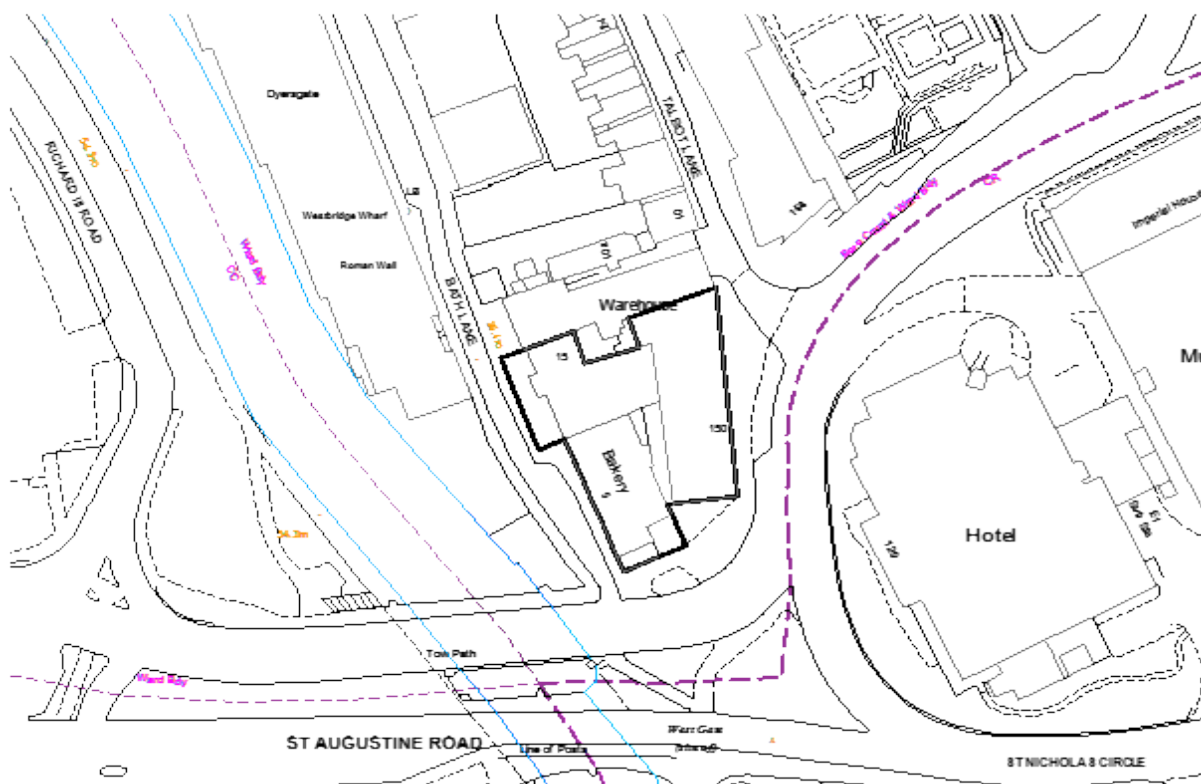


<b>Recommendation: Conditional approval</b>	
<b>20221210</b>	<b>150 St Nicholas Circle, 1-7 and 13 Bath Lane</b>
Proposal:	Demolition of existing buildings, Construction of a 4, 5, 6 and 7 storey building containing student accommodation (102 studios, 1 x 3 bed cluster flat and 5 x 4 bed cluster flats)(Sui Generis) with associated communal, amenity and ancillary space. (Amended plans)
Applicant:	Mr Mandeep Dhadwar
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20221210">https://planning.leicester.gov.uk/Planning/Display/20221210</a>
Expiry Date:	31 March 2023
AP	WARD: Abbey



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## Summary

- The application is brought to committee due to there being an outstanding objection from the Conservation Advisory Panel and there are also 4 objections from different addresses received from within the city boundary.
- The main issues are the proposed use, scale and massing, effect on the historic environment, and living conditions for future residents.
- The application is recommended for approval subject to conditions.

## The Site

The application site, which includes 150 St Nicholas Circle, 1 – 7 Bath Lane (the former Brucciani's bakery) and 13 Bath Lane, is located to the west of St Nicholas Circle. St Augustine Road is to the south, Bath Lane to the west and to the northeast is Talbot Lane.

The site includes differences in level with the ground level dropping from St Nicholas Circle to the east down to Bath Lane to the west by approximately 2.5m and from Talbot Lane to the north down to St Augustine Road to the south by 2.4m.

The site is within the Strategic Regeneration Area (SRA) and more specifically the Waterside Regeneration Area. The buildings forming part of the site (the former Brucciani's bakery), facing Bath Lane, are identified within the Waterside Supplementary Planning Document (SPD) as being buildings that make a positive contribution to the Waterside area.

There are two existing street trees just outside the application site on a triangle of land facing St Nicholas Circle.

The site is within an Air Quality Management Area (AQMA), the Archaeological Alert Area, Flood Zone 1 and a Critical Drainage Area (CDA).

The River Soar to the west of the site is a Local Wildlife Site.

St Augustine Road to the south of the site and St Nicholas Circle are a classified road (the A47).

To the northeast are Vaughan College and Jewry Wall Museum which are Grade II Listed Buildings. Jewry Wall is a Grade I Listed Building and the remains of the Roman bath house, palaestra and Anglo-Saxon church is a Scheduled Ancient Monument. Further to the northeast is St Nicholas Church which is a Grade I Listed Building.

To the south is the Castle Conservation Area and the West Bridge which is a Grade II Listed Building. To the north are Nos. 10 and 12 Talbot Lane which are Grade II Listed buildings.

Further to the southwest is West Bridge Mills (former Peck factory) which is a Grade II Listed Building and beyond that to the southeast is the Leicester Castle and magazine Gateway Scheduled Ancient Monument and Castle House which is a Grade II Listed Building.

The general area contains a mix of uses including residential, offices, employment, a museum and a hotel.

## Background

There are no recent applications relevant to the application site or the proposal.

Enforcement action was taken in relation to part of 1 – 7 Bath Lane in 2023 against the unauthorised use of part of the building for the fitting of tyres and associated unauthorised signs.

The authorised uses of the existing buildings are:

150 St Nicholas Circle – former Class B1 (Business) now Class E (Commercial, business and service)

1 – 7 Bath Lane (former Brucciani's bakery) – former Class B1 (Business) now Class E (Commercial, business and service)

13 Bath Lane – Class B2 (General industrial).

## **The Proposal**

There has been substantial proactive negotiation with the applicant on this proposal through the lifetime of the application resulting in significant amendments.

### Original submission

The originally submitted proposal was to demolish the existing buildings on the site and construct a building ranging from 4 storeys where closest to Jewry Wall Museum up to 9 storeys fronting St Nicholas Circle with sections fronting Bath Lane of 6 storeys up to 7 storeys. The proposed accommodation was 121 student flats comprising of 108 studios, 2 x 3 bed cluster flats and 11 x 4 bed cluster flats. Also included in the proposal were 2 x 1 bed private rental apartments (Class C3), a retail unit of 236.5sqm and ancillary space.

The materials indicated included a red brick, light buff/grey brick and blue engineering brick, powder coated dark brown aluminium curtain walling and standing seam cladding, coping, fascia and fins.

### Amended submission

The applicant continues to propose to demolish the existing buildings on the site and construct as an amended proposal reduced in scale to a 4, 5, 6 and 7 storey building containing purpose built student accommodation (PBSA) (102 studios, 1 x 3 bed cluster flat and 5 x 4 bed cluster flats). Along with the accommodation, associated communal, amenity and ancillary space is also proposed.

The four-storey section of the building is proposed where the site is closest to Jewry Wall Museum and Talbot Lane. The remaining section of the building fronting St Nicholas Circle is reduced from nine storeys down to five storeys. The section of the building fronting Bath Lane would be six storeys. A central set back floor is proposed which, because of the difference in land levels between St Nicholas Circle and Bath Lane, will appear as a set back sixth floor from St Nicholas Circle and a set back seventh floor from Bath Lane.

Of the 102 studios, 81 will be approximately 24.9sqm in size. The six studios proposed as accessible studios will be approximately 30.3sqm in size. Five studios would be approximately 20.3sqm. Six of the other ten proposed studios would be approximately 28.7sqm and the remaining four would be 23.7sqm. Each studio has an en-suite shower room and a kitchen area.

The proposed three bed cluster flat will have bedrooms of approximately 15.2sqm. Each bedroom has an en-suite shower room. The shared kitchen/dining room will be approximately 17sqm.

The five proposed four bed cluster flats will have bedrooms of approximately 16sqm. Each bedroom has an en-suite shower room. The shared kitchen/dining room will be approximately 22.15sqm.

The primary residents' entrance into the development will be from St Nicholas Circle with a secondary entrance on the lower ground floor fronting Bath Lane. The lower ground floor will also provide one 4 bed cluster flat, the laundry providing 10 machines, cycle store providing 94 cycle parking spaces, bin store, plant room, stairs and two lifts. To the front on Bath Lane seven parking spaces are proposed including one disabled parking space. A landscaped threshold is shown between the parking spaces and the student rooms. To the rear is a proposed courtyard area providing amenity space.

On the ground floor it is proposed to provide a communal lounge, one 4 bed cluster flat and 18 studios including an accessible studio.

On the first to third floors it is proposed to provide one 4 bed cluster flat and 21 studios including an accessible studio on each floor.

On the fourth floor it is proposed to provide one 4 bed cluster flat and 17 studios including an accessible studio on each floor. Also proposed is an external roof terrace accessible to all residents.

On the fifth floor it is proposed to provide a communal lounge and 4 studios including an accessible studio. Also proposed is a further external roof terrace accessible to all residents.

The shared indoor amenity space includes a student lounge on the ground floor of approximately 77.7sqm and a further student lounge on the 5<sup>th</sup> floor of approximately 37.1sqm which leads out onto the proposed roof terrace. A total of 114.8sqm.

