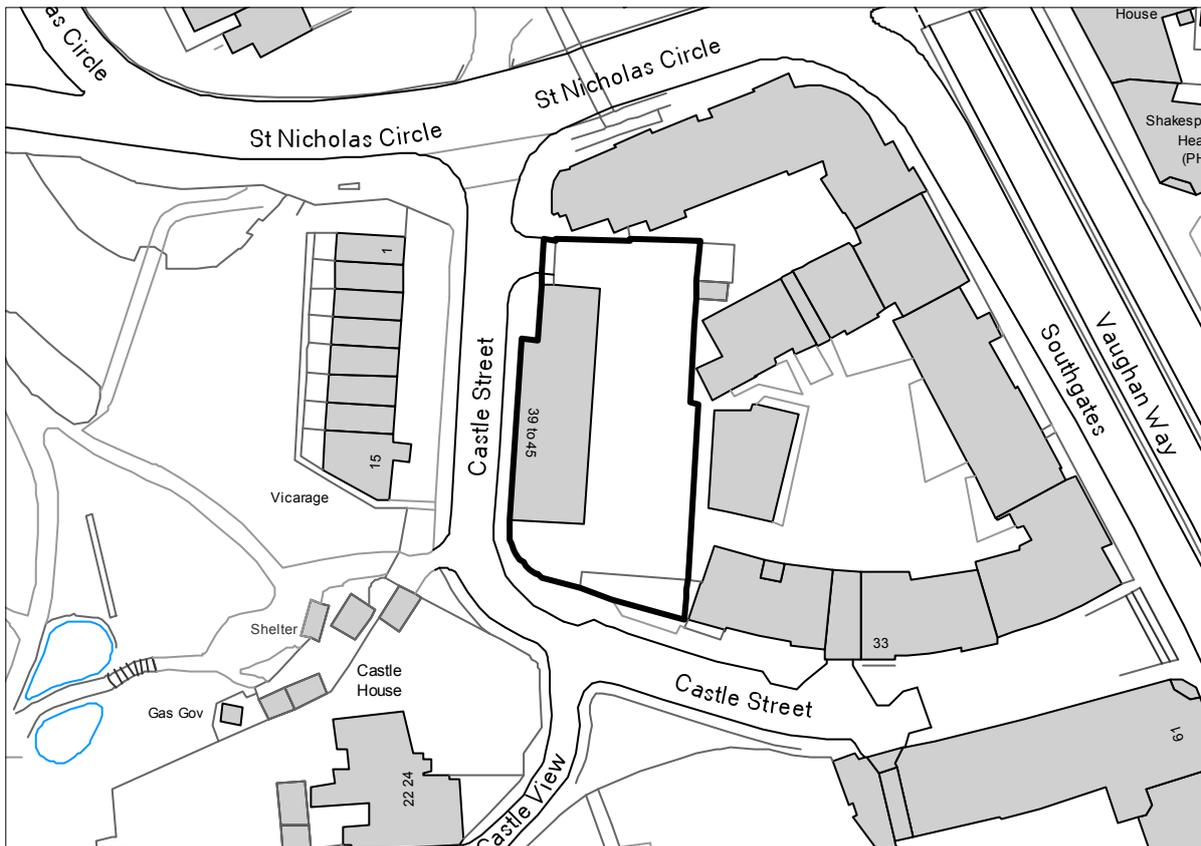


Recommendation: Conditional approval	
20180604	39-41 CASTLE STREET
Proposal:	DEMOLITION OF EXISTING TWO STOREY OFFICE BUILDING (CLASS B1) AND REDEVELOPMENT OF SITE TO PROVIDE A PART 3, PART 4, AND PART 5 STOREY BUILDING COMPRISING 20 CLUSTER FLATS (122 STUDENT BEDROOMS) AND 3 X 1 BED STUDENT STUDIO FLATS) (SUI-GENERIS). (AMENDED PLANS) (S106 AGREEMENT)
Applicant:	VICTORIA HALL MANAGEMENT LIMITED
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20180604
Expiry Date:	1 October 2018
AS	WARD: Castle



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Summary

- Councillor Kitterick and Councillor Myers have requested the application is brought to Committee so that the wider impacts and concerns raised by local residents can be considered by the committee and due to the proximity to residents and Mary De Castro church and Castle Gardens.

