

## COMMITTEE REPORT

<b>20201018</b>	<b>107 Granby Street, Last Plantagenet</b>	
Proposal:	Change of use from drinking establishment (Class A4) and offices (Class B1) to student accommodation (56 x studios) (Sui Generis) at first – fourth floors and part-ground floor and basement, with commercial use at part-basement and ground levels - restaurant/drinking establishment. Alterations (Amended Plans) (S106 Agreement)	
Applicant:	Kotecha	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	13 November 2020	
JL	TEAM: PM	WARD: Castle



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### Summary

- The application is being brought to committee at the request of Councillor Kitterick to consider the acceptability of the living accommodation

- A representation has been received from a neighbour, which raised some queries and an objection has been received from Councillor Kitterick.
- The main issues to consider are the living accommodation for prospective residents and external design, including materials.
- The application is recommended for conditional approval, subject to a S106 Agreement.

## **The Site**

The application site is the former Last Plantagenet public house, located at 107 Granby Street, fronting Granby Street and Dover Street. The building was originally a furniture store (Maples), constructed in the 1950s and is clad in Portland stone. The building is a significant example of transitional art-deco to modernist architecture. The building is five storeys in height and includes a plant room to the roof and basement. At present, the building is vacant, with the ground floor fitted out as a commercial unit (former public house) and the upper floors as office space. The site is located within the Granby Street Conservation Area and a critical drainage area. To the ground floor of the building is an electrical substation.

## **Background**

Planning permission had previously been approved in 2017 (20171448) for conversion to a 38 bed hotel at floors 1 – 4. An application was made to discharge the condition relating to noise insulation in 2020, however the permission was not implemented. Prior to this, there have been historic applications to change the use of floors 1-4 to a 35 bed hotel with external changes, and other minor works related to the former public house use.

## **The Proposal**

The proposal (as amended) seeks permission to change floors 1 to 4 of the building to 56 self-contained student studio flats, including a communal room (52sqm), laundry and gym (27.1sqm) on the first floor. A bin store and cycle store are proposed to the ground floor. The studio flats proposed would range in size from 19sqm to 27sqm. It is proposed that there will be 11 flats to the first floor and 15 to the second, third and fourth floors.

The breakdown of the residential accommodation is as follows:

Basement: Plant room.

Ground Floor: Reception with office, staff WC, store, bike shed for 30 bikes (plus 7 for the commercial use) and bin store. Access is via Granby Street and a secondary access via Dover Street. There is stair access at both elevations and a lift near to the Granby Street entrance. Part of the ground floor is not included in this application, including the previous public house use, a bin store for the commercial use and substation.

First Floor: Gym, laundry, communal area. 11x studio flats with floor areas between 19sqm and 22sqm, with the majority measuring 20sqm.

Second Floor: 15 studio flats with floor areas between 19sqm and 26sqm, one flat is proposed to be DDA complaint. Most of the flats on this floor measure 21/22sqm.

Third Floor: 15 studio flats, with floor areas between 19sqm and 27sqm, one flat is proposed to be DDA complaint. Most flats on this floor measure 21/22sqm.

Fourth Floor: 15 studio flats with floor areas between 20sqm and 26sqm. One flat is proposed to be DDA complaint. Most flats on this floor measure 20sqm.

The main entrance to the student accommodation would be from Granby Street, however there is a second access with the rear stairwell to Dover Street. Internally, access to the flats can be achieved via stairs or an internal lift.

External alterations are proposed to the building including the installation of a curtain wall system to include opaque glass panels and cladding. The existing window frames are proposed to be replaced with new aluminium frames. The existing MAPLES lettering to the front of the building will be replaced on a like for like basis. It is proposed that the existing canopy and the flag poles to the front of the building will be retained. To the rear of the building, privacy screens are proposed to be erected to four bedrooms.

To the roof of the building, solar photovoltaics and planters are proposed, with access via a hatch. This area will not be accessed by the occupants of the building and would be accessed for maintenance only.

