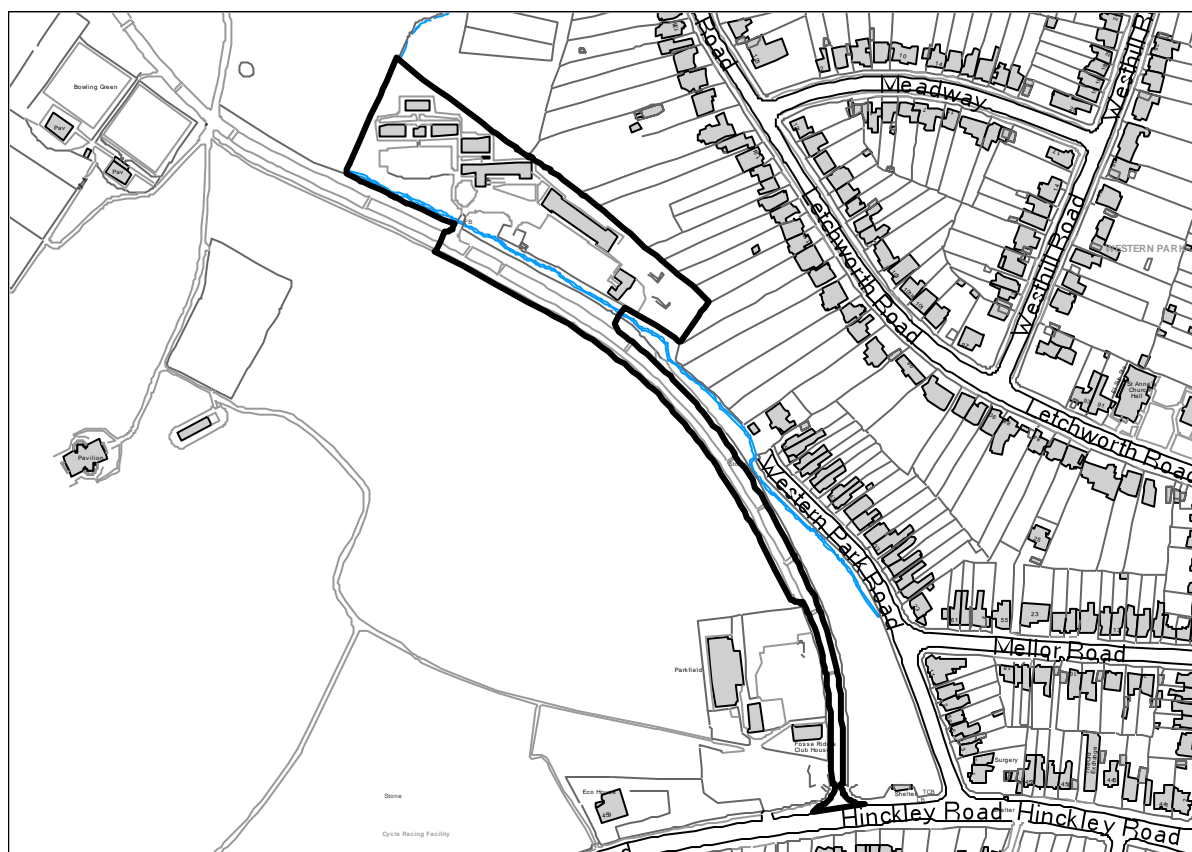


## COMMITTEE REPORT

<b>20202126</b>	<b>Hinckley Road, Western Park Open Air School</b>	
Proposal:	Change of use to office (use class E(g)(i)) and community building with cafe; demolition of two buildings and fire damaged elements; construction of three new elements/extensions; construction of bridge over watercourse; new internal driveway and external lighting (Amended plans 17.03.2022 and 25.03.2022)	
Applicant:	WPOAS Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	30 August 2022	
LL	TEAM: PM	WARD: Western



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### Summary

- This application is to be considered alongside an associated Listed Building Consent (LBC) application ref 20202119 elsewhere on this agenda.

- This application is brought before committee as 8 objections have been received from 7 different City addresses. Objections have also been received to the LBC application and as those objections relate to matters other than just the heritage impact they are reported here.
- The main issues relate to the principle of the use, impact on historic fabric, ecology, public safety and transport.
- The objections relate to vehicle access and car parking, ecology, the principle of the use, pollution, trees and flooding.
- The application is recommended for APPROVAL subject to conditions.

