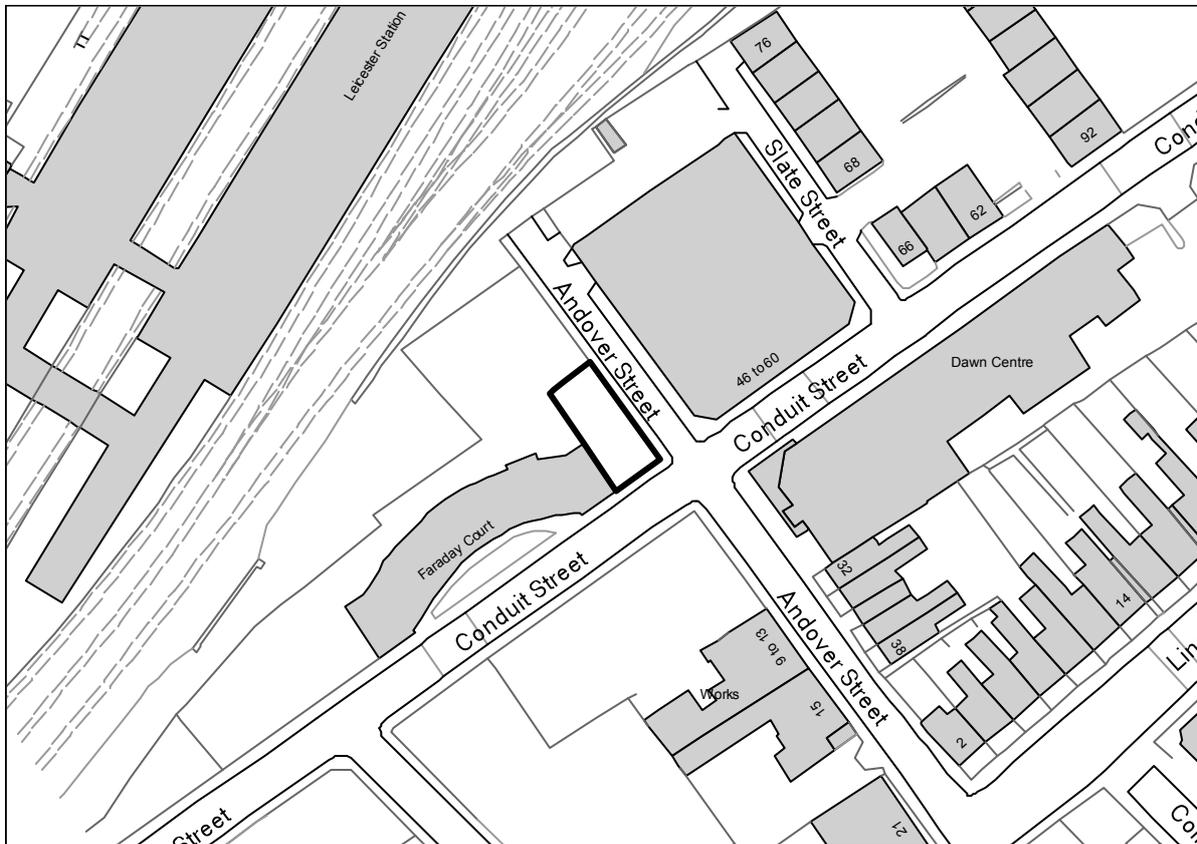


<b>Recommendation: Conditional approval</b>	
<b>20170359</b>	<b>44 CONDUIT STREET, SITE OF</b>
Proposal:	CONSTRUCTION OF SEVEN STOREY BUILDING TO PROVIDE 37 STUDENT STUDIO FLATS (SUI GENERIS) (AMENDED PLANS 19/5/2019) (S106 AGREEMENT)
Applicant:	ARONEX DEVELOPMENTS LTD
View application and responses	<a href="http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20170359">http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20170359</a>
Expiry Date:	23 April 2019
WJJ	WARD: Stoneygate



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**Summary**

- This application for Planning Permission has been brought to the Planning Committee as the recommendation is for approval and more than six objections have been received.
- The main issues are the principle of student accommodation in this area, character and appearance of the area, the impact on the architectural and historic interest of buildings that are Listed or on the Local Heritage Asset

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Register and the South Highfields Conservation Area, the amenity of neighbouring dwellings and the quality of living environment for future residents

- The six objections cover a wide range of issues. They concern whether student accommodation is acceptable here, the appearance of the scheme, the impact on residential amenity of neighbours and the standard of living offered to future residents of the scheme, a lack of car parking and public amenity space.
- There is no extant permission for the development of this site.
- The application is recommended for Approval subject to conditions and the completion of a S106 Agreement to secure a developer contribution of £22,097 towards the refurbishment of local greenspace.