The proposed development has been amended during the application process and the number of units reduced from 57 to 56. Originally the proposal did include the ground floor in the development, however this was removed.

Minor alterations have been made during the application process, including the loss of communal space to the basement and a loss of one studio, to allow communal space at first floor. Details regarding materials and other design details have also been amended during the application process.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 2 of the NPPF (Achieving sustainable development) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning decisions should play an active role in guiding development towards sustainable solutions, taking into account local circumstances, to reflect the character, needs and opportunities of each area. At the heart of the NPPF is a presumption in favour of sustainable development.

In relation to sustainable development, paragraph 11 states that for decision taking, this means approving development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 38 states that local planning authorities should approach decision on proposed development in a positive and creative way. Decision makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 91 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

Paragraph 102 states that transport issues should be considered from the earliest stages of development proposals, so that

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Paragraph 103 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations

which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

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 110 states that taking into account paragraph 109, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 117 states that planning 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.

Paragraph 122 states that planning 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.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

At paragraph 127, the NPPF states that planning 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).

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

Paragraph 150 states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Paragraph 153 states that when 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.

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.

Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

Paragraph 180 states that decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 182 states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:

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

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the

asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### Development Plan policies

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

Most relevant Core strategy policies are CS03, CS04 and CS18, and Local plan policies H07 and PS10.

### Supplementary Planning Documents (SPD)

Residential Amenity SPD (adopted 2008)  
Climate change SPD (January 2011)  
Green Space SPD (July 2013)  
Student Housing SPD (June 2012)

### Other Guidance

City of Leicester Local Plan Appendix One– Vehicle Parking Standards  
Achieving Well Designed Homes October 2019 - Leicester City Council's Corporate Guidance.

National Design Guide (MHCLG)

Economic Development Needs Assessment (2020) (emerging)  
Leicester City Council Waste Management guidance notes for residential properties

Granby Street Conservation Area Character Appraisal (March 2007)

### Other legal or policy context

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

## **Consultations**



- Conservation Advisory Panel – No comments.
- Local Highway Authority (LHA) - The proposals do not include provision of any parking spaces and no vehicle access is proposed for the site, but given the location this does not raise any concerns with regard to general car parking. The Design and Statement states that 3 of the rooms are to be designed for full disabled access. The applicant will need to consider the arrangements for disabled parking for the development through the site's management plan.

No Transport Statement was provided but it is reasonable to conclude that the site is likely to generate no more vehicle trips than its previous uses. Walking trips are considered likely to be similar in number to the current uses but cycling trips could increase.

Access to both the student and commercial unit cycle storage is also gained by the service access on Granby Street. The capacity of that storage is 30 spaces for student residents and 7 for the commercial space. Assuming all student bedrooms are single occupancy, this meets current requirements and is therefore acceptable.

Pedestrian access to the site for residents is shown as being directly from Granby Street, which is acceptable.

The site is likely to be highly sustainable in terms of travel. We would recommend, however, that residents be provided with Travel Packs to help maximise the take-up of sustainable travel options available to them. This could for instance take the form of online or smartphone resources: incentives are recommended as a means of guiding travel choices. It is noted that a TP has been submitted.

Deliveries and other servicing arrangements for the proposed development are likely to be similar in nature to those for the site's previous uses. With regards students moving in and out at the start and end of the academic year there is adequate public parking in the nearby Dover Street car park, and very short term loading/unloading is permitted on Dover Street itself.

Construction work on the site will be something of a challenge as the site is in a sensitive location. A Construction Management Plan / Method Statement will therefore need to be submitted and approved prior to the start of any construction work.

The Highway Authority does not raise any objections to the proposal, subject to conditions for cycle parking, travel plan, travel pack, construction method statement, management plan.