- Four letters of objection have been received raising concerns regarding visual amenity, loss of privacy and light, noise, traffic impact, design, massing, increase in the number of students in the area.
- The main issues are archaeology, conservation, design and massing, traffic, further student accommodation in the area.
- The application is recommended for approval.

The Site

The site is located to the east side of Castle Street which currently contains a two storey office building. Access to the site is gained off Castle Street which is located directly off St Nicholas Circle. Castle Street is a dead end with no through route or access to Southgates for vehicular traffic. The site is surrounded by purpose built halls of residence.

To the east of the site are purpose built student flats, which vary in height and range from 4 up to 10 storey. To the west (opposite side of Castle Street) is a row of two / three storey townhouses. Immediately to the north of the site is a four storey student block which fronts St Nicholas Circle with the Holiday Inn to the north of that. To the south is Castle House (Grade II) and St Mary De Castro Church (Grade I).

The site area is 1,644sq.m.

The site is located within the following:

- Archaeology Alert Area.
- Critical Drainage Area.
- Canals & River Trust Zone 1 (notification area within 150m of the canal).
- Schedule Ancient Monument (Leicester Castle & the Magazine Gateway).
- Central Commercial Zone.
- Strategic Regeneration Area.
- Primarily Office Area.

The site is also adjacent to the Castle Conservation Area. Nearby heritage assets include St Mary de Castro Church (Grade I); Castle Yard, Castle Hall (Grade I, 24 Castle St, Castle House (Grade II); 20-22 Castle St, The Gate House (Grade II*); 5 & 6 Castle View (Grade II); Stretton & Sons Factory (Grade II) and Castle Gardens.

Background

The Secretary of State for Digital, Cultural, Media & Sports has granted Ancient Schedule Monument Consent (22/11/18) for the proposed works as amended. The consent is subject to a number of conditions and any information required by those conditions is dealt with by the Secretary of State as advised by Historic England.

The Proposal

The proposal as amended is for a 5 storey building fronting St Nicholas Circle, 3 & 4 storey building fronting Castle Street (facing towards some of the existing residential properties) and a 4 storey building fronting Castle Street facing St Mary De Castro. The amendments show part of the building facing towards the residential properties having an additional set back at the 4th floor. Further details regarding construction / piling were also submitted. The proposed building would be approximately 4.5 metres further back from the edge of the footpath where the existing building currently sits.

The proposal would provide 122 bedrooms in a range of 5, 6, and 8 bed cluster flats and 3 x single bed studio flats. All the bedrooms would have en-suite facilities. The cluster flats would have shared kitchen and lounge areas. There would also be common rooms, study rooms and a laundrette.

The proposal includes a green roof. Cycle parking would be located in the internal courtyard which would include seating and landscaping.

The proposal involves the demolition of the existing two storey, 20th Century office building

Policy Considerations

National Planning Policy Framework (NPPF) 2018

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

At the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 suggests that in decision-taking, this means:

- approving development proposals that accord with the development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The council does not currently have a five-year housing land supply. The NPPF indicates that in this case applications for housing should be approved unless the adverse impacts of doing so would outweigh the benefits, considering the policies in the NPPF as a whole.

The NPPF also states:

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 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 55 - That planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and that conditions that are required to be discharged before development commences should be avoided.

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 61 - 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 91 - That planning decisions should aim to achieve healthy, inclusive and safe places which are promote social interaction, are safe and accessible, and support healthy lifestyles.

Paragraph 95 - That decisions should promote public safety and take into account wider security and defence requirements.

Paragraph 102 - That transport issues should be considered at the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 110 - That applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians and cyclists and vehicles.

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 106 - Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

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 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 185 - Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

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

d) opportunities to draw on the contribution made by the historic environment to the character of a place.

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 195 - Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Development Plan policies

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

Most relevant Core strategy policies and Local plan policies are: CS6 Housing Strategy, CS18 Historic Environment, and PS10 Residential Amenity & New Development.

Supplementary Planning Documents (SPD)

Student Housing SPD 2012

Residential Amenity SPD 2008

Green Space SPD

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

Castle Conservation Area Character Appraisal 2007.

Other material considerations

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

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

Consultations

Archaeology: This proposal affects a scheduled monument, Leicester Castle and the Magazine Gateway. Due weight should be given to Historic England comments in respect of this proposal. There are considered to be minimal archaeological implications arising from the proposal following the redesign of the piling scheme and as such no further archaeological investigations are required.

