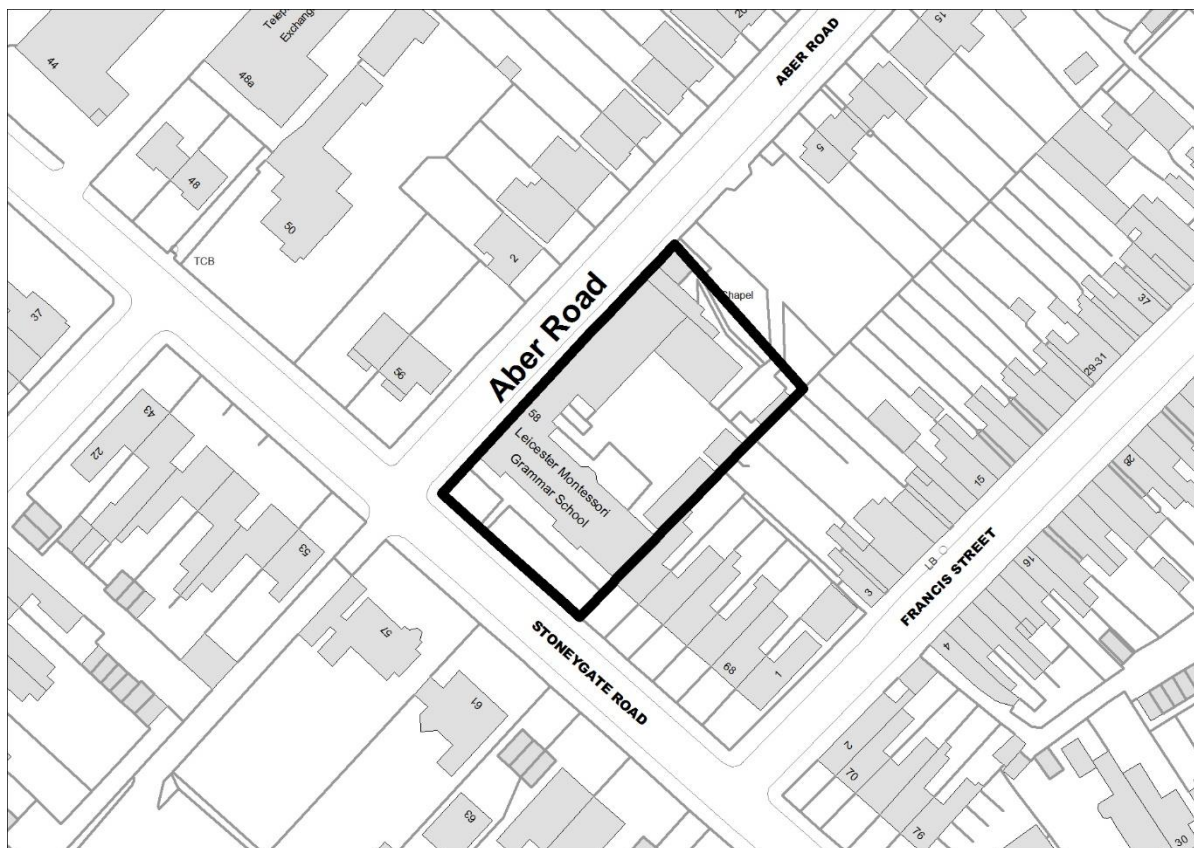


COMMITTEE REPORT

20201190	58 Stoneygate Road	
Proposal:	Change of use of school (Class D1) to 15 flats (Class C3) (1x 3bed, 13x 2bed, 1x1bed); part demolition of building; insertion of roof windows; associated works. (Amended plans and information received) (Section 106 Agreement)	
Applicant:	Mr Kieran Dayah	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	7 December 2020	
JL	TEAM: PM	WARD: Knighton

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Summary

- The application is brought to committee as more than 6 objections have been received
- Objections from 19 separate addresses have been received on the grounds of parking, highway safety, impact on trees, living environment, heritage considerations and affordable housing

- Representations of support have also been received from 13 separate addresses
- Main issues for consideration are principle of use, heritage (impact on Conservation Area and Listed Building), highways (including parking), living environment and affordable housing
- Application recommended for approval

The Site

The application relates to the site of the former Montessori Grammar School, now closed, that is situated on the north-east side of Stoneygate Road. The site is located within the Stoneygate Conservation Area and is in a Critical Drainage Area. The site is defined on the Local Plan proposal map as a 'residential' area.

The site comprises a part three, part single storey 'L' shaped building with some single storey buildings within the grounds. The site is bound with metal rail fencing with hedge behind along Stoneygate Road extending around into Aber Road and a 2-metre-high brick wall along Aber Road.

There is a large area of hardstanding to the rear of the site which is accessed off Aber Road. This area is located on a lower level as the land slopes downwards to the north of the site. It is proposed that this area is to be separated from the application site and therefore is not included in the red line of the application.

To the east of the site is the Allandale Road/Francis Street local centre. There are on street parking restrictions along Stoneygate Road, but no parking restrictions along Aber Road.

After this application was submitted, an independent application was made to Historic England to list the building. The property was subsequently designated as Grade II Listed on 13th January 2021, due to the architectural and historical interest of the site. The building and boundary walls are included in the description of the listing.