The shared outdoor amenity space includes approximately 94.8sqm on the lower ground floor, approximately 117.6sqm on the ground floor, a roof terrace of approximately 136.6sqm on the 4<sup>th</sup> floor and a further roof terrace of approximately 116.5sqm on the 5<sup>th</sup> floor. A total of 465.5sqm.

The proposed materials are indicated as an lbstock red multi brick (Birtley Olde English), powder coated aluminium bronze coloured curtain walling, windows, facias and rainscreen cladding for the set back upper floors.

Submitted supporting documents:

- Archaeological Desk based Assessment
- Preliminary Ecological Appraisal
- Accurate Visual Representations (AVR's) and Methodology
- Energy Efficiency Statement
- Heritage Statement
- Transport Statement
- Assessment of existing noise climate
- Phase 1 Desk based land contamination assessment
- Building for Life Assessment
- Statement of Student Need
- Air Quality Assessment
- Design and Access Statement
- Fire Statement
- Flood Risk Assessment and Sustainable Drainage Strategy
- Draft s106 Heads of Terms
- Visual Impact Assessment
- Travel Plan

Additional documents submitted through the course of the application:

- Wind Desk Top Study
- Accommodation Light Assessment
- Floorspace schedule
- Additional drainage details
- Amended Accurate Visual Representations (AVR's) and Methodology
- Heritage Statement Addendum
- Updated Ecological Assessment
- Financial Viability Appraisal

## **Policy Considerations**

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

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – making effective use of land

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

### Development Plan policies

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

### Supplementary Planning Documents (SPD)

Waterside SPD  
Student Housing SPD  
Climate Change SPD  
Green Space SPD

### Other legal or policy context

Local Plan Evidence Document – Tall Development in Leicester.

#### *Planning Practice Guidance*

- Land stability
- Use of planning conditions
- Viability
- Historic environment
- Fire Safety and high-rise residential buildings
- Determining a planning application

National Design Guide (2021)  
Building for a Healthy Life (2020)  
Environment Act (2021)  
Conservation of Habitats and Species Regulations (2017)  
Natural Environment & Rural Communities Act (2006)  
Wildlife & Countryside Act (1981) as amended.

### **Consultations**

#### Historic England (HE)

HE note the amended height and massing of the proposed development, this positively addresses our concerns around the visual prominence of the new buildings in the setting of designated heritage assets but other concerns remain. The loss of the early twentieth century bakery is still unfortunate; it is a positive presence in the setting of nearby designated assets.

Of key importance is the high archaeological potential of the site given the apparent lack of deep basements and the presence of rich and complex, late prehistoric, Roman and early medieval remains in the immediate vicinity. There is, it would appear, a high chance that remains of equivalent importance to a scheduled monument survive beneath the existing buildings on site. The construction of the proposed new buildings would be likely to have a substantial impact on such buried remains in particular if its design cannot adapt to preserve such remains.

There does not appear to have been any archaeological evaluation undertaken beyond desk based work in relation to this scheme, there is a high risk that if this

scheme is consented without a clear understanding of implications for footing design and the costs of archaeological mitigation, viability issues may clash with the need for the remains to be addressed through planning in a manner proportionate to their importance. That is up to and including the likelihood of parity with a designated asset and the associated policies that may then come into play. Where archaeological remains closely associated with scheduled Jewry Wall site survive under the existing buildings on the application area those remains contribute to the significance of the Scheduled Monument as archaeological setting, and the loss thereof would comprise harm to the significance of the Scheduled Monument.

The detailed input of the City Archaeologist will be essential to progressing this scheme, where this advice is unavailable for instance due to vacancy HE strongly urge the Local Planning Authority to retain expert independent consultancy to bridge the reappointment period in respect of this case. The scope for ground penetrating radar survey and intrusive archaeological evaluation within the existing structures and any open areas of the plot should be explored. Without a better understanding of how the realisation of the proposed scheme would impact the significance of buried archaeological remains, potentially of the very high importance, your authority will find it extremely difficult to safely apply the policies set out in part 16 of the NPPF.

### *Recommendation*

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 200 to 212 inclusive of the NPPF (and footnote 72).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

### Council for British Archaeology (CBA) (August 2022)

CBA note the detailed and authoritative comments provided by Historic England. As these tally closely with their own views on the application they do not propose to comment separately in detail. However, CBA would like to offer our full support for the comments and recommendations provided by Historic England, in particular in relation to the historical sensitivity of the townscape and the archaeological sensitivity of the site along with the impacts these proposals would cause to both.

The impact both above and below ground from introducing an up to 9-storey building would detrimentally impact and further erode the historically human scale of this part

of the city, which sits adjacent to both the Castle and High Street Conservation Areas. CBA are concerned that the scale of the proposed development would further dwarf and obscure the highly designated heritage assets within the vicinity. They do not believe the level of harm that would be caused has sufficient justification to meet the requirements of paragraph 200 of the NPPF. The CBA also believe implementing this scheme would be contrary to the requirements of paragraph 199 to give 'great weight' to conserving the significance of designated heritage assets when considering the impact of this scheme on their setting.

The foundations that such large structures would require are likely to impact on archaeology as far as Roman and Anglo Saxon levels, which should be expected to fall into an NPPF footnote 68 category - Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to Scheduled Monuments, should be considered subject to the policies for designated heritage assets. A robust archaeological evaluation and mitigation strategy would be required, along with a considered and informed foundation design.

The CBA believe a revised scheme of reduced scale and massing would be far preferable for this sensitive location. They believe the adaptive reuse of the bakery building at 3-5 Bath Lane would be beneficial against both townscape and climate criteria. The CBA believe strongly that the embodied carbon in standing buildings should be considered amongst the criteria for demolishing as opposed to reusing buildings as part of the imperative for sustainability in the built environment. Reaching 2050 targets to be carbon neutral depends on big changes to current norms, which should include revised approaches to reusing buildings preferentially to demolition and rebuild options. Especially when considering historic buildings that make a positive contribution to the character of the townscape, as 3 – 5 Bath Lane does. Paragraph 11 of the NPPF requires that 'Plans and decisions should apply a presumption in favour of sustainable development'. Also Paragraph 148 of the NPPF states that 'The planning system should support the transition to a low carbon future in the 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 green house gas emissions, minimise vulnerability and improve resilience; encourage the reuses of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'. CBA therefore recommend that an options appraisal should consider the adaptive reuse of the bakery building as part of a revised scheme.

### City Archaeologist

The application site has been subject to an archaeological desk-based (April 2022) and a heritage assessment (March 2022). Both assessments identify the site as located within the historic city centre in an area with nationally designated and non-designated heritage assets, in addition to known significant Prehistoric, Roman and medieval archaeology within and immediately adjacent on all sides of the site.

A small-scale evaluation in 1992 on part of the site ahead of new development identified the presence of Roman buildings and floor levels. Limited in scope, this evaluation did not investigate all the exposed features. This archaeological evaluation demonstrated that archaeology on site is well-preserved. A borehole to the northwest



of the site (and referenced in the land contamination report) identified granite and brick blocks between 3.3m and 3.90m below the current ground surface.

This significance and high degree of preservation in the area is expanded upon in the archaeological assessment, "..., there is High potential for prehistoric, Roman, and medieval remains within the assessment area, and Moderate- High potential for later post-medieval and modern remains. The potential for Roman remains is very High.." (emphasis retained)

The outline methodology to be followed is to strip made-ground to the archaeological horizon to characterise and identify in situ deposits and fully excavate features that will be lost or removed due to construction and related activity (e.g. areas below pile caps, services, attenuation tanks, lift shafts, areas of archaeology above formation levels, etc).

Due to the extent, depth and likely complex nature of the archaeological deposits within the site the City Archaeologist further recommends that the applicant is appraised of the likely cost and logistical constraints the site presents, and that suitable contingency and appropriate time to complete the fieldwork is provided. Where archaeology is not directly harmed the principle is preservation in situ.

With respect to the potential impacts of the proposal upon the setting of designated and locally listed above-ground heritage assets these have been articulated within both assessments and currently assess the impact upon setting as slight/moderate (Jewry Wall), slight (St Nicholas Church) to neutral.

In view of the known and potential significant archaeology on site and its immediate environs and likely construction impacts, the City Archaeologist recommends that if the application is approved a detailed pre-commencement condition is attached.

#### Integrated Care Board (ICB)

LLR ICB would like to request that funding is allocated: Bowling Green Street Surgery, De Montfort Surgery & St Matthews Medical Centre.

To provide the required GP facilities to meet the population increase, an average build cost based on recent local examples of development work at surgeries is as follows: £61,200.

#### Standards and Development – Green Space

The proposed residential development, within the Abbey 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 other needs of the new residents are limited and therefore we will be looking to make quality improvements to existing open space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD a contribution of £99,553.00 is required in response to this application.

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

- replanting of overmature shrub beds at Castle Gardens
- towards footpath/seating improvements and replanting works at Tudor Park
- planting of additional trees on St Nicholas Circle
- for the development of a pump track at Rally Park

## Better Buildings

### *Passive Solar Design*

Considering the plans submitted a number of flats throughout the development may suffer from a lack of daylighting due to small windows and potential overshadowing, particularly where they face into the courtyard. The officer requested details of how the applicant has considered daylighting, and confirmation that all flats will be sufficiently lit.

### *Building Fabric and Airtightness*

The proposed values for external walls, roofs and windows all improve on the limiting parameters, and meet or are close to the value for the notional building, representing a good approach to fabric efficiency, although the value for air permeability improves on the limiting value but not the value for the notional building and could be improved. However, the u-value for the ground floor appears to exceed the limiting parameter and would therefore represent an acceptable approach to fabric efficiency.