## The Site

The site is within Western Park, about 270m-470m from the main entrance on Hinckley Road. The main driveway into the Park runs along the south-west side of a watercourse, the Western Park Brook, and the application site is on the other bank of the watercourse. The site slopes upwards towards its rear and this topography supports the layout of the buildings, which face either south or southwest. The Open Air School (OAS) was built in about 1930 as a facility for children with respiratory and similar problems, designed to enable children to benefit from fresh air and sunlight. It was used as a school until 2005 and has been closed since then.

The OAS was listed Grade II in 2011.

The entrance to the site is by way of a bridge over the watercourse with gates at the site side. There is a hard-surfaced area suitable for vehicles to park and turn just within the gates.

The site is on a slope and the largest main building, Building 5, the only building of more than one storey, addresses the site entrance. Leading to the right/south-east of this is a long, low building, with Building 6 being the end section which is severely fire damaged. Building 7 is another long, low building, and at the far right of the site is a smaller detached building (Building 8). All of these face onto a grassed area.

To the left of the main building there are ramped paths and steps leading up to the higher levels of the site. Immediately behind the main two-storey building is Building 4, Buildings 2 and 3 are slightly higher and to the left, and Building 1, behind, has been almost completely destroyed by fire. Buildings 1 - 3 were originally constructed as small pairs of classrooms and have large windows facing directly south.

Some of the ramped paths lead up to a flat area in front of Buildings 2 and 3 which appears to have been a playground. Due to being unoccupied for some time, the site is overgrown and has become used by local wildlife.

## Background

Since becoming vacant the buildings on site have deteriorated and suffered from vandalism including arson as recently as May this year. Most recently, part of a tree fell onto one of the fire-damaged sections of the building.

Pre-application discussions took place over a period of about two years prior to this application being submitted.

Comments have been made about possible future development on the Hinckley Road car park. An application for this has been submitted but is not yet valid and does not form part of this assessment.

## **The Proposal**

The proposal is to restore and update the buildings on site in order to bring them back into use as small office units and a café/community room. Two elements of the original build have been fire damaged to the extent that they cannot realistically be restored, and these would be replaced with new buildings. These are Building 1, at the far north-east of the site, and Building 6. Two small structures which were constructed later than the main buildings, as sanitary facilities, would also be demolished.

Buildings 1 to 7 would be rebuilt or restored, fitted with sanitary facilities, and converted to small office units.

Building 8, at the far south-east, would be extended to the rear, restored, and converted to a café/community space.

The ramped path to the former playground would be extended to form a vehicular route, and the former playground would be converted to car parking. Ramps and steps would be altered to provide level access around the site.

An additional bridge would be put in over the watercourse, near to Building 8. This bridge would be for cyclists, pedestrians and wheelchair users only.

As the site would be used for employment purposes it would be necessary to secure a safe route for people going to and from the site mornings and evenings. The driveway is not currently lit, as people do not usually come to the Park during darkness, and lighting would be installed along the driveway.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

Paragraph 2 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

### Paragraph 11 – Presumption in Favour of Sustainable Development

For decision-taking this means:

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

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

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

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

Paragraph 39 – Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Paragraph 81 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

Paragraph 87 – 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.

Paragraph 112 – ... applications for development should prioritise sustainable transport, address the transport needs of people with disabilities and reduced mobility, create safe and secure places, allow for servicing and be designed to enable charging of electric vehicles.

Paragraph 130 – Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive and sympathetic to local character and history, maintain a sense of place, optimise the potential of the site to accommodate a suitable amount and mix of development, create places that are safe inclusive and accessible with a high standard of amenity and where crime and the fear of crime do not undermine the quality of life.

Paragraph 157 – ... development should ... take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 174 – Planning ... should contribute to and enhance the natural and local environment by (inter alia) minimising impacts on and providing net gains for biodiversity

Paragraph 180 – If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

Paragraph 194 – 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 195 – 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 197 – 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 – 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 201 – 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 202 – 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 204 – 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.

### Development Plan policies

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

The most relevant Core strategy policies and Local plan policies are AM01, AM02, CS10, CS17 and CS18.

### Other legal or policy context

Listed Buildings and Conservation Areas Act

## **Consultations**

### Local Highway Authority

The bridge into the site is below the usual minimum width required in the Leicester Street Design Guide (LSDG). Preference would be for this to be widened.

Level of increased trips unlikely to result in severe congestion at the park entrance on Hinckley Road.

Worn out road markings on the park access road should be renewed.

Conditions recommended.

### Lead Local Flood Authority

No objection subject to conditions.

