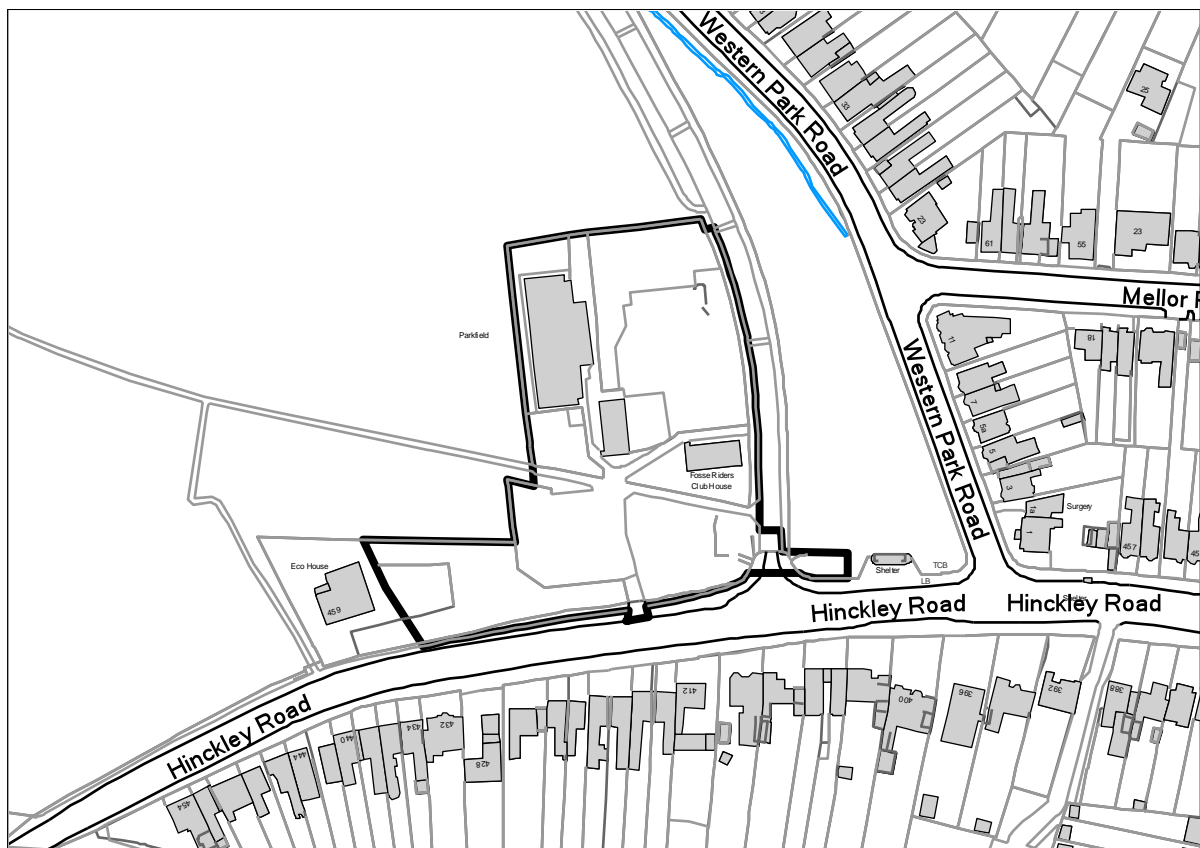


COMMITTEE REPORT

20221507	Hinckley Road, Western Park car park	
Proposal:	Demolition of Parkfield and club house. Construction of 20 houses (2 x 2 bedroom; 12 x 3 bedroom; 6 x 4 bedroom) (Class C3); meeting place (Class F.2) associated access road, car parking, landscaping and drainage. (Amended plans) (S106 Agreement)	
Applicant:	WPEH Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	31 March 2024	
AS	TEAM: PM	WARD: Western



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Summary

- This application is brought to the Committee as the recommendation is for approval and objections have been received from more than five different City addresses.
- 58 objections have been received. They raise concerns including: loss of park land and loss of car park, highway concerns, damage to wildlife, design

- The main issues are: loss of park land, loss of car park, highways, trees, design.
- The application is recommended for approval subject to conditions and the signing of a Section 106 agreement.

The Site

The proposal lies on a predominantly brownfield site within part of Western Park, which is locally listed. The wider park is allocated as Green Space in the local plan, and is also a Biodiversity Enhancement Site, but the site itself was last allocated for community and leisure use in the City of Leicester 2006 Local Plan. There is evidence of Roman remains in the immediate area. Within the park there are a number of listed buildings. Western Park is within a Critical Drainage Area.