Background

There is a lot of planning history for the site which relates to the previous school use and tree works applications. The most relevant applications are reference 20172432 and 20180611.

Application 20172432 sought the change of use of part of ground floor and all of the first and second floors from a school (Class D1) to house in multiple occupation (23 bedroom) (Sui Generis). This was withdrawn on 31/01/2018.

Application 20180611 sought the change of use from a school (Class D1) to house in multiple occupation (35 bedrooms) (Sui Generis); new gates to car park; alterations to car park layout; construction of ramps, steps and retaining walls; replacement of garage doors with roller shutters; (amended plans received 03/08/2018 & amended supporting information received 08/02/2019). This application was refused by your committee on 13th March 2019 for the following reason:

The proposal would result in a poor standard of living accommodation offering poor amenity for occupants by reason of the scale (including numbers of occupants), the interconnected nature of the accommodation, the size of and poor light and outlook for bedrooms. As such the proposal is contrary to Policy PS 10 of the City of Leicester Local Plan.

The Proposal

The proposed development is to change the use of the building from a school (Class F1 – previously Class D1) to 15 flats (Class C3). It is proposed that the development would create 1x 3bed, 13x 2bed and 1x1bed flats. The proposal would require some demolition and alteration to the building, including internal alterations.

The flat sizes proposed are:

- Flat 1 – 2 bed, 137 sqm, separate access, ground floor.
- Flat 2 – 2 bed, 82 sqm, shared access with flat 3, ground floor.
- Flat 3 – 2 bed, 74 sqm, shared access with flat 2, ground floor.
- Flat 4 – 1 bed, 53 sqm, separate access, ground floor.
- Flat 5 – 2 bed, 81 sqm, separate entrance, spread over 2 floors.
- Flat 6 – 3 bed, 121 sqm, separate entrance, spread over 2 floors.
- Flat 7 – 2 bed, 111 sqm, separate entrance, spread over 2 floors.
- Flat 8 – 2 bed, 80 sqm, separate entrance, spread over 2 floors.
- Flat 9 – 2 bed, 85 sqm, separate entrance, spread over 2 floors.
- Flat 10 – 2 bed, 114 sqm, shared entrance, first floor.
- Flat 11 – 2 bed, 83 sqm, shared entrance, first floor.
- Flat 12 – 2 bed, 78 sqm, shared entrance, first floor.
- Flat 13 – 2 bed, 114 sqm, shared entrance, second floor.
- Flat 14 – 2 bed, 78 sqm, shared entrance, second floor.
- Flat 15 – 2 bed, 83 sqm, shared entrance, second floor.

It is proposed that an existing science block and covered area, and garage will be demolished. The demolition of the garage will require a minor rebuild to the main building at ground floor (bedroom 1, flat 8).

The application has been amended to remove a previously proposed two storey extension to the front of the property. The amendments also reduced the number of flats proposed from 17 to 15. Additional information was submitted, including heritage statement, photographs, updated plans and schedule of works, following the listing of the building.

Any works to the listed building would need a listed building consent application, which has not yet been submitted. The applicant and agent are aware of this requirement.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

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

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

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

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

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

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

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

Paragraph 104 states that transport issues should be considered from the earliest stages of development proposals, so that

a) the potential impacts of development on transport networks can be addressed;

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

Paragraph 105 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 112 states that taking into account paragraph 109, applications for development should:

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

Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124 states that planning decisions should support development that makes efficient use of land, taking into account:

- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to

promote sustainable travel modes that limit future car use;

- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

At paragraph 130, the NPPF states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 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 guidance and supplementary planning documents. 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 135 states that Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage

the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Paragraph 157 states that when determining planning applications, Local Planning Authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 168 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by:

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

Paragraph 185 states that decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

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

Paragraph 187 states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and

facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

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

Paragraph 199 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 202 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 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Development Plan policies

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

Most relevant Core strategy policies are CS03, CS06, CS08, CS18 and Local plan policies are PS10, UD06, AM12 and H07.

Supplementary Planning Documents (SPD)

Residential Amenity SPD (adopted 2008)
Climate Change SPD (January 2011)
Green Space SPD (July 2013)

Other Guidance

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

National Design Guide (MHCLG)

Leicester City Council Waste Management guidance notes for residential properties.

Stoneygate Conservation Area Character Appraisal (2015)

Other legal or policy context

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed building or their setting or any features of special architectural or historic interest which they possess.

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

Consultations

- Better Buildings – Requested more information to consider the feasibility and viability of a communal heating and hot water system based on heat pump technology, as a potentially more energy efficient and lower carbon alternative to the proposed electric panel heaters currently proposed, and to consider energy efficient controls on the lighting in shared areas of the development.
- Highways - The proposed development is likely to generate trip numbers similar to those of the site's current / former use. As such the proposal would raise no traffic concerns. The earlier proposals submitted did raise a number of other issues that needed to be addressed.

The layout drawing shows 18 car parking spaces, as in the previous layout. For the proposed flat configuration, the Council's normal requirement for parking spaces in this zone would be calculated at 29. Where in cases of building conversions this cannot reasonably be achieved the Local Plan parking standards do allow some relaxation in numbers, especially where sustainable transport alternatives are good and there are reasonable opportunities to park on street. On balance therefore, this level of off-street parking appears to be tolerable.

