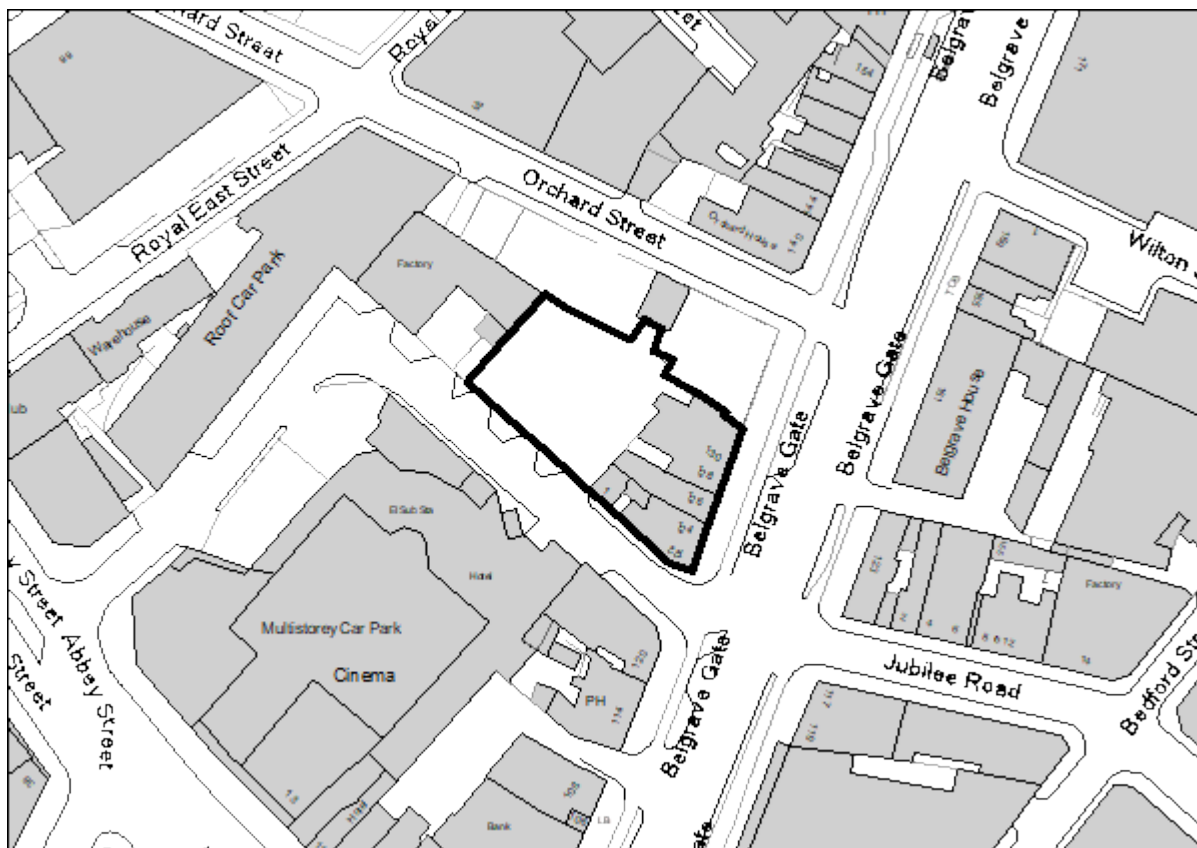


## COMMITTEE REPORT

<b>20231011</b>	<b>122-132 Belgrave Gate &amp; 1 Garden Street</b>	
Proposal:	Demolition of existing buildings; construction of a single, four & five storey building (with basement) for a storage unit that is ancillary to the printing workshop at 37 Orchard Street, 2 x retail units (Class E) and 14 flats (9 x 1bed & 5 x 2bed) (Class C3) (amended plans) (S106 Agreement)	
Applicant:	Mr Raj Patel	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	20 September 2024	
WJJ	TEAM: PM	WARD: Castle



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### Summary

- The application is brought to the Committee as the recommendation is for approval and the Conservation Advisory Panel (CAP) have objected to the scheme. They have objected for a number of reasons (detailed below) of which

the main one is that the design of the residential building fronting Belgrave Gate was not exceptional enough to justify the loss of 1 Garden Street.

- Leicester Civic Society objected to the scheme on the grounds that the property has been deliberately allowed to deteriorate over a number of years and would result in the loss of a significant heritage asset (the slum house at 1 Garden Street) that is on the Local Heritage Asset Register (LHAR).
- Three individual objections have been received. Grounds: it is a significant example of Leicester's history and is on the LHAR, that the owner has neglected the building, it could be repaired and preserved.
- Two letters of support have been received. Grounds: progress and safety are a priority, the architectural and historical significance of the buildings may be overstated, keeping the buildings may hinder regeneration, and the scheme will enhance the overall environment of the area.
- The main issues are the loss of the existing buildings, the principle of a storage unit, retail units and flats in this location, the impact on the residential amenity of neighbours, the residential amenity of residents, the impact on the character and appearance of the area, and the impact on highway safety and parking.
- The application is recommended for approval subject to conditions and the completion of a S106 Agreement to secure developer contributions towards off-site green space and healthcare provision.

## The Site

The site faces Belgrave Gate; one of the main roads leading out from the city centre. The area is characterised by a mixture of uses with retail, food and drink related uses fronting Belgrave Gate and various commercial and residential uses on the side streets such as Garden Street and Orchard Street. On the other side of Garden Street is a tall car park that acts as a landmark within the area.

The site consists of a number of addresses, buildings and uses, that have changed over the years. At present there is a vacant terrace of properties facing Belgrave Gate (122-132 Belgrave Gate) that were last used for retail uses, a vacant former slum house facing Garden Street (1 Garden Street), cleared vacant land next to Garden Street, and a surface car park next to Orchard Street. In this report, for brevity, I will refer to these as the 'terrace' and the 'slum house'.

The site is close to the city centre, and within the Strategic Regeneration Area and the St George's Residential and Working Community Area.

The slum house and terrace are subject to an Article 4 Direction that has removed the Permitted Development Right to demolish the buildings without first obtaining planning permission. The rest of the site, which has no buildings, is not subject to the Article 4 Direction.

The slum house is also on the Local Heritage Asset Register (LHAR).

The site is close to two Grade II Listed buildings:

- Belgrave Gate: Kingstone Store
- Royal East Street: Former St Patrick's School

The Kingstone Store is visible from the site and is on the other side of Belgrave Gate, around 30m away. The former St Patrick's School is some distance away and cannot be seen from the application site. It is only visible from Royal East Street.

The development will be close to a number of buildings on the Local Heritage Asset Register (LHAR):

- Orchard Street: No. 1, Former Red Cow Hotel
- Belgrave Gate: No. 106
- Belgrave Gate: No. 123
- Jubilee Road: No. 2 - 14 (even)

The site is within an Area of Archaeological Potential.

Part of the site is within an Air Quality Management Area (AQMA).

With regards to flooding from Main River (MR), Ordinary Watercourse (OW) and Surface Water (SW) sources the site is at very low risk and is within Flood Zones & Flood Extents 1 for all of these. It has a less than 1 in 1000 year estimated risk of flooding. The site is within a Critical Drainage Area (CDA). Although flooding is unlikely to take place here the rapid run-off of surface water from this area may result in flooding in neighbouring Hotspots.

## Background

### *Historic maps*

The 1828 map indicates this area was developing in the early nineteenth century. Much of the current street layout was in place by that time.

The existing terrace facing Belgrave Gate and the former slum house facing Garden Street seem to date from the early to mid-nineteenth century.

By the 1880's the area was densely developed. There were lots of small buildings on the site, including two courts with access onto Garden Street. The existing former slum house appears to have formed part of one side of one of those courts. The 1952 map shows that some of the buildings on the maps of the 1880's had been replaced by larger buildings. One of these was the 'British Theatre' facing Garden Street. By this time some sites nearby had been cleared; some of these were being used as car parks. The 1962 map shows that the junction of Royal East Street and Abbey Street had been removed and built across. Green Street, running from Belgrave Gate to Abbey Street had been removed, New Parliament Street greatly shortened (the remaining part is not adopted highway) and both built over with the 'Abbey Motor Hotel, multi-story car park and cinema'. The 1970 map shows the application site in its current form. Large parts of it facing Garden Street and Orchard Street had been cleared of buildings, including the 'British Theatre'.