### *Heating, Cooling, Ventilation and Lighting Energy Efficiency*

It is proposed to provide heating through electric panel heaters with individual temperature controls. Coupled with the use of solar PV panels this may represent an acceptable approach to low carbon heating. If this is the option taken forwards, I would like to request confirmation that the other potential heating controls will be taken forwards.

It is also proposed to provide hot water through a centralised gas-fired boiler system. I would like to request the applicant consider alternative low carbon options to avoid the need for gas consumption within the development.

The energy statement notes that air-source heat pumps could be investigated for hot water provision. I would however like to request that the applicant considers heat pumps and other low carbon and renewable technologies an option for both heating and hot water at this stage to determine their potential suitability.

It is proposed to ventilate the building using natural ventilation and trickle fans, using low energy fans.

It is proposed to fit 100% low energy LED lighting throughout the development with presence detection for communal areas.

### *Renewable / Low Carbon Technology & Energy Supply*

It is proposed to fit a 28 kWp solar PV panel to the roof of the development, to provide renewable electricity.

### *Construction Materials and Waste Management*

The officer requested that the applicant consider options to reduce carbon emissions from the construction and demolition process. This includes use of sustainable materials and the development of a target for a high level of recycling of demolition waste.

### *Demolition*

The National Planning Policy Framework sets out the following:

“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.”

In addition, Leicester’s Core Policy CS02 sets out the need for all developments to adopt sustainable construction methods, as below:

“All development must mitigate and adapt to climate change and reduce greenhouse gas emissions.”

“2. Best practice energy efficiency and sustainable construction methods, including waste management, should be incorporated in all aspects of development, with use of locally sourced and recycled materials where possible, and designed to high energy and water efficiency standards.”

These requirements apply to the whole footprint of development including the embodied emissions of materials and construction processes, not just to the operational emissions. Embodied emissions can represent a significant proportion of the overall carbon emissions from development.

As such, in principle, the officer would want existing buildings to be retained and reused, in order to reduce the embodied emissions from new construction materials, wherever possible – unless it can be clearly demonstrated that to do so would increase the lifetime carbon emissions.

As some of structures appear to be fit for use currently, their retention would be expected to lead to significantly lower lifetime carbon emissions, as opposed to their demolition and the construction of new buildings.

The officer would therefore like to see the retention of the existing buildings to the extent possible, to reduce the lifetime carbon emissions of the development. He would

only reconsider this view if the applicant can demonstrate, based on evidence from whole life carbon calculations using an approved methodology, that this is not feasible, or that the scheme as currently proposed would reduce the whole life carbon emissions compared to the alternative of retaining the reusable buildings.

### *Carbon Emissions*

The application appears to show a less than 1% improvement on the expected carbon emissions, but claims a 4% reduction, which may be due to differences in the modelling software as noted. As the Building Regulations have now been updated, he would appreciate clarification of this point.

### Waste Management

WASTE RECEPTICLES TO BE ACCOMMODATED.	TOTAL ARISINGS USING FORMULA UNDER BS5906 2005 SHOWS A MINIMUM REQUIREMENT FOR – 12X 1100 litre for refuse and 7x 1100 litre bins for recycling. (in addition new legislation will soon require food waste bins to be accommodated in the design).	PLANS SHOW INADEQUATE SPACE FOR BINS, THE STORE NEEDS TO SHOW THAT THE COMMERCIAL BINS AND DOMESTIC BINS ARE KEPT SEPARATE. IDEALLY, THE BINS FOR THE COMMERCIAL PROPERTIES & RESIDENTIAL APARTMENTS SHOULD HAVE THEIR OWN BIN STORES. THESE BIN STORES MUST SHOW THE CORRECT NUMBER OF BINS ARE ABLE TO BE ACCOMODATED. IF COMBINED THE BIN AREAS MUST BE CLEARLY DESIGNATED.
BIN STORE ACCESS	SIZE OF DOORS. ACCESS PATHS AND DOORS MUST HAVE A MINIMUM WIDTH OF 2 METRES AS PER LEICESTER CITY COUNCIL PLANNING GUIDANCE. A MAXIMUM DISTANCE FROM THE BIN STORE ENTRANCE TO THE REFUSE COLLECTION VEHICLE OF 10 METRES IS REQUIRED FOR BINS TO QUALIFY FOR AN ASSISTED COLLECTION.	PLANS NEED TO SHOW DOORS CAN ACCOMMODATE A BIN PLUS 300MM EACH SIDE FOR COLLECTION STAFF. COMMUNAL PROPERTIES THAT SHARE BINS REQUIRE AN ASSISTED COLLECTION.
REFUSE VEHICLE ACCESS ROUTES	UNDER BS5906 Waste Management in Buildings (2005) PLANS MUST BE SUBMITTED TO SHOW HOW AND WHERE REFUSE WILL BE STORED & HOW COLLECTIONS WILL BE MADE.	WILL PROVISIONS BE IN PLACE FOR THE REFUSE COLLECTION VEHICLE (RCV) TO BE ABLE TO COMPLETE COLLECTIONS? WILL THERE BE A DESIGNATED PATH FROM THE BIN STORE TO THE RCV & WILL THE DOUBLE YELLOW LINES BE IN PLACE?

## Air Quality

The Air Quality Assessment was carried in line with an approved methodology. It has identified potential dust pollution during the Construction Phase and also a potential exposure of residents to air pollutants during the Operational Phase. Therefore a set of mitigating measures have been identified to address air pollution issues:

Construction Phase: potential mitigation measures to reduce impacts as a result of fugitive dust emissions during the construction phase have been included in Table 19 of the AQ Assessment and it is recommended that those measures to be reviewed and adopted by the developer.

Operational Phase: the assessment indicated elevated pollution levels at ground and first floor level. As such, suitable mitigation in the form of mechanical ventilation has been specified for the affected units and it is recommended to be implemented. This should ensure future occupants are not exposed to poor air quality.

Furthermore a Travel Plan in form of Travel Packs should be made available for each unit to promote sustainable travel.

## Environment Agency (EA)

The EA have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

- The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

## Lead Local Flood Authority (LLFA)

### *Site Details*

The proposed development is located within Flood Zone 1 therefore the site is considered 'Low' risk to fluvial flooding (from main rivers).

The proposed development is within a modelled surface water (pluvial) flooding hotspot and a Critical Drainage Area (CDA), meaning there is pluvial flood risk.

Measures in the form of Sustainable Drainage Systems (SuDS) are required to limit surface water volumes and discharge rates. An attenuation tank, brown roof areas and planters within the roof gardens are proposed.

The total site area has been defined as 1,434.6m<sup>2</sup> (0.143ha) and stated to be entirely impermeable. There is no net increase in impermeable surfaces associated with the

proposed development and subsequently no additional surface water runoff will be generated.

The development is considered Brownfield and to comply with Leicester City Council's Strategic Flood Risk Assessment (2020), a 50% reduction of current surface water runoff/discharge rates is required. A 50% betterment on the existing 1 in 1 year brownfield runoff rate of 23.2l/s is proposed.

The lifetime of the proposed development has not been confirmed, however a 40% climate change allowance has been used for the 1 in 100 year storm event within the MicroDrainage calculations.

### *Flood Risk Assessment*

A Flood Risk Assessment (FRA) has been provided as part of this application (ref: 22-16998-0-040\_P2), which assesses the risk of flooding from all sources for this site.

All development must be designed to manage exceedance and demonstrate that potential exceedance flows are managed without increasing risk to the development or adjacent site. Notes have been provided on the SuDS Drainage Layout plan which outline that exceedance flow routes will be directed towards the landscaping or highway areas.

### *Drainage Strategy*

A formal drainage strategy report has been provided as part of the application. Surface water will be managed using two Brown Roof areas (122.4m<sup>2</sup>) and 436.4m<sup>2</sup>), an online crate storage system (3.5m x 3m x 0.4m) and a pump system which will discharge to the existing public surface water sewer within Bath Lane at a rate of 11.6 l/s.

The drainage hierarchy has been used to assess the method for discharge of surface water from the site. It is concluded that as discharge through infiltration and surface water body (watercourse) is unfeasible, discharge to surface water sewer is the viable solution.

The applicant has outlined that surface water runoff will be managed through discharge into the public sewer. For Major development it is expected that a 'Development Enquiry' is submitted to Severn Trent Water (STW) and the response is submitted as evidence to support this planning application. This has been provided. An application for connection will need to be submitted to STW once planning approval is granted.

All surface water runoff generated because of a development must be retained and managed onsite without discharging onto or across any part of the adjacent highway (footway and carriageway). Sections of linear drainage have been shown on the SuDS Drainage Layout plan to prevent surface water runoff falling on or flowing onto the highway.

A SuDS Drainage Layout plan (ref: 22-16998-0-500-P1) has been provided and includes; the foul and surface water systems (proposed and existing), connections into the public sewer systems, the location of and attenuation capacities of all SuDS and, and the location of the pumping chamber.

Detailed drainage calculations have been provided. These demonstrate the proposed drainage system is designed to:

- Withstand a 1 in 100 year return period storm event with a 40% climate change allowance.

A surface water pumping system has been proposed within this development. However, pumping systems require ongoing maintenance and in the event of a malfunction could increase flood risk. It is recommended that STW are consulted to determine whether a gravity connection into the public sewer can be made to manage surface water runoff, providing an alternative to a pumping system.

A number of SuDS measures have been considered within the Drainage Strategy report. An attenuation tank, brown roof areas and planters within the roof gardens are proposed as feasible measures and the remaining SuDS measures are not considered feasible.

Design details have been provided for the attenuation tank (ref: 22-16998-0-700\_P1), green roof (ref: GRE\_STD-04\_2) and pumping station (ref: NP 3085 MT 1 Adaptive 463).