## **Introduction**

The site is very close to the railway station and the London Road and it borders the residential area of South Highfields. On the other side of the railway line and inner ring road is the city centre. It is within the Strategic Regeneration Area.

With regards to flooding from fluvial sources the site is within Flood Zone 1. With an estimated flood risk of less than 1 in 1000 years the risk of flooding is very low. With regards to flooding from pluvial sources the site is within a Critical Drainage Area. Flooding from pluvial sources is unlikely to take place here however rapid water runoff from this area is likely to cause flooding in neighbouring Hotspots.

The boundary of the South Highfields Conservation Area is around 40m from the site to the southeast down Andover Street.

The front entrance (Porte Cochere) of the railway station is Grade II Listed and is about 100m from the site.

To the rear of the site the railway line is designated as a Biodiversity Enhancement Site.

## **Background**

The 1828 map shows Conduit Street had been laid out along with Glebe Street and Andover Street (although the latter two are not named on the map). Buildings were appearing in the area and there was a building on the application site. However the area consisted mostly of fields.

The historic maps indicate the area was densely developed by the 1880's. The 1886 map shows the application site had an L-shaped building facing Conduit Street and Andover Street with a yard behind.

The 1952 map is labelled the 'Jolly Miller (BH)' (boarding house). On the 1955 the label had changed to just 'PH' (public house). During the twentieth century a number of rows of buildings nearby, most of which were houses, were cleared. These

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included rows on both sides of Conduit Street and the site on Andover Street between 44 Conduit Street and the railway station.

The 'Jolly Miller' public house was demolished in 2013 following a prior notification application (20130379) and the site cleared. The site appears to have been unused since then.

Since the site was cleared a number of planning applications have been made.

A six storey block of flats (Class C3) was refused on this site under application 20131605 for the following reasons:

1. The proposed development, and in particular the studio flats within it, due to their small size, lack of outdoor amenity space and parking facilities for their occupiers would fail to provide a satisfactory living environment. As such they would not offer sustainable accommodation over time, which would be contrary to the aims of policy CS12 of the Leicester City Core Strategy, policy H07(d) of the City of Leicester Local Plan and the Supplementary Planning Document 'Residential Amenity' (2008).
2. The height of the proposed building, including in relation to the size of the site, would be excessive and significantly out of scale with existing buildings in the surrounding area. It would therefore appear as an out of scale element within the street scene which would be harmful to the character and appearance of the surrounding area, contrary to policy CS03 of the Leicester City Core Strategy.

A five storey block of flats (Class C3) was permitted under application 20140794. Application 20140794 expired on the 6<sup>th</sup> of November 2017. Non-material alterations to the appearance and internal layout were approved under application 20160159. There is no extant permission for this site.

## **The Proposal**

Originally the proposal was for an eight storey block of student studio flats. Amended plans have now been submitted that reduce it to seven storeys and amend the layout and number of flats. The scheme includes a basement with plant room, storage area and secondary cycle store, a ground floor with an entrance lobby, bin store, main cycle store and three flats. On the upper floors are more flats, each of which will have a small balcony, and on the roof will be a communal garden.

A total of thirty-seven student studio flats are to be provided with floor spaces of between 19sqm and 28sqm.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) February 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

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Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means:

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

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

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

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

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

Aspects relating to developer contributions. The following paragraphs are particularly relevant to matters relating to developer contributions to green space.

Paragraph 54 states that *'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

Paragraph 56 states that *'Planning obligations must only be sought where they meet all of the following tests:*

*a) necessary to make the development acceptable in planning terms;*

*b) directly related to the development; and*

*c) fairly and reasonably related in scale and kind to the development.'*

Paragraph 57 states that *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*

Transport aspects. The following paragraphs are particularly relevant to the transport aspects of this scheme.

