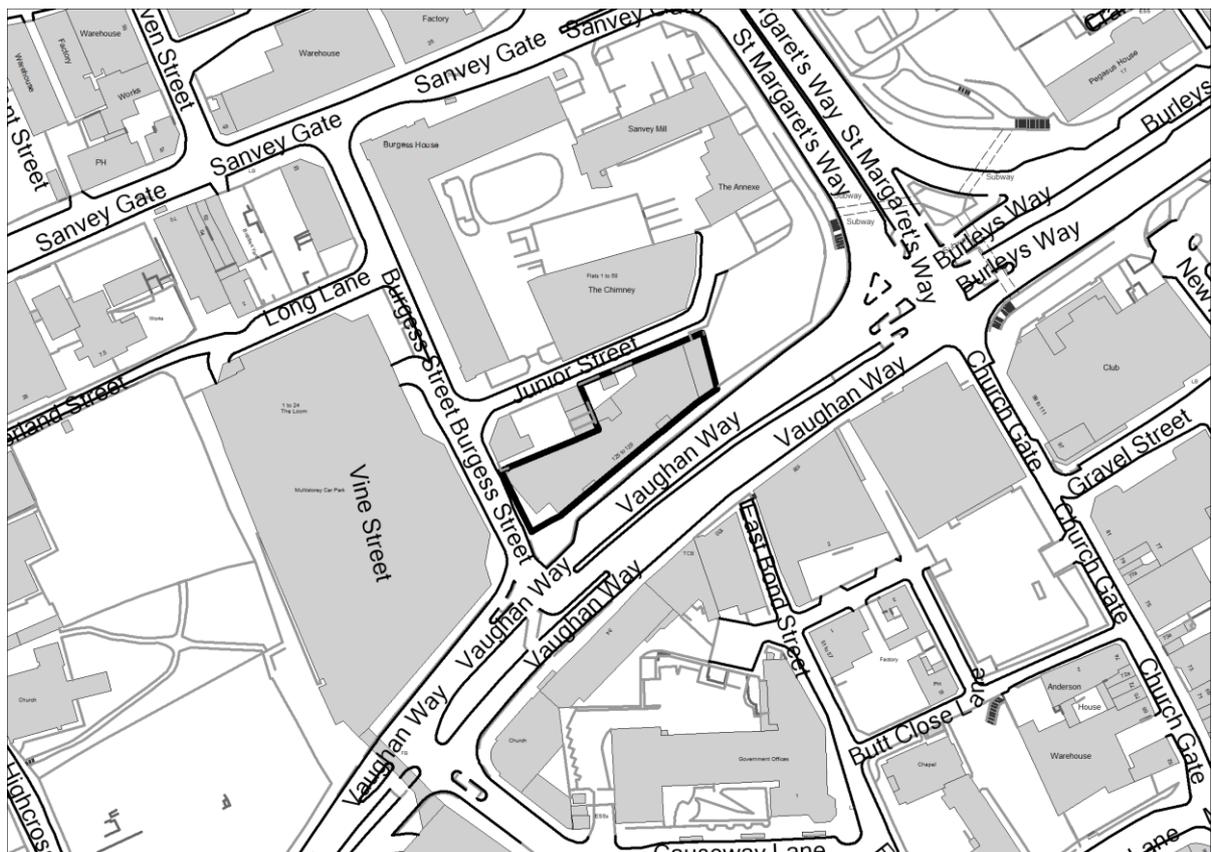


Recommendation:	
20181552	125 - 129 VAUGHAN WAY
Proposal:	CONSTRUCTION OF EXTENSION TO EXISTING FOURTH FLOOR; TWO STOREY ROOFTOP EXTENSION TO EXISTING BUILDING TO PROVIDE 33 FLATS (2 X STUDIO, 28 X 1 BED, 3 X 2 BED) (AMENDED PLANS)(S106 Agreement)
Applicant:	SHF PROPERTY INVESTMENTS LLP
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20181552
Expiry Date:	31 December 2020
AP	WARD: Abbey



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Summary

- The application is brought to committee as objections have been received from six addresses
- Nine objections in total have been received from six addresses. Five to the original proposals and four to the amended proposals. The grounds of objection are loss of light, no parking, existing litter and anti-social behaviour problems and peregrine falcons nest on the existing roof.
- The main issues under consideration are design, effect on nearby heritage assets, effects on residential amenity, lack of on-site parking provision and affordable housing provision.

- The application is recommended for approval subject to conditions and a s106 agreement to secure the provision of affordable build to rent units and a green space contribution.

The Site

The application site is located on the north side of Vaughan Way with Burgess Street to the west and Junior Street to the north. Also to the west is the multi storey car park for the Highcross Shopping Centre. The site to the east is currently vacant.

The site consists of an existing five storey building which has been converted from offices to flats. Replacement windows have been installed and the building has been clad with a render finish. To the rear of the building off Junior Street there is an existing small open yard area with what appears to be a substation in the middle.

Under the east end of the building going from Vaughan Way through to Junior Street is Vaughan Walk which is adopted highway.

The site is within the Strategic regeneration Area (SRA) and the Central Commercial Zone (CCZ). The site is also within an Air Quality Management Area (AQMA), a Critical Drainage Area (CDA), a Laapc 250m buffer zone and the Archaeological Alert Area.

To the rear of the site, on the north side of Junior Street, is the Chimneys a Grade II Listed Building. To the north east is St Margaret's Church, a Grade I Listed Building. To the west, on the other side of the Highcross car park, is All Saints Church a Grade I Listed building.

Background

20152022 - Notification of change of use of ground, first, second, third and fourth floors from office (Class B1a) to 120 flats (Class C3). Approved December 2015. The cycle parking required by this permission does not appear to have been provided.

20160924 - Installation of replacement windows and alterations to front, side and rear of apartment building (Class C3) (amended plans received 28/07/2016). Approved July 2016.

20161863 - Discharge of conditions attached to planning permission 20160924: condition 1 (start within three years), condition 2 (windows /opening, cladding design and materials), condition 3 (window openings) and condition 4 (insulation scheme). Approved December 2016.