A SuDS maintenance plan has been provided. This defines the maintenance activities required for the brown roof, cellular storage tank and pump chamber. However, the responsible person and/or organisation for undertaking maintenance needs to be confirmed

### *Water Quality Control Assessment*

Water quality will be maintained onsite via filtration using proposed brown roof areas as part of the treatment train for surface water flows. A statement has been provided within the Drainage Strategy report which outlines that the first 5mm of rainfall onto Green/Brown roof areas will be absorbed by the roof surface medium and is not considered to enter the drainage system.

### *LLFA position*

No objection, provided the outstanding requirement in relation to the maintenance plan is satisfied through the use of conditions.

### Canal and Rivers Trust (CRT)

The site is located approximately 15m east of the Grand Union Canal. Construction activities in proximity to the canal have the potential to adversely affect the canal structure. Waterway walls that support the banks of our canal and our towpaths were not designed with the consideration of modern-day loadings and additional loadings

resulting from operation of construction plant and equipment, foundations, new buildings, scaffolding etc. can all affect the structure and stability of the canal. The creation of land instability can lead to leaks or even, in extreme cases, breaches of the canal which in turn results in flooding of adjacent land. Ground vibrations from activities including piling operations, ground compaction and plant/vehicle movement may lead to accelerated degradation and potential collapse of waterway walls. The Phase 1 Desk Study indicates that made ground is present across part of the site and consequently a piled foundation or vibro-ground improvement solution is likely to be necessary, which means that significant levels of vibration could be generated during construction operations.

Land stability is a material planning consideration and is referred to in the NPPF and is the subject of more detailed discussion in the NPPG – Land Stability. The CRT consider that this advice and guidance is clear in identifying that the planning system has a role to play in minimising the risk and effects of land instability on property, infrastructure and the public.

Land stability is complex however the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

The NPPF is clear that where a site is affected responsibility for securing a safe development rests with the developer and/or landowner. The CRT therefore consider that it would be appropriate and justified to secure submission of a detailed construction methodology for the development, including details of foundation design and means of construction and all excavation operations. This will ensure that the development is carried out in an appropriate manner which does not risk the creation of land instability which might adversely affect the adjacent canal. The methodology should include provision for undertaking vibration monitoring. It is possible that any piled foundation solution would need to use CFA piles (CFA piles, a special technique for deep foundations ...CFA piles, or Continuous Flight Auger piles, are a fast, low-noise, and vibration-free method of constructing in-situ concrete piles for structural support, earth retention, and landslide prevention) to minimise vibration levels and thus the risk of damage to the canal infrastructure.

As there is no evidence to suggest that a technical solution cannot be found which will enable construction operations to avoid the creation of land instability, the CRT consider that this matter could be controlled via a suitably worded planning condition. The Trust is happy to provide technical assistance to the Local Planning Authority in dealing with any future application to discharge the requested condition.

#### Pollution Control – Land

The Pollution Control Officer has read the submitted report and agrees with its recommendations.

A condition should be included to require the further investigation of the site.

#### Pollution Control – Noise



The officer has read the submitted acoustic report by Leema Technologies ref L5380 dated 31st May 2022 and it indicates that with proper mitigation the development and the future occupants can be protected from the existing noise climate.

One area of concern is the ventilation. The report discusses mechanical ventilation but with no details submitted about ventilation rates or design specification.

With regard to ventilation arrangements, it is expected that if a good acoustic design of the development does not allow acceptable internal noise levels with windows open, then an assessment of overheating, such as a TM59 assessment, in particular taking account of solar gain, shall be undertaken. This shall take account of any design features that mitigate overheating, including orientation and location, and shall include details of ventilation arrangements that adequately mitigate overheating.

If no assessment of overheating is submitted, then, to prevent overheating, ventilation shall equate to open windows, deemed to be 4 air changes per hour on demand (to prevent overheating), if necessary using mechanical ventilation, in all habitable rooms where windows must be closed to maintain acceptable internal noise levels. Windows shall not be sealed closed.

Noise from the ventilation system shall not exceed 30dB(A) in bedrooms, and 35dB(A) in living rooms.

The officer also recommends that, once the proposed insulation scheme is installed, a post completion noise assessment shall be submitted for approval by Leicester City Council as the local planning authority, to show compliance with the levels set out in the acoustic report by Leema Technologies ref L5380 dated 31st May 2022.

#### Local Highway Authority (LHA)

##### *Vehicle parking:*

The proposals include 5 car parking spaces, including one disability space, perpendicular to the Bath Lane frontage. In practice this would be the same as the existing arrangement. EV charging points may however need to be installed to meet new building regulations. As the residential parts of the development is almost entirely student accommodation and as the development is so close to Leicester's central pedestrianised zone then this level of car parking is not inappropriate.

##### *Construction traffic management:*

The location of the site is highly sensitive in terms of traffic and pedestrian/cycle movement. Careful consideration of this will need to be captured in a suitable construction method statement or management plan both for demolition and subsequent construction phases.

##### *Pedestrians and cyclists:*

The development has the potential to significantly increase cycling activity in its vicinity. As mentioned above, there is already serious concern over cyclist safety at the Bath Lane / St Augustine Road junction given its recent accident record. Access to the proposed cycle store area via Bath Lane, while acceptable in most respects, could nevertheless increase cyclists' exposure to these hazards and thus exacerbate the problem. It is felt that the problem is in no small part due to the lack of intervisibility at the corner caused by the existing building lines. This appears to be further exacerbated by (i) the steep downhill gradient from St Nicholas Circle approaching the junction; (ii) the absence of any controlled crossing facility for pedestrians and cyclists across the mouth of the Bath Lane junction; (iii) drivers approaching the junction from Bath Lane, though having no actual traffic signals to assist them, can nevertheless clearly see the green man on the central reservation of St Augustine Road, which gives a strong indication that eastbound traffic on St Augustine Road is being held on red at the pedestrian crossing, giving them confidence to emerge from Bath Lane without stopping. The design of the Bath Lane / St Augustine Road corner of the proposed block as currently shown would perpetuate these problems. On the other hand, a simple splay across this corner at the lower ground level of the building could substantially reduce this potential risk. I would therefore request that the layout be reviewed and if possible revised accordingly.

Pedestrian access arrangement of the proposals are however broadly satisfactory. Cycle parking as proposed is also satisfactory, exceeding the capacity set out in the current Local Plan. If any redesign of the lower ground floor was to result in some reduction of this capacity it still might meet this requirement, though a reduction taking it modestly below this is likely to be acceptable under the circumstances in this instance.

#### *Public transport:*

Accessibility to public transport services is likely to be acceptable in this instance. Nevertheless, advice should be provided to residents in regard to services, stops, timetables, discounts and deals etc.

Therefore in light of the comments above, whilst the Highway Authority does not raise any objections to the principle of the proposed development, it nevertheless recommends some amendments to the design and supporting information before the application can be considered acceptable.

#### Tree Advice

The Tree Officer has viewed the above application and documentation. He has no objections to this proposal moving forward.

#### Health and Safety Executive (Fire Safety)

##### *Means of escape*

It is noted from the plan drawings available on the planning register, that two staircases are provided from lower ground level to the 5th floor, where the proposed firefighting

staircase (and lift) then continue up through floors six, seven and eight forming the only means of escape from these upper floors.

Fire safety standards state that where a common stair forms part of the only escape route from a flat, unless it is designated as a small single-stair building (i.e., less than 11m in height), it should not also serve ancillary accommodation of higher fire risk.

Design changes necessary to provide suitable separation from the ancillary accommodation will affect land use planning considerations such as layout and appearance of the development, potentially including the number and configuration of flats.

The floor plans also identify the occupants of the dead-end cluster flats located in the western wing at ground, 1st, 2nd and 3rd floors, have a single means of escape leading directly into the secondary staircase. Should this staircase become compromised occupants would not be able to access the alternative staircase. Fire safety standards state that access to an alternative common staircase should be possible from any point on that storey without passing through any other such staircase. Design changes necessary to enable access to the alternative staircase will affect land use planning considerations relating to design, layout, appearance and landscaping of the development.

#### *Fire service access and facilities*

The ground floor plan identifies that access to the firefighting staircase is via the main (eastern) entrance lobby from St Augustine Road.

Fire safety standards state that entry to a firefighting shaft at fire and rescue service access level should be available either directly from the open air or by way of a protected corridor not exceeding 18m in length.

In this instance, it is noted that the entrance lobby forms part of the firefighting shaft and should therefore be a protected lobby of sufficient size and design to enable firefighting operations without undue congestion, but not so large as to encourage any form of storage or unauthorised use, i.e., furnishings, that would increase fire load.

Additionally, fire safety standards state that the clear floor area of the firefighting lobby should not exceed 20m<sup>2</sup> for lobbies serving up to four lifts. Ground floor plan measurements indicate the proposed lobby to be approx. 45m<sup>2</sup>. Design changes necessary to provide protected firefighting access will affect land use planning considerations relating to the design, layout and appearance of the building.

## **Representations**

### Conservation Advisory Panel (CAP)

The application has been reported to CAP on several occasions due to the different iteration of plans through the consideration of the application.

CAP comments from the meeting held on the 14<sup>th</sup> February 2024:

The Panel acknowledged the importance of the site, as a gateway location into the city centre. They felt there had been some improvement over the previous iteration and welcomed the reduction in height from 9 to 6 storeys in parts. However, members retained reservations about the scheme and agreed that it continues to lack sufficient quality for this sensitive site. They cited the massing as one of their principal concerns, which they felt to be monotonous and uncompromising, particularly along the Bath Lane elevation. They also expressed disappointment in the Castle Gardens elevation, which they felt does not adequately address the corner. Overall, the Panel agreed that the revised scheme did not resolve their previous concerns and voted to sustain their objection.