Historic England: The demolition of the existing building and the setting back of the proposed building footprint opens-up the view (looking north to south down Castle Street) of the Church of St Mary de Castro and the Great Hall. The development proposal would therefore enhance this element of the designated heritage assets' setting.

The reduction in massing of the development proposal by stepping-down the third and fourth floors has also reduced the visual impact on the setting of the Church of St Mary de Castro and the Great Hall. However, part of the third floor on the west-facing aspect of the building still competes for dominance of the skyline with the church (especially in its current form without a tower). We recommend that the whole of the third floor is stepped back in-line with its southern section (i.e. on the line of the 'Study rooms').

In our previous advice, we recommended that the proposed foundations would need to be modified to avoid piling the designated area through cantilevering ground beams or redesigning the building footprint to avoid archaeological deposits. The foundation design has been amended and the number of piles has now been reduced. After discussion with the applicant, Historic England is now satisfied that all reasonable steps have been taken to avoid archaeological remains within the scheduled monument because the castle ditch is almost certainly truncated in this location and the piles will be positioned away from it. The proposed development will therefore have a negligible impact, if any.

Local Highway Authority (LHA): There is an on-street parking bay on Castle Street next to the site. The on-street parking is otherwise controlled Monday to Saturday 07:30 to 18:00 with a maximum stay of three hours and no return for three hours. This bay would provide parking for visitors and operation purposes. The proposal will include modifying the existing access to narrow the width and to bring the access up to the existing footway level. The footway widths bordering the site appear to be acceptable from a highways perspective.

To manage student arrivals and departures at the start and end of the academic year it is proposed that:

- a) Travel information will be sent to each student offered accommodation;
- b) Students arriving and or departing by car would be allocated and arrival and departure date and time to control and mitigate negative impacts on the surrounding roads;
- c) The access road can accommodate up to three temporarily parked vehicles at a time and could be used when spaces are available;
- d) Unloading/loading can take place from the double yellow lines or the on-street parking bays on Castle Street which can accommodate 5/6 cars; and
- e) The Saint Nicholas NCP could be used by family and visitors.

Whilst the above forms part of an acceptable plan, in principle, its effectiveness will need to be monitored through the travel plan process. The site is located near the city centre and several local amenities which students would be able to access on foot. De Montfort University is also located within a short walk and the University of Leicester is accessible by all sustainable modes.

A Student Travel Plan is included with the planning application supporting documentation. This is largely acceptable but will need updating.

Cycle provision for 63 long stay cycle spaces is proposed within the rear courtyard. In addition, 8 short stay cycle parking spaces in the form of Sheffield Stands are proposed for visitors which would be located on Castle Street. Further details will need to be submitted.

It is proposed that general waste and recycling waste bins will be located within a storage area on the ground floor which will be accessible from the access road. Refuse collection vehicles can either use the access road with vehicles reversing into Castle Street from the access road or vice versa. Swept path analysis demonstrates that this is feasible.

The LHA does not raise any objections to the proposal, subject to conditions being attached.

Neighbourhood and Environmental Services (open space): The proposed residential development, within the Castle ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are severely limited and therefore we will be looking to make quality improvements to existing green space provision to minimise the impact of this development. Based on the formula from the Green Space SPD a contribution of £77,292 is required. The contribution will be used to fund biodiversity and landscape enhancement works at Castle Gardens (£36,586) and for the enhancement of outdoor sports provision to the existing ball courts at Victoria Park (£40,706).

Pollution (noise): concern with regards to noise from nearby traffic. Recommend that conditions should be attached regarding an acoustic survey and hours of construction shall be restricted.

Pollutions (land contamination): a land contamination condition should be attached.

Lead Local Flood Authority (LLFA): the proposal includes a combination of SuDS to manage runoff prior to controlled discharge into the public sewer achieving 50% betterment. Detailed calculations need to be provided to confirm the drainage network is sufficient to withstand a 1 in 100 with a suitable climate change allowance. Details regarding maintenance and design remain outstanding. The information required would act to reduce discharge into the public drainage system, reduce overall risk from surface water flooding and make sufficient allowances for climate change. The above can be satisfied through the use of conditions.

Air Quality: the air quality assessment is accepted therefore, no mitigating measures need to be implemented.

Trees and Woodlands: no objections.

Environment Agency: no objections.