The area to be developed covers an area which is currently a car park and where there are a number of derelict buildings which are to be demolished. The total area of the proposal site would be 8,880sq.m. Within this site area are a number of TPO trees. This site area is not within the Biodiversity Enhancement Site which covers the remainder of the park.

To the east of the proposed development is the main access road into the park off Hinckley Road which is a classified road (A47). That access road also leads to a number of buildings and residential properties within the park.

The site is bisected by a footpath which runs from the Park's main access road westwards across the park. This path has the status of a public right of way by virtue of being retained as part of the park.

Immediately to the west of the site abutting the site boundary is the currently vacant ECO House.

The land rises from east to west from 68 metres to 71 metres above sea level.

Background

The application site was sold in 2017 (subject to planning) by the Council as part of the same transaction as the nationally Grade II listed Open Air School site and the adjacent Eco House site. The sale was transacted with the objective of bringing the Open Air School back into productive use, thus enabling the restoration and redevelopment of a designated heritage asset. In addition, the sale also sought to provide a sustainable future for the eco house and to provide a community use in the area as well as the benefits of the housing delivery. The Planning Service provided development guidance to set out planning expectations and objectives as part of the marketing of the site undertaken in 2016.

I have listed nearby planning applications below which relate to this proposal under consideration.

Eco House Community centre

20200312: Construction of a single storey extension at front; two storey extension at front; first storey extension at rear; installation of a 2m high fence at front, sides and rear of Eco House (Class D1); alterations to facilitate use as a community centre – approved July 2021. This application is still valid until July 2024.

The Eco-house is formed of an original building from the early C20, with late C20 extensions. It opened in 1989 as Leicester's flagship environmental project and was the first development of its kind in the country. It offered visitors a chance to experience environmentally friendly living and related modern domestic technologies and trends. Typically, it attracted some 25,000 visitors a year and had international recognition.

Since its closure in 2013 the building and its curtilage have suffered from progressing deterioration due to lack of occupation, exacerbated by arson, unauthorised access and vandalism.

Former Open Air School

The Open Air School (OAS) was built in about 1930 as a facility for children with respiratory and similar problems, designed to enable children to benefit from fresh air and sunlight. It was used as a school until 2005.

The OAS was listed Grade II in 2011.

20202119 – Listed Building consent for Internal and external alterations to listed buildings to facilitate the change of use to office (use class E(g)(i)) and community building with cafe; demolition of two buildings and fire damaged elements; construction of three new elements/extensions; construction of bridge over watercourse; new internal driveway and external lighting – approved 25th August 2022.

20202126 - planning permission for the Change of use to office (use class E(g)(i)) and community building with cafe; demolition of two buildings and fire damaged elements; construction of three new elements/extensions; construction of bridge over watercourse; new internal driveway and external lighting – approved 25th August 2022.

Other Park Development:

20030177 and 20030182: change of use of grade II listed building (known previously as the Western Park Pavilion) from café with living accommodation and a self contained flat (Classes A3/C3) to three self contained flats (Class C3); change of use of public open space to garden; single storey extension at rear; internal and external alterations including mezzanine floor; 1.8m high boundary fence and gates (amended plans) – approved April 2003 and May 2003.

The Proposal

Full planning permission is sought for the construction of 20 houses: 2 x 2 bedroom; 12 x 3 bedroom and 6 x 4 bedroom) (Class C3), with associated access roads, car parking, landscaping and drainage. This scheme has been amended during the application process. There would be 14 detached houses and 3 pairs of semi-detached house of which 4 of the properties would be affordable housing. Fourteen of the properties would be 2 storey and the remaining six would be 3 storey in height.

The applicant has also applied for a single storey community building (Forum) within the development site. In the submission documents the applicant has described the community building as a Forum, which is 'a place, situation, or group in which people exchange ideas and discuss issues'. The community building would be located at the entrance off Hinckley Road.

The proposal is designed using Passive House (Passivhaus) principles (energy efficient buildings). These principles include:

- Houses orientated to benefit from solar gains on a north/south axis. In some cases, this has not been possible due to other site constraints. However, all living spaces are dual aspect and located to maximise solar gains.
- A simple two and three storey building form with no recesses.
- Thick external walls to meet the desired U values. Timber frame construction is being proposed with a lower embodied carbon.
- Minimal triple glazed window typologies that are not full height with deep reveals to aid with shading. Opening windows provided for natural purge ventilation, with the ability to cross ventilate.
- Shading devices incorporated into the architecture via projecting fins and reveals.
- MVHR (mechanical ventilation heat recovery) provided to all homes with minimal runs to the external walls.
- PV panels provided to the roofs.
- Rainwater butts provided to rear gardens.
- SUDs incorporated into the landscaping.
- Electrical vehicle charging points provided to all car parking plots (including visitor spaces and for the forum).
- Recycled materials where possible.
- Wildflower meadow to the roof of the forum building.
- Off-site manufacturing is being considered. This will mean less visits to site resulting in lower embodied carbon.