CAP comments from the meeting held on the 11<sup>th</sup> September 2024:

The Panel continued to harbour reservations about this scheme, citing its key gateway location as pivotal to their consideration. They acknowledged that progress had been made with the proposed design, principally taking into account previous comments regarding turning the corner and the Castle Gardens elevation. However, members maintained concerns about the massing and composition, feeling it remains insufficient given the sensitivities of the site. They suggested AVR views should be set further west along St Augustine Road, to take in the full context of the Holiday Inn. Overall, while the currently proposed scheme represents an improvement compared to previous iterations, the Panel felt it does not go far enough to resolve the initial objections raised in September 2022 and February 2024. Based on this, they maintained an objection.

Although the amended application has been considered by CAP since September 2024 they have not removed their objection.

#### Leicester Civic Society

The Civic Society objected to the original proposals submitted with the application stating that the size of blocks should be reduced further.

They refer to section 2.18 of the Student Housing SPD which refers to the need for the provision of greenspace and recreation. They state greenspace is already at a premium and the development would add pressure to this and this will add another student block in an area that already has many.

They question the need for more student accommodation and ask if the demand for student accommodation drops will it be possible to re-purpose the building for other housing options.

The Civic Society also make some positive points about the proposal in that it is good to see a brown roof and they consider the overall design to be good.

#### Other representations received

Three other objections have been received to the application. The grounds of objection are as follows:

- Another bland student block on a prominent city centre site.
- Why is the proposal not for residential accommodation?
- The city needs new homes for families and professionals.
- The proposal will not bring visitors to the waterside area and it will remain disconnected from the city centre.
- Allowing this development is thinking short term.

A comment has been received relating to vehicular access during the building process and how this will be managed.

A representation in support of the proposal has also been received stating:

This is exactly what is needed to enhance the entrance from Bath Lane to the new River Side redevelopment and enhance the run-down look of St Nicholas Circle.

It is imperative with the amount of money and time being spent to enhancing the riverside and Jewry Museum we seize the opportunity and momentum to improve this area.

People of Leicester also need to be aware that why we build these type of student blocks is to free up old housing stock that currently house students and turns them back into family homes again.

## **Consideration**

### Principle of development

As the Council cannot demonstrate a Five Year Land supply, as well as the recently strengthened presumption in favour of development of brownfield land in the NPPF, the 'tilted balance' should be weighed towards approval of applications such as this which would make a significant contribution to the city's housing land supply.

Core Strategy policy CS04 states that the Strategic Regeneration Area (SRA) will be the focus of major housing development and physical change. It goes on to say that the Council's strategy is to develop the Waterside area as an attractive, high quality, residential led, mixed neighbourhood.

Core Strategy policy CS06 states that:

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

This policy is supported by the Student Housing SPD which provides more detail to support the criteria set out in Core Strategy Policy CS06. The SPD refers to the 6 criteria against which applications are to be determined:

- A. The development meets an identified need for the type of accommodation proposed.

The applicant has submitted a Statement of Student Need which states that there is a need for an improved quality of accommodation with more single accommodation and less cluster provision and an increased level of communal facilities.

There is no evidence to suggest that further new improved PBSA is not required.

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

The application site is within a 10 minute walk from the De Montfort University (DMU) campus and approximately 35 minutes' walk from the University of Leicester (UoL). It is unlikely however that students at UoL would choose to live in this development as there are several PBSA blocks in the immediate vicinity of UoL.

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

The applicant has worked positively with the Local Planning Authority to reduce the scale and massing of the development and improve the design so that it does not adversely conflict with adjacent and nearby properties in particular nearby residential properties and historic assets. This is discussed further in the design, heritage assets and residential amenity sections of this report.

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

The newly formed Waterside residential neighbourhood is to the north of the application site with more established residential neighbourhoods to the west.

Although there are already two PBSA blocks in the Waterside area on Bath Lane and further PBSA on Southgate's and Castle Street to the south of St Nicholas Circle I do not consider that the proposal of a further 125 student beds will cause a detrimental cumulative impact on the surrounding residential neighbourhoods as the students are unlikely to travel north or west into those areas as the universities' are to the south and the city centre with all its facilities is to the east.

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

The proposal provides a majority of student studio rooms (74%) that are of a good size at approximately 24.9sqm or larger and a very good amount of indoor and outdoor shared amenity space totalling approximately 580sqm. The shared amenity space will allow for and provide opportunities for the future students to socialise and study together. Also proposed are ancillary facilities such as a laundry and cycle parking.

The site is located within easy walking distance of the city centre and all its facilities and activities.

I consider that the proposal provides for a positive living experience.

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

Although the submission does not include a management plan this is something that can be secured by way of a condition.

The site is identified within the Waterside Supplementary Planning Document (SPD) as a site suitable for a mixed use development including uses such as employment, community, residential and leisure. This means that the proposals are in compliance with the SPD in principle.

### *Emerging Local Plan*

Further to the above, the emerging Leicester Local Plan 2020-2036 is well underway in its examination process and is expected to be adopted in Winter 2025/26.

The Plan includes an expectation that over 6,000 dwellings will be needed to be developed in the Central Development Area if the Plan's housing requirement is to be met over the Plan period- so this development would make a significant contribution to the required supply.

Inspectors have advised the Council that the Plan is likely to be found sound subject to Main Modifications (MM's) following hearings undertaken in Autumn-Winter 2024. The application site is identified as a housing proposal site in the emerging plan.

The NPPF is clear that increased weight can be given to emerging policies as they become close to adoption, therefore I consider that the proposed use would be acceptable in terms of the emerging Local Plan.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

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

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

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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The principle of the development of student accommodation in this location is acceptable. This is subject to the other material considerations discussed further in this report.

### Design

Core Strategy policy CS03 states that good quality design is central to the creation of attractive, successful and sustainable places. Development must respond positively to the surroundings, be appropriate to the local setting and context and take into account Leicester's history and heritage.

Paragraph 131 of the NPPF states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 states planning policies and decisions should ensure that developments:

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



Paragraph 140 states Local Planning Authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development and are clear about the approved use of materials where appropriate. 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).

Within the Local Plan Evidence Document – Tall Development in Leicester the southern portion of the application site is identified as having the ‘potential for some tall development’ should other policy criteria be met, including high quality design.

#### *Scale: Height*

The original submission included, fronting onto St Nicholas Circle, a section of building that was four storeys adjacent to the neighbouring single storey property and at the point closest to Talbot Lane and a nine-storey section extending to the southern part of the site towards St Augustine Road (approximately 27.15m).

The sections of building fronting Bath Lane were originally six and seven storeys (approximately 18.5m at seven storeys).

Through the progression of the application the applicant has in response to comments reduced the heights of elements of the building in particular the previous nine storey section is now reduced to five storeys (approximately 16.3m). The height of the Bath Lane sections of the building are now proposed at five storeys (approximately 13.5m) with a set back sixth floor (approximately 15.5m). The central seventh storey element would be approximately 18.2m.

The applicant as part of the submission provided accurate visual representations (AVR's) of the proposals. These were important due to the amount of historic environment surrounding the site in particular the scheduled ancient monument at Jewry Wall. The AVR's clearly show the reduction in height and reduction or removal of impacts on the surrounding context.

The overall height of the building has been substantially reduced since the original submission and is now considered to be acceptable.

#### *Scale: Massing*

The massing has also seen a significant improvement through the consideration of the application. The proposed plans now show a clear break down and distinction in massing terms between the wing that faces onto St Augustine Road and the wing that continues along Bath Lane. On Bath Lane there has been the introduction of a clear and defined fifth storey parapet with a sixth storey setback.

This combined with the glazed links creates three distinct elevations to Bath Lane: the corner of St Augustine Road and Bath Lane, the elevation with the double recessed reveals, and the elevation with the lighter bricks and chamfered reveals. The importance of the fifth storey datum combined with the improvements in how the

building turns the corner to Bath Lane make the three elements less monolithic and more palatable.

The five storey element that fronts onto the St Nicholas Circle has seen an improvement in the massing and the way it turns to corner to Bath Lane. There is now a lighter glazed corner with aluminium curtain wall with extruded fins. I welcome this change. The improvement in the massing is very evident in the AVR's. Likewise there is an improvement when viewed from within Castle Gardens.

#### *Appearance: Details and Materials*

As part of the application submission the applicant has submitted site sections, street elevations, detailed 1:20 sections and bay studies. I welcome the reveal depths. In addition, the chamfered window reveals, and the corbeled detailing around some of the reveals of the building are very welcome.

The applicant has provided an indication of the materials to be used which sets a quality benchmark. The exact materials to be used including the manufacturer's specifications are required as part of a proposed pre-commencement condition which also requires the construction of sample panels on site for inspection and approval. This is to ensure that the quality indicated as part of the application is maintained during construction.

The applicant has taken on board all the comments made in relation to the height, massing and design of the proposal through the application process and I consider that the development is now acceptable in this regard, subject to the details of materials to be submitted, and in accordance with Core Strategy policy CS03.

#### Heritage Assets

Core Strategy policy CS18 states that the Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

An archaeological assessment will be required where a proposal would affect a site which is known to contain below ground and low level archaeological remains.

Paragraph 212 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 215 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 216 states 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.

The site is not listed nor within a conservation area, but is located between a number of heritage assets. To the south are the Grade II Listed West Bridge and Castle Conservation Area, while to the north are Grade II Listed properties and Locally Listed properties on Talbot Lane, with a further group of high grade heritage assets adjacent. The latter includes the Grade I Listed Jewry Wall and Church of St Nicholas, with a further designation as a Scheduled Monument. To the west is the locally listed public artwork based on the former Wholesale Market Terracotta Relief Panels. Due to the open vista presented by the waterway, the existing site has a relationship on the setting of the Grade II Listed Bridge over the River Soar on The Newarke. This is therefore a highly sensitive site that helps frame views into and out of a number of key heritage sites.

The application includes a Heritage Statement and a Design & Access Statement that references heritage assets. Although there are aspects of the former that are not fully comprehensive, the application is assessed as broadly meeting the terms of the requirements set out in para. 207 of the NPPF.