Canals & River Trust: no comment.

Environment Team: no objection to the proposal as the following energy reduction strategy is proposed: fabric first design approach and the compliance with the Building Regulations utilising electric storage heating assisted with partial gas CHP driven domestic hot water generation. It is recommended a condition to be attached ensuring the measures in the Sustainable Energy Statement have been installed and are operational.

Conservation Advisory Panel: There are no concerns over the demolition of the existing C20th office building and the redevelopment of the site for residential accommodation. Although the site was noted to be in a sensitive location, adjacent to multiple highly-graded heritage assets, it was considered by the panel that a 3 to 5 storey development as proposed would be acceptable, as it would preserve the views of St Mary De Castro and is an improvement on the existing building.

Furthermore it was noted that the scheme will screen the adjacent Victoria Halls development, which was considered to be a poor scheme. The panel welcomed the set-back building line.

It was considered that the building had a good level of architectural detail, with deep windows reveals that are important to the success of the elevations.

Representations

Five letters of objection have been received from nearby residents who have raised the following concerns:

- Amended plans have taken on board comments from Historic England but the developers have disregarded all Castle Street resident's concerns. The developers should take into account the residents view and extend the set back to further along Castle Street. Loss of visual amenity.
- Pavement width to one side not wide enough.
- Increase in traffic.
- Loss of privacy / overbearing.
- Design not in keeping with houses/too high.
- Not in keeping with local heritage
- Increase in noise.
- Light nuisance.
- Disturbance during construction.
- Detrimental to local heritage.
- Is there a need for more students? The environment should be more diverse.
- Accept the site requires re-development.

The objections received relate to the application as submitted and as amended.

Councillor Myers has requested a committee decision so that the wider impacts and concerns raised by local residents can be considered by the committee.

Councillor Kitterick has also requested a committee decision due to the proximity of the development to residents, the St Mary De Castro Church and the historic surrounds of Leicester Castle.

Consideration

Principle of development

The proposal site lies within the Professional Office Area, as defined on the proposals map and referred to in Core Strategy policy CS10. The existing building is a medium / low quality office, therefore the loss of the existing offices is accepted. Saved policy E06 states that residential development will be acceptable where land is underused or redundant.

The conversion to residential use would also be allowed in principle under prior approval. In this instance, the quality of the existing offices is not top quality. The principle of the loss of offices is therefore accepted and the contribution to the current shortfall in housing supply is a key consideration.

The main policy relating to student accommodation in the Core Strategy (2014) is CS6, which requires that:

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

This is supported by the Student Housing SPD which provides more detail to support the criteria set out in Core Strategy Policy CS6. Paragraph 1.16 of the SPD refers to the 6 criteria against which applications are to be determined:

A. Does the development meet an identified need for the type of accommodation proposed?

The Council considers that there is some demand for additional purpose built accommodation within the city. The applicant has stated they are aware of the continued demand for student accommodation within the city. The applicant is keen to invest in the application site to meet demand. The applicant manages other student accommodation within the city.

B. Is the development within walking distance of the two main university campuses?

The site is within walking distance of both Universities and would therefore allow sustainable means of travel for potential occupants.

C. Would the scale of the development including height and massing adversely conflict with adjacent properties or the general residential environment of the surrounding area?

This is considered in the report below.

D. Would the development when considered with nearby student housing provision have an unacceptable cumulative impact on the surrounding residential neighbourhood?

The site is not located within an existing residential area, however there is a row of townhouses opposite. It is therefore likely to have an impact on any nearby existing residential neighbourhoods. Its accumulative effect is discussed further into the report.

E. Would the layout standards and facilities in the development ensure a positive living experience.

The layout, standards and facilities provided in the development must ensure a positive living experience. A better mix of studios and clusters would be preferred. The units also need to be of an appropriate size and layout for modern student accommodation. This is discussed further into the report.

F. Would appropriate management be in place to minimise potential negative impacts on surrounding properties and neighbours and, to create a positive and safe living environment for students?

The recommendation is subject to a S106 agreement for off-site contribution of £77,292 for open space provision. A management plan and a travel plan condition would also be attached to any approval.

I conclude that the proposal would comply with Policies CS10 and CS06 of the Leicester Core Strategy (2014), and that the proposal is acceptable in principle.