The existing Aber Road courtyard entrance is to be retained as it serves a part of the site to be sold. The proposed development is to be accessed by modifying the existing garage access to form a separate site access. The Leicester Street Design Guide (LSDG) requires the access to be a minimum width of 6m where it serves more than 5 dwellings, as is the case here. This width should be maintained over at least the first 5m of its length measured from the highway boundary. The applicant has revised their original layout to meet this, with the exception that the gateway width is only 5.5m wide. This is not ideal but is nevertheless unlikely to cause safety concerns in this instance.

It is therefore acceptable.

The car parking spaces on the revised layout drawings appear to have been increased in size to 2.4m x 5.5m with aisles of 6m as previously recommended.

The layout drawing indicates two cycle stores with a revised combined storage capacity of 34 bikes, which nonetheless still exceeds the Council's standard requirement of 33 spaces (based on 1 per 2 bed spaces for residents plus 1 per 20 bed spaces for visitors). The revised arrangements have overcome earlier concerns regarding accessibility and now allows for independent access by individual owners. This is therefore now acceptable.

Refuse management and collection appears to be relatively straightforward from the perspective of the highway authority, and the bins are to be located to be acceptable for public collection purposes.

Recommend that new residents be issued with Travel Packs providing sustainable travel advice. Advice on the content of these can be provided and the details can be approved before any occupation. No objection subject to conditions covering alterations to footway crossing, cycle parking provision, travel packs and parking area to be surfaced and marked out.

- Historic England - On the basis of the information available to date, do not wish to offer any comments.
- LLFA – No objection subject to conditions relation to SuDS and drainage.
- Noise Control Officer – No objection subject to working hours condition.
- Parks and Green Spaces – The proposed residential development, within the Knighton ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are severely limited and therefore we will be looking to make quality improvements to existing green space provision to minimise the impact of this development. Based on the formula from the Green Space SPD a contribution of £22,819.00 is required in response to this application. The contribution will be used for landscape and access improvements at Highway Road Spinney.
- Private Sector Housing – The layout of the flats are satisfactory.
- Tree Officer - No major issues with the proposal other than the two birch to the rear, these have now been included in the report for retention, however they were severely pruned in contravention some time ago and it was understood that these were to be replaced with new planting 2 x 14-16cm extra heavy standard Betula.
- Waste Management - The development requires sufficient space for the storage of refuse bins and recycling bins to accommodate a capacity of 2231.25 litres for refuse and 1275 litres for recycling: e.g. 3x 1100 litre refuse bin and 2x

1100 litre recycling bin. The proposal shows a bin storage area which would be large enough to accommodate the number of bins stated.

Representations

- Conservation Advisory Panel - The revisions introduced to the scheme were welcomed, in particular the retention of the existing timber windows, removal of the proposed upward extension and installation of a stylised metal gate to Aber Road. The members requested that further information regarding materiality and additional services (vents and pipework) is submitted for consideration. Subject to these details being appropriate, the members had no objections to the scheme as currently proposed.

Objections were received from 19 households, 1 comment and 13 representations in support. Many of the objections received were prior to the building being listed and some make reference to the original proposal, which included an extension to the front of the property. A re-consultation exercise was carried out following the listing of the building and receipt of amended plans and information.

Objections:

Living Conditions/ Impact on Neighbours

- Small room sizes.
- Poor quality of light.
- Concerns that the extension will block out light to neighbours. (*Extension now removed from proposal*).
- How would the development minimise noise/ traffic pollution.
- Overlooking/ loss of privacy.
- Concerns about layout and density of the building.
- Although not a HMO, still serious overcrowding with potential for social problems.
- Overlooking, which was not previously an issue when building was a school.
- Number of units needs to be reduced/ reconfigured to ensure that everyone has sufficient natural light.
- Increase in noise pollution.
- Over development of site.
- Overlooking from Aber Road elevation and no provision for privacy.

Outdoor space/ Trees

- Not much access to outside green space
- Trees should not be removed and hedge and railings should remain.
- Green area to the front is small and not very private. Also not easily accessible by residents to the rear.
- Greenspace is important for wellbeing, especially during covid.
- Playground could be retained and provide landscaped communal gardens.
- Tree report does not mention the courtyard.
- Assume tree would need to be felled to create access. Strongly object to any felling. Trees important to conservation area and wildlife.

- Tree survey appears to be compiled prior to revision. (*Amended tree survey has been submitted*).
- Too many trees have been lost in the area to development. Mature trees cannot be replaced.
- Hope garden frontage is retained in keeping with Victorian character.
- Trees are a haven for wildlife.
- Considerably enhance the development if the courtyard was used for green space.
- If the former playground was included in the development, there would be no need to demolish the former science block or garage.
- Inadequate report to justify removal of the mature trees in the conservation area.
- Revision makes no substantial change to the amount of greenspace proposed.
- Removal of trees damaging to birds and general biodiversity.
- Using playground would result in no need to create new entrance or demolish any original buildings on site.
- Decorative timber fence is wholly inappropriate – picture shows basic wooden fence. Wrought iron railings would be more appropriate.
- Calling parking area amenity space is not appropriate. Proper amenity space is vital – especially for post-pandemic development. This could be avoided by reducing number of flats proposed and not selling off land.
- Brick to NE boundary more appropriate than fencing.