### Pollution Control – Noise

No concerns about this proposal.

### Trees and Woodlands

No objection subject to conditions to ensure that development is carried out in accordance with arboricultural method statement.

## **Representations**

The planning application and the listed building consent application were advertised at the same time, and neighbours have commented under both references.

There have been 8 objections submitted from 7 city addresses specifically for this application, as well as 3 “no objections/support” and seven other comments. Objections submitted to the LBC application, where they relate to relevant planning matters, are also reported here.

### *Objections*

- Demolition of the fire damaged original house should not be necessary.  
Should be rebuilt
- If the school needs demolishing can't the council do it?
- Have enough business parks
- Seems to be a desire to commercialise city parks bringing more unwanted traffic and pollution

- Land was sold off for a pound to the developer, the same developer who worked on housing in Western park and on Winstanley House, is this correct? If so why? (*Officer's note: this is not relevant to the planning consideration of the proposal*)
- Building is within the public domain and has been enjoyed by Leicester citizens for many years.
- Building has been used by various community groups who have benefited from its use
- Should remain part of Leicester's architectural heritage and continue to benefit the lives of the Leicester public
- Council neglected it and allowed it to become private property and is using public money to rectify damage from neglect by owners; comments made about the sale contract, the applicant and the timing of various actions within the contract [*officer's note: these are not planning considerations*]
- Leicester does not need more offices, it needs space for people to be creative and healthy
- Council throwing money at this privately owned building and the owners want to knock it down and build new
- Demolition and rebuilding, presumably with new materials is NOT conservation and is NOT a sustainable practice
- Would be better if National Trust or English Heritage could take it on, may be the only one left in the country
- Like the Corah building, important parts of Leicester's history being sold off for commercial use
- Buildings are regularly targeted by vandals and arsonists, it's a toss up between that and a more busy (less peaceful) and polluted environment
- Planned café could increase litter
- Lack of car parking
- Development should be traffic free
- Can it be disabled and mobility scooter access only
- Proposal would make Western Park a destination point and attract more traffic
- The Avenue was not designed for current volumes of traffic or parking and there are no turning points
- Cars will park on surrounding roads
- Impact of development on local traffic network including bus stops/routes used by school children
- Parking issues at local schools not resolved yet
- Additional cars mean more congestion and pollution harming people and trees

- No mention of electric vehicle charging points
- Travel by foot and bike should be encouraged
- Site is in a dip which traps pollution
- What steps would be taken to minimise pollution levels
- Increased danger from cars where children play and learn to ride bikes
- Park should be limited vehicular access
- Lack of parking for building 8
- Alternative car parking should be looked at, especially as the existing car park is to be developed later
- Extra traffic coupled with planned redevelopment of the EcoHouse and the new homes planned for brownfield site at the park entrance
- Parking should be charged for
- Transport Statement not valid
- Transport Statement underestimates the number of additional journeys and ignores the impact on the park road
- There should be a community consultation
- Against the removal of trees
- Felling of trees negative impact on wildlife
- Proposal could increase flooding due to removal of trees and shrubs
- Light pollution effect on wildlife
- New bridge could affect privacy of residents on Letchworth Road
- Development is contrary to the Leicester City Climate Change Action Plan, guidance and legislation and some of the planning policies
- School site could be levelled to all but a few buildings and the land turned into a community orchard/allotment space for locals
- Developer does not appear to have fully examined other options for the better use of the site

### *Support*

- Support listed buildings being brought back into use if we can make sure that the use does not have a negative impact on the surrounding environment
- Would be nice to see this site made use of again by office staff and the community
- Buildings have been left empty for too long
- Park would benefit from having a café, would encourage more users to the park and give a community atmosphere
- Traffic movement to these premises will be nothing like the amount of traffic using the park at weekends for sporting events



### *Other comments*

- Not clear whether the vehicular access will be limited to the current park opening hours
- Concern about impact of access and lighting on wildlife
- Will further traffic calming measures be added to the access road
- Unclear how the parking will be managed, how will those working in the offices be stopped from using the free parking in the Park
- Support site being brought back into use but only if use does not have a negative impact on the surrounding environment and trees
- How will an increase in traffic be discouraged? How will this differ compared to when the site was still in use as a school?

## **Consideration**

### Principle of development

Although the site is within Western Park, which is allocated as green space, the school site is not itself allocated as parkland or as public open space. It was used as a school until 2005, and was allocated as “Community and Leisure” land in the 2006 Local Plan. That allocation was not saved and so the site currently has no allocation.