The existing properties are not designated heritage assets but do contribute to the quality of the townscape in this location and provide an attractive structure that enhances the setting of the aforementioned heritage assets. In addition, the former bakery building has been identified in the Waterside Supplementary Planning Document as making a positive contribution to the area, with the intention that high quality infill development works with properties such as this. The attractive former bakery building does not meet the requirements for local listing and although it has a positive relationship to the setting of other heritage assets, it is not an identified heritage asset itself.

Earlier iterations of the scheme involved the retention of the former bakery building and wrapped development around it in a somewhat awkward massing. Although the development needed more work to ensure the design was more cohesive, these iterations did have the advantage of retaining this building. The current proposal would see full demolition of all the buildings on the site, including those that contribute less positively to the townscape, and the former baker building. As the site does not contain any heritage assets, there is no test to pass in terms of the immediate heritage impact of that demolition in a vacuum, but the assessment instead falls on the setting impact of the related nearby sites.

The amended scheme does pay some regard to its setting in terms of dropping down the scale on the wing to Talbot Lane and having an elevational treatment that more positively addresses the various streets that wrap around the site. The scale of the larger elements is comparative to some taller buildings nearby but is significantly above the ambient building height of the more historic buildings and structures in its environs. The impact of that scale and elevational treatment, on the various heritage

assets is varied. In terms of the most significant heritage assets, relating to the Scheduled Monument and Grade I Listed Church, the impact on setting is marginal due to the aspect and topography. The applicant has now provided verified views showing the scheme when looking across the exposed archaeological remains and looking across Jewry Wall and the western edge of the Church. These views also identify the impact on the Grade II Listed Vaughan College building complex, which wraps around the archaeological remains. While of more modern form, this heritage asset still has a scale and massing that potentially could be impacted on negatively by development to the rear. The AVRs demonstrate that the proposed scheme would not be visible when looking across the aforementioned heritage assets and the impact on setting is therefore limited.

Although in much closer proximity to Talbot Lane, the terrace of nationally and locally listed buildings sit on a street with a tight urban grain and the angle of the new development is such that the impact on their setting is limited. This is helped by the intermediate single storey building that is not due to be demolished, and the lower scale of mass on this street proposed. More distant views of the terrace from the south will be harmed due to the awkward scale change between the taller elements of the proposed development and these much smaller two to three storey former houses. However, these are objectively not primary views of the terrace.

In proportionate terms, the harm is more apparent relating to the new development in relation to heritage assets to the south and west, where the larger scale presents itself more clearly. Verified views have been provided that demonstrate that the increased scale of development will create a less harmonious backdrop to the various lower scale structures here. In some cases, such as with the somewhat contrived representation of the former Wholesale Market Terracotta Relief Panels to the west, the new development will be less harmful as there is a less tangible historic relationship between the artwork and its setting. However, the scale will be more dominant over the much lower form of the Grade II Listed West Bridge relative to the more sympathetic existing structure. In a sequence of views northwards from The Newarke and up through Castle Gardens, the new development would represent a harmful addition in terms of the scale and the loss of the historic backdrop building.

The existing building, due to its scale, history and architectural form helps to serve as a valuable townscape 'bridge' between the surviving historic buildings and structures that exist between the river and the Grade I Listed Church of St Nicholas. In particular, the former bakery visually ties together the Grade II Listed bridge and the terrace of locally/nationally listed buildings along Talbot Lane in views out of and adjacent to Castle Gardens, as well as views looking south-west from the Jewry Wall site towards the Grade II Listed former Peck Building. The large new mass severs these relationships and instead adds to a more oppressive backdrop of larger scale residential towers that frame the larger scale road infrastructure. Nevertheless, following design amendments, the proposed block does present more coherently to the main junction that it sits adjacent to, and the detailing and materiality are much improved. In these terms, the harm has been reduced, while the earlier reduction in overall scale reduced harm incrementally in terms of the mass and height. It is further acknowledged that the location adjacent to a main road does present a context for a building of this scale and the visual impact on the higher graded heritage assets to the north-east is limited.

It remains unfortunate that the plans for this site would result in the loss of a characterful building that enhances the setting of adjacent heritage assets, with a larger scale structure proposed that would be out of scale with the more historic structures in its environs. Although there are some tall buildings located along the watercourse, these are generally set further away from the heritage assets listed above and sit at a lower point within the differential topography. As such their impact is mediated by setting more than the site in question. While the plan does show some stepping down of building heights and better presents to the main roads, there remains some harm from the loss of the former bakery building and the larger scale mass proposed. The improved design and the AVRs help in terms of providing evidence of the impact and detailing where this is more limited on setting.

The Council for British Archaeology commented on the loss of the existing former bakery building stating their preference for its reuse. They recommended that an options appraisal be carried out for the adaptive reuse of the bakery building as part of a revised scheme.

The applicant has considered the retention of the bakery building within pre-application enquiries submitted as long ago as 2017 and prior to this application. Its retention provides issues around viability and design. As the building is not designated as a local or national heritage asset and the applicant has worked positively with the Planning Authority to reduce the scale and massing of the proposal and also improve the design, I consider its loss although unfortunate to be acceptable.

There would be no harm to the setting of the Grade I Listed Jewry Wall and Church of St Nicholas. There would be less than substantial harm to the setting of the various Grade II Listed properties and Locally Listed properties on Talbot Lane, albeit this would be at the lower end of that spectrum. The development would cause less than substantial harm to the setting of the Grade II Listed West Bridge and cause harm to the setting of the Castle Conservation Area, but design improvements have reduced the visual impacts, and this harm would need to be judged against any public benefits relating to the scheme.

HE note the amended height and massing of the proposed development and have stated this positively addresses their concerns around the visual prominence of the new buildings in the setting of designated heritage assets.

### Archaeology

The application site has been subject to an archaeological desk-based (April 2022) and a heritage assessment (March 2022). Both assessments identify the site as located within the historic city centre in an area with nationally designated and non-designated heritage assets, in addition to known significant Prehistoric, Roman and medieval archaeology within and immediately adjacent on all sides of the site.

A small-scale evaluation in 1992 on part of the site ahead of new development identified the presence of Roman buildings and floor levels. Limited in scope, this evaluation did not investigate all the exposed features. This archaeological evaluation demonstrated that archaeology on site is well-preserved. A borehole to the northwest

of the site (and referenced in the land contamination report) identified granite and brick blocks between 3.3m and 3.90m below the current ground surface.

This significance and high degree of preservation in the area is expanded upon in the archaeological assessment,

“..., there is High potential for prehistoric, Roman, and medieval remains within the assessment area, and Moderate to High potential for later post-medieval and modern remains. The potential for Roman remains is very High.”

The outline methodology to be followed is to strip made ground to the archaeological horizon to characterise and identify in situ deposits and fully excavate features that will be lost or removed due to construction and related activity (e.g. areas below pile caps, services, attenuation tanks, lift shafts, areas of archaeology above formation levels, etc).

Historic England highlighted in their comments in August 2024 the possible issues that could arise from the lack of on-site investigations and how without a clear understanding of implications for footing design and the costs of archaeological mitigation, viability issues may clash with the need for the remains to be addressed through planning in a manner proportionate to their importance. HE stated ‘Where archaeological remains closely associated with scheduled Jewry Wall site survive under the existing buildings on the application area those remains contribute to the significance of the scheduled monument as archaeological setting, and the loss thereof would comprise harm to the significance of the scheduled monument’.

Due to the extent, depth and likely complex nature of the archaeological deposits within the site I highlighted the comments of HE to the applicant, the likely cost and logistical constraints the site presents, and that suitable contingency and appropriate time to complete the fieldwork should be provided. As an extreme example the archaeology found could prevent any future development of the site.

The applicant was given the option to carry out some on-site investigations to better understand the implications of the archaeology before proceeding to the determination of the application and demolition of the existing buildings which would at least allow them to maintain the use of the existing buildings and maintain some income but the applicant declined this option and accepted that a pre-commencement condition would therefore be necessary to secure these works and recognised the future impacts of what might be found on the development of the site.

With respect to the potential impacts of the proposal upon the setting of designated and locally listed above-ground heritage assets these have been articulated within both assessments and currently assess the impact upon setting as slight/moderate (Jewry Wall), slight (St Nicholas Church) to neutral.

In view of the known and potential significant archaeology on site and its immediate environs and likely construction impacts, I have recommended, that if the application is approved, a pre-commencement condition is attached to the planning permission requiring archaeological fieldwork to be carried out in accordance with a previously approved Written Scheme of Investigation.

I consider the amended proposals to be in accordance with Core Strategy policy CS18 and paragraphs 200 to 212 of the NPPF.

### Living conditions (*The proposal*)

Saved Policy PS10 of the City of Leicester Local Plan states that in determining applications factors concerning the amenities of proposed and existing residents including matters such as noise, light, visual quality of the area, parking, privacy and overshadowing, access to key facilities by walking, cycling and public transport will be taken into account.

Criteria E of the Student Housing SPD refers to the layout, standards and facilities provided in the development to ensure a positive living experience.

### *Open Space Provision*

The proposal includes indoor and outdoor communal amenity space totalling approximately 580sqm including two lounge areas, one on the ground floor and one on the fifth floor. Outdoor amenity space is provided on the lower ground floor, fourth floor and fifth floor. I consider the on-site provision to be acceptable and consider that it will provide future residents with sufficient amenity space outside of their individual rooms. The site is also within easy walking distance Castel Gardens, the riverside, the city centre and De Monfort University sporting facilities on Western Boulevard.

Due to the viability constraints of the proposed development a contribution is not sought for the provision of or improvement to existing green space, sport and recreation provision.

### *Layout and Size of Bedrooms*

The proposal provides predominantly studio accommodation with a majority of student studio rooms (74%) that are of a good size at approximately 24.9sqm or larger. Six accessible studios are proposed. These are provided on each floor allowing for a choice in location. Each studio includes an en-suite shower room, double bed, sofa/tv area, kitchenette, desk space and wardrobe/storage. The accessible studios have space to allow a wheelchair to manoeuvre around the studio and a wet room style bathroom.

