city and helps inform whether open spaces are surplus to requirements.

According to the OSSR study, the site lies within the North Western area of the city and is adjacent to the North Eastern area. The open space is not accessible to the public and can be categorised as natural open space.

Within the North West area of the city, there is a sufficient supply of natural open space (130ha). The area is well served by publicly accessible open spaces at Watermead Country Park, Jesse Jackson Park and allotments. All of these are close to the application site.

Given the small size of this rectangle of Green Space and its proximity to Watermead Way no alternative type of Green Space use is envisaged as likely. Given the eastern part of the rectangle of Green Space will be enhanced with landscaping, this will balance the loss of the western part to car parking. The loss of the western part of this Green Space to car parking is therefore acceptable in principle.

Density

The proposed scheme is an intensification of use for the site when compared with the existing use. The density of development on the site will increase.

NPPF Paragraph 117 states that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions...'* NPPF Paragraph 122 develops this theme further and states that *'Planning policies and decisions should support development that makes efficient use of land'*. In principle the increase in density here is therefore welcomed. NPPF paragraph 122 goes on to say that the following should be taken into account, which I address.

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;... The applicant has provided information demonstrating there are no suitable sites available in centre and edge of centre locations. As such the proposed use is acceptable here.

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; The scheme will not create undue pressure on existing infrastructure, such as the highway network. The proposed use will provide a service to the area and employment.

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; The proposed building is an acceptable replacement for the existing one. This is examined in more depth elsewhere in this report.

e) the importance of securing well-designed, attractive and healthy places.' The building will act as a local landmark while retaining much of the leafy character through the retention of most of the trees on the site. The trees will also act to soften the presence of the building. Overall, the scheme will make a positive contribution to the character and appearance of the area.

The details of this scheme are acceptable and therefore the increase in density here is a positive element in this scheme.

Character and appearance

The existing building on the site is of some interest but has not been identified as of significant architectural and historic interest. Subject to a replacement building being of an acceptable design the demolition of this building is acceptable.

The site is located next to a major junction on the outer ring road with Melton Road, which runs out from the city centre. The area has a mixture of development. The immediate area has suburban style housing and a supermarket (Sainsbury); which is diagonally opposite the site across the outer ring road/Melton Road junction. A bit further out are industrial areas and a number of restaurants.

The junction of two main roads lends itself to taller buildings which can act as landmarks. These can add to the legibility of the area. At five storeys high (17.6m to the top of the fifth storey), where facing the Melton Road and Watermead Way, the building will be the highest in this part of Leicester and taller than the existing building which is 10.7m to the highest roof pitch. While it will be prominent, its presence will be significantly reduced and softened as the site is well screened on all sides by trees; many of which are mature. These are both on the site and on neighbouring pieces of land.

The design is modern and involves good detailing. This includes interesting facades of windows, textured brickwork in vertical bands running parallel to the windows, red panels next to the windows and a small band of cladding towards the southern side of the building. The creation of a base to the building on the ground floor on the Melton Road frontage by the use of a darker brick is welcomed. I consider the proposed building is an acceptable replacement for the existing building.

The materials for the scheme have been carefully considered and, with the exception of the cladding, are fully detailed in the plans. I recommend they are secured by condition.

In order to ensure the finish is of an acceptable quality I recommend a sample panel be secured by condition to show the brickwork, the cladding, and a section of the window including the colour coated metal panel adjacent to the window. This will allow for the precise colour of this panel to be considered and approved.

A group of mature trees, that are close to the middle of the site and protected by Tree Preservation Orders, will need to be removed to make space for the proposed building. Most other mature trees (that are around the edges of the site) will be retained. It is unfortunate these trees will need to be removed. However, I see no other way of delivering a scheme of this nature that enables them to be retained. The scheme will bring many benefits to the city that are discussed elsewhere in this report. On planning balance the loss of these trees is acceptable.

Redevelopment of this site offers the opportunity for improved landscaping. I recommend this is secured by condition.

Residential amenity

There are houses to the north and east. These are on the other side of Watermead Way and the Melton Road. The closest is about 60m away and are separated by the road and trees. I am satisfied their privacy, light and outlook will not be harmed in these circumstances.

There are no houses to the west.