- LLFA - The development is at low risk to all forms of flooding. Surface water is to be managed through existing connection, with the proposal to ensure discharge rate remain no higher than existing. SuDS in the form of a blue or

green roof proposed as part of the previous pre-application, have been omitted from this application due to the cost and complexities of refurbishing the roof. It is accepted that this site is highly constrained and there may be limited opportunity for SuDS but better justification or enhanced provision would be desirable. Where SuDS are to be integrated, the associated requirements have been outlined in this application.

- Noise – No objection as long as all recommendations in the acoustic report are fully implemented and the ventilation achieves the four air changes per hour as stated.
- Parks and Gardens - 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 £34,627.00 is required in response to this application. Parks Officers advise that the contribution will be used for landscape and perimeter improvements at Museum Square, and towards improved basketball provision at Victoria Park.
- Sustainability - The updated plans include the installation of a 20.4 kWp solar PV system, showing their placement on the roof. These should be secured by condition.
- Waste Management – The proposal shows a bin storage area which should be large enough (for 4987.5L for refuse and 2850L for recycling – 5x 1110L refuse bins and 3x 1100L recycling bin).
- Western Power – No comments received (substation to ground floor).

## **Representations**

One comment was received from a neighbour to the site, who did not object to the application but raised some questions.

- Queried whether the development would hinder any future plans for redevelopment and expansion of the site next door (subject to planning).
- Noise assessment is hard to determine the effect due to COVID restrictions. Hope noise levels will remain within an acceptable level.
- Query on being able to operate efficiently during construction period.
- Previous odour issues from kitchen/ toilet area and hope this can be remedied.

Councillor Kitterick has objected to the proposal on the basis of the sub-standard space provision in the proposal, with rooms as small as 20 square metres and poor circulation space in the flats. The objection made reference to the minimum space standards for developments in the city, which is under consideration in the Local Plan process.

## Consideration

### Principle of development

Residential development and continuing investment in university related projects are supported within the strategic regeneration area and city centre (Policies CS04 & CS12). The development would be a significant contribution towards the Council's housing targets.

The proposed development will involve the conversion of an existing vacant building in the city centre for student accommodation. Originally the ground floor was included in the application, however this element was removed during the application process.

A student needs assessment was submitted with the application. It is noted that this document does contain some inaccuracies and the proposed development has evolved since the submission of the document. An appropriate management plan can be controlled by condition to set out what security measures would be installed, how the impacts of associated noise from the operation of the development can be addressed and an adequate travel plan setting out sustainable transport measures.

The main policy relating to student accommodation in the Core Strategy (2014) is CS06, which requires that:

*'...Proposals for purpose built student housing will normally be accepted if they meet identified needs, are well designed and managed and can be well integrated with local built form and existing communities within walking distance of the main campuses.'*

This is supported by the Student Housing SPD which provides more detail to support the criteria set out in Core Strategy Policy CS6. Paragraph 1.16 of the SPD refers to the 6 criteria against which applications are to be determined:

*A. Does the development meet an identified need for the type of accommodation proposed?*

The Student Needs Assessment has identified that there is a growing young population in the city reaching university age. The assessment has also identified that DMU has had the eighth biggest rise in UK and EU students accepted on to courses.

I note that not all young people attend university, and not necessarily in their home city. Additionally, a number of students may decide to live at home whilst attending in their home city. However, it is accepted that there is continuing demand for additional purpose built accommodation within the city and the development would help to contribute towards housing provision in the city and would provide an alternative to HiMOs, freeing up more housing for families/ general occupation.

*B. Development will be encouraged within reasonable walking distance of the two university campuses.*

It is considered that the location of the site is within a reasonable walking or cycling distance of both the University of Leicester and De Montfort University.

*C. The scale of development, including height and massing of the buildings, should be designed to not adversely conflict with adjacent properties or the general residential environment of the surrounding area.*

The proposal is for a change of use of a building with no extensions and some external alterations. It is considered that any effect on the environment of the surrounding area is limited to appearance and this is dealt with later in this report.

*D. When considered with existing nearby student provision, the development should not have an unacceptable cumulative impact upon surrounding residential neighbourhoods.*

The site is within the city centre where there is a mix of different uses. There are no other student accommodation developments which are in the immediate vicinity of the site and which combined with this proposal, would result in a cumulative impact on the surrounding neighbourhood.