Six cluster flats are also proposed, 1 x 3 bed and 5 x 4 bed. The proposed three bed cluster flat will have bedrooms of approximately 15.2sqm. Each bedroom has an en-suite shower room. The shared kitchen/dining room will be approximately 17sqm.

The five proposed four bed cluster flats will have bedrooms of approximately 16sqm. Each bedroom has an en-suite shower room. The shared kitchen/dining room will be approximately 22.15sqm.

The Nationally Described Space Standards cannot be required in purpose built student accommodation under current national and local planning policy.

The future occupiers of the cluster flats will also have access to the shared indoor and outdoor amenity space.

Level access is provided from St Nicholas Circle and Bath Lane and two lifts are proposed providing access to all floors for those with mobility issues. Door and corridor widths allow for the use of a wheelchair throughout the development.

The majority of rooms have outlook either onto Bath Lane or St Nicholas Circle. Two rooms on each floor will look out over the central courtyard amenity space with the nearest neighbouring building being approximately 16.5m away.

### *Parking*

The site is located within an extremely sustainable location within easy walking distance of the city centre and all its facilities including the train station and bus stations. Several bus services travel past the site along St Augustine's Road with bus stops nearby on St Augustine's Road and St Nicholas Circle.

The De Monfort University campus is also within easy walking distance to the south.

Appendix 1 (Parking Standards) of the City of Leicester Local Plan states as a maximum that parking provision for student accommodation should be 1 space per 12 bedspaces which equates to 11 spaces. The applicant is proposing to provide seven parking spaces on Bath Lane including a disabled parking space. These will be used for when students arrive for the academic year and leave. The existing delivery and service vehicle bay is to be retained to Bath Lane.

Appendix 1 states cycle parking provision should be 1 space per 2 bedspaces plus 1 per 20 bedspaces for visitors. This equates to 70 cycle parking spaces. Cycle parking is proposed for 94 cycles.

### *Flexibility*

The applicant has provided a plan to indicate how the student accommodation could be re-configured through internal alterations into Class C3 residential units meeting the NDSS standards.

However, as the requirements for student accommodation are different to that for standard residential accommodation this development would be restricted to student accommodation through the approved description of the development, including the use class for student accommodation which is Sui Generis, and a condition. Under the provisions of the Town and Country Planning (Use Classes) Order no change of use from Sui Generis is permissible without the submission of a further planning application. Should someone wish in the future to change the use of the development a full detailed planning application would be required to be submitted with all the required supporting documents for that proposal.

### *Energy Efficiency and Sustainable Construction*



Core Strategy policy CS02 states all development must mitigate and adapt to climate change and reduce greenhouse gas emissions by using best practice energy efficiency and sustainable construction methods.

The applicant has through the submission of an Energy Efficiency Statement and Accommodation Light Assessment demonstrated that the proposal will be acceptable in terms of energy efficiency.

The proposed u-values for external walls, roofs and windows all improve on the limiting parameters under the Building Regulations and meet or are close to the value representing a good approach to fabric efficiency.

Heating is proposed through electric panel heaters with individual heating controls. Coupled with the use of solar PV panels this represents an acceptable approach to low carbon heating. Hot water is proposed to be provided through a centralised gas-fired boiler system.

It is proposed to ventilate the building using natural ventilation and low energy fans. The building will be lit throughout using low energy LED lighting with communal areas being fitted with presence detection.

I have proposed a condition requiring the applicant to carry out the development in accordance with the submitted details and also provide evidence of the satisfactory operation of the installed systems.

I consider the development to be acceptable in relation to the requirements of saved City of Leicester Local Plan Policy PS10, Core Strategy policy CS02 and the Student Housing SPD.

#### Residential amenity (*neighbouring properties*)

The nearest existing residential properties to the application site are located on the opposite side and slightly to the north on Bath Lane at Westbridge Wharf.

I consider the distances and offset position between the existing and proposed elevations to be sufficient to prevent any detriment in terms of light, outlook or privacy.

There will be some noise during construction which is unavoidable however I have proposed a condition restricting the hours of work and a condition requiring a construction method statement which will deal with issues around site management during construction to minimise effects.

I do not consider that there are likely to be detrimental noise issues once the building is occupied.

#### Waste storage and collection

The proposal includes a bin storage area large enough to house 21 x 1100 litre bins which is two more than requested by Waste Management colleagues. As additional bins are shown on the submitted plan this would suggest that space is available for

the future provision of food waste bins. As no information has been provided by Waste Management of what these future requirements will be I have not been able to ask the applicant to account for them on the plans.

Direct level access to the bin storage area is shown from Bath Lane and the refuse vehicle will be able to park in the existing and retained service vehicle bay. Future residents have direct access from a circulation corridor on the lower ground floor.

I consider the provision shown on the submitted lower ground floor to be acceptable.

### Highways and Parking

Saved policy AM12 of the City of Leicester Plan states that levels of car parking for residential development will be determined in accordance with the standards in Appendix 1.

Reductions below the maximum standards may be appropriate in the Central Commercial Zone.

Core Strategy policy CS14 states that development should be easily accessible to all future users, including those with limited mobility. It should be accessible by alternative means of travel to the car, promoting sustainable transport such as public transport, cycling and walking and be located to minimise the need to travel.

The site is within easy walking distance of the city centre and the DMU campus where future student occupants are likely to be studying. It is also located on a well served bus route into and out of the city centre.

As already discussed above in the 'Living conditions' section and within the consideration under the Student Housing SPD I consider the limited car parking provision to be acceptable in this very sustainable location and taking into account that the proposal includes more than adequate cycle parking provision.

I have proposed a condition requiring the provision of travel packs to each new occupant to provide them with information on nearby services, bus stops, timetables, discounts and deals etc. I have also included within a condition requiring the submission of a management plan to be approved a requirement to deal with how the proposed parking spaces and delivery space will be managed and operated.

I consider the proposal to be acceptable and in accordance with saved policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS14.

### Drainage

Core Strategy policy CS02 states that development should be directed to locations with the least impact on flooding or water resources. All development should aim to limit surface water run off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of sustainable drainage techniques.

The application site is in Flood Zone 1 therefore there is no risk from fluvial flood risk.

The site is however within a modelled surface water (pluvial) flooding hotspot and a critical drainage area.

The information provided to date and the proposed measures stated within the submitted drainage strategy report are considered acceptable by the Lead Local Flood Authority in terms of meeting the requirements of Core Strategy policy CS02 subject to further details being submitted to satisfy the requirements of two proposed conditions. I have therefore proposed those conditions to be included.

### Land Contamination

Saved policy PS11 of the City of Leicester Local Plan states that proposals that are sensitive to pollution will not be permitted close to existing polluting uses, unless by so doing developers can demonstrate that adequate measures have been taken to prevent or minimise the impact of pollution.

The contents and recommendations contained within the submitted Phase 1 Desk Study Land Contamination report are accepted and agreed. The Study states that a Phase II investigation is considered necessary but that any hazards identified on the site can be overcome by using appropriate remediation techniques.

A pre-commencement condition is proposed, with the exception of the demolition of the buildings, requiring further on-site investigation to be carried out and a site investigation report, including a risk assessment and if required a scheme of remedial works, to be submitted to the Local Planning Authority for approval. Any remediation works will be required to be carried out and a completion report submitted for approval before any part of the development is occupied.

Subject to the requirements of this condition I consider that the proposal will be in accordance with the requirements of saved Policy PS11 of the City of Leicester Local Plan.

### Nature conservation/Trees/landscaping

Core Strategy policy CS17 states that the council will expect development to maintain, enhance and/or strengthen connections for wildlife.

In considering the potential impact of development on wildlife, the Council will require ecological surveys and assessments of the site to be undertaken where appropriate.

Saved policy UD06 of the City of Leicester Local Plan states new development must include planting proposals and those proposals should form part of an integrated design approach. Development proposals will require maintenance of new landscape for the first ten years after implementation.

Due to the application having been submitted in 2022 it is exempt from the requirements for biodiversity net gain.

The Applicant has provided an updated Preliminary Ecological Appraisal for Bats and Protected Bird Species (July 2025) which confirms that the buildings within the redline boundary still present negligible potential to support roosting bats and nesting birds. It is therefore very unlikely that protected species will be impacted by the proposal.

However, the Applicant's Ecologist has made recommendations in section 5.0 of the report to include enhancements to support local protected & priority species. Specifically, 2 x bat boxes and 2 x bird boxes which is welcomed and I have proposed a condition to secure this. These are requested as integrated boxes/bricks rather than externally mounted.

The findings of the report are acceptable and although it is very unlikely that protected species will be harmed by the proposal, as a precautionary measure, it is recommended that a note to applicant regarding bats & birds is included on any decision notice should this proposal be permitted.

The Applicant's Ecologist has not recommended a validity period for this report but in accordance with CIEEM Guidance, a validity period of 18 months from the date of survey would be acceptable. Therefore, a condition is proposed relating to this.

### *Landscape*

The existing site has no landscaping present. There are two existing trees just to the south of the application site boundary which will remain.

The applicant has provided the location of where soft landscaping is to be planted. This is proposed to provide a buffer between the parking spaces and the cluster flat proposed on the lower ground floor to Bath Lane and the studio rooms fronting St Nicholas Circle. Soft landscaping is also proposed in the internal courtyard area and on the two roof terraces.

The applicant has not provided any details of the soft landscaping in terms of specific species to be planted or numbers but this can be provided to meet the requirements of a detailed condition.

I have proposed a condition which requires the submission of details such as new tree and shrub planting, including plant type, size, quantities and locations, other surface treatments, details of planting design and maintenance before any above ground works are begun. The condition will also require all soft landscaping to be maintained for a period of ten years.