### *Planning history of application site*

The buildings on the site were built many years before the current planning system was introduced in 1948. The planning history since 1948 indicates that the terrace and the slum house were used for shops and offices. Recent relevant planning history is as follows:

- 20131370 - Change of use of land at Garden Street (site of the former 'British Theatre') to temporary car park – Refused. Reason - *The proposal would, by reason of its location in the north east zone of the city centre (as defined by the City Centre Car Parking Strategy Supplementary Planning Document), result in an overprovision of parking spaces in an area already provided with sufficient capacity for parking. The proposal is contrary to Policies CS14 and CS15 of the Core Strategy and the Supplementary Planning Document - City Centre Car Parking Strategy.*
- 20142339 - Demolition of terrace and slum house – Withdrawn once Article 4 Direction served (detailed below).
- An Article 4 Direction was served on the 16<sup>th</sup> of February 2015 on the terrace and slum house to remove their Permitted Development Rights for the right to be demolished without first obtaining planning permission. The effect of the Article 4 Direction is that the buildings cannot be demolished without firstly considering their heritage significance (note later listing proposal and placing of slum house on LHAR, detailed below), and secondly to ensure a viable scheme for redevelopment may be approved. The second reason would be to ensure that the existing buildings would be replaced by buildings of an acceptable standard and to avoid the site having no buildings. As Belgrave Gate is a key gateway into the city centre and there are heritage assets near the site, a cleared and undeveloped site here would have a harmful appearance.
- An application for listing was made to Historic England for the slum house. This was on the grounds that it was one of the few slum houses to escape slum clearance in the period up to the early 1970's when slum clearance stopped. On the 9<sup>th</sup> of November 2015, after investigation, Historic England concluded the building was not of great enough significance to warrant a listing. on the 17<sup>th</sup> of September 2019.
- 20171396 - Demolition of existing buildings; four and five storey block with two retail units (Class A1) on the ground floor and flats on the ground and upper floors (39 x 1 bed) (Class C3) (Amended plans 7/11/2019) – Refused on the 15<sup>th</sup> of January 2020 for the following reasons:
  - 1) *The plans are incomplete and contradict each other. They do not communicate that an acceptable scheme is proposed. The proposal is therefore contrary to NPPF paragraph 44.*
  - 2) *The proposed scheme fails to take the opportunity to respond to the design opportunities that the site presents and does not respond appropriately to the local context, and to the immediate surroundings of the site. It will harm the character and appearance of the area and the setting of heritage assets. The proposal is therefore contrary to Core Strategy policies CS03 & CS08 and to NPPF paragraphs 130, 190, 192, 194, 196, 197 & 198.*
  - 3) *The proposed scheme is not a satisfactory replacement for the buildings on the site which have heritage and street scene value . The proposal is therefore contrary to Core Strategy policies CS03 & CS08 and to NPPF paragraphs 130, 190, 192, 194, 196, 197 & 198.*

- 4) *The site is close to a number of potential significant sources of noise and the proposal includes retail units which may be a significant source of noise. A noise survey and details of noise insulation and ventilation arrangements have not been submitted with the application. Therefore, residents of this scheme may be subject to unacceptable levels of noise and/or overheating. As such the scheme may create unacceptable living environments that are contrary to policies PS10 and PS11 in the City of Leicester Local Plan and NPPF paragraph 182.*
- 5) *By reason of the failure to take the opportunity presented to provide good quality outdoor amenity space, and the provision of a poor-quality communal garden next to the bin store and in shade for most of the year, the scheme would provide residents of the proposed flats with an unacceptable level of amenity. As such the scheme is contrary to policies H07 & PS10 in the City of Leicester Local Plan and NPPF paragraphs 124, 127 & 130.*
- 6) *The south facing entrance hall to Garden Street is hidden from view as one approaches from the east. It does not provide a safe and attractive environment for residents. The triangle of unused land on the western side of the proposed building and the stepped frontage to Garden Street may collect litter and promote anti-social behaviour. As such the scheme fails to provide a good standard of amenity for residents and visitors contrary to policy CS03 in the Core Strategy, Policy PS10 of the City of Leicester Local Plan, paragraph 5.4.4 of the Tall Buildings Supplementary Planning Document and National Planning Policy Framework Paragraph 91, 127 & 130.*
- 7) *By reason of the disjointed nature of communal areas, and especially the access to Flat 3, the scheme fails to take the opportunity to provide a positive sense of arrival and place. The scheme would provide residents of the proposed flats, and in particular Flat 3, with an unacceptable level of amenity. As such the scheme is contrary to policies H07 & PS10 in the City of Leicester Local Plan and NPPF paragraphs 124, 127 & 130.*
- 8) *The applicant has failed to demonstrate satisfactory provision for the management of refuse. As such the proposed development is likely to result in problems associated with poor management of refuse resulting in highway safety concerns and a detriment to visual and residential amenity within the site and on the highway. The proposal is therefore contrary to the Leicester City Council Waste Management guidance notes for residential properties, policy PS11 in the City of Leicester Local Plan, policy CS03 in the Core Strategy NPPF paragraph 124.*
- 9) *The applicant has failed to demonstrate that the scheme will be adaptable to meet the changing needs of residents over the course of their lives by meeting the requirements of M4(2) from the Building Regulations. As such the scheme may not be adaptable to the changing needs of residents over the course of their lives and is therefore contrary to policies CS03 & CS06 in the Core Strategy and NPPF paragraph 127.*
- 10) *The applicant has failed to demonstrate that the development would reduce the rate of surface water runoff and secure related benefits such as improvement of water quality, creation of wildlife habitat and visual amenity, through a Sustainable Drainage System (SuDS). The proposal is therefore contrary to Core Strategy Policy CS02 and paragraph 165 of the NPPF.*
- *The applicant has failed to demonstrate that the proposed development would mitigate and adapt to climate change, reduce greenhouse gas emissions, make best use of decentralised energy supply, and incorporate best practice energy efficiency and sustainable construction methods. The development does not pay regard to building orientation and design to minimise energy consumption. The proposal is therefore contrary to Core Strategy policy CS02 and Paragraph 153 of the NPPF.*

- The slum house was added to the LHAR on the 8<sup>th</sup> of May 2018. It is recorded as 'unoccupied' and in 'very poor' condition. This was around ten months after planning application 20171396 was submitted (5<sup>th</sup> of July 2017)
- 20191423 - Demolition of chimney on the terrace and replacement with pitched roof – Permitted

### *37 Orchard Street (Meesha Graphics)*

The history of the neighbouring site, across the road at 37 Orchard Street, is relevant to this application as the proposed storage unit is proposed as an ancillary use to the applicant's existing business, Meesha Graphics, that operates from 37 Orchard Street. Their site, as detailed within the blue edge on plan P01 Rev D, also includes land with listed addresses of: Car Park Associated with 37 Orchard Street, 40 Wood Street, and 40a Wood Street. For simplicity, I shall refer to all the land within the blue edge in this report, as 37 Orchard Street. The land within the control of the applicant (the blue edge) but which is not part of the application site, abuts the application site for part of its northeast facing side.

Maps from the 1880's indicate both sides of Orchard Street and around Wood Street, had rows of terraced buildings facing the streets. Behind them were courts surrounded by further buildings.

Maps from the early to mid-twentieth century indicate the terraced buildings were mostly replaced by much larger buildings. These included buildings labelled a 'Factory', a 'Hosiery Waste Stores' that was later labelled 'Works', and a 'Hosiery Factory' that was later labelled 'Factory' and then 'Knitwear Factory'. These are likely to be most of the buildings that are currently on the site.

The earliest planning permission is from 1953. In addition to the historic maps from the early to mid-twentieth century, the permissions for the site indicate that most of the buildings were built before the current planning system was introduced in 1948. The planning history since 1948, indicates that the buildings have been used for industrial purposes, offices and storage. The application form for 20061715 indicates the existing use of the site at that time was a 'garment design studio/showroom' and a 'printing unit'. The application form for the most recent application (20121844) indicates the use at that time was a 'printing workshop and offices'. Signage for Meesha Graphics appears on the earliest Google Maps photos for 37 Orchard Street from September 2008.

The exception to this, is the land within the blue edge on the south side of Orchard Street which directly adjoin the application site. The historic maps indicate the buildings on it were demolished in the late twentieth century. There is no planning history for this land. Its address is listed as 'Car Park Associated with 37 Orchard Street'. I consider that it is likely that it has been used as such, since the buildings on it were demolished.

## **The Proposal**

The proposal is to demolish all the existing buildings on the site; both the terrace facing Belgrave Gate and the former slum house facing Garden Street.

A single, four and five storey building is proposed. It consists of two main elements.

The first element is a four and five storey building (above ground level) with basement, that mostly faces Belgrave Gate and partly faces Garden Street. It abuts the pavements on Belgrave Gate and Garden Street. Two shops (Class E) are proposed on the ground floor with frontages onto Belgrave Gate. On the upper floors (first to fourth floors), 14 flats (9 x 1bed & 5 x 2bed) (Class C3) are proposed. The basement will house plant and a storage room. On the fourth floor facing Garden Street, a communal roof terrace is proposed. On the fourth floor facing Belgrave Gate, the building is set back some 1.5m and there are two private roof terraces for the two flats on that floor. On the roof, solar photovoltaic panels are proposed.

The second element is a single storey storage unit. This will provide ancillary storage for the existing printing workshop at 37 Orchard Street. It faces Garden Street. Page 10 of the Design & Access Statement (DAS) submitted with this application states that 'The unit is intended to be used by the applicant for their existing business for storage purposes.' The applicant is Meesha Graphics of 37 Orchard Street.

The two elements are connected by a bin storage area for the storage unit. The bin storage area has a canopy over it. This canopy physically connects the two elements of the scheme (the retail units & flats and the storage unit) and is located at the height of the floor between the first and second storeys of the element next to Belgrave Gate for the retail units and flats.

Amended plans have been submitted that show land owned by the applicant (blue edge) but which is not part of the application site (red edge), and make small alterations to the elevations. Following receipt of these, the application was readvertised.

## Policy Considerations

### National Planning Policy Framework (NPPF) December 2024

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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

The city does not currently have a five-year deliverable land supply for housing.