To the south, on the other side of Oakland Avenue Allotments, are houses along Melton Road and Oakland Avenue. The nearest house, at 420 Melton Road, is over 50m from the proposed building. Most houses, such as those along Oakland Avenue are over 80m away. There are trees between the proposed building and the houses. I am satisfied their privacy, light and outlook will not be harmed in these circumstances.

Concern has been raised that CCTV on the proposed scheme may intrude upon the privacy of residents at neighbouring properties. CCTV is commonly used to provide surveillance and recording at both residential and business premises. I see no reason why it would be a problem here.

The proposal is for a potentially noisy use close to a residential area. The applicant seeks unrestricted opening hours. The existing restaurant has no planning controls such as conditions to address noise. The scheme is close to busy roads which are an existing source of noise.

Food related uses can produce significant levels of odour; however these can be managed within the site which has been used as a restaurant for many years.

It should be possible to operate the proposed use without causing unreasonable disturbance to neighbouring residents. This is subject to the building being appropriately insulated to prevent noise breakout and outdoor activities being managed in an appropriate manner. Construction work also needs to be managed appropriately. I recommend these matters are addressed by conditions.

Highway and parking concerns

The site is located on a main road (Melton Road) that leads out from the city centre and close to a major junction with the Outer Ring Road.

At present the site has a relatively low level of development for its size. The proposal will significantly increase this with a bigger building and a large car park around it.

New access arrangements are proposed, with two accesses serving a one way system around the site, so that vehicles enter through one access and exit through the other.

The Transport Assessment (TA) submitted with the application indicates that the development does not raise significant highway safety concerns; principally that the available visibility at the proposed egress to Melton Road provides an acceptable safe stopping distance and that the development can be accommodated without improvement to the existing Melton Road/Outer Ring Road junction.

Such uses see a large variation in car parking demand depending on what is taking place at a particular time. For this scheme large weddings and events may see significant spikes in parking demand. Much of the impact of the scheme will depend on how well such events are managed. For example, car sharing and the provision of coaches and mini-buses to pick up guests can much reduce the parking demand for a large event.

I am satisfied that the design of the scheme and the implementation of the Travel Plan, together with the availability of on-street car parking on the Melton Road service road south of the development site (which serves the industrial estate), are likely to see this scheme operate in an acceptable manner that does not have a significant negative impact on parking in streets nearby and highway safety.

The layout of the accesses and parking area is acceptable and there is space for cycle parking. The provision of electric vehicle charging points is welcomed.

The scheme will not compromise the Highway Improvement Lines across the landscaped area in the northeast corner of the site, should they ever be needed to alter the Melton Road/Outer Ring Road junction.

The scheme is sizable and so construction traffic could have a significant impact on the function and safety of the highway. I recommend this is managed through a Construction Management Plan that can be secured by condition.

I recommend the following be secured by condition: access works, cycle parking, vehicle parking, the Travel and Car Parking Management Plans and construction management.

Air Quality

While it is likely that the scheme may contribute to an increase in air pollution this needs to be balanced against the benefits the scheme will bring. These include a mixed-use facility with a banqueting hall, ceremony room, restaurant and hotel, with associated leisure, cultural and employment opportunities.

Given the potential impact on air quality I recommend it is partly mitigated through landscaping, electric charging points for vehicles (10% of the parking), cycle parking, and a Travel Plan to promote the use of sustainable means of transport. These can be secured through conditions.

Archaeology

This proposal is located in an area where early archaeological investigations in 2006 revealed ditches, a gully and a pit containing Roman pottery used for food storage,

preparation and consumption (MLC2236). The site is located immediately adjacent to the Fosse Way (MLC607), the Roman road connecting Exeter to Lincoln. The footprint of the proposed hotel extends into an area not previously investigated. I recommend a programme of archaeological work be secured by condition.

Sustainability

The scheme has been designed to make use of natural light, minimise air permeability. Air source heat pumps are proposed as the main heating technology for the development and this is appropriate. The opportunity that the large flat roof provides for holding an array of photovoltaic (PV) panels is being taken. Electric vehicle charging points are proposed.

I consider that the opportunity to address matters of sustainability has been taken and I recommend the measures proposed be secured by condition.

Water environment

Sequential Test

This application is subject to the Sequential Test for Flooding. This is designed to ensure that development is directed towards potentially developable and deliverable sites at the least risk of flooding. The application includes a report that addresses the Sequential Test for Flooding. This has been carried out in accordance with National and Council guidance. It considers sites that could be developable and deliverable for a scheme such as this and concludes there are none. I am satisfied this report addresses the Sequential Test for Flooding and the test is passed.