The demolition of existing buildings formally known as the Constance Jackson Centre, Parkfield and Club House is also proposed which will enable the proposed development to go ahead.

The main access to the site would be from an existing access point leading to the existing car park. Access to the proposal will also be gained via the main access road leading through the park off Hinckley Road. Access to the Eco House would remain from within the site.

The access point off Hinckley Road would be used by six houses, the community building and the Eco House. The existing park road would provide a further three access points leading to the remainder of the houses. A number of the properties along the existing park road would have direct parking. Visitor parking would also be included within the development site.

The existing access road into the park is currently operated by gates close to the entrance off Hinckley Road. These gates are currently closed at dusk. This proposal will include a set of bollards along the park road. The bollards will replace the need for the park vehicle gates to be closed at dusk through to dawn. The bollards will be raised at the same time the park gates would normally be closed and lowered at the same time the park gates would be opened.

The system is proposed to have an Automatic Number Plate Recognition (ANPR) facility that would allow residents and business of the Open Air School to register their vehicles with Leicester City Council and use a portal based system to update their vehicle changes.

If the bollards are damaged and rendering it inoperable then Leicester City Council Highways Department would be called to attend and remove the bollard for repair. Also, if the bollard is faulty (e.g. hydraulic pressure loss/power cut) the bollards will be lowered automatically.

Within the site to the western boundary would be a large open space, green area with ponds/SuDS and walkways.

The application has been advertised as a Departure from the local plan.

Application supporting documents:

- Design and Access Statement
- Building for Life Assessment
- Building for a Healthy Life
- Floorspace Schedule
- Landscape Strategy
- Heritage Statement
- Energy Statement
- Transport Statement
- Arboricultural Impact Assessment
- Tree Survey
- Ecological Statement and Bat Survey
- Habitat Calculation & Ecological Assessment
- Planning Statement
- Drainage calculations / plans
- SuDs management & maintenance plan

3D Model

Policy Considerations

National Planning Policy Framework (NPPF) 2023

The following sections/paragraphs of the NPPF are of relevance to the proposal:

Section 2 - Achieving sustainable development.

Section 4 - Decision-making.

Section 5 - Delivering a sufficient supply of homes.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport.

Section 11 - Making effective use of land.

Section 12 - Achieving well-designed places.

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

Section 15 - Conserving and enhancing the natural environment.

Section 16 - Conserving and enhancing the historic environment.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Affordable Housing SPD

Climate Change SPD

Green space SPD and calculations documents

Residential Amenity SPD

Tree protection guidance SPG

Other legal or policy context

Appendix 1 of City of Leicester Local Plan – Vehicle Parking Standards

Achieving well designed homes – Leicester City Corporate Guidance

Leicester Street Design Guide (June 2020)

National Design Guide (NDG)

Nationally Described Space Standards (NDSS)

Building for a Healthy Life

Consultations

Archaeology: The site is located within an area of known archaeology; a Roman kiln and industrial area and associated settlement is located beneath the Eco House. The area has not been fully archaeologically assessed. I recommend that prior to determination, per Para 200 of the NPPF, a field evaluation adhering to an agreed Written Scheme of Investigation is undertaken to determine the presence or absence of archaeological deposits and or features. The car park areas are likely to be the most suitable areas for the evaluation. The results of this field evaluation will compliment and enhance the submitted heritage assessment and also inform any recommendations regarding further archaeological work that may or may not be required.

Alternatively, the standard archaeological conditions can be attached to any planning consent/permission granted in respect of this proposal.

Severn Trent Water: Foul is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul water system by any means. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent.

Lead Local Flood Authority (LLFA): The site is in Flood Zone 1 and is also shown to be at low risk from surface water flooding, however there are modelled surface water flood flow routes close to the site which are associated with the Western Park Brook. A Drainage Philosophy Statement has been provided, which proposes the use of type A and type C permeable paving, water butts, attenuation ponds and several flow control devices prior to a connection into the public surface water sewer. A drainage plan, calculations, design details and a SuDS maintenance plan have also been provided. However, further information and clarifications are required which can be conditioned.