Core Strategy policy CS10 supports new small offices (defined as less than 1,000 sq m) in centres, or where they are part of a mixed use scheme. The applicant has stated that the office floorspace would be 1,183 sq m and the café and community building would be 183 sq m.

The site is not in a sequentially preferable location for offices however policy CS18 must also be considered. This policy seeks beneficial uses for listed buildings in order that they can be retained and maintained. The listed building status is significant and office use would enable the retention and restoration of the heritage asset, and the development is a mixed use. The slight exceedance of the 1,000 sq m limit is considered acceptable in the interests of securing a beneficial use for the listed buildings.

### Design and Heritage Assets

The principle of re-use and conversion is strongly supported and will aid the survival and preservation of the listed buildings. The work offers an opportunity to improve the condition.

The loss of a relatively small proportion of the existing asset through demolition, with most such elements being of limited merit and/or in critical condition, is outweighed by the benefits of retention of most of the built heritage on site, including the most well-preserved and architecturally distinguished sections of the complex. On balance the level of demolition as proposed is considered acceptable.

The design of the new sections is contemporary and this is supported. The new Building 1 would be to the same scale as the original and would retain the chimney,

which is the only remaining part of the original building. It would have large south facing windows in keeping with the original character, and a pitched roof with gable ends instead of the hips on Buildings 2 and 3. Generally, the finishes (timber, aluminium, zinc) are considered appropriate in its context.

The details of the work in respect of impact on historic fabric is examined in the associated listed building consent application elsewhere on this agenda.

### Residential amenity

There are existing dwellings on Letchworth Road, which is to the back of the school site, and on Western Park Road which runs along the east side of the park parallel to the park driveway. The fences along the site boundary at the back are of various materials.

There are also existing dwellings in the park itself, in converted historic buildings, about 140m away from the school site. These dwellings are reached further along the park driveway.

The dwellings on Letchworth Road which back onto the application site have large gardens ranging from 55-95m long. The houses are located on higher ground than the application site, in some cases by several metres, and there are trees both on the application site and in the gardens. Taking into account that the nature of the proposed use is not inherently noisy, and given the separation distance and the levels difference, I do not consider that the proposed use of the application site would give rise to any unacceptable impact on residents. There will of course be people within the site, and sometimes the people will be close to the ends of private gardens, but that would be the case whatever use took place on the site.

### Waste storage and collection

Two bin stores are proposed, one for the offices just within the site next to the vehicle bridge over the watercourse, and one for the café also within the site and next to the proposed pedestrian/cycle bridge. Each of the bin stores being next to a bridge would allow bins to be moved to the main driveway for emptying. I consider this acceptable, subject to a condition to secure installation and retention of the bin stores.

The design of the bin stores in terms of external appearance and the associated retaining wall for the larger store needs to be finalised and this is included in a condition. I also recommend a condition for a waste management plan.

Subject to these conditions being satisfactorily addressed I consider the details acceptable.

### Highways and Parking

Access to the development would be via the main park gates, for vehicular traffic other than cycles. Other traffic could use this entrance, or the entrance through the existing car park off Hinckley Road, or other park entrances.

Use of the main park gates is acceptable although it is noted that this means there would be no vehicular access once the main gates are closed. Closure is generally

between 1830 (later in summer) and 0800 (although it is usually open earlier). The applicant or operator of the site would have to manage use of the site, including deliveries and refuse collection, accordingly.

The LHA raised a concern about the use of the bridge over the watercourse. This bridge would only allow one-way traffic meaning that vehicles might have to wait to enter or leave the site. The applicant has proposed an electric gate across the site entrance, which would help to control traffic, but details of the operation of this gate would be required and I recommend that this is included in the site management plan.

As there would be a secondary bridge closer to Building 8, for pedestrians, cyclists and wheelchair users, there would be reduced chance of conflict with these groups using the main bridge. The secondary bridge would not need to be gated (although subject to suitable management it could be) and would be closer to the main park entrance, so would allow access by taking people off the main drive ahead of the proposed vehicle bridge. I recommend a condition to secure details of the pedestrian/cycle bridge, and its installation prior to occupation.

Policy seeks a minimum of three cycle parking spaces for a development this size but also requires that cycling facilities accommodate a minimum of 12% of all journeys to work. The proposal is for over 30 Sheffield stands, which could accommodate up to 60 cycles, in a combination of open and covered areas spread across the site. This exceeds minimum requirements and will also allow for cycle parking for people coming to the café.