Paragraph 8 contains a definition of sustainable development consisting of three objectives *'which are interdependent and need to be pursued in mutually supportive ways'*. In shortened form, these are as follows:

- a) an economic objective
- b) a social objective
- c) an environmental objective

*Pre-application engagement and front-loading (from Chapter 4 – Decision-making)*

Paragraph 40 states that *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.'*

*Planning conditions obligations (from Chapter 4 – Decision-making)*

Paragraph 56 states that *'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

Paragraph 57 states that *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.'*

Paragraph 58 states that *'Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

*Chapter 5 - Delivering a sufficient supply of homes*

Paragraph 71 states that *'Mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported). Mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.'*

*Identifying land for homes (from Chapter 5 – Delivering a sufficient supply of homes)*

Paragraph 73 states that *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: ...*



*d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; ...'*

#### Chapter 6 - Building a strong, competitive economy

*Paragraph 85 states that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'*

*Paragraph 87 states that 'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for: ...*

- b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and*
- c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.'*

#### Chapter 7 - Ensuring the vitality of town centres

*Paragraph 91 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 92 states that 'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'*

#### Chapter 8 - Promoting healthy and safe communities

*Paragraph 96 states that 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:*

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high*

*quality public space, which encourage the active and continual use of public areas; and*

*c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'*

Paragraph 102 states that *'Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

- a) anticipating and addressing possible malicious threats and other hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregate<sup>44</sup>. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development; ...'*

#### *Chapter 9 - Promoting sustainable transport*

##### *Considering development proposals (from Chapter 9 - Promoting sustainable transport)*

Paragraph 115 states that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code<sup>48</sup>; and*
- d) 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 through a vision-led approach.'*

Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

Paragraph 117 states that *'Within this context, 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.*

#### *Chapter 11 - Making effective use of land*

*Paragraph 124 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 125 states that ‘Planning policies and decisions should: ...*

*a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; ...*

*c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;’*

*d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); ...’*

#### *Achieving appropriate densities (from Chapter 11 - Making effective use of land)*

*Paragraph 129 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, and beautiful, attractive and healthy places.'*

### Chapter 12 - Achieving well-designed places

*Paragraph 131 states that 'The creation of high quality, beautiful and sustainable 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 135 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 138 states that 'Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The National Model Design Code is the primary basis for the preparation and use of local design codes. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life<sup>53</sup>. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.'*

*Paragraph 139 states that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning*

documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

Paragraph 140 states that 'Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control. 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).'

#### Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Paragraph 161 states that 'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks 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.'

#### Planning for climate change (from Chapter 14 - Meeting the challenge of climate change, flooding and coastal change)

Paragraph 162 states that 'Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating and drought from rising temperatures. Policies should support appropriate measures to ensure the future health and resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.'

Paragraph 163 states that 'The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.'

Paragraph 164 states that 'New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and

b) *help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards.'* Paragraph 166 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.'*

*Planning and flood risk Chapter 14 - Meeting the challenge of climate change, flooding and coastal change*

Paragraph 181 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 such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- 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 182 states that *'Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:*

- a) *take account of advice from the Lead Local Flood Authority;*
- b) *have appropriate proposed minimum operational standards; and*
- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.'*

*Chapter 15 - Conserving and enhancing the natural environment*

Paragraph 187 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*

*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;*

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

*Habitats and biodiversity (from Chapter 15 - Conserving and enhancing the natural environment)*

Paragraph 193 states that *'When determining planning applications, local planning authorities should apply the following principles: ...*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

*Ground conditions and pollution (Chapter 15 - Conserving and enhancing the natural environment)*

Paragraph 196 states that *'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

Paragraph 197 states that *'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'*

Paragraph 198 states that *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- 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;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

Paragraph 199 states that *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

Paragraph 200 states that *'Planning policies and 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 201 states that *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*

#### Chapter 16 - Conserving and enhancing the historic environment

Paragraph 202 states that *'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'*

#### Proposals affecting heritage assets (from Chapter 16 - Conserving and enhancing the historic environment)

Paragraph 207 states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require*



*developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*

*Paragraph 208 states that 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

*Paragraph 209 states that 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'*

*Paragraph 210 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.'*

*Considering potential impacts (from Chapter 16 - Conserving and enhancing the historic environment)*

*Paragraph 212 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 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional (Footnote 75).'*

*Footnote 75 states 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.'*

*Paragraph 214 states that 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial*

*harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.'*

Paragraph 215 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 216 states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

Paragraph 217 states that *'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'*

Paragraph 218 states that *'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'*

#### Other planning and material considerations

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

Section 66 (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 the setting of listed buildings.

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

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

Leicester Local Plan 2020 to 2036 (January 2023 - Final Public Consultation Stage): Section 8. Delivering Design Quality – Policy DQP01. Design Principles

Mansfield Street Character Area Townscape Analysis and Design Guide Evidence Document Reg 19 (November 2022)

Leicester Street Design Guide (First Edition)

Leicester City Council Waste Management guidance notes for residential properties

Technical housing standards – Nationally Described Space Standards – March 2015 (NDSS).

National Design Guide, January 2021 (Ministry of Housing, Communities & Local Government)

Leicester City Corporate Guidance – Achieving Well Designed Homes 2019

Building Research Establishment (BRE) - Site layout planning for daylight and sunlight: a guide to good practice (BR 209), Third Edition

## Consultations

### Better Buildings

The applicant has provided details of a daylight assessment and the approach to passive solar design.

The proposed u-values improve upon the limiting parameters under the Building Regulations and either meet or improve upon the values for the notional building. The represents a best practice approach to fabric efficiency.

Heating and hot water through the use of air source heat pumps is proposed. Lighting is proposed to be 100% high efficiency LEDs and ventilation will be provided using MVHR with heat recovery. An array of solar PV panels is also proposed, with a capacity of 12kWp.

In addition to the details provided, we need details of the level of carbon reduction compared to the baseline. There is little doubt that a reasonable level can be achieved and therefore this does not have to be addressed at application stage. This needs to be secured.

### Lead Local Flood Authority (LLFA)

There are limited opportunities that this site and scheme offer for a good Sustainable Drainage System (SuDS) that reduces the rate of surface water runoff and secures other benefits such as pollution removal, wildlife habitat, visual amenity and multi-use areas.

A drainage layout plan has been submitted with the application. This is acceptable.

The scheme includes a small amount of soft landscaping and two gullies that intercept surface water runoff and prevent it discharging onto the highway. This is welcomed.

Details of the drainage and maintenance arrangements are required.

### Severn Trent Water (STW)

No comments have been received.

### Local Highway Authority (LHA)

Belgrave Gate is one of the main access routes into the city centre, connecting to the A607 heading north of the city. A highway scheme was completed in early 2019 to implement pedestrian, cycle and bus improvements along Belgrave Gate between Abbey Street and the A594 Burleys Way. That scheme included alterations to the junction of Garden Street with Belgrave Gate to reinforce the left turn only out. Garden Street operates in a one-way direction only between Abbey Street and Belgrave Gate. The carriageway and footways on both sides of the road fronting the application site are narrow, with 'No Waiting at Any Time' and double yellow lines

fronting the development and a timed waiting restriction opposite the site in place between 7:30am and 6pm every day.

Both Belgrave Gate and Garden Street are traffic sensitive routes. Works are restricted on weekdays between 7am and 7pm on Belgrave Gate and 7:30am to 9:30am and 4pm and 6pm on Garden Street.

### *Vehicle Access*

The site currently benefits from three vehicle access points off Garden Street, although two have been fenced across, leaving only the central one operational. The proposal will remove the existing car parking and it proposes a new loading bay in front of the proposed storage unit facing Garden Street. Therefore, all three existing footway crossings on Garden Street need to be reinstated and the kerb realigned to create the new loading bay on Garden Street.

The principle of providing a new loading bay on Garden Street is acceptable. However, further alterations will be required within the highway to ensure the loading bay will operate satisfactorily, whilst allowing access along Garden Street past it. Conversion of the existing timed waiting restriction opposite the proposed bay to a 'No Waiting at Any Time' with loading restrictions, is required. The loading bay itself will require a new traffic regulation order to be made.

The carriageway is currently of a concrete construction. Alterations of the kerb line will require full depth construction of new carriageway. Furthermore, there is a trench reinstatement where works have been undertaken on statutory undertaker's equipment beneath the existing carriageway. This will fall on the outer edge of the proposed loading bay and therefore goods vehicles will be over-running the reinstated trench. The reinstatement has already significantly deteriorated, and as such, given that there would already be works required to create new carriageway construction where the existing footway is removed, the entire width of the section of Garden Street fronting the application site requires replacement. Whilst this will be a significant cost, the cost of reconstructing the carriageway in a concrete construction and tying in, is comparable to full tarmac reconstruction of the full width of the carriageway.

The works described above require a highway agreement to undertake works, as well as technical approvals of the proposed detailed design by the Highway Authority. Furthermore, as the creation of the loading bay is dependent on the other alterations, no works to implement the loading bay must start until the outcome of the TRO is known. The applicant should take account of these costs in progressing the proposal.

### *Internal layout*

The development will not provide car parking for the flats and retail units that front Belgrave Gate. As the development is in a sustainable location close to bus stations and good walking and cycle connectivity, and that there is alternative car parking close to the site, a scheme with no parking provision is acceptable.

Accommodation of deliveries is discussed above, with the provision of a loading bay on Garden Street. The proposed bin stores will be accessed off Garden Street and therefore servicing of the development is reliant on the provision of the loading bay to minimise the impact on the operation of Garden Street. Cycle parking will be provided as part of the development, located in an area which is accessed off

Garden Street. A total of 24 cycle spaces will be provided. This exceeds our policy requirement of 21 spaces, by 3 spaces. (The policy requirement is 1 space per 2 bedspaces and 1 space per 20 bedspaces for visitor spaces. The Floorspace Schedule indicates that the flats will provide a total of 38 bedspaces. This comes to 19 cycle parking spaces for residents and 2 for visitors, giving a total of 21.) Access gates to the bin store and cycle store are shown to open inwards, which is acceptable.

The walls of the proposed building abut the highway footway. The foundations of the proposed building will need to be constructed so that they do not encroach onto the highway.

For highway safety, all doors, gates and windows on the frontages to Belgrave Gate and Garden Street need to be inward opening (as shown on the plans) or open on a vertical plane, save for where they are more than 2.3m above the height of the footway. This needs to be secured.

The entrance door to the block facing Belgrave Gate is set back from the highway on Belgrave Gate, and a bound gravel surface is to be provided between it and the highway footway to match the existing footway treatment. This will need to be submitted for technical approval with all other highway works. Demarcation of the highway boundary at the entrance lobby can be provided through contrasting surfacing. This is acceptable.