Paragraph 109 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

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Paragraph 110 states that *'Within this context, applications for development should:*

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

*Density aspects.* The following paragraphs are particularly relevant to matters related to density.

Paragraph 117 states that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.'*

Paragraph 122 states that *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

Paragraph 123 states that *'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies*

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*and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'*

*Design aspects.* The following paragraphs are particularly relevant to design matters. Paragraph 124 states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

Paragraph 127 states that *'Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Paragraph 130 states that *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

*Heritage aspects.* The following paragraphs are particularly relevant to heritage matters.

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Paragraph 190 states that *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

Paragraph 192 states that *'In determining applications, local planning authorities should take account of:*

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

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

Paragraph 200 states that *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

#### Other material considerations

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

Supplementary Planning Document - Residential Amenity

Supplementary Planning Document – Tall Buildings

Supplementary Planning Document – Student Housing

Supplementary Planning Document – Green Space

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

Leicester City Council Waste Management guidance notes for residential properties

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty of local planning authorities to have special regard to the desirability of preserving the setting of listed buildings.

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

South Highfields Conservation Area Character Appraisal

#### **Consultations**

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East Leicestershire and Rutland CCG

Leicester City Clinical Commissioning Group have reviewed this application. The scheme is likely to have little to no initial impact on NHS services due to the low number of flats. They have no objection to the scheme.

Highway Authority

The site is in a highly sustainable location. Cycle spaces are required and Residents Travel Packs to promote the use of sustainable means of transport.

The ground floor layout provides sufficient space for cycles to park and room to allow cycles to be manoeuvred into and out of the cycle spaces. Whilst twenty-two spaces for thirty-seven studio flats is at the low end of the desired level of parking, it does meet our minimum standards and therefore is acceptable. Further cycle parking will be provided in the basement. It is not ideal to have cycle parking in the basement. However it will be served by a lift suitable to take a bike in it.

The balconies over-sail the highway. The clearance is acceptable so they are unlikely to be a safety concern. There is rainwater drainage on the balconies so water is unlikely to run off and onto the highway.

The proposed bin store will front on to Andover Street and will be close to Conduit Street where taxis regularly wait in the parking bays. This could result in refuse vehicles waiting on Conduit Street for some considerable time. Conduit Street could be blocked should the parking bay opposite the site be occupied by taxis. In order to ensure the free flow of traffic, the applicants may have to pay the costs for amending the existing Traffic Regulation Order to remove or relocate the taxi parking bay.

Dropped kerbs will need to be changed to remove any redundant ones and install one for the bin store.

The site is within an Air Quality Management Area and there is the potential for residents to be exposed to unacceptable levels of air pollution. Appropriate ventilation should address these concerns and this can be secured by condition. Promoting the use of sustainable forms of transport by residents of the flats by issuing travel packs to new residents will reduce their contribution to air quality problems. These also can be secured by condition.

Neighbourhood and Environmental Services, Noise

Noise insulation and ventilation arrangements have been submitted. These should ensure residents have an acceptable level of amenity.

Neighbourhood and Environmental Services, Land contamination

The site may be contaminated from past uses. An investigation for contamination needs to be undertaken and, if contamination is found, mitigation needs to take place. This can be secured by condition.

Neighbourhood and Environmental Services, Parks Service

The proposed development, within the Stoneygate ward, is likely to result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the

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new residents are severely limited therefore quality improvements to existing provision are sought to minimise the impact of this development. Based on the formula from the Green Space SPD a contribution of £22,097 is required towards the refurbishment of Prebend Gardens and/or Cedar Road pocket park.

#### Estates and Building Services, Better Buildings

The scheme, through the inclusion of a plant room of 22sqm in the basement, would enable either connection to a district heating network or, if it's not viable at the time of construction, the provision of a gas-fired communal heating and hot water system; leaving open the possibility of a future connection to a district heating network. On that basis an approval with an energy condition to secure an appropriate system would be acceptable.

#### Network Rail

No objection. Suggest a note be attached suggesting the developer makes contact with them prior to the commencement of development.

#### Lead Local Flood Authority (LLFA)

Development presents the opportunity to reduce the rate of surface water runoff through the use of a Sustainable Drainage System (SuDS). This can be secured by condition.

#### Severn Trent Water

Subject to securing appropriate drainage Severn Trent Water has no objection to the scheme. This can be secured by condition.