20184544C – breach of condition attached to 20160924 – cladding installed not as approved.

201692289P and 201790773P – Pre-application enquiry for *Construction of four additional floors to existing building and rooftop extension apartments to existing building.*

The Proposal

The applicant proposes to build 33 additional residential units on top of the existing building of 125-129 Vaughan Way.

The proposal includes an extension to the existing fourth floor going out towards Vaughan Way and Burgess Street.

The original submission included extensions to the roof providing two and three storey additions. These were formed in three blocks and were positioned more towards the Burgess Street end of the building. The proposal provided 39 units in the form of 13 x 1 beds and 26 2 beds.

Access to the extended and new upper floors is proposed through the existing building.

The design of the blocks were completely different to that of the building below with a high solid ratio to the amount of glazing. The main proposed material was larch board rainscreen. The existing building was clad in rendered panels as part of its conversion to residential from offices.

Following a detailed consultation process discussions took place particularly in relation to the comments received relating to the design, residential amenity and the impact of the proposal on neighbouring heritage assets. The applicant was advised there were significant issues that required a substantial amendment to the proposal. The applicant agreed to amend the proposals and amended plans were submitted.

The amended proposal changed the scale, massing and design of the proposal. Along with the extension to the existing fourth floor it is now proposed to build two additional floors that extend across the whole rooftop with the exception of a small area on the top floor where the proposal is opposite the Grade II listed former Richard Roberts Factory which has been converted into residential accommodation.

The amended proposal provides 33 units in the form of 2 x studios, 28 x 1 beds and 3 x 2 beds.

The applicant has confirmed that the accommodation is 'build to rent'.

No car parking is proposed.

The application was supported by the following documents:

- Flood risk assessment
- Residential Noise assessment
- Affordable Housing Statement
- Daylight, sunlight and overshadowing assessment
- Air Quality Assessment
- Building for life assessment
- Transport assessment

Sustainability assessment
Archaeological assessment
Design and Access Statement
CGI's
AVR's

Policy Considerations

National Planning Policy Framework (NPPF)

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

Section 2. Achieving sustainable development

Paragraph 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- a) An economic objective
- b) A social objective
- c) An environmental objective.

Paragraph 9 - These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Paragraph 11 - 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 clear reason for refusing the development proposed; or

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

Paragraph 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Section 4 Decision-Making

Paragraph 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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

Paragraph 40 - Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

Paragraph 41 - The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

Paragraph 42 - The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later

stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.

Paragraph 43 - The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

Paragraph 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 54 - 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.

Section 5. Delivering a sufficient supply of homes

Paragraph 59 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 60 - To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Paragraph 61 - Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Paragraph 64 - Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

Paragraph 65 - Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

Paragraph 67 - Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period; and
- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

Paragraph 74 - A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

Section 8. Promoting healthy and safe communities

Paragraph 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Section 9. Promoting sustainable transport

Paragraph 102 - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

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

Paragraph 105 - If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 108 - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

Paragraph 110 - 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.

Section 11. Making effective use of land

Paragraph 117 - 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.

Achieving appropriate densities

Paragraph 122 - 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.

Section 12. Achieving well-designed places

Paragraph 124 - 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 - 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 128 - Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.

Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 130 - 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).

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

Paragraph 148 - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 153 - In determining planning applications, local planning authorities should expect new development to:

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

Paragraph 163 - When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where,

in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165 - Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

Section 15. Conserving and enhancing the natural environment

Paragraph 170 - Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately

mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and

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

Section 16. Conserving and enhancing the historic environment

Paragraph 184 - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶¹. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 186 - When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

Paragraph 188 - Local planning authorities should make information about the historic environment, gathered as part of policymaking or development management, publicly accessible.

Proposals affecting heritage assets

Paragraph 189 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 190 - 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 - In determining applications, local planning authorities should take account of:

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

Considering potential impacts

Paragraph 193 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

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

Paragraph 196 - 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 - 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.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Affordable Housing PD
Climate Change SPD
Green Space SPD
Residential Amenity SPD

National Planning Practice Guidance (NPPG)

Build to Rent (2018)

Consultations

Air Quality (AQ)

The AQ Team have reviewed the Air Quality Assessment for the proposed development at Vaughan Way - 20181552.

Approved methodology was followed by the consultants who carried out the assessment and local data was used, as required.

The conclusions of the assessment included the use of mitigating measures both for the construction phase and for the operational phase.

In most parts the AQ Team agree with the conclusions of the assessment which are as follow:

Construction Phase

A table of suitable mitigation measures have been supplied. The report advises that if the relevant mitigation measures from the table will be implemented during the construction phase the effects of dust generating activities are predicted to be not significant.

Operational Phase

The report concluded that there is a potential risk of NO₂ levels exceeding the annual mean concentrations at the first floor and mitigating measures will need to be implemented by the developer to address it. The assessment did not take under the consideration a canyon effect that might develop in the area of the proposed development.

Therefore, the mitigation measures to be implemented for the operational phase of this building are as follows:

- Un-openable windows for all of the units and mechanical ventilation for all the units, the air inlet for the mechanical ventilation to be located at an optimised distance from any area exceedances of the air quality objectives. A Travel Plan in the form of travel pack to be provided to the occupants.

- Openable windows are also an option, but the information pack will need to be supplied to the occupants regarding the potential impacts associated with the prolonged exposure to high pollution levels along with the Travel Plan in the form of the information pack. The mechanical ventilation will also need to be provided with the air inlet for the mechanical ventilation to be located at an optimised distance from any area exceedances of the air quality objectives

Housing Development Team (HDT)

In line with CS Policy 6, applicants are required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households within the City.

HDT note that the proposal is to develop 2 x studio flats, 24 x one bed/ one-person flats, 4 x one bed/ two-person flats and 3 x two bed/ three-person flats. These proposed flats will meet some of the current identified priority housing needs within the City.

Policy CS06 states that all new housing units should, where feasible, be designed to Lifetime Homes Standards with an appropriate proportion to wheelchair access standard.