Currently Leicester does not have a 5 year housing supply. Student accommodation would provide a contribution to the shortfall in the Council's housing supply. I consider that the proposal would contribute to meeting the City's five year housing land supply.

Heritage Assets

The demolition of the existing building and the setting back of the proposed building footprint opens-up the view (looking north to south down Castle Street) of the Church of St Mary de Castro and the Great Hall. The development proposal would therefore enhance this element of the designated heritage assets' setting.

The further reduction in massing of the development proposal by stepping-down the third floor fulfils Historic England's previous concerns. As a consequence, the development will open-up the view looking south along Castle Street towards the Church of St Mary de Castro and the Great Hall and will therefore enhance this aspect of their setting.

Conservation

The proposal now shows that despite the increase in height of the proposed building to 4-storey (from the existing 2-storey building), that the proposed set-back building line and set-back top floor will result in the development having a neutral impact upon the important views of the Grade I listed church from Castle Street; preserving the setting of the listed building.

The existing mid mid-C20th office block is of no particular historic / architectural merit. The replacement development will therefore have a positive impact upon the street scene and wider area, by introducing a development of greater architectural merit.

Although there are some reservations that the increase in height to 4-storey will result in the development having a great visual prominence from Castle Gardens, it is not felt that this is of sufficient harm to consider the scheme unacceptable, as most views are screened by mature vegetation.

The design of the proposal is considered acceptable, as the traditional palette of materials allows for the development to be read in context with the surrounding historic environment. Whilst its modern appearance allows the scheme to be clearly read as a 21st century addition within the street scene; and one that doesn't compete with the nearby historic building stock.

Design / Scale / Massing

The design would include deeply recessed brick and window panels, hit and miss panels, and Flemish bond brickwork. The height of the building would be staggered between five storey's to St Nicholas Circle, four storey's on Castle Street and a mix of three / four storey's as you continue down Castle Street. On turning the corner opposite

St Mary De Castro Church the building becomes four storey's again with a smaller set back to the fourth floor. At that point the adjacent student block is also four storey's in height. The proposal has an increase in height from the existing two storey office block to be demolished. The row of townhouses opposite, are at a lower level to the proposed development. However, given the additional set back from the highway and that the townhouses are located to the west of the site I consider that there would be a minimum amount of loss of sunlight to those properties.

With regards to the materials I would suggest details shall be agreed through conditions.

Living conditions (*The proposal*)

The proposal allows for the conversion of some of the rooms into accessible rooms should they be required at a future date.

The floor area of the proposed bedrooms (cluster flats) would be between 13sq.m and 16sq.m. There would be separate living / kitchen areas of between 25sq.m and 43sq.m.

The studio flats would be approximately 20sq.m.

In addition to the above there would also be study rooms and a common room, each being approximately 72sq.m.

I am satisfied that the proposal would provide acceptable amenity for student occupants and conclude that the proposal complies with saved Policies H07 and PS10 of the Local Plan (2006) and Core Strategy (2014) Policy CS6.

Residential amenity (*neighbouring properties*)

The siting of the development would be approximately 4.5 metres from the original building line of the existing office building. The *Residential Amenity* supplementary planning document (2008) sets out more detailed design guidance for development in inner areas of the City.

The Amenity SPD recommends a ratio of 1:1.5 between building height and street width, to safeguard facing principal room windows. This means that the width between facing front elevations should be 1.5 times the height of the proposed building. At between 12 metres and 15.4 metres high, the proposed extension would require a separation of between 18 metres and 23 metres. The distance between the principle elevations would be approximately 24 metres. Due to that distance I am satisfied that there would be no unacceptable impact upon daylight to, and the outlook and privacy of the properties on Castle Street.

The site is also located in a busy part of the city being just off St Nicholas Circle. The island on which the development is located being surrounded by St Nicholas Circle, Castle Street and Southgates is busy and this proposal completes the site of student accommodation. It is likely there would be an increase in activity in the area, especially

at the beginning and end of terms. A condition requiring a management plan is proposed which would help to regulate arrival times etc. I do not consider that additional activity is a sufficient reason to refuse the application.

Waste storage and collection

Within the building there would be a refuse bin area with access to the area from within the internal amenity area and from the paved side access.