A Construction Management Plan (CMP) needs to be secured to ensure development is carried out in a manner that does not have an unacceptable impact on the highway and highway users.

Demolition and construction should be arranged so that it minimises disruption to both roads. There is a high pedestrian footfall, and therefore any scaffold will need to maintain a pedestrian route and could require a corridor.

An oversailing licence will be required if a crane is to be used. The CMP should also include details on delivery and storage of materials to site.

### Waste Management

The commercial and domestic waste will be stored separately. The plans show acceptable amounts of storage for the residential, retail and storage unit and that the doorways are wide enough for the bins to be manoeuvred onto Garden Street. The waste storage and collection arrangements are acceptable.

### Air Quality

The application site is located within the Air Quality Management Area (AQMA), where concentrations of nitrogen dioxide (NO<sub>2</sub>) are expected to exceed national air quality objectives, primarily attributed to emissions from transport. A change of use from vacant retail to residential represents the creation of sensitive receptors with regards to air pollution exposure and where end users may be subject to pollutant concentrations above national objectives, proportionate mitigation must be applied.

Periods of demolition and/or construction may give rise to excess dust emissions (including PM<sub>2.5</sub> and PM<sub>10</sub> pollution) which could adversely impact on the amenity of those living nearby. The submitted air quality assessment (Miller Goodall, ref: 102885) concludes a 'Medium' risk site for impacts of dust soiling and human health effects of PM<sub>10</sub>, with suitable methods of mitigation provided in Appendix D (pages

30-32) of the report, in accordance with EPUK/IAQM guidance. I recommend that these measures are secured.

During the operational phase, additional vehicle movements generated by the proposed are expected to be minimal, largely due to the absence of car parking spaces. The air quality assessment modelled sensitive receptors both at the application site and within the local road network, reporting NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> concentrations to be below their respective national air quality objectives at all receptor points. A maximum NO<sub>2</sub> concentration of 33.87 ug/m<sup>3</sup> at ESR 5 (within the local road network) is reported, with 0.06 ug/m<sup>3</sup> attributed to the development. The maximum annual mean NO<sub>2</sub> concentration at the application site (PSR 2) is modelled to be 22.32 ug/m<sup>3</sup> and is below the national air quality objective of 40 ug/m<sup>3</sup>. Additionally, the residential units are located above the ground floor and through dispersion with height, end users are considered unlikely to be exposed to pollutant concentrations in exceedance of national air quality objectives.

Whilst mitigation measures for operational phase emissions are not strictly required, it is noted that the proposed plans include the provision for cycle storage, which may encourage the uptake of sustainable transport and provide a reduction in any NO<sub>2</sub> attributed to the development.

#### Environmental Services, Noise Team

Acoustic, overheating and ventilation reports have been provided. These demonstrate that residents will not be subject to excessive levels of noise and overheating with windows closed. The ventilation system needs to be secured.

#### Environmental Services, Land Contamination

It is possible that the land may be contaminated from past uses. Investigation for contamination and, if found, clean up need to be secured.

#### Environmental Services, Parks Service

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 limited and therefore we will be looking to make quality improvements to existing open space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD a contribution of £16,028.00 is required in response to this application.

The contribution will be used towards the following open space enhancements:

- towards the conversion of a tennis court at Abbey Park into a multi-use games area (MUGA) and/or
- towards the redevelopment/relandscaping of the open space at the junction of Burleys Way and St. Margarets Way

#### Education

For both Primary and Secondary education provision, the calculated demand for school place from this scheme is lower than the current surplus of school places in the Primary Central planning area that this site is within and the Secondary planning area for the whole city. As such, no contribution is sought.

## Leicester, Leicestershire & Rutland Integrated Care Board (ICB) (NHS)

The scheme is likely to result in an increase in the number of residents living within this area. They are likely to make use of healthcare provision. A contribution of £4226.88 is sought in order to ensure that healthcare is provided to an acceptable standard.

## Representations

### Conservation Advisory Panel

This application has been considered by meetings of the panel on two occasions. Following concerns raised at the meeting of the 16<sup>th</sup> of August 2023, amended plans were submitted and these were considered at the meeting of the 17<sup>th</sup> of April 2024.

The panel of the 16<sup>th</sup> of August 2023 agreed the design was an improvement over the previously refused application from 2017 (20171396). However, they had concerns about the loss of 1 Garden Street, which is a locally significant heritage asset and is included in the city's Register of Local Heritage Assets (LL/369). It is significant as one of the last remaining early 19<sup>th</sup> century street-fronting slum houses in the city. The panel agreed there was some benefits to the scheme, such as infilling the existing open car park with an industrial storage building designed with a brick frontage to Garden Street. However, they felt that the design of the residential building fronting Belgrave Gate was not exceptional enough to justify the loss of this important local heritage asset. They also highlighted the importance of the location of the site as a key gateway into the city, and expressed a desire to see something which better reflects this setting. The panel felt that a scheme should be explored which retained and repaired the locally listed building. At the very least, members agreed a recording condition should be imposed on any application for demolition. The panel of the 16<sup>th</sup> of August 2023 objected to the scheme.

The panel of the 17<sup>th</sup> of April 2024 considered that the amended plans did not materially change their assessment from August 2023 and their previous comments remained in place. As such, the panel of the 17<sup>th</sup> of April 2024 also objected to the scheme.

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### Civic Society

Leicester Civic Society object to the scheme.

After the previous application for this site (20171396) was submitted, but before it was refused, the City Council added 1 Garden Street to the local heritage asset register. This was due to its historic interest, age and that it is a rare remaining example of a one up-one down court house in Leicester. The property has been deliberately allowed to deteriorate over a number of years. When determining this application, Leicester Civic Society ask the Council to take into account that the Council added the building to the local heritage asset register.

Three individual objections have been received. Grounds:

- Although Historic England took the view that the property is not significant enough to merit national listing, it is a unique example of Leicester's history and is on the local heritage asset register (LHAR).
- Is this the last undeveloped slum house in Leicester (with the exception of the building on King Street which is now a nursery and not open to the public)? It

would be a great shame to see such a significant part of Leicester's social history lost.

- For the last eight years the owner has been attempting to demolish this building, while not maintaining it. Is this application an attempt make demolition necessary for public safety?
- Birmingham have made an excellent museum out of some of their slum houses. Could a similar museum be created in Leicester?
- The building should be repaired and/or brought into public ownership, in order to preserve it for future generations. Should the slum house not be retained, a full archaeological survey with photographs should be undertaken and made available to the public.

-

Two letters of support have been received. Grounds:

- Leicester's progress and safety are important and should be prioritised.
- While the buildings may be of historic interest for some, its architectural and historical significance is overstated, especially when juxtaposed with the pressing needs of a growing city.
- The buildings pose potential safety risks.
- The continued existence of the buildings may hinder regeneration.
- The scheme will bring significant benefits to the local community. The scheme will enhance the overall environment, making the street more welcoming and functional for residents, visitors, and businesses alike.

## Consideration

### Principle of development

#### *Retail units*

Two retail units are proposed for the ground floor of the proposed building that will face Belgrave Gate.

The site is not within the Central Shopping Core or part of a defined shopping centre. In retail terms, it is an edge of centre site. Retail Policy (Paragraph 24 of the NPPF and Core Strategy Policy CS11: Retail Hierarchy) seeks to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date plan. This is to determine if there are any sequentially preferable, suitable, available and viable sites within a town centre, before edge of centre sites would be considered to be acceptable. However, I do not believe that asking for a sequential assessment would be reasonable in this instance, for reasons detailed below.

Although it now appears unused, the existing building that faces Belgrave Gate was used for various retail uses for many years. The current lawful uses of this property will cease on demolition of the building. However, in this instance, I do not believe it would be reasonable to request a sequential test for the proposed retail uses be undertaken. Although the site is not within the Central Shopping Core or a defined shopping centre, the principle of retail uses with these buildings has long been established (despite 122 being vacant for a number of years). In addition, the site is within an area of Belgrave Gate (from Abbey Street to the inner ring road) that has long been an established area for retail and commercial uses. For these reasons, I



consider that the proposed retail units facing Belgrave Gate are acceptable in principle.

### *Flats*

On the first to the fourth floors above the ground floor retail units of the proposed building that will face Belgrave Gate, fourteen flats are proposed.

The site is in a highly sustainable location near the city centre, within the Strategic Regeneration Area and the St George's Residential and Working Community Area (saved policy PS06). Part b) of policy PS06 indicates that residential development is likely to be acceptable here, where it contributes to a 'mixed use residential neighbourhood' in the St George's area. Since that policy was first adopted in 2006, numerous flats have been permitted and built in the St George's area. This scheme will provide a small number of more flats as part of a mixed-use development that also includes retail and a storage unit. I consider that the proposed flats are acceptable in principle.

### *Storage unit*

A storage unit is proposed in a building that will face Garden Street. Page 10 of the Design & Access Statement (DAS), submitted with this application, states that 'The unit is intended to be used by the applicant for their existing business for storage purposes.' The applicant is Meesha Graphics of 37 Orchard Street. Meesha Graphics appear to have operated from 37 Orchard Street for many years; Signage for Meesha Graphics appears on the earliest Google Maps photos for 37 Orchard Street from September 2008. The use of the storage unit will be an ancillary use to their existing printing workshop at 37 Orchard Street and the description of this application has been worded to reflect this.

An ancillary use is one where the use has a functional relationship with the primary use. I consider that it is reasonable to take the view that a printing workshop may benefit from the use of storage facilities; one expects many industrial uses to have a store for materials used in the manufacturing process and completed products. So long as the storage unit is used solely to store material related to the printing workshop, then the storage unit would have a functional relationship with it. It would be part of the same 'planning unit' as the printing workshop at 37 Orchard Street. However, were the storage unit to be used for storage related to another use or for storage in its own right, then it would no longer be a use that is ancillary to the printing workshop at 37 Orchard Street.