Lifetime Homes standards are now obsolete but given the introduction of the Building Regs 2010 – access to and use of dwellings – Approved Document M Volume 1: 2015 edition; all new homes, where feasible, should now meet the national accessible and adaptable standard M4(2) and an appropriate proportion should be to the national wheelchair accessible standard M4 (3)(2)(b).

The location of the proposed development (being at 4th and 5th storey level) is not ideally suited for wheelchair accessible dwellings.

Affordable Housing:

In terms of affordable housing needs, in line with Core Strategy Policy CS07 and its supporting text, there is a requirement for provision of 15% affordable housing which should be delivered on site without public subsidy. Based on the current proposal to provide a total of 33 newbuild flats, the policy required affordable housing is therefore 5 units.

In line with the Core Strategy Policy 7 and the SPD on Affordable Housing, the mix of affordable required at the above site based on an overall development of 33 new dwellings is as follows:

Either:

Affordable Housing Mix to include Intermediate Affordable Housing: total 5 units:

A. HEDNA Mix (with Intermediate Affordable Housing): total 5 units (100%)
Rent Affordable Housing units: 4 units (81%)
2 x 1 bed/2 person flat to National Accessible and Adaptable Standard M4(2).
2 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2)(b).

Intermediate Affordable Housing units: 1 unit (19%)
1 x 1 bed/2 person flat to National Accessible and Adaptable Standard M4(2).

Or:

Affordable Rent (without Intermediate Affordable Housing): total 5 units:

B. All Affordable Rent (without Intermediate Affordable Housing): total 5 units.

3 x 1 bed/2 person flat to National Accessible and Adaptable Standard M4(2).

2 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

HDT note that the applicant had attached an Affordable Housing statement which proposes a minimum of 5 affordable units. HDT welcome the applicant's willingness to build affordable homes in the city. If the applicant could also ensure that the two-bedroom flats are designed and built to accommodate four people as The Council's view point is that two bed flats for Affordable Housing should be built to fit four people, as this suits more of the evidenced needs of the people in Leicester.

The above affordable housing is required to:

- a. be in locations agreed in advance with the Council's Housing Development Team;
- b. be indistinguishable from the market units in terms of appearance, design and quality; and
- c. benefit from proportionate provision of amenities such as car parking spaces, etc.

The Core Strategy expects the Affordable Housing requirements to be met and any proposal below the percentages indicated will need to be fully justified through clear evidence set out in a viability assessment and will need to demonstrate that grant funding sources have been fully explored.

Comments received January 2020

HDT are disappointed that the Applicant are unable to provide the 2 bed/ 4 person flats, but understand why it was not made available.

The plans show that we will not be getting 1 bed/2-person flats, rather they would be 1 bed/ 1-person flats. HDT would like to make sure that 2 x 1 bed/2-person flats are provided as part of this development.

HDT are disappointed that another 1 bed/2-person flat has not been designed as this would be their preference, however if it is not viable we will accept the 1 bed/ 1-person flat as a replacement.

So in total the affordable housing accommodation would be

2 x 2 bed/ 3-person flats
2 x 1 bed/ 2-person flats
1 x 1 bed/ 1-person flat

Comments received April 2020

HDT are happy that applicant is providing 5 flats for affordable rent and that they are trying to meet the conditions that HDT set in their previous comments.

Following on from the updated plans, HDT understand that flats U11, U13, L15, L16 and L18 have been allocated for affordable rent and are M4(2) compliant.

HDT are happy to see that flats L16, U11 and U13 are compliant with NDSS.

The 1 bed/ 2 person flat L18 does not appear to be compliant with NDSS. Looking at the plans, it appears that another 1 bed/ 2 person flat L12 is compliant. HDT asks that the applicant swap L18 with L12 for affordable rent to ensure that all affordable rent flats are compliant with NDSS.

HDT note that the applicant mentioned that they were unable to make L15 a 2 bed/ 4 person flat which would be compliant with NDSS due to the constraints of the site. In this case HDT would allow L15 to remain a 2 bed/ 3 person flat as in its current state, it is compliant with the Nationally Described Space Standards (NDSS).

The Affordable Housing should be secured via a Section 106 Agreement and the applicant should contact a Registered Provider (RP) regarding the affordable units.

The 1 bed/ 2 person flat L18 does not appear to be compliant with NDSS. Looking at the plans, it appears that another 1 bed/ 2 person flat L12 is compliant. HDT would ask that the applicant swap L18 with L12 for affordable rent to ensure that all affordable rent flats are compliant with NDSS.

HDT note that the applicant mentioned that they were unable to make L15 a 2 bed/ 4 person flat which would be compliant with NDSS due to the constraints of the site. In this case HDT would allow L15 to remain a 2 bed/ 3 person flat as in its current state, it is compliant with NDSS.

Comments received July 2020

HDT acknowledge that the applicant has stated that this development is for Build to Rent accommodation. Government guidance states that affordable housing on build

to rent schemes should be provided in the form of 20% of the dwellings being for Affordable Private Rent and that the Affordable Private Rent and Private Market Rent units within a development should be managed collectively by a single build to rent landlord. Based on the current proposal to provide a total of 33 newbuild flats, the policy required affordable housing is therefore 7 units.

In line with the Core Strategy Policy 7 and the SPD on Affordable Housing, the mix of affordable required at the above site based on an overall development of 33 new dwellings is as follows:

All Affordable Private Rent: total 7 units.

4 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

2 x 2 bed/3-person flat to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

All Affordable Private rented units should be both M4(2) and NDSS compliant.

In line with government guidance HDT would wish to see the Affordable Private Rent housing secured via a Section 106 Agreement.

The NPPF states that Affordable Housing is for those whose needs are not met by the market, and that Affordable Private Rent must meet the following conditions:

1. The rent is set at least 20% below local market rents (including service charges where applicable);
2. Provision must be made to ensure that it remains at an affordable price for future eligible households, or that the subsidy is recycled for alternative affordable housing provision
3. The Affordable Private Rent units should be distributed throughout the development and be physically indistinguishable from the market rent homes in terms of quality and size.