Policy seeks a maximum of 30 car parking spaces for the 1,183 sq m of office development. The proposal includes 32 spaces overall, of which four would be accessible. I consider this acceptable.

The café/community room would, according to policy, generate a maximum car parking requirement of 3 spaces, however the facility is likely to serve people who are already in the park and people who are working in the offices. There is car parking on the main drive and in two small car parks, one at the head of the driveway and one off Hinckley Road. Any impacts associated with potential development of the Hinckley Road car park would need to be considered as part of that application, although were it to be developed there would still be car parking available for people visiting the park.

The applicant has had regard to Approved Document S of the Building Regulations, which sets out requirements for electric vehicle charging points. This document, despite being about electric vehicles, appears to concentrate on facilities for cars and does not explicitly mention cycles although cycles are vehicles. The applicant has stated that the development would provide one dedicated electric vehicle charging point and that seven of the 32 parking spaces are proposed to be provided with the cable routes. As there are two car parking areas, and some people such as wheelchair users might not be able to move between the two parking areas, I recommend a condition to secure charging points in each of the two parking areas, including charging points at the accessible spaces.

Objections have been received on the grounds of lack of car parking however as explained above the parking provision is acceptable in terms of policy requirements as related to the proposed development. It would be unreasonable to expect this development to address existing car parking problems in the area.

It should be borne in mind that the site could be restored for use as a school and then re-opened as a school without needing permission for that use. Use as a school would be likely to create significantly larger car parking problems than the proposed use under consideration.

Objections have been received on the grounds of air pollution, however given the level of likely additional car traffic, and the existing levels of car traffic (the existing driveway is long enough for about 100 cars to be parked), this objection cannot be supported.

Objections have been received on the grounds of highway safety, however the LHA has no objection on this ground. The additional traffic on Hinckley Road would not have a significant impact.

It is not clear why objectors are concerned about the safety of people using bus stops. The nearest bus stop inbound is about 80m from the park entrance on the far side of the Western Park Road junction, and the nearest outbound stop is on the opposite of Hinckley Road opposite the main entrance.

I consider that in respect of traffic and public safety and arrangements for access and vehicle parking the proposal is acceptable.

### Drainage

Although there is a watercourse running along the south-west boundary of the site, between it and the main park, the site is not affected by any flood zone constraints. The site slopes downwards towards this watercourse. The site is within a Critical Drainage Area.

The site is in Flood Zone 1, and flood risk is low.

The site is already drained into the watercourse, although the underground elements of the system are damaged in places. It is proposed to repair some sections and generally upgrade the system. Measures such as water butts, permeable paving, permeable resin bound surfacing, and attenuation ponds, are proposed.

Change of use developments are encouraged to achieve a reduction in the current runoff rate with the aim to achieve Greenfield runoff rate of 5l/s/ha, where practically possible. It has been stated that the overall surface water discharge rate into the watercourse will be reduced by a minimum of 30%.

It is proposed to replace the existing headwalls and to use flow control devices to ensure that runoff into the watercourse is kept to a low level.

Some further information is required including the sections of the attenuation ponds, some technical details and the maintenance scheme. I recommend a condition to secure this.

Foul drainage would use the existing system leading to the public sewer in Hinckley Road.

Subject to the conditions being satisfactorily addressed I consider this acceptable.

Neighbours have commented on increased flood risk however there is no increased flood risk, and the upgrading of the surface water drainage system should regulate runoff which would control the risk of surface water flooding.

### Nature conservation/Trees/landscaping

The site comprises significant unlit areas of mature broadleaved woodland, shrubs, smaller areas of amenity grassland and derelict buildings with hardstanding. It is surrounded by mature trees and parkland; Western Park is a Biodiversity Enhancement Site (BES). The site is very well connected to existing ecological networks within the city and is considered to offer substantial nature conservation potential, particularly for bats and birds. The site is ecologically sensitive, and the applicant has provided the necessary ecology reports.

Bats use the park and bat surveys show that there is activity along the driveway and on one of the buildings. The developer will have to apply for a licence from Natural England which will be required before the works could take place lawfully. Building 5 was found to be supporting day roosting for a Brown long-eared bat over one occasion during the 2021 surveys and the same gable of building was found to be in use by Common pipistrelle (2 bats) during one of the two 2019 surveys. As bats are using the roof, there are certain materials that should not be used and I recommend a clause in the Construction Environmental Management Plan (CEMP) condition accordingly.