#### Waste Management

The scheme includes a bin store that meets our standards.

### **Representations**

Six objections have been received. Grounds:

- The scheme is too tall and will harm the character and appearance of the area (including the nearby South Highfields Conservation Area).
- The appearance will be poor.
- A public house (the previous use) gave something back to the area.
- An entirely student studio scheme is unreasonable and the student flat market is saturated.
- There is no need for more students in the area.
- The site is too small for so many flats.
- The flats are not large enough to provide an acceptable standard of living for residents.
- No car parking and public amenity space is being provided.

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## Consideration

### Principle

The main policy relating to student accommodation in the Core Strategy (2014) is CS6, which requires that ‘...Proposals for purpose built student housing will normally be accepted if they meet identified needs, are well designed and managed and can be well integrated with local built form and existing communities within walking distance of the main campuses.’

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

- A. *The development meets an identified need for the type of accommodation proposed.* I accept that there is a limited demand for additional purpose built accommodation within the city.
- B. *Development will be encouraged within reasonable walking distance of the two university campuses.* The site is within walking distance of the city centre, the Railway Station and Leicester University Campus and would therefore allow sustainable means of travel for potential residents.
- 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.* This matter is addressed in the ‘Character and appearance’ section 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 proposal site falls outside the defined House in Multiple Occupation boundary where restricted by an Article 4 direction. Although not directly relevant to new purpose built schemes it does give an indication of where there are high concentrations of students. The majority of pedestrian movements from the site are likely to be south along Conduit Street/London Road towards the city centre and university rather than north towards the nearest residential neighbourhood, and there are a large number of recreational facilities available locally in the city centre as well as open space at Victoria Park. As a result I do not have any concerns regarding the cumulative impact of the proposal on residential neighbourhoods.
- E. *The layout, standards and facilities provided in the development ensure a positive living experience. The layout, standards and facilities provided in the development must ensure a positive living experience.* This matter is addressed in the ‘Residential amenity’ section of this report.
- 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.* As with point E this matter is also addressed in the 'Residential amenity' section of this report.

I consider that the proposal complies with all three aspects of sustainable development (economic, social and environmental) as set out in the NPPF. The proposal would ensure that new purpose built student accommodation is located in a sustainable location, within walking distance of Leicester University, key transport interchanges and leisure facilities, and away from large, established residential communities. The proposal would also make a positive contribution to the housing land supply in the city.

### Character and appearance

Of key importance to understanding the impact of this proposal is that the application site lies close to the boundary of two types of townscape. One consists of large and relatively high rise development. This is found in the city centre and along the London Road. In contrast is the dense but low rise area of South Highfields.

This is reflected in the South Highfields Conservation Area Character Statement. The site is around 40m from the South Highfields Conservation Area. Paragraph 12.1 states *'The character and atmosphere within the Conservation Area varies from the relatively quiet residential streets, particularly the pedestrian-only avenues, to the bustle, activity and high levels of traffic on London Road. The residential character of the area has been reinforced by the closure of several streets to through traffic.'*

While much of the nearby conservation area consists of 2-3 storey Victorian and Edwardian buildings I consider the application site lies outside of that area in an area of large and relatively high rise development associated with the London Road and city centre. I consider a taller building is acceptable here and this is reflected in the permissions of a number of tall buildings on similar sites nearby. Of note:

- A seven storey building was permitted on the corner of Conduit Street and Glebe Street in September 2017 (20162443). That permission is extant.
- There is currently an application for a seven storey building under consideration for a site that includes the site of 20162443 and for the corner of Conduit Street and Andover Street (20182266).
- On the other side of Glebe Street (closer to London Road) a seven storey block has been built (20150338).
- On the corner of Conduit Street and Glebe Street closest to the London Road a six storey block was permitted in June 2017 (20161019). That permission is extant.

The proposed building will mainly be read from the northeast along Conduit Street and from the southeast along Andover Street as part of the city centre and London Road scale buildings and not as an incongruous feature among the 2-3 storey Victorian/Edwardian development which starts further southeast along Andover Street. As nearby sites that are currently cleared or surface car parks but which have permission for tall buildings are developed, this context will become more consistent.

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The scheme is around 100m from the Grade II Listed Porte Cohere of the railway station. At this distance the scheme will not overbear the Porte Cohere and its setting will be maintained.