Parks and Standards

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 needs of the new residents are severely limited and therefore we will be looking to make quality improvements to existing green space provision to minimise the impact of this development.

Based on the revised proposals the amended green space contribution is:

£14,940 for replanting of shrub beds in the miniature railway area of Abbey Park
£15,957 towards the development of an adult obstacle course at Abbey Park or towards the conversion of an existing tennis court into a multi-use games area (MUGA).

Total = £30,897

Local Lead Flood Authority (LLFA)

The development is located with Flood Zone 1, and does not reside within a known flooding Hotspot and subsequently considered at low risk from fluvial flooding. However, the site is within a Critical Drainage Area (CDA), meaning measures such as Sustainable Drainage Systems (SuDS) will be required to limit surface water volumes and discharge rates.

There is minimal or no net increase in impermeable surfaces associated with this development and therefore, it is unlikely that additional runoff will be generated because of the proposed development.

All developments are encouraged to achieve betterment in current runoff rate to comply with Leicester City Council's Local Plan, 2006 - Policy BE20 (LP-BE20). With the aim to achieve Greenfield runoff rate of 5l/s/ha, where practically possible. A series of sedum rooves SuDS will be installed to reduce existing surface water runoff rates.

Flood risk assessment

1A comprehensive Flood Risk Assessment (FRA) has been provided as part of this application. It adequately reviews the risk of flooding from all sources and present appropriate recommendations to minimise flood risk.

This application is for vertical extensions to the existing building only. Therefore, no alteration to the footprint of the building is proposed and the existing level of exceedance associated with this development, will not increase. The integration of multiple sedum roofs will reduce the surface water runoff rate from the development and offer some attenuation, reducing exceedance flows associated with this development. As a result, no further exceedance details will be required.

Drainage Strategy

The applicant has outlined that surface water runoff will be managed through discharge into the public sewer, via an existing connection into the Severn Trent Water (STW) surface water sewer. Sedum roofs will be installed on the top of second and third floor vertical extensions to reduce surface water runoff rates and provide attenuation.

A comprehensive assessment of SuDS and their suitability within the proposed development has been presented in the FRA complying with the National Planning Policy Guidance: Flood risk and coastal change (2014). It concludes that only a green roof type solution is suitable given the constraints of associated with the development. A series of sedum roofs have been integrated into the development proposals. Therefore, no further SuDs considerations will be required.

However, it is unclear from the proposals what the total area of the sedum roofing to be installed on this development is and this should be clarified.

Furthermore, no roof plan has been provided for the fourth floor vertical extension and therefore, it is unclear whether a sedum roof will be installed on this extension. A roof plan is required.

For each of the proposed sedum roofs, it is expected that a product specification or design drawing be provided.

A maintenance plan for the sedum roofs will be required. It should include the proposed maintenance activities, the associated timescales and the responsible persons/organisations. See the CIRIA C753 the SuDS manual for further information.

Water Quality Control Assessment

Water quality will be maintained onsite by filtration through the proposed sedum roofes.

No objection, as long as the requirements are satisfied and the recommended condition is put on any planning permission

City Archaeologist

The City Archaeologist concurs with the submitted desk based assessment that as the proposed works are non-intrusive that no further direct archaeological investigations are required.

Pollution Control (Noise)(PC)

This development is situated on a busy city centre dual carriageway and therefore traffic noise is likely to be detrimental to future residents at peak times. PC therefore recommend that the applicant installs a scheme of acoustic glazing to noise sensitive rooms sufficient to achieve a good standard for resting sleeping conditions as recommended by the World Health Organisation (WHO) Guidelines for Community Noise (1999), and the guidance levels given in British Standard BS 8233 (1999) "Sound insulation and noise reduction for buildings". Additional means of purged fresh air ventilation may be necessary in noise sensitive rooms to allow residents to keep opening windows closed at peak noise times.

The applicant's consultant has submitted a noise survey in respect of the proposed additional floors. Provided that the recommendations made within the report are adopted as a minimum and that mechanical ventilation is provided for noise sensitive rooms overlooking Vaughan Way (to allow occupiers to enjoy a source of whole room, purge ventilation whilst choosing to keep windows closed) there are no objections with respect to noise.

Local Highway Authority (LHA)

LHA comments on original proposals

The proposal does not include any additional car parking facilities and is intended as a car free development. Whilst the site is located outside the City Centre, it is in a very sustainable location with public transport, walking and cycling being a viable alternative to the use of a private car.

Given the parking restrictions in place on the surrounding roads, the development is perhaps unlikely to be suitable for residents with cars and any visitors parking could be accommodated at the nearby 'John Lewis' car park. As such the development is unlikely to lead to an unacceptable level of on street car parking that would lead to harm to highway safety.

However the Transport Statement refers to a separate car parking management plan and travel packs for residents, however there does not appear to be such documents submitted and it would be helpful if these were submitted before the Highway Authority makes formal comments on the application.

Therefore in light of the comments above, the Highway Authority cannot support the proposal in its current form until the issues raised are addressed.

Further comments from Travel Plan Officer (TPO) – LHA

The TPO has seen a draft Parking Management Plan to complement the Travel Pack.

Specific information will be provided, as part of a final Parking Management Plan, with regards to what information will be put out to occupants and visitors in relation to parking. This will cover the type of information which will be provided on a site website, including what is encouraged/discouraged with regards to all users travelling to and from the site. All future occupiers will be aware that this development will be a car free development.

Environment Team (ET) - Better Buildings

Passive Solar Design

The form, massing and orientation of the proposed development are acceptable in terms of passive solar considerations given the constraints of the site, and the nature of the proposed development.

Building Fabric and Airtightness

The Sustainability Design and Construction Statement highlights the importance of achieving a high level of fabric energy efficiency and airtightness in creating a low carbon development, and highlights potential U-values and airtightness which it states can be achieved using construction products and methods of the type intended for the project. However, the Statement doesn't set out a firm commitment to the specific products to be used, or a firm target level of efficiency or airtightness. As a result, the ET cannot yet assess the proposals. However, the proposed

construction method is acceptable in principle in energy efficiency terms, so this is an area which could be handled through a pre-construction condition.