In order to avoid undue impact on bats along the driveway the lighting will have to be designed carefully. Some information has been provided but it is insufficient so I recommend a condition to secure further details. It is anticipated that the lighting scheme would include times when the lighting is turned off, as it would only be needed during the hours of darkness when people would be coming and going to the site. This means that the lighting might not be needed at all in the summer, and only for a limited period morning and evening.

Surveys have identified badger setts and activity in the area. In order to protect badgers the development has to be kept within the red line boundary and away from the adjoining woodland, but it is not anticipated that there would be any need to extend works beyond the site boundary. There are mitigation measures within the ecology report that should be kept to, and I recommend a condition to secure this.

The majority of existing habitats will be retained on site with low numbers of trees and shrubs proposed for removal. With appropriate replacement planting for lost areas of vegetation achievement of Biodiversity Net Gain should be possible without the requirement for a formal Biodiversity Impact Assessment in this case. The provision of biodiversity features is required to ensure that the development will provide an overall net gain in biodiversity on site and I recommend a condition to secure them.

A Biodiversity Enhancement Plan has been submitted, is acceptable, and I recommend a condition to secure its implementation.

It is proposed to remove several trees (a total of 16) just next to the gate and alongside an existing path in order to facilitate the work, there is no objection to this. The tree removal would be focussed in the locations for the proposed bin store and car park ramp, and at the point where the new footbridge would be installed. As the other works would be to existing buildings there would be no other tree impact, subject to tree protection being used as set out in the Arboricultural Report. A total of 24 replacement trees are proposed.

In order to avoid harm caused to trees along the driveway when the lighting is installed, I recommend a condition to require that these works are carried out in accordance with the National Joint Utilities Group methods.

The proposed landscaping scheme is broadly sympathetic to biodiversity and is supported, however the creation/maintenance of a wildflower meadow is unlikely to be compatible with the use of this area as a SuDS feature. It is recommended that this area be managed as a flowering lawn using a seed mixture that can tolerate regular mowing, with SUDs areas managed appropriately using a wet grassland mix with less frequent cutting.

I recommend conditions to secure further details of the landscaping including the replacement trees, a Construction Environmental Management Plan and a Landscape and Ecology Management Plan. Mitigation is required also for Hedgehogs and birds and to avoid pollution affecting the watercourse. The issue of pollution affecting the watercourse is included in the main Construction Method Statement condition.

### Other matters

Comments have been made about the possible future development on the Hinckley Road car park site. That development is not part of this application, and that and any other proposals would be assessed on their own merits.

## Conclusion

- The proposed development would restore the listed buildings and bring them back into beneficial use
- Access, parking and drainage arrangements are acceptable
- The design of the new build elements is appropriate to the character of the site as a whole
- The proposal complies with local and national policies.

I recommend that this application is APPROVED subject to conditions

## CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (a) vehicle and pedestrian temporary access arrangements;  
the parking of vehicles of site operatives and visitors;
  - (b) the loading and unloading of plant and materials;
  - (c) the storage of plant and materials used in constructing the development;

- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) measures including working hours to minimise the effect of noise on neighbouring occupiers;
- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (i) measures to ensure that flood risk is managed on site during the period of works for personnel, plant and members of the public;
- (j) measures to ensure that flood risk is not increased anywhere outside of the site for the duration of the works;
- (k) measures to ensure that pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident;
- (l) measures to ensure that the structure of any adjacent watercourse is not affected by the proposed development.

(To ensure the satisfactory development of the site, and in accordance with saved policies AM01, PS11 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. Before any development takes place 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 installed in accordance with the approved details and is operational. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:

- (a) full design details including sections of the attenuation features;
- (b) a water quality assessment;
- (c) a timetable for its implementation; and
- (d) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime.

(To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. Before any development takes place (including demolition, ground works and vegetation clearance) a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following details:

- (a) Risk assessment of construction activities with the potential to cause harm to biodiversity;
- (b) identification of "biodiversity protection zones";

(c) measures (both physical and working practices) to avoid or reduce impacts during construction including use of suitable roofing materials to minimise effects on Bats;

(d) the location and timing of sensitive works to avoid harm to biodiversity features;

(e) times during construction when specialist ecologists shall be present on site to oversee works;

(f) responsible persons and lines of communication;

(g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

(h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the construction period.

(In the interests of amenity and biodiversity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).