Highways

- Does not appear to be enough or large enough parking spaces.
- No residents parking scheme in the area.
- If the playground were to be retained, this could provide sufficient parking.
- No provision for electric vehicle charging points.
- Majority of outdoor space is for parking.
- No more capacity for on street parking and new entrance will decrease on street capacity.
- Transport statement speed survey does not give a true picture of traffic on site (held on Monday afternoon in January).
- Statements about school traffic incorrect.
- School traffic problems – drove into playground to drop off and caused issues on Aber Road.
- Staff parked on the road, not in the playground.
- More highways data is required.
- Parking provision does not adhere to national and local standards and does not take into account pre-application advice.
- Traffic data is out of date (2011).
- Nearest bus stop is over 250m away.
- Parking/ traffic will be worse than school as extra traffic could be predicted at certain times of day.
- Inadequate parking/ loading/ turning.
- Parking admitted being below standard but there is adjacent land owned by the applicant that can be used.

- Many properties on Stoneygate Road are in multiple occupancy or without garages, which demand on street parking.
- Increase traffic resulting in increased pollution, noise and anti-social behaviour.
- Revised plan does not include any additional parking spaces.
- Aber Road is used as a cut through and parking for Allandale shops and commuters in the city.
- Car ownership in area is more than 1 per property.
- Bike shed does not answer car parking problem.
- Proposed driveway is too narrow for 2 cars to pass, meaning cars will be waiting queuing to get in, causing congestion.
- Applicant has not shown scheme would not increase congestion.

Design/ Heritage

- Concern about the design of the flat roof in the conservation area – should be pitched or different materials. (*This has now been removed from the proposal*).
- New Aber Road entrance should reflect the conservation area.
- Proposed extension and tree removal would impact the character of the conservation area and contravene conservation area guidelines.
- Retaining playground for sale as a separate development site is not comprehensive development. Appears to be an attempt to exploit the site for further development. The whole site should be looked at this stage as one, with one entrance and proper visibility splays.
- No appraisal of building's heritage significance. (Updated heritage statement submitted after listing).
- Heritage statement consistently understates the buildings significance and quality of design. (Updated heritage statement submitted after listing).
- Two storey extension – harmful to historic asset – fundamentally change spatial relationship between the home and adjacent terrace. A different design would reduce this harm. (Extension removed from proposal).
- Physical alterations to Aber Road appear sympathetic but there are some potentially damaging heritage impacts not detailed: window design, water and soil pipes and boiler flues.
- While water consumption is discussed in detail, energy consumption for heating is not.
- Boiler/ heating information is unclear. Is central heating proposed? Will additional thermal insulation be installed? Would like thermal performance considered more holistically. Want more details on soundproofing between flats. (This information was provided following the revision to the application).
- Alterations substantially impact the integrity of the original building.
- Detrimental change to the exterior by installing UPV windows and flues in every apartment.
- As gas boilers are due to be phased out, would be more sustainable to install a more environmentally heating system.
- Still substantial changes proposed to original roofs and elevations – skylights and extension. Loses the distinctive nature of the original function and design.
- Internal fireplaces should not be removed.

- Concerned about damage to fabric due to plumbing and services.
- Pleased to see electric heating and not gas central heating.
- Note original windows retained and renovated and secondary glazing to be installed. Might be less costly and more sustainable to replace like for like, but modern, efficient double glazed.
- Fact property and boundary walls are now grade II listed make plans inappropriate.
- Following listing application impinge negatively on the boundary walls and historic nature of the building. Hope interior alterations respect the listed status.
- Skylights and dormers would be very visible from the street and impair the character of the steep, sheltering roof which is a major and historic feature of the Listed Building.
- Services should be sited carefully and designed to not intrude.
- Internal features should be preserved.
- Do not understand how boundaries can be changed if protected site.
- Separation of the car park reduces the character of the plot.
- Secondary glazing system (with central horizontal bar) would detract from the appearance of the retained timber sashes that do not have a central glazing bar.
- Concerned that the East perimeter wall would be lost due to site division.
- Suggest way of retaining East wall would be to build housing inside (with shared access through the same entrance gate as the 15 flats).

Other Issues

- Concern about party wall and any plans for demolition. (*Not a material consideration*).
- Note affordable housing providers are not interested in taking on the flats. Concerned there is no affordable housing proposed.
- No consideration for school space requirements the development may generate.
- Inappropriate type of development for location.
- Support change of use to allow to bring building back into use and recognise the great improvement on previous applications.
- Lack of clarity around potential purchasers/ owners and affordability. (*Potential ownership/ occupation not a material consideration*).
- Lack of consultation/ presentation for local residents.
- How would building be covid safe/ allow for self-isolation.
- Regrettable planning regulations allow units so small.
- Affordable housing should not mean low quality housing.
- Layout should be re-designed with fewer flats and at a larger size due to lack of affordable housing provider.
- Welcome attempt to breathe new life into the building and apartments would provide a sustainable long term future.
- Welcome reduction of number of flats to 15.
- No attempt to comply with inclusive access and design standards.
- Room layouts fail to indicate compliance with building regs part M.