While the application site (red edge) and 37 Orchard Street (blue edge) abut each other, no direct access from one to the other is proposed without use of the public highway. Access to the storage unit will be solely from Garden Street. There is a pedestrian door in the rear of the proposed storage unit that will give access to the outside of the building, but not to 37 Orchard Street. A 2m high fence is proposed along the rear boundary of the application site, including where it abuts 37 Orchard Street.

While no direct access is proposed between the existing printing workshop and the proposed ancillary storage unit, the journey from one to the other is not far. As such, I consider that it is reasonable to conclude that the proposed storage unit can act in an ancillary manner to the primary use of the printing workshop.

The site is within the St George's Residential and Working Community Area (saved policy PS06). Part d) of policy PS06 indicates that 'modern business accommodation' is likely to be acceptable here, where it contributes to a 'mixed use residential neighbourhood' in the St George's area. This scheme will provide a modestly sized storage unit (by modern standards) as part of a mixed-use development that also includes retail and some flats. I consider that the proposed storage unit is acceptable in principle.

### *Basement*

The block that faces Belgrave Gate has a basement. The proposed basement rooms would be unsuitable for residential accommodation as they will not have outlook and receive natural light. I therefore recommend that a condition be attached that limits the use of the basement rooms to plant and ancillary storage, for the retail units and flats above. The applicant has agreed that this condition is acceptable to them.

### Character and appearance

#### *Demolition of the existing buildings*

The existing buildings on the site consist of an early nineteenth century three-storey terrace fronting Belgrave Gate (referred to as the 'terrace') and the remains of an early nineteenth century court of slum houses that fronts onto Garden Street (referred to as the 'slum house').

On the 16<sup>th</sup> of February 2015 an Article 4 Direction was served on the terrace and slum house to remove their Permitted Development Rights for the right to be demolished without first obtaining planning permission. The effect of the Article 4 Direction, is that the buildings cannot be demolished without firstly considering their heritage significance (note later listing proposal and placing of slum house on LHAR, detailed below), and secondly to ensure a viable scheme for redevelopment may be approved. The second reason would be to ensure that the existing buildings would be replaced by buildings of an acceptable standard and to avoid the site having no buildings. As Belgrave Gate is a key gateway into the city centre and there are heritage assets near the site, a cleared site here would have a harmful appearance.

Paragraph 202 states that *'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'*

Although both sets of buildings are of some heritage value, they are in poor condition and do not meet the strict national requirements for designation as nationally listed buildings. The slum house was assessed by English Heritage (now Historic England) in October 2015. It was not considered worthy of designation as: *'When considered in a local context, the Garden Street buildings can be considered to have significance as evidence of a form of working-class housing which was once common but is now nationally rare. However, the alterations which have been carried out incrementally have left little evidence of its presumed original external and internal detailing, and have significantly diminished the special interest of the site to the point where designation is not considered to be appropriate.'*

The slum house was added to the Leicester Local Heritage Assets Register in 2018 (LHAR), and the history of the building is such that it is appropriately regarded as a non-designated heritage asset. It is not unique within the city in being a former slum house, that avoided demolition during the primary periods of slum clearance in the twentieth century. There are several other examples in the southern part of the city centre (such as Cramant Cottages on King Street, and the rear of 109 Granby Street), but the history and architectural form of this slum house is still notable. A Structural Survey from December 2020 stated that the building was not beyond repair. However, it must be noted that part of the character of such building typologies is poor materials and building standards. This presents a challenge in terms of the long-term use of the building.

As such, I consider that the slum house is at the '*local historic value*' end of the conservation spectrum rather than '*those of the highest significance*' as described in NPPF paragraph 202 that is quoted above.

The terrace is in better condition than the slum house. The former three commercial ground floor businesses closed in 2012. I consider that the terrace makes a modest positive contribution to the character and appearance of Belgrave Gate and the setting of the heritage assets listed earlier in this report. Its replacement with a new development of appropriate size, scale and design is acceptable in principle.

NPPF Paragraph 209 states that '*Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.*' I consider that there is no clear evidence of neglect of either the slum house or the terrace. Both the slum house and the terrace are unused. However, I believe in the case of the slum house (the heritage asset), it would need a significant amount of work at considerable cost, to bring it to a state where it can safely be used (bird guano & structural integrity concerns) and where it is likely that someone would have a viable use for it.

Paragraph 210 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.'*

The optimum outcome from a building conservation perspective is the reuse of the buildings, and particularly the slum house, as a heritage asset (NPPF paragraph 210 a)). As indicated earlier in this report, the slum house is in poor condition, and I consider that reusing it for a new use and/or incorporating it into a new development would be very challenging. As such, I think that '*the positive contribution that conservation of (the) heritage asset*' could make to a sustainable community including its economic vitality, is very low (NPPF paragraph 210 b)). The proposal will not see any elements of the existing buildings retained and will result in a total loss of the heritage asset. In terms of the heritage asset (the slum house), this will result in the loss of all heritage significance of the asset and associated historic material. Such harm needs to be balanced against any wider public benefits relating to the redevelopment, and the scheme delivering high quality design. This leads us

to NPPF paragraph 210 c) which is addressed under the section below entitled 'New buildings'.

Paragraph 218 states that *'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'* I recommend that a Level 3 Building Survey be undertaken to record the interior and exterior of the slum house, prior to demolition. This can be secured by condition.

### *New buildings*

Within this part of Belgrave Gate, the ambient building height is three storeys, with buildings of varying age and style having a similar overall height. This creates a consistent townscape. Most of these buildings are in commercial uses and are of an era when floor to ceiling heights were greater for residential and office uses, than they often currently are. This means that most of the buildings along Belgrave Gate are taller than many modern buildings with the same number of storeys.

Belgrave Gate is wide (approximately 26m at this point) and the side streets off it, such as Garden Street and Orchard Street, are narrow (both are approximately 9m). The proposed building that faces Belgrave Gate has four storeys (13.75), with a recessed fifth storey (15.85m). This wraps around the corner, so that part of it faces Garden Street. Further along Garden Street the proposed storage unit has a single storey and a pitched roof. It is 5.95m high to the eaves and 8.42m high to the ridge. Modern buildings (such as the proposed building that will face Belgrave Gate) are commonly about 3.5m for ground floor retail units and about 3m per storey for residential uses. Therefore, in these terms, the storage unit will be below the equivalent of two storeys to the eaves and around two and a half to three storeys to the ridge.

The proposed height map on page 57 of the Mansfield Street Character Area Townscape Analysis indicates that building heights should be 0-15m along this part of Belgrave Gate and possibly 15-21m for the area down Garden Street behind the slum house. With a recessed fifth storey of 15.85m in height the proposed building that faces Belgrave Gate is 0.85m higher than that indicated is acceptable in the Mansfield Street Character Area Townscape Analysis. However, it is set back, and the increase in height above the guidance is small. On balance, I consider it complies with the spirit of the Mansfield Street Character Area Townscape Analysis. I consider that the height of the proposed buildings are appropriate for the Belgrave Gate and Garden Street streetscapes.

Given the scale of development proposed and the distances to the other heritage assets, the new development is unlikely to have a notable impact on the setting of more distant buildings. There will be some impact on the setting of the Grade II Listed Kingstone store, where the smaller scale of the existing buildings on the application site has a more complementary framing for the Kingstone store for views looking southwards. Other views of the Kingstone store would not be meaningfully impacted on. The increased height of the proposed buildings compared with the existing, will cause some harm to the setting of the locally listed buildings (1 Orchard Street, 106 & 123 Belgrave Gate & 2-14 Jubilee Road), but this needs to be

balanced against the poor visual condition of the existing terrace and slum house and the lower amenity value of the current surface level car park next to Garden Street.

Paragraph 210 states that *'In determining applications, local planning authorities should take account of: ...*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

I consider that the proposed buildings are of a style and of a quality that is common for recent blocks of flats and related uses in and around the city centre in Leicester.

Design detailing has been included with glazed bricks, stone headers and stone corbelling. The application includes 1:20 sections, bay studies and material specifications. To ensure the detailing is of an appropriate standard I recommend that a sample panel (first drawing and second construction) be secured by condition.

While they are not of exceptional quality, I do believe that care has been taken to take the design opportunities that a modest storage unit and block of retail units and flats present. Bearing in mind the poor visual state of the site at present, with the buildings in poor condition and a surface car park at the rear, I consider that the design is of an acceptable quality.

#### *Building conservation balance*

Paragraph 216 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.'*

It is unfortunate that the complete loss of the slum house as a heritage asset is being proposed. However, I consider that significant weight needs to be attached to the difficulties in keeping such a building in use and in good repair. Likewise, were it to be retained, I believe significant weight should be given to how it would limit and affect what could be built on the site.

I consider the proposed buildings reasonably take the design opportunities that the proposed uses and site present. The proposed buildings, while not of exceptional quality, do take the design opportunities that the location and nature of the uses (storage, retail and flats) present. In all other respects the scheme is acceptable (discussed further below), and the buildings are likely to make a positive contribution to the city with modern storage, retail and flats.

I therefore consider that on planning balance, the loss of the slum house and the terrace and their replacement with two buildings for storage, retail and flats, is acceptable in terms of building conservation and the character and appearance of the area.