5. Before any development takes place a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing by the local planning authority. The scheme shall include details of:

(a) the position and spread of all existing trees, shrubs and hedges to be retained or removed;

(b) new tree and shrub planting, including plant type, size, quantities and locations;

(c) sections of and planting to the attenuation features;

(d) a detailed plan of biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction;

(e) details of the make, type and location of six bird boxes/tiles/bricks and six bat boxes/tiles/bricks to be installed on buildings/trees and two hedgehog boxes, all to be sited and installed under the guidance and supervision of a qualified ecologist.

The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the local planning authority.

(In the interests of amenity and biodiversity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).

6. Before any development takes place a detailed design plan of lighting to be used across the site, including the main Park driveway, shall be submitted to and approved in writing by the local planning authority. The details shall include:



(a) the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light;

(b) hours of operation of the lighting and details of the operating hours of the approved office development.

The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be completed and operational prior to the development being brought into use and shall be retained thereafter. No additional lighting shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. (In the interests of public safety and protecting wildlife habitats and in accordance with Core Strategy policies CS03 and CS17 and paragraph 180 of the National Planning Policy Framework. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).

7. No development shall take place until details including a manufacturer's specification and permeability details of the replacement and new external surfacing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(In the interests of amenity and sustainability and in accordance with Core Strategy policies CS02 and CS03.)

8. The development shall not be occupied until remedial works to the road markings on the Western Park access driveway have been carried out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

(In the interests in public safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

(For the avoidance of doubt, the details approved as part of this permission are insufficient to address this condition).

9. Before any development takes place details of the vehicular access to the upper car park and the main bin store as shown on drawing shall be submitted to and approved in writing by the local planning authority. The details shall include:

- (a) Plans, sections and levels;
- (b) details of the construction of the retaining walls;
- (c) details of tree removal and protection measures;
- (d) details of surfacing;
- (e) details of enclosure to the bin store.

Development shall be carried out in accordance with the approved details and the ramp and bin store shall be provided prior to the development being brought into use.

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

10. No development shall take place (other than site clearance) until details of the proposed new footbridge adjacent Building 8, as shown on drawing, have been

submitted to and approved in writing by the local planning authority. The bridge shall be installed and open for use prior to the development being brought into use, and shall be retained and available for use at all times when the site is open for use. (In the interests of the safety of users of the site and in accordance with saved policies AM01 and AM02 of the City of Leicester Local Plan).

11. The development shall not be occupied until a waste management plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- (a) location and surfacing of refuse collection point(s) and refuse store(s);
- (b) signage directing occupants to the refuse collection point(s)/refuse store(s) and advising them of contact details for the management company, such signage to be retained throughout the lifetime of the development and updated within seven days when such contact details change;
- (c) provision for persons with mobility and other limitations to use the refuse collection point(s) and refuse store(s);
- (d) arrangements for cleaning and maintenance of the refuse collection point(s) and refuse store(s);
- (e) contact details for any management company responsible for the site;
- (f) provision for any change to the management company, or change to contact details for that company, to be advised to the local planning authority within seven days of the change of responsibility or details taking effect.

The development shall not be occupied or used other than in accordance with the approved plan.

(To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with Core Strategy policy CS03).

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

- (a) hours of operation of the site and arrangements for closure of the car park during the hours when the main park gates are closed;
- (b) how servicing and deliveries will be managed;
- (c) the security of the development and its occupiers including any gate to the footbridge;
- (d) maintaining the external areas of the site;
- (e) operation of the site vehicle gate and control of access;
- (f) advising the local planning authority of the contact details for site management.

(To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with the aim of Core Strategy policies CS03, CS06 and CS15 and policy PS10 of the City of Leicester Local Plan.)

13. The development shall not be occupied until a Travel Plan for the development has been submitted to and approved in writing by the local planning authority. The Plan shall be carried out in accordance with a timetable to be contained within the Plan. The Plan shall:

(a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries;

(b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options;

(c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking;

(d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use.

The plan shall be maintained and operated thereafter.

(To promote sustainable transport and in accordance with saved policies AM01, AM02, and AM11 of the City of Leicester Local Plan and Core Strategy CS14 and CS15).

14. Before the installation of the gate to the vehicle bridge, details of the gate including design and operation shall be submitted to and approved in writing by the local planning authority. The gate shall be installed and operated thereafter in accordance with the approved details. (In the interests of safety and security and in accordance with Core Strategy policy CS03.)

15. All development including the installation of the lighting to the Park driveway shall be carried out in accordance with the details contained within the document Arboricultural Impact Assessment and Method Statement reference AAAIAWEST dated 6 April 2022.