- Door widths are too narrow for wheelchair access and there is insufficient turning space.
- Insufficient worktop space in kitchens.
- Wheelchair turning not shown on plans taking into account furniture.
- Most lounge/ living areas have inadequate space for dining.
- Fails to satisfy growing needs of young families and elderly residents.

Comment:

- Glad to hear building granted grade II listing.

In Support:

Highways

- More than sufficient parking.
- Traffic will be better than when the building was used by 250 pupils.
- No issue with access.
- Parking patterns have changed.
- Access seems well designed.
- Needing more parking shows backward thinking.
- Should be promoting cycling

Reuse of building/ Heritage

- Make use of currently unused building.
- Keeping original appearance helps keep the authentic appearance.
- Proposed visual changes are minimal and don't detract from character or history of building – revitalise building.
- Minimal disruption to building.
- Keeping building vacant is counterproductive to the area and preservation of its condition.
- Listed status gives even more importance in supporting bringing building back into use.
- Sensitive and balance proposal.
- Keen to see old school put to better use.
- Note change from fence to metal railings at rear and support this.
- Conserve building for years to come.

New Housing

- Significant need for new housing.
- Council must support schemes that bring new high quality accommodation especially when there is a shortage of accommodation
- Bringing new accommodation to large unused site in heart of Stoneygate.
- Area would greatly benefit from additional houses and flats.
- Attention to detail and commitment to sustainable living is long sought after in the area.
- Offers young professionals and downsizers vastly more opportunities for living.

- Hopefully attract younger generation to currently upmarket and priced out area of Leicester
- Housing requirements continue to grow.

Living Conditions

- Flats are generous dimensions and aimed to be high quality.
- More spacious and accommodating than some flats recently approved in the city centre.
- See flats in other areas with far less on site and off site green space options, such as in the city centre.

Other

- Fits in well with the area – positive change.
- Fantastic public infrastructure. Can walk, cycle and site is near to town.
- Close to parks and open spaces.
- Better than HMO proposal.
- Great for local businesses and the community (new local residents).
- Bring vibrance and new residents to area.
- Far better than HMO, which was strongly objected to by residents.
- Great location.
- Building has been empty or long enough – brining value of area down.
- Objections do not reflect the needs of the area and community.
- Would request some brickwork is repaired.

Consideration

The main issues in this case are: the principle of the proposal; residential amenity of neighbours; residential quality; character and appearance of the Conservation Area and Listed Building and character of the local area; parking and highway safety; and trees.

Principle of development

Policy CS06 of the Core Strategy (2014) sets out the housing strategy for the city. In relation to conversions, it states that:

“Careful consideration will be given to conversions...to ensure there is no adverse impact on the character of the area or the maintenance of mixed communities. In particular, the conversion of existing large houses will be resisted where it would still be appropriate for family use and meet an identified demand for this type of accommodation. Specific considerations will be property size and location, including amount of the amount of private amenity space and parking provision”.

The policy further advises that *“the impact on flat conversions on the special character of the area, as identified in Character Statement, will be a material consideration”.*

The building is located in an area which is predominately residential. Whilst the proposal would result in the loss of an educational facility, it is noted that the building has been closed since 2014. It is considered that the principle of the building for use for residential occupation is acceptable.

The proposal would make a contribution to the City Council's 5-year housing land supply.

Design

Much of the alterations proposed are internal and have been considered acceptable, due to the listed status of the application. The only significant external alterations include the demolition of a garage and science block/ covered area and minor rebuilt/ extension where the garage block is currently attached to the main building, erection of railings and access gate, landscaping and bike/ bin storage facilities.

The proposed extension is single storey only and will project 0.6m from the building and have a width of 4m. It is proposed that this extension will be constructed of reclaimed materials following the demolition of buildings on site. It is considered that this minor extension is acceptable and not harmful to the character and appearance of the building or amenity of any neighbouring occupiers. Other alterations have been considered in the Heritage Assets section. It is considered that the proposed development is in accordance with the NPPF and policy CS03 of the Core Strategy.

Heritage Assets

The site is located within the Stoneygate Conservation Area and the building and boundary walls was given grade II listed status during the consideration period of the application.

The complex was constructed in 1881 to the designs of W Beaumont Smith, most recently in use as the Leicester Montessori Grammar School. It occupies a prominent corner within the Conservation Area and is one of the most prominent buildings along Stoneygate Road. It is of high architectural interest with an elaborate frontage, punctuated by timber sash windows, with two gabled projections and a moulded pointed entryway to centre. Complimentary brick boundary walls with blue brick decoration and clay copings define its curtilage along Aber Road, with railings complimented by hedges to Stoneygate Road. A heritage statement identifies the designated status of the building and its location within the Stoneygate Conservation Area.

The outbuildings scheduled for partial / total demolition are of limited historic and architectural interest, with portions in poor condition.

The science block has been added into the building around mid to late 20th century. Whilst portions of the outbuilding at the north end of the complex are historic, early additions to the building, negligible internal architectural features survive. The existing surround, which is of historic and architectural interest, will be retained and relocated to the new outrigger proposed, with the dentilled cornice replicated.

There are no alterations proposed to the primary south (front) elevation. The application also proposes to retain most of the existing windows, to be repaired where necessary.