Air quality: Although the proposed development is not located within the Air Quality Management Area (AQMA), the access road serving the site is, and any increase in vehicle movements as a result of the proposed may increase local nitrogen dioxide (NO₂) concentrations. Where these concentrations are monitored to, or are expected to exceed national air quality objectives, development must not significantly contribute towards this without suitable mitigation.

Periods of demolition and construction associated with the development are likely to give rise to excess dust emissions (including PM_{2.5} and PM₁₀ pollution), which may adversely impact on the amenity of those living nearby. I recommend that a Construction Method Statement/Dust Management Plan be submitted.

I recommend that a simple/desktop air quality assessment be submitted, assessing the potential impact of increased vehicle movements with respect to national air quality objectives. Consideration should be given for local monitoring when verifying assessment results, with further information available on the Council's website. Where appropriate, methods of mitigation should be included to limit any negative impact on local NO₂ concentrations.

Housing: 1. Mix and type of housing:

I note that the application includes a proposal for 20 residential dwellings now comprising of 2 x 2 bed/4 person, 12 x 3 bed/5 person and 6 x 4 bed/7 person houses.

This mix will help to meet some of the evidenced housing need in the city and is welcomed.

It is also very welcome to see that all 20 dwellings are proposed to the National Accessible and Adaptable Standard M4(2). Should this application be recommended for approval, a condition should be included which would require the applicant to provide a copy of the certificate that the new dwellings are all M4(2) compliant.

I am pleased to note that all the dwellings are proposed to meet/exceed the NDSS standard. Again, a very welcome feature of the revised plans.

2. Affordable Housing:

Should the Planning Authority be minded to approve this application, the Housing Division would wish to see a robust Section 106 entered into which ensures the appropriate planning gain affordable housing of the number, mix, type and quality required can be secured, as appropriate.

I've set out below the revised affordable housing requirements. Please note, the mix requirements below reflect current housing needs evidence. I'm pleased to advise that the applicant's proposed Affordable Housing offer reflects our evidenced need and is welcomed by and acceptable to the Housing Division.

Based on the proposal to provide a total of 20 newbuild dwellings, the policy required affordable housing at 20% equates to 4 dwellings.

Given the amended plans and revised proposed mix, the affordable housing now sought at this site consists of:

1. First Homes element: 25%/ 1 dwelling: 1 x 2 bedroom / 4 person house to National Accessible & Adaptable Standard M4(2).

2. Remaining 75% element: 3 dwellings: Either:

A: HEDNA Mix (with Intermediate Affordable Housing):

Rented Affordable Housing: 2 units (81%)

2 x 3 bed / 5 person houses to National Accessible and Adaptable Standard M4(2)

Intermediate Affordable Housing: 1 unit (19%)

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

Or:

B. All Rented Affordable (without Intermediate Affordable Housing):

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

2 x 3 bed / 5 person houses to National Accessible and Adaptable Standard M4(2)

The above affordable housing is required to:

a. be indistinguishable from the market units in terms of appearance, design and quality; and

b. benefit from proportionate provision of amenities such as car parking spaces, etc.

c. location of the affordable housing dwellings to be agreed in advance with the Council's Housing Development Team.

The applicant has proposed plots 10, 11, 16 and 17 for the Affordable Housing plots, which is acceptable. Plots 10 and 11 will be 3 bed 5 person two storey houses and plots 16 and 17 will be 2 bed 4 person houses.

The Affordable Housing should be secured via a Section 106 Agreement.

The Core Strategy expects the Affordable Housing requirements to be met in full: pleased to note that the revised plans achieve this.

Local Highway Authority (LHA): The planning application seeks approval for a new residential development on a site currently occupied by several community buildings. The site is bisected by a footpath which runs from the Park's main access road westwards across the park. This path has the status of a public right of way by virtue of being retained as part of the park.

The proposal includes off-street car parking for each dwelling, served by individual private drives. The site was originally intended to be accessed principally via an existing (though improved) access from Hinckley Road with secondary vehicular access taken from the Park's main access road. These latest revisions now propose 3 separate, non-connected vehicular accesses, including the Hinckley Road access, with controlled access arrangements to the Park's main access road.

This response is based principally on the amended Transport Statement (TS), Design and Access Statement (DAS) and various layout drawings most recently submitted outlining and supporting these changes, but also draws references from earlier LHA responses where appropriate.

Vehicular access and parking:

This latest layout proposes 40 car parking spaces on the site. These appear to be adequate in size and the quantity accords with the standard set out in the current local plan. The quantity of parking spaces on the site does not, strictly speaking, fully meet the current LP standards. However, informal or visitor parking is likely to take place on the unrestricted Park's main access road immediately adjacent to the site, and it is likely that this will be sufficient to meet any overflow demand.