(In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

(The applicant's attention is drawn to the requirement to comply with NJUG requirements.)

16. Development shall take place in accordance with the Construction Management Recommendations within the Badger Survey report reference BS/BC/Open Air/v2 dated 15 March 2022, Section 6 (P7/8). (In the interests of biodiversity and avoiding harm to a protected species and in accordance with Core Strategy policy CS17.)

17. The development shall not be brought into use until facilities for the charging of electric vehicles have been provided to each of the two car parking areas and at least one cycle parking area, and shall be available at a minimum of one accessible car parking space in each of the upper and lower parking areas, and a minimum of five other car parking spaces and five cycle parking spaces. (In the interests of energy efficiency and sustainable travel and in accordance with Core Strategy policy CS02).

18. The development shall not be occupied until cycle parking has been provided in full accordance with the details shown on the approved plans. The cycle parking

shall be retained thereafter for use in connection with occupation of the approved development. (In the interests of the satisfactory development of the site and in accordance with saved policy AM02 of the City of Leicester Local Plan).

19. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking and re-enacting that Order with or without modification), the buildings labelled Building One to Building Seven on drawing 28806(P-20)101 revision S shall be used only as offices falling within Use Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (as it existed at the date of permission) and for no other use within that or any use class. (To ensure that full consideration is given to any alternative use).

20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking and re-enacting that Order with or without modification), the building labelled Building Eight on drawing shall be used only as a mixed use of cafe and community facility and for no other use. (To ensure that full consideration is given to any alternative use).

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

Proposed site layout, drawing no 28806(P-20)101 revision S received 17/3/2022

Site layout including Hinckley Road, drawing no 28806(P-20)107 revision F, received 17/3/2022

Building 1 floor plans, drawing no 28806(P-20)203 revision C, received 2/9/2021

Building 1 elevations and sections, drawing no 28806(P-20)205 revision C, received 2/9/2021

Building 2 floor plans, drawing no 28806(P-20)206 revision D, received 2/9/2021

Building 2 elevations and sections, drawing no 28806(P-20)207 revision D, received 2/9/2021

Building 3 floor plans, drawing no 28806(P-20)208 revision D, received 2/9/2021

Building 3 elevations and sections, drawing no 28806(P-20)209 revision D, received 2/9/2021

Buildings 1, 2, 3 floor layout, drawing no 28806(P-20)201 revision D, received 2/9/2021

Buildings 1, 2, 3 front elevations, drawing no 28806(P-20)202 revision C, received 2/9/2021

Building 4 floor plans, drawing no 28806(P-20)210 revision C, received 2/9/2021

Building 4 elevations, drawing no 28806(P-20)211 revision C, received 2/9/2021

Building 4 elevations and sections, drawing no 28806(P-20)212 revision E received 21/10/2021

Building 5/6 floor plans, drawing no 28806(P-20)213 revision C received 2/9/2021

Building 5/6 elevations and sections, drawing no 28806(P-20)214 revision C received 2/9/2021

Building 5/6 elevations and sections, drawing no 28806(P-20)215 revision D received 2/9/2021

Building 7 floor plans, drawing no 28806(P-20)216 revision C, received 2/9/2021

Building 7 elevations and sections, drawing no 28806(P-20)217 revision D received 2/9/2021

Building 8 floor plans, drawing no 28806(P-20)218 revision D received 12/7/2022

Building 8 elevations and sections, drawing no 28806(P-20)219 revision D, received 2/9/2021

Pergola, drawing no 28806(P-20)111 revision A received 26/10/2021

Bin store (Building 8), drawing no 28806(P-20)105 revision B, received 12/10/2021

Bridge link adjacent Building 8, drawing no 28806(P-20)106 revision B, received 2/9/2021

Cycle storage, drawing no 28806(P-20)103 revision B, received 2/9/2021  
(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 2021 is considered to be a positive outcome of these discussions.

2. Further to condition 16 above, the mitigation measures include the need for a pre-commencement badger survey and inclusion of a 20m exclusion zone to be erected around the site to protect badger setts. If any partially/active setts fall within the 20m exclusion zone, temporary closure under Natural England licence will be necessary throughout the duration of nearby works. In this case all works should cease and any mitigation measures be reviewed by the LPA.

3. Birds

Development on the site should 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 have to 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.

### **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_GE03	Development on a Biodiversity Enhancement Site will be permitted if the strategic nature conservation value is maintained or enhanced.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_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_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\_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.
- 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.