*E. The layout, standards and facilities provided in the development ensure a positive living experience.*

The living conditions which would arise as a result of this proposal have been considered further in the report below. Room sizes range from 19sqm to 27sqm and a small amount of communal space is proposed. These room sizes are below the Nationally Described Space Standards (NDSS) although the NDSS is silent on whether it can be applicable to student accommodation. The City Council has not currently adopted these standards although is reviewing this through the new Local Plan process. However, it is considered that students have differing requirements and smaller flats can be acceptable where there is combination of good private amenity space and other spaces within the building for socialising and study. No external amenity space is proposed or could be created, due to the constraints of the site. As a result, a financial contribution is requested of £34,627.00. Parks officers recommend that the contribution will be used for landscape and access improvements at Museum Square, and towards improved basketball provision at Victoria Park.

*F. Appropriate management is in place to minimise potential negative impacts from occupants or the development on surrounding properties and neighbourhoods, and to create a positive and safe living environment for students.*

A management plan and a travel plan condition would be attached to any approval.

Given the principle of the use in this area is accepted, the other main issues to consider in detail are design, conservation and heritage, residential amenity, sustainable drainage, landscaping, amenity, access / highway impact and waste.

## Design

Externally, the building remains largely unaltered in its form. Some of the glazing to the Dover Street elevation has been painted at some point and is in general need of maintenance but the form of fenestration to the upper floors facing Granby Street and Dover Street appears substantially original. The ground floor of the Granby Street frontage is formed of large windows with dark surrounds and a fascia sign above.

Additional cladding to the building is proposed and it is proposed that two windows will be inserted to the front elevation of the building at the fifth storey. To the rear elevation, metal privacy slats are proposed to four bedrooms, to provide additional privacy to the occupiers of the bedrooms.

It is proposed that the building will be clad with Rockpanel cladding. This cladding panel will be the 9mm thick panel, which is A2 Fire Rated and all other materials in the external walls will be non-combustible including the mineral wool thermal insulation.

It is proposed that holes in the stonework of the building will be filled with anti-fungal and anti-mould filler. Details of this material has not been provided and would need to be approved prior to use. A green cladding is proposed to the ground floor at the entrance to Granby Street. Taking into account the building as a whole and the small scale of this area of cladding, it is considered that the green cladding is acceptable. It is proposed that the elevations will also include a curtain wall system, coloured Pebble Grey, with coloured glass opaque panels, coloured silver grey. It is proposed that the window surrounds will also be replaced with aluminium.

To the front elevation, the existing MAPLES lettering will be replaced on a like for like basis. The new windows to be inserted at the fifth storey will match the design of the existing windows.

Due to the prominence of the building in the Conservation Area, a condition is recommended that samples and further details are provided of all the materials to be used.

Consideration of the internal layout has been considered below, under "Living conditions".

### Heritage Assets

The property is located within the Granby Street Conservation Area but is not listed. During the process of the application, amendments have been made to the proposal to ensure that the materials to be used are acceptable for the location. These will be conditioned, and subject to suitable samples being provided. Details of the window design has been provided as part of the application and will be conditioned. It is considered that the proposed alterations and change of use would not be detrimental to the character or appearance of the Granby Street Conservation Area.

### Living conditions

The rooms proposed range in size from 19sqm to 27sqm, as specified below (taken from the floorspace schedule):

Room Size	19sq m	20sq m	21sq m	22sq m	23sq m	24sq m	25sq m	26sq m	27sq m
No. of Rooms	9	16	15	10	2	0	1	2	1

Many of the rooms are rectangular in length and quite deep compared to the width of the room. Beds and the living area of the room have been placed closer to the window, with the kitchen and bathroom to the rear of the room, to maximise light to the main area of accommodation. It is proposed that three of the units will be DDA compliant.