New windows and doors are introduced to north, east and west elevation. Most will be set in existing openings. Whilst these alterations are not objected to, joinery details need to be conditioned. Further details of the new openings to the west elevation and new doors to south (courtyard) elevations should be conditioned.

The introduction of rooflights is acceptable, subject to them being conservation grade quality.

Where the rooflights are removed (east courtyard roof slope), all damage needs to be made good with reclaimed slates. The use of reclaimed / existing materials to construct the proposed new outrigger to north is supported. This will have a lesser impact externally and internally.

Whilst the part demolition of the brick wall / garage and the introduction of stylized metal gates and railings is not objected to (preserving the public vs. private definition), I have some concerns over the proposed sliding gate. Design details have been covered by a pre-commencement condition.

A Listed Building Consent application (LBC) for the necessary works has not yet been submitted. The applicant has been advised that this needs to be submitted and approved before the start of any material alterations to the building under consideration. Internal alterations to the existing Grade II Listed asset will be dealt with as part of the LBC for the building. This can also be included as a note to applicant in any decision for this application.

Whilst it will constitute some loss of historic fabric externally and internally, the harm to the Grade II Listed asset would be less than substantial, outweighed by the public benefit of the development. It is proposed that conditions should be included in any decision to cover joinery details for windows and doors, cross section detailed drawings for new windows and doors, use of reclaimed materials, details of external details such as railings and rainwater goods and vents and flues.

It is considered that the proposed development would result in less than substantial harm and is considered acceptable in heritage terms, taking into account the NPPF and policy CS18 of the Core Strategy.

Living conditions

The Local Plan policy H07 relates to self-contained flats and includes a number of criteria to assess proposed living environment. These relate to the location of the site; unacceptable loss of alternative uses; loss of family accommodation; creation of a satisfactory living environment; arrangement for general facilities; provision of open space; effect of the development on the general character of the surrounding area and; proposed or potential changes to the appearance of buildings and their settings.

Although not adopted in policy, all flats except for flats 12 and 14 have a floor area which do not meet the Nationally Described Space Standards (NDSS) that would require 79 sqm. Flats 12 and 14 are both 1sqm under the requirements. Although slightly under, this is not a significant amount under and the NDSS has not yet been adopted by Leicester City Council. It is considered that the size of the flats proposed

are acceptable. It is considered that the size of the rooms inside the flats are also of a sufficient size.

First floor bedrooms to flats 5-9 will only have a roof window to provide light to the room. Whilst this is not ideal as it does not provide a generous outlook, this is not the only bedroom for the corresponding flat. Due to the listing and design of the building, it would not be appropriate to install a dormer window in the roof, as had been previously proposed at the time of the original submission. Given that these flats will have a bedroom (and living areas) to the ground floor that would have outward facing windows providing adequate outlook, it is considered that the use of the roof windows to the bedrooms is acceptable.

Objectors had raised concerns in relation to the light the flats would have. It is considered that the flats have sufficient windows to provide sufficient natural light.

The proposed development provides an area of amenity space to the front of the building, to which all residents have direct access from within the site, and areas of grass and planting in the courtyard area. It is regrettable that there is limited amenity space on the site, however the site constraints make it difficult to provide any further amenity space. The existing car park to the rear of the site does not form part of the application site and therefore it is not proposed for use in conjunction with this development. Due to the shortfall in amenity space proposed, a financial contribution is sought from Parks and Green Spaces.

To the front of the site, it is proposed that the existing railings and hedge will be retained, which will help to provide some privacy to the residents using this amenity area.

It is considered that the proposed development would provide adequate living conditions for the proposed residents and is in accordance with the NPPF and policy CS03 of the Core Strategy.

Residential amenity

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

The proposed development would result in the building being brought back into use after a period of closure. The previous use of the site as a school meant that noise from the site was largely limited to school hours and during the school term. The proposed use would result in the site being occupied at all times. However, any noise from the proposed use is likely to be compatible to that from other neighbouring residential properties. The school use would have had a significantly greater number of pupils on site, using the external areas as a playground, which would have resulted in a far greater amount of noise and disturbance of local residents. I consider the amount of noise from the proposed use would not be significantly harmful to the amenity of local residents.

Concerns have been raised by neighbouring residents in relation to overlooking from the Aber Road elevation of the building. There would have previously been some element of overlooking from the building to these properties when the property had been used as a school. The properties affected over the road would have the same relationship as many other properties facing on the street with a short frontage. It is considered that the relationship between properties and potential for overlooking is acceptable and would not warrant the refusal of the application.

A condition has been recommended by the Noise Officer to protect the amenity of residents during the construction phase by restricting working hours on site. No concerns were raised about the operational phase of the development.

It is considered that the development would accord with policy PS10 of the Local Plan and the NPPF.

Waste storage and collection

Bin storage is proposed to the rear of the site, near to the gated entrance. It is proposed that this location is appropriate and that a sufficient amount of bin storage is proposed. It is proposed that this will be in a timber store, which is acceptable and will be secured by condition to ensure that it is provided.