#### *Partial implementation*

NPPF Paragraph 217 states that *'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'* As the scheme consists of three distinct parts (demolition, storage unit and block of retail units and flats), it would be possible for the scheme to be part implemented. I am

concerned that either the existing buildings are demolished, and no new buildings are built, or that the existing buildings are demolished, and only the storage unit is built. Both of these would result in a very poor frontage to Belgrave Gate. Belgrave Gate is one of the main streets leaving the city centre and there are a number of heritage assets near the application site. An empty site facing Belgrave Gate would be very harmful to the streetscene and to the setting of those heritage assets. It would also see the loss of a heritage asset (the slum house) with no gain. To ensure one of those situations does not arise, I recommend that development be controlled through conditions to reduce the likelihood that the buildings are demolished and not replaced with the proposed block of retail units and flats.

### Residential amenity

#### ***Of neighbours***

Appendix G of the SPD for Residential Amenity recommends that where windows face each other, they should be a minimum of 21m apart. This falls to 18m, where windows face each other obliquely. However, the focus of these standards are towards suburban locations that do not have the density of development found in locations in and around the city centre. They must therefore be used judiciously for schemes such as this.

There are buildings on the other sides of Belgrave Gate and Garden Street from the application site. Windows for the proposed flats will face them. However, those buildings do not appear to currently have residential uses in them. Were they ever to have residential uses, then they would be an acceptable sense of separation from the windows of the proposed flats. While the distance across Garden Street is close (9m for across Garden Street and 25m for across Belgrave Gate), I consider the sense of separation would be acceptable because they are in an urban location and across the street from one another.

There are some proposed windows in the rear of the proposed buildings that face northwest across the proposed storage unit. There are no existing dwellings in that direction near the application site.

There are some flats at Orchard House (on the corner of Orchard Street & Belgrave Gate). No windows in the proposed scheme will look towards them. It will be possible to stand on the balconies of the flats on the north side of the proposed building and look sideways towards them at a distance of about 25m. This is in excess of the 21m recommended separation distances in Appendix G of the SPD and I consider the amenity enjoyed by the residents of the flats at Orchard House will not be unacceptably reduced.

#### ***Of residents***

##### ***Communal spaces***

The SPD for Residential Amenity indicates that one-bedroomed flats should have outdoor amenity space that equates to 1.5sqm per flat and two-bedroomed flats should have outdoor amenity space that equates to 2sqm per flat. For 9 x 1bed & 5 x 2bed flats this comes to a total of 23.5sqm.

On the fourth floor facing Belgrave Gate the building is set back approximately 1.5m and there are two private roof terraces for the two flats on that floor. The other flats on the first, second and third floors have small balconies, again of approximately 1.5m in depth, and created by recessing the flats into the envelope of the building.

While not receiving as much light as balconies that project out from the building envelope, they have the advantage of providing shelter when it is raining. A communal roof terrace of approximately 70sqm is proposed on the fourth floor facing Garden Street. The communal roof terrace is south facing and approximately rectangular. As such, in addition to being significantly in excess of the minimum size recommended in the SPD for Residential Amenity, I consider it will have a good level of functionality. I consider that the scheme provides a good level and quality of outdoor amenity space for residents.

The scheme does not provide any internal communal amenity spaces. While this is not ideal, I consider this is acceptable given the good outdoor amenity space provided, the generous size of the flats and the low number of flats in this scheme. I recommend that the communal roof terrace be secured by condition.

To deter anti-social behaviour, communal entrances need to be wide and light. The scheme has a communal entrance from Belgrave Gate. It is approximately 4m wide and leads to the lobby, lift and stairs, that are at the rear of the building. The lobby will provide plenty of space for post boxes and storage containers and will allow residents to pass each other without awkwardness. Much of the entrance door and its surround will be glazed. The door is set back from the pavement to create a recessed porch which will make access more pleasant during inclement weather. On all floors the communal corridor is relatively wide. I consider that the communal entrance, lobby and corridors are acceptable.

The residents cycle store and bin store are both accessed directly from Garden Street and from the communal lobby. This is a good design that will avoid cycles and bins being taken through communal corridors, while allowing access to them from inside the building. I consider this to be a strength of the scheme.

### *Accessibility*

Core Strategy policy CS06 states that in order to meet the needs of specific groups residential schemes should:

- have an appropriate proportion of new housing units designed to meet wheelchair access standards and
- that all new housing units are, where feasible, designed to 'Lifetime Homes' standards so that they are adaptable enough to match lifetime's changing needs.

To comply with the first, some flats should comply with Category M4(3) in the Building Regulations. To comply with the second, all new build flats should comply with Category M4(2) in the Building Regulations, following their introduction in the Building Regs 2010, as a standard to be used as the closest alternative to the now obsolete Lifetime Home Standards. Page 10 of the Design & Access Statement submitted with this application states that all the flats have been designed so that they comply with Category M4(2). It is unfortunate that none have been designed so that they comply with Category M4(3). However, given the small number of flats provided in this scheme and that the scheme has many strengths, I consider this is acceptable on balance.

### *Noise & ventilation*

Reports addressing noise, overheating and ventilation for residents of the scheme, have been provided. These demonstrate that residents will not be subject to

excessive levels of noise and overheating with windows closed. I recommend that the noise insulation measures and ventilation system be secured by condition.

*Amenity of each flat – space, outlook & light*

The flats range in size from 50sqm to 88.4sqm and many are in between these sizes. While the Nationally Described Space Standards (NDSS) are of relevance to schemes such as this, the Council have not adopted them, and therefore their weight is limited. The National Space Standards for a one-bedroomed flat is a minimum of 37sqm, and 61sqm for a two bedroomed flat. Three of the flats equal the size for that type of flat in the NDSS and the remaining flats exceed them. The flats have relatively regular shapes, so they will have a good level of useability. I consider the size and layout of the flats to be acceptable.

Three of the proposed flats have a single aspect. Seven flats are on corners and have windows at right angles to each other. Four flats are dual aspect with windows opposite each other. Dual aspect dwellings are preferable as they are more flexible. They allow for better ventilation as windows on two sides can be opened. They also allow for the dwelling to be better managed when it is hot. For example, people can go to rooms that are not subject to direct sun for most of the day during a heatwave, and those rooms can be closed off from hotter rooms using doors. This reduces the need for ventilation and air-conditioning measures. While single aspect flats are less than ideal, they are common in the city centre and they allow space to be saved and a greater density achieved, as one communal corridor can serve flats on each side. I consider that single aspect flats are acceptable in principle.

The proposed flats will have outlook over the Belgrave Gate and Garden Street, or over the storage unit. Belgrave Gate is wide (about 25m) so the flats that look over it will have very good outlook for a city centre location. Garden Street is much narrower. At about 9m wide, it is one of the narrowest streets in the city. However, with the exclusion of the main streets like Belgrave Gate, this part of the city is generally densely developed and many of the streets are narrow. I consider the outlook of the flats that face Garden Street is acceptable in this context. The windows of the seven flats that look over the storage unit are all for bedrooms and for three of them the window is to a bedroom that also looks out over Garden Street. For those flats on the first and second floors, their outlook will be obscured and partially obscured by the storage unit, whose side wall will be about 3.5m away. For those flats on the third and fourth floors, the windows will be above the roof of the storage unit. Given the secondary nature of the windows that will look out over the storage unit and the challenges of designing a block of flats on a corner site, I consider they are acceptable on balance.

Given the dense nature of development in this part of the city centre, I consider that the windows to the flats are an acceptable distance from windows that are either on the other side of the streets or to the rear. The proposed flats will have an acceptable level of privacy.

A Light Assessment that assesses the living room/kitchen/dining (LKD) rooms in the scheme using the BRE guide has been submitted with this application. It states that all of the rooms pass, with the exception of the living room of the one-bedroomed flat on the first floor that overlooks Garden Street. It goes on to state that the one that does not pass will still receive a good level of light given the city centre location.



The scheme takes the opportunity to provide all rooms with floor to ceiling windows and the living rooms of the flats with wide windows/doors to their balconies. I consider that in the context of the location of the site in a densely developed part of the city, the scheme will provide residents with a good level of light to their flats.

#### *The criteria of Achieving Well Designed Homes 2019*

I consider that the proposed dwellings and communal areas of this scheme do comply with the Criteria 3, 4 & 7 on page 9 of the 'Leicester City Corporate Guidance – Achieving Well Designed Homes 2019'. These are addressed as follows *in italics* following the policy:

1. The number of small units proposed as a proportion of the development – *The size of the units is acceptable, as addressed earlier in this report. Given the scheme is relatively small and the mix of flats in this area, I consider the mix of one bedroomed and two bedroomed flats to be acceptable.*

2. The nature of the mix and nature of units e.g. numbers of bedrooms, tenure (social, affordable, intermediate), type (ownership, rent, co-operative), occupancy (student, family, old persons) – *The scheme is for one-bedroomed and two bedroomed flats and none of them are secured as affordable housing. Given the small overall size of the scheme, I consider the mix and nature of units is acceptable.*

3. Whether or not a unit layout provides enough space for day to day living for the proposed occupants resulting in an unacceptable impact on residential amenity.