Officers sought to address the point that flats/bedrooms are relatively small and are below the National Design Space Standards applied to general residential (as opposed to student) use development, although not adopted by the city council. However, this is a proposal for student accommodation controlled by condition, and the proposed amenities that would be available to the students goes some way in alleviating that issue. The site is located within the city centre, with good access to facilities and other opportunities for socialisation. The proposal involves the conversion of the existing building and no extension and as such, there is a restriction to the space available for the conversion.

Information has been submitted as part of the application to demonstrate that noise levels for the proposed occupiers are acceptable and that sufficient air changes can take place that would provide sufficient thermal comfort. Due to the type of accommodation proposed, the amount the windows can open will be restricted, but still openable.

No external amenity space is proposed for the development. Due to the constraints and characteristics of the site, it would not be possible to provide external amenity space. The site is close to areas of green space, public squares and services and facilities which provide opportunities for socialisation and relaxation. Due to the lack of external amenity space, a contribution towards external amenity improvements as outlined above will be secured through a S106 agreement.

The rooms are all single aspect, with outlooks over to Dover Street, Granby Street and a small number to the rear of the building. Due to the location in the city centre, whilst it is unfortunate that the outlook at the rear is towards other buildings, this cannot be changed. This outlook, given the small number of units it affects (6 out of 56), is not considered to be a justifiable reason for refusal.

Due to the size of the rooms proposed, it is considered appropriate to include a condition to ensure that occupation is by a full-time students enrolled at an appropriate establishment only.

Taking into account the proposed occupation, the location of the development and that the proposal would result in the conversion of a vacant building in the Conservation Area and city centre, I am satisfied that the proposal would provide an acceptable level of amenity for student occupants and conclude that the proposal complies with saved Policies H07 and PS10 of the Local Plan (2006) and Core Strategy (2014) Policy CS6.

#### Residential amenity

Due to the location in the city centre and relationship with neighbouring buildings, it is not considered that the proposed development would have a detrimental impact on the amenity of any nearby residential occupiers.

### Waste storage and collection

Bin storage is proposed to the ground floor, with access from Dover Street (not Granby Street as mentioned in the comments received from the LHA). A separate bin store is available for the commercial use, which is not part of this application. It is considered that the bin store proposed for the student accommodation is of an appropriate size for the development. As part of any permission, a management plan would be required to include details of bin collection arrangements.

### Highways and Parking

No parking provision is proposed for this development. Due to the city centre location, the site is considered to be sustainable. The lack of parking provision, especially taking into account that the proposal is for student accommodation in the city centre, would not be a justified reason for refusal.

Three units are proposed to be DDA compliant but no on site parking provision has been provided. The Agent has advised that the travel pack to be provided will provide information in regard to obtaining a blue badge, however this would not provide a parking space for the resident. It is noted that not everyone who identifies as disabled would necessarily need or want a parking space in such a location. Due to the site constraints, it is not possible for parking provision to be provided on site. There is a pay and display car park on Dover Street which is open 24 hours and a limited amount of on street parking is available nearby.

Cycle storage is proposed to the ground floor of the building, which would be secured with a lock code. It is proposed that 30 cycle racks would be provided for the student accommodation, with access to the cycle store from Dover Street. This would require students to travel through the ground floor through three doors. Whilst not the most accessible, this cycle storage is considered acceptable given the characteristics of the site and building.

As part of the application, a travel plan was submitted. An updated version has not been submitted following the amendments to the application and notwithstanding the information submitted, it is considered appropriate for a condition to require an updated travel plan to be submitted prior to the occupation of any flat.

### Sustainable Energy

Solar Panels are proposed to the roof of the building. Due to the proposal being for the conversion of an existing building and not for a new build, opportunities to introduce features which would help with sustainability and climate change are limited. The Council's Sustainability Officer has accepted the measures proposed, subject to an appropriate condition to secure them.