The existing car park also served the Eco house. It remains a possibility that future users of the Eco house could choose to park informally on the new estate road served directly from Hinckley Road, particularly when the Park's main access road is closed to non-residents, and could therefore be a source of nuisance to residents. That said, the proposed alterations to the Hinckley Road access as described in the DAS, and the revised layout are likely to help discourage this. As the proposals incorporate a private driveway to the Eco house I previously advised the applicant to assess the likelihood of such nuisance and, if appropriate, create parking spaces for the Eco house, for instance by widening some of the driveway to create parallel parking spaces in a 'layby', as a way of reducing or eliminating that potential nuisance. In of itself this is unlikely to result in serious detriment in highway terms, but is outlined here again merely as advice for the consideration of the applicant and for the benefit of future residents.

The proposed layout of the main estate roads appears to be broadly acceptable. A controlled access arrangement using a rising bollard is likely to be practical. However,

if the system is to be operated by ANPR then it will also need a back-up system operable by card / token / key etc. which will also be needed for visitor or delivery access when the park is closed. It will also need to have a failsafe mode which allows access and egress in the event the system breaks down for any reason. Measures such as public art designed also to prevent unhelpful vehicle access are to be welcomed here, particularly as the internal network is not intended to be adopted as highway.

As the proposed mews streets and footways are not intended to be adopted, it affords some flexibility to the applicant in their configuration and construction. Nevertheless, we would still advise and encourage that they be designed and constructed in accordance with the principles set out in the Leicester Street Design Guide (LSDG). If we were to later be petitioned by future occupiers to adopt these streets we would in any event be obliged to insist they be brought up to full adoptable standards prior to adoption. Alternatively, the applicant could consider imposing a restrictive covenant or equivalent to ensure such a petition cannot be submitted at a future date. The applicant will also need to clarify future management arrangements for the streets, landscaping etc within the site.

The access directly from Hinckley Road (denoted as 'A' on p53 of the revised DAS) will be within the existing adopted highway. As such we will require it to be designed and constructed to the approval of the highway authority. The concept outlined in the DAS is, however, satisfactory. The TS, however, describes the Hinckley Road access as a 'bell mouth'. We recommend an access design consistent with the DAS and a condition will be attached to secure this.

Cycle parking:

The proposed arrangements for cycle parking appear to be satisfactory.

Other matters:

The TS has adequately demonstrated that neither trip generation nor highway safety will raise any particular concerns in relation to Hinckley Road in this case.

Provision will need to be made for electric car charging points. However, the requirements set out in the recently revised Building Regulations exceed those of the current Local Plan. As such it should not be necessary to recommend a condition for this.

Therefore, in light of the comments above, the Highway Authority does not raise any objections to the proposal, subject to conditions.

Leicester, Leicestershire & Rutland Integrated Care Board (ICB): to expand the GP facilities to meet the population increase a contribution of £15,488.00 is sought to go towards and / or Hockley Farm Medical Practice or Westend Medical Practice.

Education:

The primary planning area containing this development faces a surplus of places for both secondary and primary schools, therefore no contribution is sought.

Standards & Development Comments (Parks and Green Spaces Officer): The proposed residential development, within the Western ward, will result in a net

increase in the number of residents within an area which already exhibits a deficiency in green space. The inclusion of some on-site open space is welcomed however this can only be considered as addressing the needs of the new residents in terms of informal green space and natural green space.

Opportunities to create new open space to address the other needs of the new residents are limited and therefore we will be looking to make quality improvements to existing open space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD a contribution of £34,624.00 is required in response to this application.

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

- towards improved play provision at Western Park
- towards improved basketball facilities at Western Park

Pollution (Land): There is no concern regarding historic use of the site and no nearby historic landfill. Therefore, no comments to make regarding contaminated land.

Pollution (Noise)

The acoustic submitted report "Noise Assess ref:13805.02.v2 dated Dec 2023" is considered to be short but it gives an adequate indication of the existing traffic noise. If all recommendations and mitigation including garden screening are included, then there are no further concerns on noise grounds.

Police (Crime Prevention Design Advisor): no formal objections to the application as submitted. No further comments have been received regarding the amendments.

Waste Management: Houses will require space to store up to a 360 litre refuse bin, a 240 litre garden bin (optional) and recycling bags at each house. The application shows the appropriate space is to be provided.

Sustainability Officer: the proposal represents a very good approach to building fabric efficiency.