Heating, Cooling, Ventilation and Lighting

The Statement proposes connection of the development to a communal gas-fired central heating and hot water system to be installed for the flats below in the refurbished part of the building. Each apartment will have a heat interface unit with the system, with individual heat metering and billing. This is a relatively energy-efficient and low carbon solution, with adequate heating control, and is acceptable.

An additional benefit is that the proposed heating solution could allow for connection to district heating if a network were to develop serving the area in the future.

No air conditioning is proposed, and ventilation will be achieved mainly through passive measures. These proposals are acceptable. Where mechanical ventilation is proposed, the ET would like the applicant to consider heat recovery.

The Statement states that lighting will be “energy efficient” and that white goods, where installed, will meet the best achievable energy label rating. This is welcomed, although at this stage “energy efficient” has not been defined, and it is not clear what, if any, white goods will be installed.

Renewable and Low Carbon Energy

An assessment of decentralised renewable/low carbon energy supply options is normally expected as part of the sustainable energy statement submitted with a planning application, but the ET note that this hasn't been addressed within the Sustainability Design and Construction Statement. In the case of this application however, the options are limited. Given the thermal efficiency potential of the proposed materials/construction method and the lack of renewables or low carbon energy supply the ET would expect to see ambitious standards of energy efficient thermal performance being targeted in the project.

The application is acceptable subject to a suggested condition.

Representations

Nine objections in total have been received from six properties. Five objections were received to the original proposal and four have been received following reconsulting neighbours on the amended plans. The grounds of objection are as follows:

- Light to properties in Burgess House and other adjacent properties will be adversely affected.
- Peregrine falcon's nest on the existing roof.
- No parking is proposed in an already congested area. Contractor vehicles will cause parking problems as no on site parking for construction period.
- The litter from the existing bin store is a health hazard.
- Existing antisocial behaviour problem with existing residents and hotel users.

Consideration

Principle of development

The application site is located within the Strategic Regeneration Area (SRA) and Core Strategy policy CS04 states that the SRA will be the focus of major residential development and physical change. It also states new development must be comprehensive and co-ordinated.

The application to provide additional residential units on top of the existing residential block is therefore acceptable in principle subject to other considerations such as design, impact on nearby heritage assets, residential amenity for existing residents and future residents, sustainability and provision of affordable housing.

Design

Core Strategy policy CS03 states that 'Good quality design is central to the creation of attractive, successful and sustainable places. We expect high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. Development must respond positively to the surroundings, be appropriate to the local setting and context and take into account Leicester's history and heritage'.

It goes on further to say that new development should achieve the following urban design objectives:

1. Urban Form and Character:
 - Contribute positively to an areas character and appearance in terms of scale, height, density, layout, urban form, high quality architecture, massing and materials;
4. Protect and where appropriate enhance the historic environment, recognising its value as a place shaping tool.

There were 2 or 3 pre-application meetings that took place to discuss a proposal. The main focus during pre-application was on scale and massing. The 3D model was used to assist this process and to discuss key parameters.

It should be noted that during pre-application discussions that some key principles were agreed but officers were never sighted on final elevational details or indeed the visuals that have now been provided as part of the submitted planning information.

Height / Scale:

The maximum height parameters were agreed at pre-application. The starting point for this pre-application discussion with the architects had been 5 additional storeys across the whole Vaughan Way frontage which was not appropriate. It was considered that a taller element adjacent to the Leicester Square development and John Lewis Car park, given their height, was appropriate with 2 storeys maximum (including the intermediate floor) nearest to the Richard Roberts Factory.

Regarding scale, the pre-application process had considered height in relation to the immediate context with a view to establishing a maximum limit. Officers did not

discuss in detail the relationship of a variable height on the existing building and the effect this would have.

What is clear from the original visuals supplied, and in particular now that 125-129 Vaughan Way has been renovated is the horizontal emphasis of the existing building and the new façade treatment. The principle of a varied height across the extension was considered, however, I was not convinced that this works with the existing building as shown in the proposal and visuals submitted.

Materials and Façade:

It was agreed at pre-application discussion that the principle of a distinction between old and new should be clear although it should be noted that the precedent presented of a rooftop extension to a listed Victorian factory was more to do with the rooftop gardens discussions than massing and elevation treatment.

The principle was agreed that the new building could have its own character however, officers were never presented with any more detailed elevations, material precedence etc.

It was clear that from the unconvincing visuals supplied with the original proposals that further consideration of the design was needed to achieve this and still respect the context of the existing building, and indeed be subservient to it.

Again, the changes to the elevation of the existing building which emphasises more the horizontality of the façade is to be considered.

The principle was accepted of the intermediate floor acting to break the old from the new and role as 'structural spreader'. This floor is however very dominant in the visuals presented.

Proposed elevations were not discussed in detail at pre-application stage and had always officers had seen massing diagrams as indicative. Conversations were around lightweight timber architecture and assumed the result would be lightweight and look as a lightweight extension to the existing building. This would provide more void than solid.

As a consequence, the original visuals as supplied were surprising as the extension did not feel lightweight at all and indeed felt very heavy given the choice of materials and there being more solid than void.

The applicant originally proposed stained larch board. Officers were not convinced by the choice of material in this location and for this scheme.

A new extension can have a different character but it still needs to respect and respond in some way to the building from which it extends and as agreed, be subservient. The original proposal was considered too contrasting and took no reference from the existing building. Again, it should be noted that with the renovation of the existing building the horizontal emphasis has been reinforced.

A lightweight extension was the description used by the applicant during pre-application. A timber frame can be visually lightweight but the original proposal was not.

Amended proposal

Generally, the change to height is welcomed. The additional 2 storeys in terms of its massing and scale is a lot more comfortable in height in relation to the surrounding building heights.

Materials and Appearance:

Elevations – details on the elevations were requested prior to the production of the AVR's but this information was not provided. The level of information provided on the proposed materials is not to the detail we would normally require therefore I have proposed a condition requiring full details to be agreed before any development is begun including a full sample panel to be provided on site for inspection.