## Drainage

The site is at low risk of flooding, with existing connections proposed to be used. Justification has been provided by the Applicant as to why SuDS would not be appropriate at the site:

- Rain water harvesting would require storage vessels/ alterations to the roof structure, which would be unfeasible due to costs (including additional structural alterations).
- Bioretention was also not considered due to the loadings required.
- There is no car park or hardstanding to place attenuation storage and this has not been considered below the building due to the cost, lack of access and possible issues with foundations and location to the highways.
- There is also a lack of space to place a soakaway more than 5m away from the building to comply with Building Regulations and due to the presence of Mudstone rock, which has poor drainage characteristics.

It is considered that the information provided is acceptable and the justification of the absence of SuDS is accepted.

## Nature conservation/ landscaping

Due to the location of the site, no Ecological surveys were required for submission as part of the application.

Development should identify and pursue opportunities for securing measurable net gains for biodiversity (NPPF 2019 Paragraph 174). The applicant has submitted information to provide the following:

6 x flowering plant tubs (on roof); 6 x perennial hanging baskets (on roof)  
2 x Insect towers, 2 x bee bricks; 3 x bat boxes  
2 x Swift boxes, 2 x Sparrow boxes, 1 x Blackbird box

There is some concern over the permanence and measurable gain from some of the features proposed. A condition is recommended to secure a suitable biodiversity/landscape scheme should be provided that can be approved by the Local Planning Authority which will show permanence with an agreed programme of after-care and management that will re-plant any dead or dying stock and ensure the structure and vegetation survival in the long-term ensuring also that biodiversity net gain is achieved.

Confirmation that the rooftop will remain unlit or if public access is required, that lighting will be limited to safety lights only is required and any other lighting scheme approved by the LPA will need to ensure it minimises impacts to wildlife by not lighting bird/bat/invertebrate boxes or landscaped areas. Therefore, a lighting condition for this development is considered appropriate and necessary.

Due to the constraints of the site, there are no other opportunities for further landscaping at the site.

## Developer Contributions



Regulation 122 of the CIL Regulations 2010 states that planning obligations (including Section 106) should be:

- Necessary to make the development acceptable in planning terms,
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development.

A contribution of £34,627.00 is required for this development for Green Spaces. The contribution will be used for landscape and perimeter improvements at Museum Square, and towards improved basketball provision at Victoria Park. It is considered that this is appropriate, due to the lack of external facilities/ amenity space which would be provided as part of this development and due to the additional demands placed on existing green space facilities by future residents

A S106 agreement would need to be drawn up to secure this financial contribution.

### Other Matters

The development is not considered to compromise the development potential of adjacent sites.

### Conclusion

During the course of the application, a number of amendments have been made to the proposed development, including alterations to rooms and design details, including materials. The proposed development would result in living conditions for future residents which are, acceptable for the location and use, taking into account that the proposal is for the conversion of an existing building located within the city centre and conservation area.

I consider that the proposed development complies with the Student SPD, NPPF and relevant Core Strategy and Local Plan policies and that it would contribute to the shortfall in the City Council's housing supply

The proposal would have minimal impact on the amenity of any nearby residential occupiers and would not be harmful to the character or appearance of the Granby Street conservation area.

I recommend that this application is APPROVED subject to conditions and a SECTION 106 AGREEMENT to secure green space enhancements.

### 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. The flats shall only be occupied by students enrolled on full-time courses at further and higher education establishments or students working at a medical or

educational institution, as part of their medical or education course. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the Local Planning Authority on demand at all reasonable times. (To enable the Local Planning Authority to consider the need for affordable housing and education provision and to assess floor space standards and the suitability of the accommodation for general residential purposes in accordance with policies CS06, CS07 & CS19 of the Core Strategy and policies PS10 & H07 of the City of Leicester Local Plan.)