Exception Test

This application is subject to the Exception Test for Flooding. This is designed to ensure that the sustainability benefits to the community outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, reduce flood risk overall.

This scheme may bring significant sustainability benefits to the community. Paragraph 8 of the NPPF is quoted in full in the Policy section of this report. Using an abridged version I address the sustainability benefits as follows. *'Achieving sustainable development means that the planning system has three overarching objectives... :*

a) an economic objective... The scheme is likely to bring economic benefits to the area such as employment.

b) a social objective... The mixed-use facility with a banqueting hall and ceremony room, restaurant and hotel, is likely to bring social benefits to the area. It will provide services to those living in the area and those who may visit such as friends and relatives. The building will provide an active frontage towards Melton Road and Watermead Way.

c) an environmental objective... While the scheme will result in the loss of a group of trees close to the centre of the site, and may impact on air quality it will provide a number of environmental benefits. These include retaining, most of the trees on the site, making a more efficient use of land than the existing development, helping to improve biodiversity through landscaping, and removing some contaminants in water through a green roof and permeable paving.

I consider the sustainability benefits to the community outweigh the flood risk for this scheme. The floor levels of the ground floor and related flood risk mitigation measures detailed in the Flood Risk Assessment (FRA) ensure the scheme will be safe for its lifetime.

Other water environment related matters

The Sustainable Drainage System (SuDS) and floodplain compensation measures ensure flood risk will not increase elsewhere and the overall flood risk is likely to be reduced.

In order to ensure users of the building are not subjected to unnecessary flood risk the mitigation measures detailed in the submitted Flood Risk Assessment (FRA), such as the appropriate floor level, should be secured by condition.

In order to ensure the scheme does not displace water, and so increase flood risk elsewhere, floodplain compensation measures should be secured by condition.

The proposed Sustainable Drainage System (SuDS) will reduce the rate at which surface water leaves the site. It will be carried out using measures including permeable paving, collector drains and a green roof. This will reduce the risk of flooding to places outside of the site while removing contaminants and providing wildlife habitat. I recommend the SuDS be secured by condition.

Foul drainage can be addressed by a condition. An informative can be attached to alert the applicant to the existence of public sewers and their responsibilities.

Concern has been raised by residents that the water main on Melton Road may burst. They say this happened on New Year's Day 2001, flooding the properties around Oakland Avenue. While water mains may burst from time-to-time, Severn Trent Water have not raised this concern, and I have no reason to believe the development is likely to increase the likelihood it may happen.

The impact of flooding can be much reduced by having Emergency Flood Plans in place. These come into effect when a flood becomes likely. As the site is at risk of flooding I recommend one is secured by condition.

Wildlife

The site is adjacent to mature gardens and trees, and close to Biodiversity Enhancement Sites and Local Wildlife Sites which all provide good habitats and connectivity for wildlife, for example for bird nesting and bat foraging. An extended Phase 1 Habitat Survey (BSG Ecology, August 2018), has been carried out and submitted with the application. A further Bat Survey was completed in August 2019.

While the scheme will result in the loss of a group of mature trees near the centre of the site this will be balanced by improvements to the landscaping and the provision of bat and bird boxes and tubes. I recommend these are secured by conditions.

No evidence of bat roosts were found. I recommend a re-survey be secured by condition should the development not start for a while.

Japanese knotweed has been found in the south-west corner of the site. This is an invasive species. I recommend this be removed to promote biodiversity. This can be secured by condition.

Lighting can have a significant impact on wildlife. To ensure that the lighting is carefully designed so to only provide for the needs of the scheme, and not lead to unnecessary light spillage, I recommend lighting be addressed by condition.

Archaeology

This proposal is located in an area where early archaeological investigations in 2006 revealed ditches, a gully and a pit containing Roman pottery used for food storage, preparation and consumption (MLC2236). The site is located immediately adjacent to the Fosse Way (MLC607), the Roman road connecting Exeter to Lincoln. The footprint of the proposed hotel extends into an area not previously investigated. I therefore recommend a programme of archaeological work be carried out. This can be secured by condition.