Vaughan Way elevation:

Primarily the existing is of a horizontal emphasis with bands of glazing and panels set back from solid horizontal bands. The panels are on one plane with the glazing set back, with a depth of approximately 200mm. The rhythm and proportions are clear. There are narrow vertical elements which are also on the same plane as the solid horizontal elements.

The proposal attempts to reflect some of the principles of the existing building but how these are articulated (in terms of what projects and what is set back) is not a representation of the existing building.

The proposal extends upwards the narrow vertical elements, which is welcomed and respects the solid horizontal banding of the existing building. However, the band of glazing and panels do not sit back within their own plane (as with the existing building) as the panels project to meet the line of the solid horizontal panels. This does not reflect the articulation and composition of the existing building. A preferred approach in line with the existing building would be to retain the solid horizontal elements as the projecting elements with the glazed and panelled band all recessed. The panels could be the same approach as for the existing building and the 5th floor which is more successful.

I am also concerned by the lack of depth provided between the horizontal elements. The extension therefore lacks articulation and appears very flat. We have not been provided with 1:20 sections for the full elevation which have been previously requested and this information is required to outline the depth of the glazing and panel recesses on the existing building and for the proposal.

In addition, there are panels proposed in locations which do not resemble the rhythm and proportions of the existing building, to the Vaughan way elevation and to the corners in particular. The corners of the existing building are generally lightweight with narrow vertical sections separating the glazing. The corners for the proposal are more solid.

The elevations need to provide more detail, showing what is glazing on the existing building and what is panelling and similarly for the proposal. One bay section, as supplied, is not sufficient.

The colour scheme is generally acceptable but much more detail is needed on materials.

Junior Street elevation:

Again, the elevation of the existing building has been largely ignored in forming the elevation for the proposal. Whilst, not as important as addressing the concerns to the Vaughan Way frontage it still remains a concern.

The lack of windows to the gable end on Junior street is apparent and perhaps there are amenity issues.

Materials:

In conjunction with the 1:20 sections also required are full specification details of the materials proposed. These have been requested on several occasions. The materials are important to assessing the quality of the proposal and establishing a quality benchmark in line with para 130 of the NPPF to avoid later changes to the materials proposed for inferior quality. I would expect materials to be proposed to complement the existing building.

During the processing of this application it has proved difficult to obtain the level of detail from the applicant normally required however, the scale, massing and general principles of the design of the amended extension are considered acceptable and in line with the requirements of Core Strategy policy CS03. To obtain the further detail that has previously been requested and ensure the required quality I have proposed conditions requiring that detail before any development is begun.

Heritage Assets

Core Strategy policy CS18 states – ‘The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. We will support the sensitive reuse of high quality historic ‘buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places, encourage contemporary design rather than pastiche replicas, and seek the retention and re-instatement of historic shop fronts and the protection and where appropriate, enhancement of historic public realm.

The site is adjacent to a Grade II Listed building and is close to the Grade I Listed Church of St Margaret and the Church Gate Conservation Area. The application has been subject to extensive design revisions and the latest iteration partly reflects comments made previously by heritage consultees and the Conservation Advisory Panel.

The proposed roof extension is clearly read as being a contemporary addition and the scale has been reduced, both in terms of height and depth. The previous design made some effort to remove the bulk from the eastern end of the building, which is

closer to the Grade I Listed church and nearby Conservation Area. Although that had some positives in relation to the setting of those heritage assets, it created an unbalanced form of development that read poorly in terms of the wider townscape.

The simplification of the form and overall reduction in bulk is therefore a positive development in terms of the setting of all the relevant heritage assets. Although the extension will create further bulk around the Grade II Listed Building and will result in the heritage asset becoming less dominant within the wider block, the relative harm to its setting has to be balanced against the other development in the block, which is of a comparable scale. As such, the harm is clearly less than substantial in terms of the Grade II Listed Building and not material to the setting of the Grade I Listed Church or nearby Conservation Area.

The details and materiality of the extension have improved, with the replacement of the formerly proposed dark coloured materials palette allowing for a roof extension that is read as less dominant and oppressive. Nevertheless, while the set-back and lighter coloured cladding do help ensure the extension is read as subservient, the level of glazing remains sufficiently low to result in an appearance that could be lighter weight.

Although aspects of the detailing could be improved as per the urban design comments above, the broad impact on the setting of relevant heritage assets is now sufficiently modest to ensure no objections to the development from a built conservation perspective. I therefore consider the proposal to be acceptable in terms of the requirements of Core Strategy policy CS18.

Housing Provision

Core Strategy policy CS06 proposes measures to ensure that new housing meets the needs of the City's residents including issues such as housing types, sizes and tenures and meeting M4(2) standards which replaced 'Lifetime Homes'.

Core Strategy policy CS07 deals with the requirements for the provision of affordable housing on all sites of 15 dwelling or more. Within the SRA the requirement is for a provision of 15% of units being affordable. The type and mix of affordable housing sought will reflect the housing needs.

As the proposal is for an extension on top of an existing building that has been converted to flats the type of development and accommodation was going to be limited to further flats rather than family type accommodation. The mix of units does however include two bedroomed three and four person units which could allow families to occupy those flats.

Following detailed discussions with the Housing Development Team the applicant approached several recommended Registered Providers (RP's) to ascertain their interest in the proposed affordable units. Unfortunately, all RP's stated that they were not interested in taking on the small number of flats proposed. This has meant that the more normal type of affordable housing provision could not be pursued and secured.

The applicant has confirmed however that the development is for build to rent units that will be managed by a single management company. This has led to discussion and agreement to providing affordable private rented units in accordance with the requirements of the NPPF and NPPG on 'Build to Rent' accommodation. The number of units and type of accommodation requested by the Housing Development Team is as follows:

7 units.

4 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

2 x 2 bed/3-person flat to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

These units will be let at a rent a minimum of 20% below the market rent level. This provision has been agreed by the applicant and this will be secured within a s106 legal agreement.