This condition also requires an ecological management plan and the provision of details of the required bat and bird bricks/tiles to be incorporated into the elevations of the building.

I consider that subject to the details required by the proposed condition the proposal is acceptable and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS17.

### Viability and Developer Contributions

The applicant submitted a Financial Viability Appraisal and this has been fully examined. The findings are that based on the information submitted the proposed scheme cannot support any s106 contributions. Green space and ICB contributions have therefore not been pursued on this occasion.

## Conclusion

I consider that the proposal meets the criteria set out in the Student Housing SPD. The site is in a good location to provide accommodation particularly for students at DMU and is also in a sustainable location close to other facilities such as the city centre and all forms of sustainable transport. It will provide the future residents with an acceptable living environment providing good room sizes and an acceptable level of indoor and outdoor amenity space.

The loss of the existing building on the site to Bath Lane is unfortunate however as the building is not designated as a local or national heritage asset and the applicant has worked positively with the Planning Authority to reduce the scale and massing of the proposal and also improve the design I consider its loss to be acceptable on this occasion.

During the consideration of the application the applicant has responded positively to all comments put to them from the various consultees involved in the consideration of the proposal and has made substantial amendments. The proposal has been reduced in height and the massing has been broken up by using design changes including improvements to the elevation facing Castle Gardens and how the building turns the corner to address the comments of the Conservation Advisory Panel.

The development will contribute to housing supply numbers in the city which is a significant factor in the absence of a five year housing land supply, and may also allow some release of pressure on the use of private rented housing stock by students deciding to live in this purpose-built student accommodation rather than a shared house.

The existing and future archaeological position is adequately protected and safeguarded through recommended conditions and the Scheduled Ancient Monument protections.

Subject to the details required by the proposed conditions the proposal will meet technical requirements and avoid significant impacts to the surrounding area.

I recommend that this application is APPROVED subject to the following conditions:

### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The development hereby approved shall only be occupied by students enrolled on full-time courses at further and higher education establishments, or students

working at a medical or educational institution as part of their medical or education course. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the Local Planning Authority on demand at all reasonable times. (To enable the Local Planning Authority to consider the need for affordable housing in accordance with Core Strategy Policy CS07, and residential amenity standards for any alternative residential use in accordance with saved policies H07 and PS10 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS06, and parking provision in accordance with saved policies AM02 and AM12 of the City of Leicester Local Plan.)

3. 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 demolition and construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. No machinery shall be operated and no work shall be undertaken outside the hours of 07.30 to 18.00 hours Mondays to Fridays, and 07.30 to 13.00 hours Saturdays, nor at any time on Sundays or officially recognised public holidays. (In the interests of the amenities of nearby occupiers, and in accordance with saved policy PS10 of the City of Leicester Local Plan.)

5. (A) Before the development is begun, excluding demolition, a materials sample panel drawing (at a scale of 1:20) and full materials schedule shall be submitted to and approved in writing by the Local Planning Authority. (B) Prior to the construction of any above ground works the approved sample panel shall be constructed on site, showing all external materials, including but not limited to, bricks, bond, railings, windows, doors and cladding, for inspection by Officers and approval in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.

6. 1. Before the development is begun, including demolition, a programme of archaeological fieldwork adhering to a Written Scheme of Investigation (WSI) in respect of a site strip, characterisation and excavation shall be submitted to and approved in writing by the Local Planning Authority. No groundworks (including removal of current foundations and slabs) or new development shall take place or commence until the WSI has been approved. The scheme shall include:

(1) an assessment of significance and how this applies to the regional research framework;

(2) the programme and methodology of site investigation, recording, and, where applicable, preservation in situ;

(3) the programme for post-investigation assessment;

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

(5) provision to be made for publication and dissemination of the analysis and records of the site investigation following post-excavation assessment and updated project design;

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

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

2. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (1) above.

3. The development shall not be occupied or this condition discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (1) above and following an agreed Updated Project Design, and suitable and costed provision has been made and secured for the analysis, publication and dissemination of results and archive deposition. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

7. No development shall take place until a Method Statement detailing the design and means of construction of the foundations of the buildings hereby permitted, together with any other proposed earthmoving or excavation works required in connection with their construction, has first been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of a scheme of vibration monitoring to be implemented if any piling is proposed to minimise the risk of adversely affecting the structural integrity of the Grand Union Canal during such operations. The development shall only be carried out in accordance with the approved Method Statement. (In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or construction operations which could adversely affect the structural integrity of the nearby Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs ??? and ??? of the NPPF and in National Planning Practice Guidance. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

8. No development shall be carried out, with the exception of demolition, until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. Any parts of the site where contamination was previously

unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the Local Planning Authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

9. Before the development is begun, excluding demolition, details of the implementation, long term maintenance and management of the Sustainable Drainage System (SuDS) as approved shall be submitted to and approved by the Local Planning Authority. No studio or cluster flat shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) a timetable for its implementation, and (ii) 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.)

10. Before the development is begun, excluding demolition, details of foul drainage, shall be submitted to and approved in writing by the Local Planning Authority. No studio or cluster flat shall be occupied until the foul drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

11. Before any above ground works are begun details of the ventilation strategy for the development to prevent overheating shall be submitted to and approved in writing by the Local Planning Authority. The ventilation strategy shall equate to open windows deemed to be 4 air changes per hour on demand. The approved ventilation strategy and measures shall be carried out before the occupation of any studio or cluster flat and shall be retained and maintained thereafter. (In the interests of residential amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan)



12. Before any above ground level works are begun, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of the site which will remain unbuilt upon shall be submitted to and approved in writing with the Local Planning Authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction. (ix) details of planting design and maintenance of; (x) details of the make and type of 2 x bat boxes/tiles/bricks and 2 x bird bricks (suitable for swifts) to be incorporated within the elevations of the building under the guidance and supervision of a qualified ecologist and their monitoring for a period of two years and results submitted annually to the Local Planning Authority with the agreed features retained thereafter. 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. (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).

13. Should the development not commence within 18 months of the date of the last protected species survey (05/07/2025), then a further protected species survey shall be carried out of all buildings 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 every 18 months 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 CS17 of the Core Strategy).

14. The development hereby permitted shall at all times be managed and operated in full accordance with a Site Wide Management Plan, the details of which shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of any part of the development. The management plan shall set out procedures for:

- (i) how servicing and deliveries will be managed;
- (ii) refuse collection arrangements
- (iii) the security of the development and its occupiers;
- (iv) maintaining the external areas of the site;
- (v) restriction of car ownership / use of the car parking space;
- (vi) cycle parking and cycle storage including provision for use of the cycle parking by employees.

(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 aims of Core Strategy policies CS03, CS06 and CS15 and saved policy PS10 of the City of Leicester Local Plan.)

15. Before any part of the development is occupied details of a student accommodation management plan shall be submitted to and approved in writing by the Local Planning Authority and the accommodation shall at all times be managed and operated in full accordance with the approved plan. Any amendments to this document shall first be submitted to and approved in writing by the Local Planning Authority. (In the interests of residential amenity and in accordance with saved policy PS10 of the City of Leicester Local Plan and the Student Housing Supplementary Planning Document)

16. Prior to the first occupation of each studio and cluster flat, the occupiers of each of the units shall be provided with a 'Residents Travel Pack' details of which shall have first been submitted to and approved in writing by the Local Planning Authority. The contents of the Travel Pack shall consist of: information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with saved policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)

17. The development shall be carried out in accordance with the recommendations within the approved Redmore Environmental Air Quality Assessment with particular reference to Table 19 and Section 6 - Mitigation. (In the interests of residential amenity and in accordance with saved policy PS11 of the City of Leicester Local Plan and Core Strategy policy CS02)

18. The development shall only be carried out in accordance with the submitted Energy Efficiency Statement. Before the development is occupied evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating the satisfactory operation of the installed energy efficiency measures. (In the interest of energy efficiency and carbon reduction and in accordance with Core Strategy policy CS02).

19. The development shall be carried out in accordance with the approved Leema Technologies Acoustic Report Ref: L5380. Before any studio or cluster flat is occupied a post completion noise assessment shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. (In the interests of residential amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan)

20. The development shall be built to the finished floor levels (FFL's) as shown on plan refs: 1446 P2 - 31 Rev c and 1446 P2 - 32 Rev C. (For the avoidance of doubt)

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

Proposed site plan, 1446 P2-10 Rev C, received 5th August 2024  
Proposed floor plans, 1446 P2 - 20 Rev F, received 20th January 2025  
Proposed floor plans, 1446 P2 - 21 Rev G, received 20th January 2025  
Proposed elevations, 1446 P2 - 31 Rev C, received 17th April 2025  
Proposed elevations, 1446 P2 - 32 Rev C, received 17th April 2025  
Materials and construction, 1446 P2 - 40 Rev C, received 17th April 2025  
Materials and construction, 1446 P2 - 41 Rev C, received 17th April 2025  
Materials and construction, 1446 P2 - 42 Rev C, received 17th April 2025  
Materials and construction, 1446 P2 - 44 Rev A, received 17th April 2025

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

## 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 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 2024 is considered to be a positive outcome of these discussions.

2. The property may be suitable for roosting bats, which are protected by law from harm. The

applicant should ensure that all contractors and individuals working on the property are

aware of this possibility, as works must cease if bats are found during the course of the

works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated

with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits,

flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in

stone or brickwork and in cavity walls. Further information on bats and the law can be found

here [Bats: protection and licences](#).

3. 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 Local Planning Authority. 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. Further information on birds and the law can be found here Wild birds: protection and licences - GOV.UK ([www.gov.uk](http://www.gov.uk))

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

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_BE20	Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
2006_PS07	Planning Permission will be granted for development that contributes towards a new comprehensive Waterside development in the vicinity of Frog Island, in the area shown on the Proposals Map.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_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_CS04	The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_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_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