Other matters

Concerns have been raised that, should this scheme go ahead, property prices in the area may fall. Property prices are not a material planning consideration.

Some have raised concerns that there may be an increase in crime in the area should the scheme go ahead. Some were concerned that the numbers of vehicles using the scheme may attract to the area those wishing to carry out vehicle crime. Others were concerned that illegal u-turns take place on the highway. These matters are addressed by policing and highway management.

Some objectors have raised concerns that there may be an increase in littering and vermin in the area for reasons associated with the scheme. With a banqueting hall, hotel rooms and restaurant, I consider it likely that most food produced on the premises will be consumed there and environmental health control would deal with any issues on site. I do not think that the proposal brings a particular risk of littering or vermin.

Concern has been raised that the scheme would result in an increase in carbon emissions. As the scheme will be a more intensive use than the existing use this is possible. However, measures have been taken to minimise carbon emissions through building design, on-site renewable energy and transport management. The scheme is also relatively small when considered in the light of the total emissions within Leicester and the scheme involves redeveloping an already developed site within an area of existing development. The impact on carbon emissions must also be balanced against the numerous benefits that the scheme will bring.

Concerns have been raised that the documentation provided for the application assumes a level of knowledge that residents may find challenging. The information required for a planning application is determined by national and local validation requirements. Some of the matters that planning applications involve can be technical. During the application process the Local Planning Authority consults experts in various fields to evaluate the information provided.

Conclusion

NPPF Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means that an application should only be refused where the adverse impacts of approving it would significantly and demonstrably outweigh the benefits.

Consideration has been given to potentially adverse impacts such as the loss of trees and an increase in traffic and associated air pollution. On the other hand it will have benefits including providing services and employment, a landmark building, a more efficient use of land, improved landscaping, and a Sustainable Drainage System (SuDS) that will reduce the risk of flooding. Concerns such as the implications for wildlife have been addressed and will be mitigated.

I consider the benefits of this scheme significantly and demonstrably outweigh the adverse impacts. I recommend APPROVAL subject to the following conditions

CONDITIONS

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

2. (A) No development or related works such as site compounds, shall take place or commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved in writing, by the City Council as local planning authority. The scheme shall include an assessment of significance and research questions; and:

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

(2) the programme for post-investigation assessment;

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

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

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

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

(B) No development or related works such as site compounds, 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 first approved in writing, by the 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. All works to trees and all other development on the site shall be carried out in accordance with Drw No TPP_432Meltonrd_2 Rev A Tree. (To ensure trees are protected in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. Prior to the commencement of development, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon, shall be

submitted to, and approved in writing by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. Prior to the commencement of use the development shall be carried out in accordance with the submitted flood risk assessment (ref: Indigo Restaurant Flood Risk Assessment (FW1410/FRA/001 – v6), produced by Farrow Walsh Consulting and dated May 2019). Finished floor levels shall be set no lower than 52.20m Above Ordnance Datum (AOD) in accordance with the mitigation in the submitted flood risk assessment. These measures shall be retained and maintained thereafter throughout the lifetime of the development. (To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS02 of the Core Strategy.)

6. Prior to the commencement of development, a scheme to provide level for level floodplain compensation, demonstrating that there is no increase in either the extent or depth of flooding beyond the redline boundary of the site. shall be submitted to and approved in writing by, the City Council as local planning authority. Prior to the commencement of use the floodplain compensation scheme shall be implemented. The measures shall be retained and maintained thereafter throughout the lifetime of the development. (To ensure the risk of flooding outside of the application site is not increased due to the displacement of water in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

7. Prior to the commencement of use the Sustainable Drainage System (SuDS), including the green roof, for the site shall be completed in accordance with the approved details. The Sustainable Drainage System shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

8. Prior to the commencement of development, details of foul drainage, shall be submitted to and approved in writing by the City Council as local planning authority. The use shall not commence until the foul drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core

Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

9. Prior to the commencement of development, an Emergency Flood Plan shall be submitted to, and approved in writing by, the City Council as local planning authority. The scheme shall thereafter be managed and maintained in accordance with the approved Emergency Flood Plan. (To ensure the safe occupation of the scheme throughout its lifetime 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.)