Heating, Cooling, Ventilation and Lighting Energy Efficiency.

It is proposed to provide heating through direct electric radiators with zone controls, and to provide hot water through an air source heat pump. It is proposed to use mechanical ventilation with heat recovery, and fit LED lighting throughout.

Renewable / Low Carbon Technology & Energy Supply.

As noted above, hot water demand for the development is proposed to be provided through the use of air source heat pumps.

Construction Materials and Waste Management.

As noted within the Energy Statement, sustainable design will be incorporated into the project, including use of offsite construction. I would also like to encourage the applicant to consider opportunities to reduce waste from the demolition of existing buildings, including through setting a high target for the recycling of demolition waste.

Carbon Emissions.

It is proposed to achieve an overall carbon saving of 64.53% over baseline emissions for the development.

In respect of the above comments, I recommend a condition be attached to secure the details.

Trees and Woodlands Officer: This proposal requires the removal of 27 trees to facilitate this development, 10 graded at B2, 15 graded at C2 and 2 graded at U. included within these removals includes 7 TPO protected trees 4 graded at B2 and 3 graded at C2.

Grade A trees are those of high quality with an estimated remaining life expectancy of at 40 years. The proposal does not include the felling of any grade A trees.

Grade B trees are those of a moderate quality with an estimated remaining life expectancy of 20 years.

Grade C trees are those of low quality with an estimated remaining life expectancy of 10 years.

Grade U trees are those in such a condition that they cannot realistically be retained as living trees.

The B2 and C2 grading also identifies the trees as having landscape qualities as a collective with little visual contribution to the wider locality or a low or transient landscape benefit respectively.

To mitigate the loss of these trees it is proposed that 20 new trees are planted after construction has taken place, growing locations for these new trees are highlighted on the Soft Landscape Strategy Plan (23.1783.010 REV B).

The proposed layout for sections of the streets, driveways, public and private footpaths, patios and parking fall within the Root Protection Areas of a number of trees to be retained, are highlighted within the Arboricultural Impact Assessment & Management Statement (AIA&MS) and clearly visible on the Hard Landscape Strategy Plan (23.1783.011 REV A). It is essential that no damage occurs to the retained trees. Therefore, an engineered, no-dig, load spreading geo cell system is to be used where the encroachment of the development overlays the RPA of trees to be retained, this is also recommended within the AIA&MS.

The AIA&MS advises that Plots 1, 2 and the Western Park Forum are within the RPA of trees fronting Hinkley Road, I believe that this also applies to plot 20 as shown on the Hard Landscape Strategy Plan. Due to current site restrictions, it is not known if an engineered foundation will need to be used in part of the foundation construction of these builds, such as pile and beam, but as with many processes required for this development it is recommended within the AIA&MS and required by myself that all works within the RPA of trees to be retained is overseen by a qualified Arboriculturist. They will advise on the necessary requirements to protect all of the retained trees and their rooting structure; they will also monitor the correct installation of all no-dig systems required onsite.

With all factors assessed and considered I would have no objections to this proposal subject to conditions.

Representations

58 objections have been received which have raised the following issues:

- Traffic concerns with vehicles entering the site off Hinckley Rd at three different points. Hinckley Road is already very busy. (*case officer note: access to the site from Hinckley Rd would be via the two existing access points only*)
- Risk of injury with increased traffic.
- Does not comply with Leicester City Parking Standards.
- Deter people from using the park due to increase in traffic.
- Loss of car park, therefore increased parking on nearby streets.
- The loss of the car park affects people's ability to use the bike track.
- Loss of green space.
- The park is for recreational use.
- The residential properties will detract from the park and would reduce access to the park.
- The current buildings/land should be returned to park land or repurposed.
- There would be no parking for the Eco House.
- Ecological damage, loss of wildlife, loss of trees.
- Pollution concerns.
- No amenities nearby i.e. shops, GP's, schools.
- Will spoil the historic look of the site.
- Will create a precedent that may lead to other parks having their land grabbed.
- It is accepted that something should be done with the area of land.
- Parking for the proposal is inadequate.
- The tranquillity, history and ambience of the park would be lost.
- The City parks are the 'lungs' of the City and reducing the park area will not improve the current situation.
- Immoral policy of privatising public assets.
- Out of keeping with its setting as a Victorian park.
- It's important for community use and for mental health.
- Would agree with the proposal if it was for social housing.
- Very little thought has gone into the design.
- Access to existing residential properties will be affected.
- Will the gates be locked at night?
- Too many cars already park on the access road.
- Safety of children within the park with more traffic.
- No way of securing the park at night which will lead to anti social behaviour.
- The site could have been sensitively redeveloped to serve the community better.
- The park will become less safe.
- Loss of public footpath.