Highways and Parking

The site is located approximately 2 miles from the city centre in a predominately residential location. It is proposed that vehicular access to the site will be from Aber Road. It is not considered that the proposed use would result in a level of traffic that would be higher than the previous use as a school. The LHA have confirmed that the amount of car parking proposed (18 spaces) and access are acceptable for the development. Concerns had been raised in the representations received that the information submitted with the application was out of date or incorrect, however the information submitted with the application has been accepted by the LHA.

It is proposed that cycle parking for 34 cycles will be provided on site. The amount and type of cycle storage proposed is considered acceptable and is to be conditioned to ensure that the cycle storage is provided.

The LHA have also recommended that all residents are provided with a travel pack, to encourage more sustainable modes of travel.

It is considered that the proposed development is acceptable in terms of highway safety and in accordance with the NPPF and the Core Strategy.

Sustainable Energy

As the building is grade II listed, it is exempt from compliance with building regulations in relation to energy efficiency where any compliance would unacceptably alter the character or appearance of the building. It is proposed that heating and power will be electric and no gas heating is proposed.

Drainage

The site is not within a flood risk area but falls within the Critical Drainage Area. However, the proposal would not result in any significant change in the impermeable area of the site or lead to significant flooding or surface drainage issues. Plans indicate that permeable surfacing will be laid, with rainwater harvesting tanks installed. It is not considered the proposal would conflict with Policy CS02 of the Core Strategy. Pre-commencement conditions for SuDS and drainage are recommended.

Nature conservation/Trees/landscaping

The site is comprised of buildings and hard standing with a number of semi-mature trees and small areas of amenity grassland along the Stoneygate Road aspect. The site is generally poorly connected to existing ecological networks within the city, however it is noted how street trees provide a valuable collective resource for wildlife within this part of Leicester. Structural alterations to the building, including partial demolition works and loft conversions are associated with the development, therefore the applicant was historically instructed by the LPA to conduct relevant protected species surveys for bats and birds for the site.

The combined Preliminary Bat Roost Assessment / Bat Presence Absence Survey report (Lawrence Armstrong, June 2020) is satisfactory and the findings/recommendations are accepted, no further surveys are required.

Mitigation measures should be carried out in accordance with the Recommendations section of the (Lawrence Armstrong, June 2020) ecological report, Paragraph 7 – Page 13. These include:

- Mitigation measures to avoid potential impacts on breeding birds during demolition and construction and the impact of lighting on bats post development.
- Installation of 4 x Bird boxes suitable for small garden nesting birds and/or Swifts should be provided within the built design or be hung from trees within the site.
- Installation of 4 x Bat boxes/bricks/tiles should be provided within the built design as a bat box/tile attached to the building or incorporated within it.

In accordance with Paragraph 179 and 180 of NPPF (2021), the Local Planning Authority would find the proposed development acceptable if opportunities for securing measurable net gains for biodiversity are identified and pursued. The Biodiversity Net Gain requirement is for habitat provision and not merely installation of boxes as wildlife will require areas of forage as well as where to nest and roost.

It is considered that conditions in relation to bird/bat boxes/tiles and a repeat ecology survey (if works not carried out by June 2022), are appropriate for the application.

Some details have been provided in relation to landscaping. It is proposed that the boundary to the rear of the site will be black metal railings and the rest as existing. It is considered that the boundary treatments are acceptable. It is proposed that the site will be tarmac and block paved, with some areas of grass and planting. The grassed area to the front of the building will be retained. A landscaping condition will be included to ensure that full specifications of planting proposed is provided.

A tree survey has been submitted as part of this application. It is proposed that T8 (Lime tree to Aber Road) will be removed to facilitate the access. It has been identified

that this tree is in a poor condition and due to its location close to the building, could cause structural damage to the building. The trees to the front of the building will not be affected by the proposed development and will be retained. The Tree Officer has raised no objection to the proposed development. The Local Planning Authority (LPA) are aware that there had been some unauthorised works carried out to the two trees located within the courtyard area. Therefore, a condition to ensure that appropriate replacement trees are provided is recommended.

It has been brought to the LPA's attention that there is Japanese Knotweed on the site. The applicant has been made aware of this issue and details of a management plan and contract to deal with this have been submitted to the LPA. It is proposed that the works to remove the Japanese Knotweed will commence in September/ October 2021.

Developer Contributions

For a development generating 15 dwellings or more, core strategy policy CS07 would require 30% of the dwellings to be provided on site to be affordable housing. An affordable housing statement has been submitted with the application, stating that 5 registered housing providers (RPs) who operate in the area have been contacted. Emails to support this statement have been provided to the LPA, which demonstrate that there was no appetite for registered providers to take on and manage dwellings within this development. The Council's Housing Department has also confirmed that acquiring 5 leasehold flats within a privately owned listed building with service charges is not an attractive option, due to similar issues raised by the RPs. The proposal is for just 15 dwellings, and the proposed development would bring back into use a listed building in the conservation area which has been standing empty for a number of years, it is considered that it would be unreasonable to refuse this application due to the lack of provision of affordable housing in this instance. The benefits of the reuse of the building and the provision of housing to contributing to meeting housing targets is recognised.

Section 106 agreement

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

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

A draft Heads of Terms for a section 106 agreement was submitted with the application, which confirmed agreement for a off-site contribution to parks and greenspaces.