The majority of the proposed units meet the requirements of the Nationally Described Space Standards and are M4(2) compliant. I consider that the mix and tenure of the proposed accommodation meets the requirements of Core Strategy policies CS06 and CS07.

Living conditions (*The proposal*)

Saved City of Leicester policy H07 states - Planning permission will be granted for new flats and the conversion of existing buildings to self-contained flats, provided the proposal is satisfactory in respect of the location of the property and the nature of nearby uses, the creation of a satisfactory living environment, the arrangements for waste bin storage and car or cycle parking, the provision, where practicable, of a garden or communal open space and the proposed or potential changes to the appearance of the buildings, and their settings.

Saved policy PS10 states the factors that will be taken into account concerning the amenities of existing and proposed residents when considering planning applications. These factors include things such as noise, light, smell and air pollution, the visual quality of the area, additional parking and vehicle movements, privacy and overshadowing, safety and security, access to key facilities.

The proposed unit sizes are acceptable and provide an acceptable standard of living with a variety of unit types and sizes providing choice for future residents. The flats range from one person studio's to two bed/four person flats. The majority of the proposed flats meet the Nationally Described Space Standards (NDSS).

All flats will have a reasonable outlook either over Vaughan Way, Burgess Street or Junior Street.

Access to the flats will be from a main secure entrance on Vaughan Way used currently by the existing flats. The access will lead through to two lifts and two

stairwells. The site is located within easy walking distance of all the city centre facilities and amenities. It is also within walking distance of Abbey Park as the nearest green space.

The accommodation would appear to be adaptable to other residential uses and combining smaller flats together to provide larger flats if required in the future.

No car parking is proposed for the additional flats but I do not consider this to be unacceptable as the site is in a sustainable location within easy walking distance of all forms of sustainable transport and is immediately adjacent to a public car park. Cycle parking is not shown on the floor plans for the additional floors but there is a yard area to the rear of the property where it would be possible to provide cycle parking therefore I have proposed a condition to secure this.

I consider the standard of accommodation for future residents to be acceptable and in accordance with Saved policies H07 and PS10.

Residential amenity (*neighbouring properties*)

There will be noise during the construction phase for the proposed development, this cannot be avoided but can be mitigated against by controlling the hours and days work is allowed to happen.

As the proposal is for Class C3 self-contained flats I would not expect future residents of the proposed development to cause an unacceptable level of noise such that would disturb existing residents of neighbouring properties. The majority of the proposed flats face Vaughan Way, away from the closest existing residential properties.

The existing building, which consists of five floors, was converted to residential in 2016/2017. The relationship between this building and the neighbouring residential buildings is therefore existing. The proposed flats, in the two additional floors, will be approximately 37m away from the flats on the other side of Vaughan Way, 32m from Burgess House and 25m from The Chimney both to the rear of the application site. I consider these distances sufficient to prevent any loss of privacy. The Residential Amenity SPD recommends a minimum of 21m between facing principle room windows. These distances exceed that recommendation.

The issue of loss of light has been raised in some of the objections to both the original and amended proposal. The applicant submitted a daylight, sunlight and overshadowing assessment with the application. This shows some possible loss of light to some of the flats in The Chimney building facing Junior Street during winter months in the afternoons. It is likely that these flats have existing limited light during those months because of the existing relationship with the application building. I do not consider that the effect of the proposal will be substantial enough to consider this a reason to refuse the application.

The outlook from the neighbouring properties is limited due to the existing building on the application site and I do not consider that the addition of two additional floors

will impact significantly enough on that outlook to consider this a reason to refuse the application.

I consider the proposal to be acceptable in relation to the existing neighbouring properties and in accordance with Saved Policy PS10.

Waste storage and collection

The location of and amount of additional bin storage for the additional flats has not been clarified by the applicant. I have therefore proposed a condition requiring the details to be submitted before any development is begun to ensure adequate provision is made.

Highways and Parking

Appendix 1 of the City of Leicester Local Plan locates the site within the Central Commercial Zone (CCZ) where the car parking standard is a maximum of 1 space per dwelling.

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

The proposal includes no on-site car parking but in this highly sustainable location, within walking distance of all forms of public transport and with good existing walking and cycling routes, this is considered acceptable. The site is also close to a number of public car parks including Highcross which is immediately adjacent to the site. The Local Highway Authority have raised no objection to the proposal on this point but have asked the applicant to submit a parking strategy along with a travel pack, that will be issued to each new resident, to show how they will advise future tenants that there is no on-site parking available and the advice they will provide residents with on all forms of sustainable transport.

As with the bin storage the applicant has not provided information on the proposed cycle parking for the additional residents. However

I have proposed conditions to provide the details of the required parking strategy, travel packs and cycle parking and secure their provision for the future residents. Subject to the agreement of this information the proposal is in accordance with Core Strategy policy CS14.

Sustainable Energy

Core Strategy policy CS02 states that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions. Best practice energy

efficiency and sustainable construction methods should be incorporated in all aspects of the development.

The proposed development is considered acceptable in terms of passive solar design, heating, cooling, ventilation and lighting. Further details are required however in relation to the specific products to be used, target level of energy efficient thermal performance and airtightness in relation to the buildings fabric. I have therefore proposed a condition requiring this information before the development is begun.

Drainage

Core Strategy policy CS02 states that development should be directed to locations with the least impact on flooding or water resources. Both greenfield and brownfield sites should be assessed for their contribution to overall flood risk, taking into account climate change. 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 in developments.

The information submitted in terms of the site details, flood risk assessment, flood protection and resilience and water quality control is considered acceptable. Further information is required however on the drainage strategy. I have therefore proposed a condition requiring the submission of this information before the development is begun.

Nature conservation/Trees/landscaping

The Bat Scoping Survey/Report (Udall-Martin Associates Ltd, July 2018) submitted in support of this planning application is satisfactory. I agree that no further surveys are required. If a bat (or bats) is found, the procedure in Appendix 3 of the report should be followed. Recommendations regarding lighting and bats provided in the report should be adhered to.

The building does provide potential bird nesting habitat, therefore work should be carried out outside of bird nesting season (March to September), if this is not possible then a suitably qualified ecologist should carry out a nesting bird check before any work commences.