The design has a strong active frontage to both Andover Street, with windows to flats, and to Conduit Street, with the entrance lobby.

The pavement is currently about 1.8m wide and will be widened by 1.5m to 2.0m on Conduit Street giving a width of 3.3m-3.8m. The upper floors will be set back 1m from the pavement edge and so will partly over sail this area. This will cater for the increase in footfall along Conduit Street that this scheme, and similarly new schemes for residential accommodation, is likely to cause.

On Andover Street the pavement will be widened by 1m giving a width of 2.8m. The upper floors will oversail the widened part of the pavement (1m wide).

The northwest and southwest facing elevations will be plain. As most of these will be visible from those directions and to provide visual richness I recommend some relief and detailing/patterns in the brickwork be secured by condition.

I recommend conditions be attached to ensure the materials and window detailing is acceptable.

#### Residential amenity

##### *Of neighbours*

Currently the nearest residential accommodation is on the far side of Andover and Conduit Streets at the Dawn Centre which provides support for the homeless. There are houses and flats further along Andover Street. Given the distances involved and the location I consider this scheme will not cause harm to the residential amenity of neighbouring residential accommodation.

##### *Of residents*

Paragraph 58 of the NPPF states developments should '*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion*'. Paragraph 5.4.4 in the Tall Building SPD indicates entrances should be '*highly prominent and clearly visible from the public realm and not set within a darkened recess*'. The main entrance hall on the corner is wide and has a lot of glazing. It should provide a safe and welcoming entrance to the building. The bin and cycle stores each have their separate access onto Andover Street.

The Council has not yet adopted and so cannot require compliance with the Nationally Described Space Standard- in this context the flats are considered to represent an acceptable size for students of between 19sqm and 28sqm. All the flats on the upper floors have small balconies. The scheme provides a communal rooftop garden of around 125sqm. The balconies and communal rooftop garden will provide adequate outdoor amenity space for all residents in accordance with the Residential Amenity Supplementary Planning Document.

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All flats have good outlook and light by looking out over the street. None of the flats have windows facing the adjacent sites along Andover Street and Conduit Street. Therefore those sites could be redeveloped without compromising the flats on this scheme. There are stairwell windows facing Faraday Court on Conduit Street which would not be protected should Faraday Court be redeveloped. Given any other future development would be on the other sides of Andover Street and Conduit Street I consider the design does not raise any concerns that the flats may not have acceptable privacy.

The site lies in a potentially noisy area close to the railway station, an area where taxis park and a well-used pedestrian route from the Highfields to City Centre areas.

The site is also within an Air Quality Management Area and there is the potential for residents to be exposed to unacceptable levels of air pollution- however details of noise insulation and ventilation arrangements have been provided which should ensure that residents will not be subjected to unacceptable levels of air pollution and noise and should be able to keep their flats ventilated while doing so. Implementation of the noise insulation and ventilation can be secured by condition.

#### Highway and parking matters

The site is in a highly sustainable location close to the city centre, railway station, bus routes, parks and the London Road Local Centre. It is possible to have a good standard of living here without a car and as such there is no need for car parking.

For student accommodation the standard for cycle parking is one space per two bedspaces plus one per twenty bedspaces for visitors. The ground floor layout provides sufficient space for twenty-two cycles to park and room to allow cycles to be manoeuvred into and out of the cycle spaces. Whilst twenty-two spaces for thirty-seven studio flats is at the low end of the desired level of parking, it does meet our minimum standards and therefore is acceptable. Further cycle parking will be provided in the basement. It is not ideal to have cycle parking in the basement. However it will be served by a lift suitable to take a bike in it. I recommend the cycles stores are secured by condition.

I recommend Residents Travel Packs are secured by condition to promote the use of sustainable means of transport.

The ground floor will be set back 1m-2m from the pavement edges on Andover and Conduit Streets. This will enable the pavements to be widened to address the increase that this scheme and similar ones nearby may have on pedestrian footfall in the area. The upper floors will over-sail this buffer.

The balconies over-sail the highway. The clearance is acceptable so is unlikely to be a safety concern. There is rainwater drainage on the balconies so water is unlikely to run off and onto the highway.