Highways and Parking

The development is located in a sustainable location being within walking distance of the city centre and De Montfort University. The proposal also includes cycle parking. A management plan condition could ensure that there is a process in place for student drop off at the beginning and end of term times, which will help to avoid congestion in the vicinity at those times. The applicant has stated that students will be notified prior to arrival advising them how and when they have access. Students will also be discouraged from bringing vehicles to the site. I conclude that the proposal complies with Policies CS03 and CS14 of the Core Strategy (2014) and saved Policies AM01 and AM02 of the Local Plan (2006).

Sustainable Energy

A detailed Sustainable Energy Statement has been submitted and includes an energy reduction strategy. It is considered the statement is acceptable and a condition is recommended to ensure the measures are installed and remain in place. I conclude that the proposal complies with Policy CS02 of the Core Strategy (2014).

Sustainable Drainage System

The site lies within flood zone 1 and is not within a known flooding Hotspot and subsequently at low risk from fluvial flooding. However, the site is within a Critical Drainage Area (CDA), meaning measures such as Sustainable Drainage System (SuDS) is required to limit surface water volumes and discharge rates. A combination of SuDS, Green roofs, rainwater harvesting, cellular attenuation and flow control are proposed. Further details are required regarding the SuDS and drainage of the site and I therefore recommend conditions be attached to secure these. I conclude that the proposal complies with Policy CS03 of the Core Strategy (2014).

Nature conservation

There is no objection to this development on ecological grounds providing the principles of national and local planning policy related to biodiversity are complied with. The proposal is acceptable in ecology terms and I recommend a number of conditions be attached requiring that lighting, mitigation regarding bats, details of the green roof, repeat ecology survey and bat bricks shall be incorporated within the design. I conclude that the proposal complies with Policy CS17 of the Core Strategy (2014).

Trees/landscaping

Trees are proposed to the front of site on Castle Street and within the proposed courtyard. However, no details of species etc, have been submitted. The courtyard paving could be permeable or as an alternative approach could be to link the trees using a rain garden. I am suggesting further details are required regarding the landscaping and the management of it. A condition is recommended to secure these details.

Green Space Provision

Policy CS13 of the Leicester Core Strategy (2014) states that new development proposals should meet the need for green space provision arising from the development, and that new on-site provision or S106 contributions to improve the quality of, or access to, existing open space will be expected.

The Council's *Green Space* supplementary planning document (2011) ("the Green Space SPD") includes formula for the calculation of green space contributions.

The proposal is likely to increase pressure on existing green space provision within an area which exhibits a deficiency in such provision, and that opportunities to create new open space to address the needs of residents are extremely limited within this area. Limited provision can be made on the application site and accordingly a contribution to qualitative improvements off-site is sought. In accordance with the Green Space SPD formula, the proposal generates a requirement for a contribution of £77,292. The contribution would be used towards resurfacing of the ball courts at Victoria Park and biodiversity and landscaping enhancement works at Castle Gardens. The proposal complies with Policy CS13 of the Core Strategy.

Developer Contributions / Section 106 agreement

The statutory tests for the use of section 106 obligations are set out in Regulation 122 of the CIL Regulations 2010. This states that obligations should be:-

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

The applicant has agreed to contribute towards biodiversity and landscaping enhancement works at Castle Gardens and ball court refurbishment works at Victoria Park.

The open space contribution for the above works would be £77,292

I conclude that the proposal complies with Core Strategy (2014) Policy CS19.

Other matters

A condition relating to demolition/construction management could help minimise disruption during the construction period.

Conclusion

I consider that as amended the proposal is acceptable. The existing buildings do not add to the character of the area, so their loss is accepted.

I consider that the proposed development complies with the NPPF, Core Strategy Policy 18 and sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development is also considered to be appropriate to its setting and complies with CS Policy 3 with its high quality design, CS Policy 18 with regard to preserving the historic environment and the overarching aims of the NPPF.

The proposed new building has been designed to preserve the historic assets in the vicinity and has been designed to be at a lower level so that views to the St Mary De Castro Church are not interrupted by the new building. I also consider that the proposal would have a minimal effect upon the amenities currently enjoyed by the nearby residents.

Currently Leicester does not have a 5 year housing supply and the development would contribute to the shortfall in the City Council's five year housing supply.