10. Prior to the commencement of development, full design details of on-site renewable energy generation, energy efficiency measures and electric vehicle charge points, shall be 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 and no part of the development shall be occupied, until evidence demonstrating satisfactory operation of the approved scheme, including on-site installation, has been submitted to and approved in writing by the City Council as local planning authority. (In the interests of securing energy efficiency and reduced greenhouse gas emissions 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.)

11. Prior to the commencement of use the access works shall be implemented, in accordance with details first submitted to and approved in writing by the City Council as local planning authority. They shall include (a) proposed signage to help ensure the one-way operation of the proposed one-way system; (b) footway crossings at each vehicular access; (c) alterations to footway crossings; (d) reinstatement of any altered areas of footway. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy Policy CS3).

12. Prior to the commencement of use cycle parking shall be provided in accordance with details first submitted to and approved in writing by the City Council as local planning authority. (To provide for the needs of cyclists and to promote the use of sustainable means of transport in accordance with policies AM02 & AM11 of the City of Leicester Local Plan and Core Strategy Policies CS03, CS14 & CS15).

13. Prior to the commencement of use the following works shall be carried out in accordance with details shown on the approved plans: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

14. Prior to the commencement of use, five car parking spaces for the use by disabled people shall be provided in accordance with guidance in the Leicester City Council and Leicestershire County Council document "6Cs Design Guide". They shall be retained and kept available for use by disabled people. (To ensure adequate

provision for the needs of disabled people, and in accordance with policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS3.)

15. Prior to the commencement of development, details of electric charging for no less than 10% of the vehicle parking shall be submitted to and approved in writing by the City council as local planning authority. Prior to the commencement of use the electric vehicle charging shall be installed. (To promote means of transport that are less likely to contribute to poor air quality in accordance with policy CS02 in the Core Strategy and policy PS11 in 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.)

16. Prior to the commencement of use, the occupier shall submit a timetable to be contained within the Travel Plan, for the implementation and on-going monitoring of the approved Travel Plan and Car Parking Management Plan, unless otherwise approved in writing by the City Council as local planning authority. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

17. Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site and in accordance with Core Strategy policy CS3.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

18. Prior to the commencement of development, an acoustic survey shall be undertaken and submitted to and approved in writing, by the City Council as local

planning authority, The survey shall be carried out in accordance with methodology first submitted to and approved in writing, by the City Council as local planning authority. The survey shall determine the existing ambient noise levels at the site boundaries of houses on Braemar Close that directly face the development, the façade of 420 Melton Road that is closest to the development, and the site boundaries of houses on Oakland Avenue that directly face the development.

Prior to the commencement of development, an insulation scheme (informed by the acoustic survey) to prevent the transmission of noise from the proposed building to neighbouring residential properties, shall be submitted to and approved in writing, by the City Council as local planning authority. The scheme shall include ventilation arrangements that ensure that windows and external doors to the restaurant/banqueting hall/ceremony room can remain closed. The insulation scheme shall ensure that the sound pressure level at any site boundary shall not exceed the existing ambient sound pressure level between the hours of 0700 and 2300, and that the sound pressure level at any residential façade that includes a bedroom window shall not exceed the existing ambient noise level between the hours of 2300 and 0730. In addition the insulation scheme shall ensure that the Noise Rating level at any such facade does not exceed Noise Rating curve NR30.

The noise insulation scheme as approved shall be fully implemented prior to the commencement of use. It shall be maintained for the life of the development.

(To protect neighbouring residents from unreasonable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

19. No live or amplified music shall be played or broadcast outside of the building, nor in any temporary structure outside of the building, between the hours of 2300 and 0730. (To protect neighbouring residents from unreasonable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.)

20. Live or amplified music, between 0730 and 2300, taking place outside of the building, or in any temporary structure outside of the building, shall be actively managed so as not to be detrimental to the amenity of the residents of neighbouring dwellings. (To protect neighbouring residents from unreasonable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.)

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

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

(To protect neighbouring residents from unreasonable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.)

22. Should the development not commence within 24 months of the date of the last Phase 1 Protected Species Survey (7th August 2020), then a further protected species survey shall be carried out of all buildings, nearby trees and other relevant features by a suitably qualified ecologist. The survey results and any revised mitigation, shall be submitted to and approved in writing, by the City Council as local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated every 24 months, and the results and any mitigation measures, shall be submitted to and approved in writing, by the City Council as local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and policy CS17 of the Core Strategy.)