The proposed bin store will front on to Andover Street and will be close to Conduit Street where taxis regularly wait in the parking bays. This could result in refuse vehicles waiting on Conduit Street for some considerable time. Conduit Street could be blocked should the parking bay opposite the site be occupied by taxis. In order to ensure the free flow of

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traffic, the applicants may have to pay the costs for amending the existing Traffic Regulation Order to remove or relocate the taxi parking bay.

Dropped kerbs will need to be changed to remove any redundant ones and install one for the bin store.

### Drainage

Redevelopment presents the opportunity to reduce the rate of surface water runoff through the use of SuDS. This can be secured by a condition.

Details of foul drainage can be secured by condition.

### Wildlife

The site was cleared a few years ago. The wildlife value of the site is limited as it is. The new building creates the opportunity to create new wildlife habitat. Bird and bat boxes can be incorporated into the building and the flat roof can incorporate a green or brown roof.

### Land contamination

The site may be contaminated from past uses. An investigation for contamination and, if contamination is found, mitigation measures can be secured by condition.

### Energy

The scheme includes a basement room for energy related plant. Should the district heating network be close to the site near the time of construction then the scheme can connect to it and the basement used for related plant. If the district heating network is not close and connection is not viable then the basement can be used for a gas-fired communal heating and hot water system. A future connection to the district heating network could take place later should it pass close to the site.

Connection to the district heating network or the installation of a gas-fired communal heating and hot water system can be secured by condition.

### Bins

The proposed bin store is acceptable. This can be secured by condition.

### Railway

The scheme can be built without causing harm to the railway.

### Developer contributions

#### *Green Space*

The new development is likely to lead to an increase in demand for off-site green space provision in the area. A developer contribution towards off-site Green Space of

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£22,097 is required towards the refurbishment of Prebend Gardens and/or Cedar Road pocket park.

*East Leicestershire & Rutland Clinical Commissioning Group (CCG)*

The CCG have confirmed that the scheme is unlikely to result in a significant change in demand for services. Therefore no contribution is sought.

Conclusion

The redevelopment of this site with a block of student flats offers the opportunity to use the site for dense development which is desirable for locations close to the railway station and city centre; especially on brownfield sites. It also provides the opportunity to construct a building that visually addresses the corner in an interesting way and enhance the setting of the St George's Conservation Area. It provides the opportunity to make a small contribution towards meeting the city's housing need.

The proposed scheme takes these opportunities and addresses other concerns such as cycle and bin storage, the amenity of residents and neighbours, sustainability, wildlife and reducing the rate of surface water runoff.

I therefore recommend the scheme be APPROVED subject to conditions and the completion of the S106 Agreement to secure a developer contribution to off-site Green Space.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The flats shall only be occupied by students enrolled on full-time courses at further and higher education establishments or students working at a medical or educational institution, as part of their medical or education course. The owner, landlord or authority in control of the development shall keep an up-to-date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the Local Planning Authority on demand at all reasonable times. (To enable the Local Planning Authority to consider the need for affordable and accessible housing and education provision to be provided in accordance with policies CS06, CS07 and CS19 of the Core Strategy.)
3. Prior to the commencement of development the site shall be investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, shall be submitted to and approved in writing by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any flat is occupied. Any parts of the site where contamination was previously unidentified and found during the development

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process, shall be subject to remediation works carried out and approved by the local planning authority, prior to the occupation of any flat. 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.)

4. Prior to the commencement of development full design details of the building services arrangements (demonstrating consideration of on-site installations to provide decentralised energy/community heating and hot water, renewable energy and energy efficiency measures) shall be submitted to and approved in writing by the City Council as local planning authority. No flat shall be occupied until evidence demonstrating satisfactory operation of the approved scheme, including on-site installation, has been submitted to and approved in writing by the City Council as local planning authority. (In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
5. Prior to the commencement of above ground development details of ventilation arrangements shall be submitted to and approved in writing by the City Council as local planning authority. No flat shall be occupied until the ventilation has been installed in accordance with the approved details and it shall be retained. (To provide residents with acceptable air quality without being exposed to unacceptable noise by opening their windows in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan and NPPF paragraph 127.)
6. No flat shall be occupied until the noise insulation approved as part of this application has been installed. (To protect residents from unacceptable levels of noise and in accordance with saved policy PS10 of the City of Leicester Local Plan and NPPF paragraph 127.)
7. Prior to the commencement of above ground development details of the materials for all elevations and the elevational treatment for the northwest and southwest facing elevations shall be submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. (To maintain the character and