I recommend that this application is APPROVED subject to conditions and a SECTION 106 AGREEMENT to secure green space enhancements:

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. Prior to the commencement of development above ground level, samples of the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity and in accordance with Core Strategy policy CS3.)
3. Prior to the commencement of the development a plan at 1:20 scale showing vertical cross section of typical elevational details (to include window details, window reveals and parapet details) shall be submitted to and agreed in writing with the City Council as local planning authority. The proposal shall be carried out in accordance with the approved details. (To preserve the special character of the area and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
4. Prior to the commencement of development, a sample brick panel 1 metre square showing brick, bonding & mortar shall be constructed on site for inspection and approval by the City Council as local planning authority. No works shall be carried out other than in accordance with the approved details. (To preserve the special character of the area and in accordance with policy

- CS18 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. No flues/vents/extracts shall be fixed to street-fronting elevations other than in accordance with details that have first been submitted to and approved in writing by the City Council as local planning authority. (To ensure the appearance of the development is satisfactory and to preserve the special character of the area and accordance with Core Strategy policies CS03 and CS18.)
 6. The flats shall only be occupied by students enrolled on full-time courses at further and higher education establishments or students working at a medical or educational institution, as part of their medical or education course. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the Local Planning Authority on demand at all reasonable times. (To enable the Local Planning Authority to consider the potential impact of parking from other types of occupiers in accordance with Policy CS15 of the Core Strategy; the suitability of the accommodation for other types of occupation in accordance with Policy H07 of the City of Leicester Local Plan and Policy CS03 of the Core Strategy and the need for affordable housing in accordance with Policy CS07 of the Core Strategy).
 7. Prior to the commencement of the development above ground level a detailed design plan of the external lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted and approved in writing by the local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained thereafter. No additional lighting should be installed without prior agreement from the Local Planning Authority (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS 17 Biodiversity of the Core Strategy.)
 8. A mitigation scheme to minimise disturbance to bats [and other wildlife] as recommended in the Ecology report completed in March 2018], should be implemented prior to commencement of works. This includes removal of all tiles by hand and checks of any trees or parts of buildings covered in ivy or other vegetation and under the supervision of a fully licenced bat ecologist. If evidence of bats are found during this process all works should cease and any mitigation measures submitted to and reviewed by the LPA. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy)
 9. Prior to the commencement of development above ground level, full specification details of the proposed green roofs including construction, planting

details and maintenance strategy shall be submitted to and agreed in writing with the City Council as local planning authority. The green roofs shall be provided and maintained thereafter in accordance with those details (To ensure sustainable construction and adaptation and mitigation of climate change in accordance with policies CS2 and CS17 of the Leicester City Core Strategy Plan.)

10. Should the development not commence within 24 months of the date of the last protected species survey (18/3/2018), then a further protected species survey shall be carried out of all buildings [trees and other features] by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated biennially and any mitigation measures reviewed by the LPA until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy)
11. Prior to the commencement of development above ground level, details of the type and location of 12 x bat bricks/tiles/box; 12 x bird bricks/boxes; 2 invertebrate structures to support pollinating insects, to be incorporated within the elevations of the proposed building and/or green roof area have been submitted to and agreed in writing with the City Council as local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and their use monitored for a period of two years and results submitted annually to that authority with the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy.)
12. Prior to the commencement of development above ground level, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

13. Prior to the commencement of the development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the 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).
14. Prior to the commencement of development details of drainage, and especially foul drainage, shall be submitted to and approved by the local planning authority. No flat shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE COMMENCEMENT condition).
15. Prior to the commencement of development above ground level the site shall be investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's `Model Procedures for the Management of Land Contamination, CLR 11`. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan.)

16. No flat shall be occupied until a management plan has been submitted to and approved in writing by the local planning authority. The management plan shall include details of: (a) measures to control the impact of the student occupiers on the surrounding area including the arrangements for refuse collection; and (b) how the arrival and departure of the student occupiers will be managed at the start and finish of each academic term. The premises shall be managed in accordance with the approved management plan thereafter. (To ensure the premises are managed so as minimise the effect of the development on the surrounding area; to ensure that traffic and parking demands at the start and end of terms does not result in congestion in surrounding streets or harm to road safety; and in accordance with policy PS10 of the City of Leicester Local Plan)
17. Prior to the commencement of development, an acoustic survey shall be undertaken to assess noise from existing ambient noise levels. An insulation scheme to prevent the transmission of noise into the development shall be carried out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority. The scheme shall include ventilation arrangements. (The applicant should note that windows shall not be sealed closed). The insulation scheme shall ensure that the Indoor ambient noise levels fall within the guideline values as specified in British Standard BS 8233:2014 "Sound insulation and noise reduction for buildings". In addition, the scheme shall ensure that the LA_{max} does not exceed 45dB(A) on more than 15 occasions during any night time period. (In the interest of the amenity, and in accordance with policy PS10 of the City of Leicester Local Plan, this is a PRE-COMMENCEMENT condition).
18. No flat shall be occupied until all the measures in the Sustainable Energy Statement (dated the 23rd of March 2018) have been installed. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the City Council. They shall then remain in place thereafter. (In the interests of securing energy efficiency in accordance with policy CS2 of the Core Strategy.)
19. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement must be 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 policies AM01, PS10 and PS11 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be