- The degree to which some or all of the units are particularly small bearing in mind the context of the NDSS – *The units meet NDSS standards and I consider the size of the units are acceptable, as addressed earlier in this report.*

- The overall layout, in terms of the access to the property - *The accesses to the building are acceptable, as addressed earlier in this report.*

- Circulation inside dwellings, including the extent of compliance with national accessibility standards – *This is acceptable, as addressed earlier in this report.*

- Access to both internal and external shared amenity areas, this will be particularly important in larger schemes and those with significant communal areas - *The proposed external communal roof terrace is good. The lack of internal shared amenity areas is less than ideal, but I consider it acceptable given the small number of units in this scheme, and the generously sized flats, private balconies and communal roof terrace. This is addressed earlier in this report. Given the benefits that the scheme will provide, the absence of internal shared amenity areas is acceptable on planning balance.*

- Adequate provision of and access to both bin stores and bike stores - *The proposed bin store and bike store are acceptable, and are addressed elsewhere in this report.*

- The availability and functionality of on-site communal space and provision of balconies or other available external space which might mitigate the amenity impacts - *The proposed external communal roof terrace and private balconies are strengths of the scheme and are addressed earlier in this report. Given the benefits that the scheme will provide, the absence of internal shared amenity areas is acceptable on planning balance.*

4. The quality of proposed privacy, light and outlook of each unit - *As addressed earlier in this report, the flats will provide acceptable privacy, light and outlook.*
5. The proposed management arrangements – *I consider that day-to-day management arrangements are not a significant consideration on schemes of this small size.*
6. The availability of nearby amenities such as parks/other public spaces and day to day facilities – *The site is located close to the city centre (with its many amenities) and the squares and parks in and near it (such as Town Hall Square, Cathedral Square, Abbey Park and Kamloops Crescent Open Space). The area has good public amenities and new residential development is acceptable here in principle.*
7. Sustainability of location in terms of transport (promote the use of public transport, cycling and walking and to secure provision of adequate parking) – *In terms of walking, cycling and public transport, the site is within a highly sustainable location. As addressed earlier in this report, I consider the absence of off-street car parking for this scheme to be acceptable. The scheme will provide good cycle parking.*

#### Highway & parking matters

The site lies in a highly sustainable location, close to the city centre, bus routes, employment opportunities and Abbey Park. It is possible for residents to have a good standard of living here without the need for a car.

The scheme will provide a level of cycle parking for residents that exceeds that required by our parking standards. I recommend they be secured by condition.

The proposed storage unit and retail units can be serviced from the proposed parking bay on Garden Street. I recommend that conditions be attached to secure associated changes to the kerbs and traffic regulation orders so that it can be delivered in an acceptable manner.

I recommend that conditions be attached to ensure the area in front of the entrance to the Belgrave Gate frontage of the building is acceptably laid out, that windows, doors and gates open inwardly, and development takes place in accordance with a Construction Management Plan (CMP).

#### Air quality

It is unlikely that residents of the scheme will be exposed to unacceptable air quality.

The demolition of the existing buildings and the construction of the new one may cause air pollution. The submitted air quality assessment (Miller Goodall, ref: 102885) concludes a 'Medium' risk site for impacts of dust soiling and human health effects of PM10, and gives suitable methods for mitigation in Appendix D, in accordance with EPUK/IAQM guidance. I recommend that these measures are secured by condition.

#### Waste management

The commercial and domestic waste will be stored separately. The plans show acceptable amounts of storage for the residential, retail and storage unit and that the doorways are wide enough for the bins to be manoeuvred onto Garden Street. The waste storage and collection arrangements are acceptable. I recommend the waste storage areas are secured by a condition.

#### Land contamination

It is possible that the land may be contaminated from past uses. Investigation for contamination and, if found, clean up need to be secured. This can be secured by a condition.

### Energy & carbon reduction

The scheme takes the opportunities to:

- Make use of passive solar design.
- Use current best practice for fabric efficiency.
- Provide heating and hot water through the use of air source heat pumps.
- Use 100% high efficiency LEDs for lighting.
- Provide ventilation using MVHR with heat recovery.
- Provide an array of solar PV panels.

I recommend that the above be secured by a condition.

In addition to the details provided, we need details of the level of carbon reduction compared to the baseline. There is little doubt that a reasonable level can be achieved and therefore this does not have to be addressed at application stage. I recommend this is addressed by a condition.

### Water environment

There are limited opportunities that this site and the nature of the scheme offer, for a good Sustainable Drainage System (SuDS), that reduces the rate of surface water runoff and secures other benefits such as pollution removal, wildlife habitat, visual amenity and multi-use areas.

A drainage layout plan has been submitted with the application. This is acceptable.

The scheme includes a small amount of soft landscaping and two gullies that intercept surface water runoff and prevent it discharging onto the highway. This is welcomed.

Details of the drainage and maintenance arrangements are required. These can be secured by conditions.

### Wildlife

The Bat Survey Report (JM Ecology, October 2024) is acceptable. It is unlikely that bats are roosting in the buildings on the site at this time. It is possible that bats may take up roost in the future. In order to protect against harm, I recommend a condition be attached to ensure a re-survey be undertaken, should the developer look to start demolition, more than a year since the last survey (22<sup>nd</sup> of July 2024).

In order to take the opportunity to create wildlife habitat, I recommend a bat box and a sparrow terrace be provided on the building. This can be secured by a condition.

### Archaeology

The site is located on the western side of a Roman road, within an area defined as part of the Roman city's extra-mural settlement; a Roman cremation and human remains were found around 89m southwest of the site, indicating the presence of a cemetery in the area, with other Roman artefacts have been found between 35m and 100m of the property.

I recommend that an archaeological programme of work be secured by condition. This condition will also need to secure the design of foundations, should they need to be designed in such a way as to avoid causing harm to significant archaeology.

#### Developer contributions

The applicant has agreed to enter into a S106 Agreement to secure the developer contributions detailed below.

#### *Green space*

The development is likely to result in an increase in the number of residents in the area who will make use of green space provision. The Castle Ward, in which the scheme is located, already has a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are limited and therefore we seek quality improvements to existing open space provision to minimise the impact of this development. Based on the formula from the Green Space SPD a contribution of £16,028.00 is required. The contribution will be used towards the following open space enhancements:

- towards the conversion of a tennis court at Abbey Park into a multi-use games area (MUGA) and/or
- towards the redevelopment/relandscaping of the open space at the junction of Burleys Way and St. Margarets Way.

#### *Healthcare*

The development is likely to result in an increase in the number of residents in the area who will make use of healthcare provision. In order to maintain healthcare provision to an acceptable standard a contribution is sought. For the Leicestershire & Rutland Integrated Care Board we seek £4226.88.

#### *Education*

There is currently a surplus of school place in the Primary Central planning area that this site is within and the Secondary planning area for the whole city. As such, no contribution is sought.

## Conclusion

The scheme takes the opportunity to replace buildings that, while of historic and some aesthetic value, are difficult to use. The scheme takes the opportunity to replace them with competently designed buildings that will:

- maintain the character and appearance of the area and the setting of heritage assets (excluding the slum house on the application site)
- house uses that are acceptable in this location
- make a modest contribution to the city's housing need with dwellings that will provide an acceptable standard of accommodation and level of amenity for residents
- provide an active frontage to the streets
- make use of renewable energy, be energy efficient, provide a sustainable drainage system, and wildlife habitat.

I consider that the proposed development complies with the NPPF and relevant Core Strategy and saved Local Plan policies

While it is regrettable to lose a heritage asset (the slum house), on balance I consider that the benefits of this scheme outweigh the harm. The scheme will make a positive contribution to the city.

I therefore recommend that this application is APPROVED subject to conditions and the completion of a SECTION 106 AGREEMENT to secure:

- a contribution of £16,028.00 towards the conversion of a tennis court at Abbey Park into a multi-use games area (MUGA) and/or towards the redevelopment/relandscaping of the open space at the junction of Burleys Way and St. Margarets Way,
- a contribution of £4226.88 towards healthcare provision

## 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. Prior to the commencement of any new build development, the site shall be investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented, and a completion report shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the Local Planning Authority prior to the occupation of any part of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with current UK guidance as outlined in Land Contamination Risk Management (LCRM) from the Environment Agency. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy PS11 of the City of Leicester Local Plan.)
3. The development shall be carried out in full accordance with the air quality mitigation measures as set out in Appendix D of the air quality assessment (Miller Goodall, ref: 102885, November 2022). (In the interests of the amenities of nearby residents and in accordance with saved policies PS10 & PS11 of the City of Leicester Local Plan.)

4. Prior to the commencement of any demolition, a Level 3 Building Survey of the slum house at 1 Garden Street shall be carried out, submitted to and approved in writing, by the Local Planning Authority. (To record the details of this heritage asset and in accordance with policy CS18 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. (A) No development, other than demolition of the existing buildings on the site (but excluding the excavation of slabs and foundations), shall take place until the implementation of an appropriate programme of archaeological work has been secured, to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI) which has previously been submitted to and approved in writing by the Local Planning Authority (LPA). The WSI shall include an assessment of significance, research questions and:

(i) a programme and methodology for site investigation, excavation and recording of archaeological deposits to an agreed depth below final formation levels, or to undisturbed natural geology;

(ii) the programme for post-investigation assessment;

(iii) provision for the analysis of the site investigation and recording;

(iv) provision for the publication and dissemination of the analyses and records of the site investigation;

(v) provision for archive deposition of the analysis and records of the site investigation.

(B) No development other than above-ground demolition (but excluding the excavation of slabs and foundations), shall take place, other than in accordance with the Written Scheme of Investigation approved under (A) above.

(C) The applicant shall notify the LPA of the intention to begin any archaeological works or works which require archaeological supervision at least seven days before commencement. The archaeological work and post-investigation assessment shall be completed in accordance with the programme set out in the WSI approved under (A) above.

(D) In accordance with the WSI approved under (A) above, provision for the analysis, publication and dissemination of results and archive deposition shall be secured prior to occupation of the development.

(E) If the results of the archaeological investigations demonstrate the existence of remains to be preserved in situ, then prior to any development taking place (other than demolition, but excluding the excavation of slabs and foundations), details of all below ground disturbance (including but not limited to basements, foundations, piling configuration, drainage, services trenches, highway works and temporary works), covering relevant areas as approved in advance with the LPA, and to include a detailed Design and Method Statement, shall be submitted to and approved in writing by the LPA. The details shall show the preservation of surviving archaeological remains which are to remain in situ. Development shall be carried out in accordance with the approved details.