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- appearance of the area in accordance with policies CS03 and CS18 of the Core Strategy.)
8. The windows on the south west facing wall shall be obscurely glazed and shall remain so at all times. (To ensure the potential future development of the site to the southwest is not prejudiced and in accordance with policy CS03 of the Core Strategy and saved policy PS10 of the City of Leicester Local Plan.)
  9. Prior to the commencement of above ground development details of the windows and doors (including reveals) and balconies shall be submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
  10. Prior to the commencement of development details of drainage, and especially foul drainage, shall be submitted to and approved by the City Council as local planning authority. No flat shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
  11. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the City Council as local planning authority. No 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) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
  12. No flat shall be occupied until a green or brown roof has been installed on the flat roof in accordance with details first submitted to and approved in writing by the City Council as local planning authority. The green or brown roof shall be retained thereafter. (In the interest of biodiversity and in accordance with policy CS17 of the Core Strategy.)
  13. Prior to the commencement of above ground construction, details of bat and bird bricks, tiles and/or boxes to be incorporated within the elevations of the proposed building, shall be submitted to and approved in writing by the City Council as local planning authority. The locations shall be determined by an

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- ecologist who shall also supervise their installation. No flat shall be occupied until they have been installed in accordance with the approved details. They shall be retained thereafter. (In the interest of biodiversity and in accordance with policy CS17 of the Core Strategy.)
14. No flat shall be occupied until the bin store has been provided in accordance with the approved plans. It shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policy CS03 of the Core Strategy.)
  15. No flat shall be occupied until secure and sheltered cycle parking has been provided in accordance with the approved plans. It shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan.)
  16. No flat shall be occupied until the land between the face of the approved building and property edge adjacent to Andover Street and Conduit Street has been laid out in accordance with details (including maintenance arrangements) first submitted to and approved in writing by the City Council as local planning authority to provide widened pavements. (To ensure the pavement on Conduit Street and Andover Street is an appropriate width for a building of this size and in accordance with policy CS03 of the Core Strategy.)
  17. No flat shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated and an acceptable footway crossing provided for the bin store in accordance with the Council's standards contained in the `6Cs Design Guide`. (For the safety and convenience of pedestrians and other road users, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
  18. Prior to the first occupation of each flat, the resident(s) of the flat shall be provided with a 'Residents Travel Pack', details of which shall first be submitted to and approved in writing by the City Council as 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.)
  19. Development shall not commence until any necessary amendments have been made to Traffic Regulation Orders for Andover Street and Conduit Street to ensure that suitable access remains available, especially for refuse, delivery and emergency vehicles, and access is not impeded by parked vehicles. (In the interests of highway safety and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS14.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

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20. This consent shall relate solely to the amended plans ref. no. P-02 Rev A, P-03 Rev E, P-04 Rev B, P-05 Rev A, P-06 Rev A, P-07 Rev A, P-07.5 Rev A, P-08, P-09, P-10 Rev A, P-11 Rev A, P-12, P-13, P-14 Rev A, P-15, P-19 Rev A & P-20 Rev A received by the City Council as local planning authority on the 17th of April 2019, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. Please note this permission is subject to a S106 Agreement that requires a developer contribution of £22,097 towards the refurbishment of Prebend Gardens and/or Cedar Road pocket park.
2. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you obtaining a solution which protects both the public sewer and the building.
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk)
4. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should seek advice from Bal Minhas (Leicester City Council's Travel Plan Officer via telephone 0116 454 2849).
5. The costs for the alterations of the Traffic Regulation Orders (TROs) should be funded by the Applicant. The Applicant is advised to contact Ed Kocik in the Traffic Management section (0116 454 3714) to discuss the requirements to enable the TRO to be processed.
6. Please note your scheme is close to the railway line. Before starting development I suggest you discuss construction details with Network Rail. Their details are as follows: Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT  
Email: [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk)
7. 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 2019 is considered to be a positive outcome of these discussions.

**Policies relating to this recommendation**

- 2006\_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006\_H03 Provides guidance on minimum net densities to be sought for residential development sites according to location.
- 2006\_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006\_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.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS04 The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014\_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility,

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- 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.