A financial contribution of £22,819 for Parks and Green Spaces is sought for the proposed development. It is proposed that this contribution will be for improvements to landscaping and access at Highway Road Spinney.

Other matters

Some of the objections have raised concerns in relation to potential for antisocial behaviour. This is not a substantively material consideration in relation to a proposed conversion to flats.

Concerns raised over the party wall act and compliance with building regulations are not material considerations and are covered by other legislation.

A number of objections had raised issue with the rear car park being separated from the site and sold off. As the listing includes the boundary walls, this area is still covered by the grade II listing.

Should the application be approved, a separate LBC would need to be submitted before any works to the building or boundary walls could be carried out. The applicant is aware of this requirement and has been advised to submit the application, however this has not been done to date.

Conclusion

The proposed development would bring back into use a vacant listed building located within the conservation area, which would require only minor alterations to the fabric of the building. It is considered that the proposed development would not have a detrimental impact on the amenity of neighbouring occupiers, highway safety and flood risk. It is considered that the living conditions for the prospective occupiers are acceptable. It is considered that the proposal would not be harmful to the character and appearance of the listed building, street scene or wider conservation area.

The proposal would provide additional housing within the City making a contribution to the City Council's 5-year housing land supply and would accord with the NPPF 2021, Core Strategy and the Local Plan.

I therefore recommend APPROVAL subject to the following conditions and the SIGNING OF A SECTION 106 AGREEMENT to secure the agreed financial contribution to parks and gardens:

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. No part of the development shall be occupied until the footway crossing(s) has/have been altered in accordance with guidance in the Leicester Street Design Guide. (To achieve satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
3. No part of the development shall be occupied until secure and covered cycle parking has been provided, in accordance with written details previously approved by the local planning authority. The cycle parking shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan.)

4. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in writing in advance by the local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy.)

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

6. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

7. Prior to the commencement of any development full joinery details including horizontal and vertical cross sections of all window (scale 1:5 / 1:10 as appropriate) and door (inc. fanlights where relevant) (scale 1:10 / 1:15 as appropriate) types shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

8. Prior to the commencement of any development a detailed elevation drawing and a cross-section of the new window openings to west elevation and the new doors to south sectional elevation A-A (scale 1:5 / 1:10 as appropriate), showing all materials to be used, shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

9. The bricks and slates to be used for the external surfaces of the development shall be re-claimed from the partial demolition of the existing outbuildings and wall. If additional brickwork and slates are to be required, this should be made up of suitable reclaimed materials, a sample of which shall be submitted to and approved in writing by the local planning authority in advance of any development taking place and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

10. Prior to the commencement of any development, details of the design and material specifications for railings, rainwater goods, paving and cycle/bin storage shall

be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

11. Prior to the commencement of any development, details of all external vents/extracts/flues/downpipes to be installed onto the listed building shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details. (To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

12. The development shall not commence until details of the type and location of x4 bat bricks/tiles/box and x4 bird bricks/boxes to be incorporated within the elevations of the proposed building have been submitted to and agreed in writing by the City Council as local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the approved details and the use of the installations monitored for a period of two years and the results shall be submitted annually to the local planning authority with the agreed features retained thereafter (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS17 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

13. Should the development not commence within 24 months of the date of the last protected species survey (June 2020), 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 and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated annually and any mitigation measures reviewed by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and Policy CS17 of the Core Strategy.)

14. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. The use shall not commence 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.

15. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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

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

(In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

17. Prior to the commencement of development, a landscaping scheme showing the treatment of all parts of the site, including details of trees and shrubs to be planted, shall be submitted to and approved in writing by the City Council as local planning authority. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

18. Prior to the commencement of development, details of two 14-16cm extra heavy standard Betulas to be planted on site, including a drawing indicating the location of the trees to be planted, shall be submitted to and approved by the local planning authority. The trees shall be planted within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved drawings. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

The development hereby permitted shall be carried out in accordance with the following plans:

9212/9C and 9212/17C, received by the local planning authority on 10 June 2021, 9212/3F and 9212/16D, received by the local planning authority on 6 July 2021, and 9212/5D, 9212/6A, 9212/7F, 9212/8E, 9212/10D, 9212/11D and 9212/12D, received by the local planning authority on 2 August 2021.

(For the avoidance of doubt).

NOTES FOR APPLICANT

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

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

2. 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.

3. With regards to the Travel Pack referred to above, the contents of the pack are intended to raise the awareness and promote sustainable travel, particularly for trips covering local amenities. The applicant can contact highwaysdc@leicester.gov.uk for advice.

4. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

5. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed above unless the City Council Noise and Pollution Control Team is satisfied that

a) the work will not be detrimental to occupiers of neighbouring properties
or

b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

6. Japanese Knotweed is a controlled plant under Schedule 9 (s.14) of the Wildlife & Countryside Act (1981) as amended. It is an offence to plant or otherwise cause the species to grow in the wild. The plant is classed as controlled waste and any parts of the plant should be disposed of in accordance with the Environmental Protection Act (1990).
7. You are advised that this planning permission cannot be implemented unless and until you have received the necessary corresponding Listed Building Consent.

Policies relating to this recommendation

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| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented. |
| 2006_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_CS06 | The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents. |
| 2014_CS07 | New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing. |
| 2014_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 2014_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.