Additional enhancements that should be included in the development are bat roosting boxes, section 6.3.1 of the report provides recommendations of how/where these should be positioned.

I have proposed a condition to ensure the development is carried out in accordance with the recommendations of the bat scoping survey/report. With these measures the application is in accordance with Core Strategy policy CS17.

Developer Contributions

A contribution of £14,940 is required for replanting of shrub beds in the miniature railway area of Abbey Park and £15,957 towards the development of an adult obstacle course at Abbey Park or towards the conversion of an existing tennis court into a multi-use games area (MUGA). A total = £30,897. This to be secured through a s106 agreement.

Section 106 agreement

The s106 agreement will secure the provision of 7 affordable build to rent units as follows:

4 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

2 x 2 bed/3-person flat to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

All Affordable Private rented units should be both M4(2) and NDSS compliant.

The affordable build to rent units shall have a rent set at a minimum of 20% less than the market rented units; and

The required Green Space contribution of £30,897 to be paid prior to occupation of any residential units.

Other matters

An objector raised the issue of peregrine falcons using the existing roof of the building however no evidence of this is available and the City Council's Nature Conservation Officer is not aware of this building as a nesting site.

The issue raised of the litter from the existing bin store being a health hazard is not a planning matter, it is a matter for environmental health. Under the prior notification process applications to change the use of a building from offices to residential, as is the case here in 2016, the Local Planning Authority had very limited matters that could be considered or controlled and information relating to bin storage was not a requirement of the application process. I have however proposed a condition to ensure that adequate bin storage is available for the residents of the additional flats.

An objector states that there are existing antisocial behaviour problems with existing residents and hotel users. Antisocial behaviour in an existing building is not a planning matter and should be reported to the police.

Conclusion

The application has been amended substantially in terms of scale, massing and design. There remain some outstanding matters over the finer details of the design and what the exact materials will be however I consider that these matters can be resolved through the submission of further details to satisfy proposed conditions.

Other detailed information on matters such as sustainable drainage and energy efficiency are also the subject of proposed conditions as the information has not been provided during the processing of the application.

The proposals will provide additional residential units in a highly sustainable location including some flats that will be large enough for family occupation. The applicant did make efforts to provide affordable accommodation however the Registered Providers active in Leicester were not interested in the type of accommodation on offer. The applicant has subsequently agreed to the provision of seven affordable build to rent units that will be let at a lower rent level. This will be secured through a legal agreement.

Although I would prefer to have more details resolved as part of the application process I consider that on this occasion on balance that the information can be submitted as part of a condition requirement.

I recommend that this application is APPROVED subject to conditions and a SECTION 106 AGREEMENT to cover the provision of affordable build to rent units and a green space contribution

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. Before the development is begun, the materials to be used for all the external surfaces including but not limited to the cladding including colour, windows, doors, shall be submitted to and approved by the City Council as Local Planning Authority. The submission for this condition shall include the building of a full size sample panel of all materials on site for inspection and approval. The development shall only be carried out in accordance with the approved details. (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).
3. Before the development is begun 1:20 scale sections and elevations showing the construction detailing between the proposed materials and aspects of the elevational design shall be submitted to and approved in writing by the City Council as Local planning Authority. The development shall only be carried out in accordance with the approved details. (In the interests of design quality and 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).
4. Before the development is begun 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 agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

5. The development shall be carried out only in accordance with the recommendations within the Udall-Martin Associates Ltd Bat Scoping Survey/Report including those relating to lighting, works outside of bird nesting season and the additional enhancement in the form of bat rooting boxes. (In the interests of providing a biodiversity net gain and increase connectivity for wildlife to the wider natural environment in accordance with Core Strategy policy CS17)

6. The development shall be constructed only in accordance with the agreed UK Building Compliance Residential Noise Assessment and its recommendations received 16th August 2019. (In the interests of residential amenity and in accordance with Saved City of Leicester policy PS10).

7. No part of the development shall be occupied until secure and covered cycle parking has been provided in accordance with written details previously submitted to and approved in writing by City Council as Local Planning Authority and 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).

8. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved in writing by the City Council as Local Planning Authority. These arrangements shall be provided on site and maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with Saved policies UD06, H07 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)

9. Before the development is begun full details of energy efficiency measures to be incorporated into the development shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be retained and maintained thereafter. (In the interests of securing energy efficiency and reduced greenhouse gas emissions 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. Prior to the first occupation of each unit, the occupiers of each of the dwellings shall be provided with a 'Residents Travel Pack' details of which shall be submitted to and approved in writing in advance by the City Council, as 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, the parking strategy and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with Saved policies AM01 and AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)

11. 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 City Council as Local Planning Authority. The approved Statement shall be adhered to throughout the 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, PS10 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).

12. No construction including groundworks, enabling and site set-up works, other than unforeseen emergency work on the site shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday, or at any time on Sundays or Bank Holidays, unless the details and methodology have previously been submitted to and approved in writing by the City Council as Local Planning Authority. (In the interests of the amenities of nearby occupiers, and in accordance with Saved policies PS10 and PS11 of the City of Leicester Local Plan.)

13. Space shall be kept available within the curtilage of the site to allow for loading and unloading always to take place within the site. (In the interests in highway safety, and in accordance with Saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. Before the development is begun details of foul drainage, shall be submitted to and approved in writing by the City Council as Local Planning Authority. No 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.)

15. This consent shall relate solely to the submitted plans ref. no. VW PA/P1 Rev C, PA/P2 Rev C, PA/P5, PA/P6, PA/P7, PA/P8, PA/P9, PA/10 Rev A, PA/12, D1 Rev B, D2 and PA/P0 received by the City Council as Local Planning Authority on 6th April 2020 and 24th June 2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

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

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

2. Further to condition 12, it is unlikely that any construction or demolition work will be agreed outside of the hours detailed above unless the City Council Noise and Pollution Control Team is satisfied that the work will not be detrimental to occupiers of neighbouring properties or the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

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_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.
- 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_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_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_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.
- 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_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.