(To determine the significance of the heritage assets at a national, regional and local level, and to assess the extent of the loss of any heritage assets of archaeological interest that will result from this development, accordance with Core Strategy policy CS18.)

6. Should the demolition, or any phase of the demolition, not commence within 12 months of the date of the last protected species survey (22nd of July 2024), then a further protected species survey shall be carried out of all buildings, trees and other features by a suitably qualified ecologist. The survey results shall be submitted to and approved in writing, by the Local Planning Authority, and any identified mitigation measures carried out before any development of that phase is begun. Thereafter, the survey should be repeated annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat and Species Regulations 2010 and CS17 of the Core Strategy.)

7. Prior to the commencement of above ground development, details for the design and location for the installation of one bat box and one sparrow terrace, shall be submitted to and approved in writing by the Local Planning Authority. No unit in the building on which they are to be installed, shall be used, until they have been installed in accordance with the approved details. (To provide wildlife habitat in accordance with policy CS17 of the Core Strategy).

8. Prior to the commencement of any new build development, full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the Local Planning Authority. No unit shall be occupied, until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

9. Prior to the commencement of any new build development, details of foul drainage shall be submitted to and approved by the Local Planning Authority. No unit shall be occupied, 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.)

10. Prior to the occupation of any unit, the bin stores as shown on plan SK-20240802-01 shall be provided. They shall be retained for bin storage purposes thereafter. (To ensure the scheme provides acceptable waste storage and collection arrangements and in accordance with policy CS03 of the Core Strategy.)

11. Prior to the occupation of any unit, the measures in the Energy Efficiency & Sustainability Statement Rev P02 (bec buildings services consulting engineers) shall be implemented. They shall be retained thereafter. Proof of installation and operation shall be submitted to and approved by the Local Planning Authority. (In the interests of energy efficiency and minimizing carbon emissions in accordance with policy CS02 of the Core Strategy.)

12. Prior to the commencement of any new build development, details of carbon reduction compared to the agreed baseline shall be submitted to and approved by the Local Planning Authority. No unit shall be occupied, until the development has been completed in accordance with the approved details and confirmation of this shall be submitted to and approved by the Local Planning Authority.. They shall be retained thereafter. (In the interests of minimizing carbon emissions in accordance with policy CS02 of the Core Strategy.)

13. Prior to the commencement of development, a Construction Method Statement (CMS), with consideration being given to highway management and safety, the water environment and flood risk management, shall be submitted to and approved by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for: (i) the vehicle and pedestrian temporary access arrangements including 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 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 storage and management of waste resulting from excavation works, (viii) the proposed phasing of development and a detailed description of the works in each phase, (ix) the temporary access arrangement to the construction site, (x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public, (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works, (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident, (xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01 & UD06 of the City of Leicester Local Plan and policies CS02 & CS03 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

14. Prior to the commencement of any new build development, details of all street works (including alterations to the footway crossings, kerbs, new highway construction and a new loading bay) and the area between the door in the Belgrave Gate frontage and the highway footway, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the storage unit, all street works must be implemented in accordance with a submitted Traffic Regulation Order focused on the approved details and approved by the Local Highways Authority. (To achieve a satisfactory form of development, and in accordance with saved policy AM01 of the City of Leicester Local Plan and policy CS03 of the Core Strategy)

15. Prior to the occupation of any flat, the cycle parking shall be provided in accordance with the approved details. It shall be retained thereafter. (To meet the cycle parking needs of residents and to promote the use of sustainable means of transport in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).



16. Prior to the occupation of any unit, the Traffic Regulation Orders (TROs) shall be updated to meet the needs of the scheme in accordance with the submitted details (new loading bay, replacement of existing timed waiting restriction opposite the new loading bay to a 'No Waiting at Any Time' with loading restrictions). (To achieve a satisfactory form of development, and in accordance with policy CS03 of the Core Strategy)

17. All doors, gates and windows on the frontages to Belgrave Gate and Garden Street shall be inward opening or shall open on a vertical plane, save where they are more than 2.3m above the height of the footways. They shall be retained as such thereafter. (In the interest of highway safety and in accordance with policy CS03 of the Core Strategy.)

18. Prior to the occupation of any flat, the noise insulation measures and ventilation system (as detailed in the Acoustic Assessment by Leema Technologies Ltd (March 2023) & Overheating Assessment (TM59) by Briary Energy (October 2024)) shall be installed. They shall be retained thereafter. (To ensure residents are provided with living environments that are acceptably ventilated and do not overheat in accordance with saved policy PS10 of the City of Leicester Local Plan.)

19. Prior to the occupation of any flat, the communal roof terrace and details of planting on the fourth floor shall be laid out in accordance with plan 1622 SK-20240802-01. It shall be retained and made available to all residents at all times. (To provide residents with an acceptable level of amenity in accordance with saved policy PS10 of the City of Leicester Local Plan.)

20. The basement of the block that faces Belgrave Gate shall only be used for plant and for ancillary storage for the retail units and flats. (In order to ensure it is not used for living accommodation to which it will not provide an acceptable level of amenity in accordance with saved policy PS10 of the City of Leicester Local Plan and policy CS03 of the Core Strategy.)

21. Prior to the commencement of development above ground level: A) a full material schedule (with specification and manufacturer information) for all the proposed materials to be used for external parts of the building, B) 1:20 scale plans of the windows and reveals, C) 1:20 scale plan of the sample panel and D) a sample panel (showing the brickwork detailing (including the sawtooth brick detailing), mortar and bond, capping and a section of the window and window reveal), shall be for A), B) & C) submitted to, and for D) constructed and then viewed and approved in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details and sample panel. (In the interests of visual amenity, to maintain the setting of heritage assets, and in accordance with policies CS03 & CS18 of the Core Strategy.)

22. The foundations of any walls of the building which abut the highway footways on the frontages to Belgrave Gate and Garden Street must be designed and implemented so that they do not encroach onto the highway. (To achieve a satisfactory form of development, and in accordance with policy CS03 of the Core Strategy).

23. The part of the site that is next to Belgrave Gate and currently occupied by the slum house and terrace, shall not be used for car parking or storage following demolition of those buildings. (To avoid that part of the site being a gap in the Belgrave Gate streetscene and to maintain the setting of nearby heritage assets, in accordance with policies CS03 and CS18 of the Core Strategy.)

24. Prior to the commencement of use of the storage unit, the block for the retail units and flats shall be substantially completed. (To avoid the part of the site that is next to Belgrave Gate being a gap in the Belgrave Gate streetscene and to maintain the setting of nearby heritage assets, in accordance with policies CS03 and CS18 of the Core Strategy.)

25. The storage unit shall only be used for purposes that are ancillary to the printing workshop for Meesha Graphics at 37 Orchard Street (To secure the cohesive redevelopment of the site in accordance with policy CS03 of the Core Strategy).

26. Development shall be carried out in full accordance with the following approved plans:

- Location Plan and Survey, 1622 P01, Revision D, received on the 11th of November 2024
- Proposed Site & Landscape Plan, 1622 P10, Revision C, received on the 21st of March 2024
- Proposed Street Elevations, 1622 P30, Revision A, received on the 20th of March 2024
- Proposed Elevations, 1622 P31, Revision B, received on the 4th of April 2024
- Proposed Elevations, 1622 P32, Revision B, received on the 4th of April 2024
- Materials and Construction, 1622 P40, Revision A, received on the 20th of March 2024
- Indicative Sections, 1622 P41, Revision A, received on the 20th of March 2024
- Proposed Floor Plans, 1622 SK-20240802-01, received on the 4th of August 2024

(In order to ensure compliance with the approved plans.)

#### NOTES FOR APPLICANT

1. Please note this permission is subject to a S106 legal agreement that secures:

- a contribution of £16,028.00 towards the conversion of a tennis court at Abbey Park into a multi-use games area (MUGA) and/or towards the redevelopment/relandscaping of the open space at the junction of Burleys Way and St. Margarets Way,
- a contribution of £4226.88 towards healthcare provision,
- that demolition shall not take place until the provision of the new buildings has been secured,

2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

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. Temporary direction signing for developments can be provided within the highway. The Highway Authority requires all temporary signing schemes are designed, implemented and maintained to an appropriate and acceptable standard. The temporary signing scheme including details of the sign faces, locations and means of fixing must be submitted for approval. These signs must comply with the Traffic Signs Regulations and General Directions (TSRGD). Applications must be submitted to the Council at least four weeks before the signs are to be erected. Applicants will agree to reimburse the City Council for the full costs involved in the processing of the application and any subsequent planning, design, implementation and maintenance of the signs. The Local Authorities (Transport Charges) Regulations 1998 refers, and charges are set in LCC minor charges report updated annually; available via this link <https://www.leicester.gov.uk/media/181997/minor-fees-and-charges-for-transportation-services-2020-2021.pdf>.

In the event of signs not being removed expeditiously, the Council will remove them and recharge the costs to the promoter. For more information please contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk).

5. As the walls of the building abut the highway footways on the frontages to Belgrave Gate and Garden Street, the foundations must be designed so that they do not encroach onto the highway.

6. 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 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 December 2024, is considered to be a positive outcome of these discussions.

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

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

- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006\_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- This policy relates to Primarily Office areas so not relevant.2006\_H03 Provides guidance on minimum net densities to be sought for residential development sites according to location.
- 2006\_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006\_PS06 Planning permission will be granted for development proposals that contribute to the creation of a new mixed use residential neighbourhood in the St George's area as shown on the Proposals Map.
- 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\_R03 Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.
- 2006\_R05 Proposals for the use of premises within existing shopping centres for food and drink purposes (Use Classes A3, A4 and A5) will be permitted subject to 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\_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\_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional

shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.

- 2014\_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_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.