3. Notwithstanding the information submitted as part of the application, before the development is begun, samples of the materials to be used on all external elevations and roofs, showing (but not necessarily limited to) window frames, glass panels, ventilation panels/louvres, filling material for the stonework and cladding, shall be provided and approved in writing by the City Council as local planning authority. No works shall be carried out other than in accordance with approved details. (In the interests of visual amenity and to preserve the special character of the area and in accordance policies CS03 and CS18 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. Prior to any rooftop work commencing, a detailed design plan of lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted and approved in writing by the local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained thereafter. No additional lighting should be installed without prior agreement from the Local Planning Authority (In the interests of protecting wildlife habitats and in accordance with NPPF (2019) Para 180, Policy BE22 of the Local Plan and Policy CS 17 Biodiversity of the Core Strategy.)

5. Prior to any occupation of the flats, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will provide landscape and biodiversity features shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: i) details of the planting design and maintenance of a roof-top garden ii) details of the make and type of 5 x bird boxes/tiles/bricks and 3 x bat boxes/tiles/bricks to be erected on buildings and 4 invertebrate boxes under the guidance and supervision of a qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within six months of completion of the development. For a period of not less than 5 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 and maintained for a period of not less than 25 years or the lifetime of the development. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

6. No flat shall be occupied until details of a Residents Travel Pack have been submitted to and approved in writing by the local planning authority. The contents of the Residents Travel Pack shall consist of: information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. Each new resident shall be given a Residents Travel Pack on occupation of their flat. (In the interest of promoting sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)

7. The development hereby permitted shall at all times be managed and operated in full accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the local planning authority before the first occupation of any of the flats. The management plan shall set out procedures for:

- (i) how the arrival and departure of students at the start and end of terms will be managed;
- (ii) how servicing and deliveries will be managed;
- (iii) the security of the development and its occupiers;
- (iv) use and allocation of cycle storage,
- (v) parking arrangements for disabled residents relying on a private car,
- (vi) dealing with refuse bins and maintaining the external areas of the site; and
- (vii) dealing with any issues or complaints arising from the occupiers of nearby properties.

The premises shall be managed in accordance with the approved management plan thereafter. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with the aim of Core Strategy Policies CS03, CS06 and CS15 and saved Local Plan Policy PS10 of the City of Leicester Local Plan).

8. No part of the development shall be occupied until the bin store has been provided in accordance with the details approved. This provision shall thereafter be retained. (In the interests of the satisfactory development of the site and in accordance with policies H07 of the City of Leicester Local Plan).

9. Prior to the commencement of the development, full design details of on-site installations to provide energy efficiency measures, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved details and retained as such. (In the interests of securing energy efficiency 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. No flat shall be occupied until the mechanical ventilation system, approved as part of this planning application has been fully installed and is operational. A ventilation rate of 4 air changes per hour must be available on demand in all habitable rooms, in the interests of thermal comfort, and the operation of the ventilation system must not cause internal noise levels within the development to exceed those specified in BS8233:2014. The approved mechanical ventilation system shall be maintained and

retained thereafter. (To achieve satisfactory living conditions for future occupiers of the development and in accordance with policy PS11 of the City of Leicester Local Plan.)

11. No development shall take place, including any works of stripping out until a Construction Method Statement has been submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

12. No flat shall be occupied until the cycle parking area has been provided in accordance with details submitted as part of this application. The cycle parking shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

13. Notwithstanding the details contained within the Travel Plan submitted as part of this application, no part of the development shall be occupied until a Travel Plan for the development has been approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. 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).

14. This consent shall relate solely to the following plans:

501123 PL-101  
501123 PL-106  
501123 PL-108  
501123 PL-120, received by the Local Planning Authority on 20 April 2021,

501123 PL-107A, received by the Local Planning Authority on 5 May 2021,

501123 PL-109B, received by the Local Planning Authority on 21 May 2021,  
and

501123 PL-118A  
501123 PL-119A, received by the Local Planning Authority on 27 May 2021.

#### NOTES FOR APPLICANT

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

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

2. With regards to the Travel Pack or similar resources, its contents are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk) for advice where necessary.

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

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

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

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

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

2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_BE22	Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS04	The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS13	The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
2014_CS18	The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

2014\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.