4 letters in support have also been received stating:

- Good to see a passive house (Passivhaus) development.
- Good layout.
- Being built on formerly built on land (brownfield).
- Currently the car park is prone to anti social behaviour.
- Buses run along Hinckley Road with easy access to the City Centre.
- Would like to see reduced private traffic through the site.
- Could ground source heat pumps be used?
- Lack of housing in the City.
- Cycle parking is provided.
- This development needs to happen but not at the expense of Western Park.
- Would need a substantial tree/shrub screening.

Conservation Advisory Panel (CA):

14th December 2022:

The panel agreed that regardless of the quality of any scheme, development in this area will be regarded as an intervention into the park and cause some erosion of important green space. Although the panel were pleased to learn that the dwellings would be built to a Passive House (Passivhaus) standard, they felt this was not a particularly exceptional credential and that other outputs demonstrating high quality design were necessary.

Given the context of the site, members were disappointed by the design of the proposed dwellings, which they felt lacked architectural quality and did not do enough to reflect the special character of the area. They felt the opportunity to produce a fresh design to express the environmental credentials of the scheme had been missed. While they appreciated that the applicant had drawn on the surrounding Arts and Crafts character to inform their design, the members agreed that there was a lack of attention to detail and it lacked proper craftsmanship.

Members also expressed some concerns with the layout, which they felt was underwhelming and over engineered. They queried the need for a second vehicular access and advised that the number of roads be reduced to the bare minimum. It was agreed that the hammerhead arrangement was not the best response to the site, feeling it created an insular character to the development and they were disappointed to see how dominant the car was.

Some members raised concern about the number of trees that would be removed to accommodate the development. Accepting that some specimens may already be suffering from disease, the panel considered that the well treed park perimeter would be diluted by the proposed development and more work was needed on this aspect. The panel were in agreement that the development would have no adverse impact on the setting of the Open Air School, which is a complex of Grade II listed buildings to the north. However, members felt it would have a detrimental impact on the park, which is locally listed, and potential harm to the setting of the locally listed houses opposite.

The panel objected to the scheme.

The application was reported back to CAP on 16th August 2023 with amendments and their comments are as follows:

As with the previous scheme, the panel agreed that regardless of quality, any form of development in this location would be read as an intervention into the park, causing some erosion of important green space.

The panel felt the proposal would provide a substantial improvement on the previous scheme and were broadly supportive of the proposed layout and number of units. The panel appreciated the stylistic uniqueness of the design. They felt the development would read as distinct from both within the park and the wider residential neighbourhood, allowing it to have its own identity.

There was a discussion about the appropriateness of the material palette, with some members feeling it was monotonous and lacked variation, while others appreciated its simplicity but felt there could be more “playfulness.” The panel agreed that high quality materials and design flourishes were critical to softening the impact of the proposal when viewed from the park.

The panel were broadly happy with the massing across the site and thought many elements were successful in blending in. However, they had strong concerns about the impact of the proposal on the main approach road into the park. The panel had particular concern about the prominence of the three gable ends, which would address the access road feeling they would be dominant and give the wrong impression when entering the locally listed park. The panel felt this element should be revised and either different buildings placed in these sensitive locations or for the massing to be reduced and or better articulated and screened with additional planting.

The conclusion was to withdraw the previous objection and seek amendments to the revised application as noted above.

Consideration

Principle of development

Although the site is within Western Park, which is allocated as green space, the site is not itself allocated as parkland or as public open space. It is previously developed brownfield land, last used as community facilities, and was allocated as “Community and Leisure” land in the 2006 Local Plan. That allocation was not saved and so the site currently has no allocation and therefore it is not appropriate to describe the site as being protected by the adjacent greenspace allocation of the park itself.

The relationship of the application with the land disposal agreement and associated published Development Guidance which sought to secure a sustainable redevelopment of the former Open Air School and the Eco House is considered to be a material consideration in this case, although it should be noted that the granting of consent would not in itself guarantee the implementation of the related planning applications.

Design

Policy CS03 of the Core Strategy talks about designing quality places. It requires developments to be designed well and to contribute positively to the character and appearance of the local natural and built environment. Development should also respond positively to the surroundings and be appropriate to the local setting and context and take into account Leicester's history and heritage.