23. Should the development not commence within 24 months of the date of the bat survey (23rd July 2019), then a further bat survey shall be carried out of all buildings, nearby trees and other relevant features by a suitably qualified ecologist. The survey results and any revised mitigation, shall be submitted to and approved in writing, by the City Council as local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated every two years, and the results and any mitigation measures, shall be submitted to and approved in writing, by the City Council as local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and policy CS17 of the Core Strategy.)

24. Tree T39 shall not be removed until a further bat survey has been carried out for T39 and all buildings, nearby trees and other relevant features by a suitably qualified ecologist. The survey results and any revised mitigation, shall be submitted to and approved in writing, by the City Council as local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated every 24 months, and the results and any mitigation measures, shall be submitted to and approved in writing, by the City Council as local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and policy CS17 of the Core Strategy.)

25. Development shall be carried out in accordance with the guidance in section 4 of the ecology report (BSG Ecology, December 2018) at all times. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and policy CS17 of the Core Strategy.)

26. Prior to the commencement of development, details of bird and bat boxes and tubes, shall be submitted to and approved in writing, by the City Council as local planning authority. The use shall not commence until the boxes and tubes have been installed in accordance with the approved details. (To take the opportunity to provide wildlife habitat in accordance with policy CS17 in the Core Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

27. Prior to the commencement of development, a detailed design plan of the lighting to be used (which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light) during construction and the lighting to be used once the scheme is in use, shall be submitted to and approved in writing, by the City Council as local planning authority. The lighting should be designed to cause minimum disturbance to wildlife that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux in areas where there is higher ecological sensitivity if necessary. The approved scheme shall be implemented prior to the commencement of development (for construction related lighting) and prior to the commencement of use (lighting to be used once the scheme is in use) and retained thereafter. No additional lighting should be installed without prior agreement from the City Council as local planning authority. (In the interests of protecting wildlife habitats and in accordance with policy CS17 Biodiversity 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.)

28. Prior to the commencement of development, a plan for the removal of Japanese Knotweed shall be submitted to and approved in writing by the City Council as local planning authority. The plan shall be implemented as approved. (To promote biodiversity through the removal of an invasive species in accordance with policy CS17 in the Core Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

29. Prior to the commencement of above ground development, a 2sqm sample brick panel, including mortar and bond, which shows the brickwork and a section of the window, including the colour coated metal panel adjacent to the window, and the U-channel glass rainscreen cladding, shall be constructed and then viewed and approved in writing, by the City Council as local planning authority. Brickwork, windows, panels and cladding shall be installed in accordance with the approved panel. (To maintain the character and appearance of area in accordance with policy CS03 of the Core Strategy.)

30. Prior to the commencement of development, full details of the U-channel glass rainscreen cladding, shall be submitted to and approved in writing, by the City Council as local planning authority. Development shall be carried out in accordance with the details approved. All other materials used for the development shall be in accordance with the Details of Façade drawing, labelled 17L01 PL01_11. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

31. This consent shall relate solely to the amended plans ref. no. 17L01 PL01_01 Rev C, 17L01 PL01_02 Rev H1, 17L01 PL01_03 Rev F, 17L01 PL01_04.1 Rev E, 17L01 04.2 Rev D, 17L01 PL01_04.3 Rev C, 17L01 PL01_05 Rev E1, 17L01 PL01_06 Rev C, 17L01 PL01_07 Rev F, 17L01 PL01_08 Rev F, 17L01 PL01_11 Rev C, 17L01 PL01_12, 17L01 PL01_13 & 17L01 PL01_14 received by the City Council as local planning authority on 11th of May, 2nd & 12th of June 2020. (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. Severn Trent Water advises that there are major public sewers located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Asset Protection Build Team (Tel: 024 7771 6843 / email: net.dev.east@severntrent.co.uk).
3. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed in Condition 21 unless the City Council Noise Team is satisfied that:
 - a) the work will not be detrimental to occupiers of neighbouring properties or
 - b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.
4. All wild bird species, their eggs and nests are protected by law. No work to, or removal of, vegetation on the site should be carried out during bird nesting season (March to August inclusive).
5. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

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

With regards the Travel Plan condition, the applicant should contact Bal Minhas (bal.minhas@leicester.gov.uk) for further advice.

Policies relating to this recommendation

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

- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 2014_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_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.