- incorporated into the development, this is a PRE-COMMENCEMENT condition).
20. 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 by the City Council, as the local planning authority in advance. The contents of the Travel Pack shall consist of: information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)
 21. No part of the development shall be occupied until the Travel Plan included in Appendix C of the Transport Assessment dated March 2018 has been updated, submitted to, and approved in writing by, the City Council as local planning authority which shall thereafter be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for students, visitors and deliveries; (b) consider pre-trip mode choice and measures to promote more sustainable modes of transport such as walking, cycling, and public transport; (c) identify marketing and promotion initiatives to promote sustainable travel; (d) include provision for monitoring travel modes (including travel surveys) of all users at regular intervals; (e) include provision for monitoring car and cycle parking demand at regular intervals; (f) include details of the management of the drop off and pickup of students at the beginning and end of the academic year including details of the monitoring arrangements to keep under review whether the management of the drop of and pick up arrangements function satisfactorily in practice; (g) include monitoring of off-site pedestrian/vehicle conflicts arising from the development by recording complaints and by recording related personal injury accidents on surrounding streets; (h) include details of the monitoring arrangements to be undertaken of any illegal and irresponsible parking within and around the site; (j) include a commitment to produce an Annual Performance Plan (APP) setting out how the plan has performed against targets, the measures in the approved Travel Plan and the outcomes from the monitoring referred to above and (k) provide an updated Travel Plan and Parking Strategy which shall address the negative impacts identified in the APP which shall thereafter be submitted to, and approved in writing by, the City Council prior to the anniversary of the previously approved Travel Plan. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM12 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
 22. No part of the development shall be occupied until details of the proposed on-site 63 cycle parking spaces which shall be lit, secure and covered have been submitted to and approved in writing by the City Council as local planning authority. The approved spaces shall be provided in accordance with the approved details before occupation and retained as such thereafter. (In the

interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

23. No part of the development shall be occupied until details of the proposed on-street 8 cycle parking spaces have been submitted to and approved in writing by the City Council as local planning authority. The approved spaces shall be provided in accordance with the approved details before occupation and retained as such thereafter unless otherwise agreed by the City Council. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
24. Prior to the commencement of development above ground level, details of the proposed access narrowing including associated footway works have been submitted to and approved in writing by the City Council as local planning authority. The access and footway works shall thereafter be provided in accordance with the approved details prior to occupation of the development. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
25. This consent shall relate solely to the following submitted plans contained in the package received 29th October 2018:
 - Site Location Plan – 10_001
 - Site Plan – Proposed – 10_004
 - Aerial 3D Views Sheet 01 – 10_010 Rev A
 - Aerial 3D Views Sheet 02 – 10_011 Rev A
 - Ground Floor Plan – 20_001 Rev A
 - Level 01 Plan – 20_002 Rev A
 - Level 02 Plan – 20_003 Rev A
 - Level 03 Plan – 20_004 Rev B
 - Level 04 Plan – 20_005 Rev B
 - Level 5 (Roof) Plan – 20_006 Rev A
 - West Elevations – 20_100 Rev B
 - South Elevations – 20_101 Rev B
 - East Elevations – 20_102 Rev B
 - North Elevations – 20_103 Rev A
 - Courtyard Elevations 20_104
 - Bay Study 01 – Perforated Brick Panel – 21_001
 - Bay Study 02 – Recessed Brick & Window Panel – 21_002

Received by the City Council as local planning authority, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk.

2. With regards to the Student Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should seek advice from Bal Minhas (Leicester City Council's Travel Plan Officer via telephone 0116 4542849).

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS04 The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing

- communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
- 2014_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 2014_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 2014_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.