New development should achieve urban design objectives detailed under the following criteria:

1. Urban form and character;
2. Connections, movement and inclusive design;
3. Public realm and open space;
4. Protect and where appropriate enhance the historic environment; and
5. To ensure high design standards and good place making, all proposals for 10 or more dwellings must demonstrate how they have been designed to meet Building for a Healthy Life standards.

Section 12 of the NPPF (Achieving well-designed places) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Paragraph 41 of the National Design Guide (NDG) states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Paragraph 42 goes on to state the well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it.

Paragraph 43 states that well-designed new development is integrated into its wider surroundings, physically, socially and visually.

Design Policy Position: The development principle is accepted, and the proposed design follows a well thought out process in most parts.

Scale: Height & Massing: The proposal comprises 14 two-storey semi-detached and detached houses and 6 three-storey detached houses with gable roofs with the three-storey houses located towards the centre of the development, away from the eastern and southern park edges. Further information has been received in the form of street scenes which are considered acceptable.

Layout: Connections (ease of movement, legibility), Urban Grain (arrangement of blocks, continuity and enclosure, frontages and thresholds, delineation of public and private space, legibility): further details with regards to the front gardens and the delineation of public and private space has been submitted and the details are now acceptable.

Appearance: Details & Materials: a materials condition will be attached to include a sample panel drawing. The condition will then conclude that the sample shall be constructed on site prior to the construction above ground level. These details will enable the Local Planning Authority to assess the materials in context with the park.

A Building for a Healthy Life assessment has been submitted and is acceptable.

In design terms I conclude that the application exhibits a high level of thoughtfulness and contextuality. Although there were a few specific areas that required further attention, the amended application is well-constructed overall and demonstrates commendable design proficiency and quality.

All buildings have been designed and positioned in such a way to contribute towards the area's character and articulation. It is important that the proposed overall layout, massing and scale will be maintained and won't be disrupted or altered by potential future household extensions and/or alterations. I propose to attach a condition to remove permitted development rights which will help retain the integrity of this exemplar development.

Passive House (Passivhaus) development

This proposal is one of the few such schemes proposed within Leicester and is seen as a positive move as the buildings are designed to be energy efficient so that they maintain an almost constant temperature. The windows can be opened if the occupier so wishes. Therefore, for this type of development no further information is required regarding noise and ventilation.

Heritage Assets

The scheme has improved significantly through the planning application process in terms of quality and design. Although there will still be unavoidable impacts on the character and appearance of Western Park as a local heritage asset, it is felt that the revised scheme employs significant measures to manage this change, establishes a strong sense of place and ensures high quality and contextual design.

Site and Context:

The application site is located wholly within Western Park, located to the west of the main city centre. It was created by the Leicester Corporation for the expanding population in the area in 1899 from farmland. It is a good example of a late C19 municipal park, and it is recognised as a locally significant heritage asset for its historic interest and landscape quality.

There are several other heritage assets in relative proximity to the application site. The Western Park Open Air School complex and The Pavilion (the former farmhouse) are both nationally significant Grade II Listed Buildings located further north also within the park. There are a cluster of locally listed heritage assets to either side of Hinckley Road immediately to the south-east, and a further cluster fronting Letchworth Road to the north.

Given the relative distance it is felt the proposed development would have no impact on the significance of the Western Park Open Air School complex and The Pavilion, including any contribution made by setting.

Amended site plan and hard surfacing:

The amended plan, is a significant improvement in design terms from the very insular, cul-de-sac arrangement of the initial proposal and is welcomed. The omission of the central hammerhead access road is a significant improvement, and the proposal for

multiple mews type roads help to introduce permeability to the site. The street elevation along the existing park access road is of particular note. This existing access road is an important entrance point and route of procession through the park and the presence of several gables fronting this edge will be visibly prominent. However, the rhythm of these gables should mirror the character of Western Park Road which runs parallel, bringing some balance to this area.

House Mix and Design:

In general, the proposed housing mix is supported and the simple, consistent design throughout is considered beneficial. The rationale provided for the break down in elevation treatment and proportions is helpful in understanding the strong design theory behind the scheme. The parapeted gables, splayed window reveals, and brick banding can all be supported as features.

Materials:

The success of this simple approach to design rests in the selection of appropriate and high-quality materials. The consideration given to the material palette at this stage is evident in the application, and in general this is a good direction in which to move. The proposed use of multi brick, clay tiles and champagne metal work is broadly acceptable. Samples of all external materials, including a brick sample panel showing brick, bond, mortar etc would be required. Details of junctions at fascia level, between brick and hanging tile, etc should also be provided. These details will be secured by condition.

Community building (forum building):

The inclusion of a single storey communal hub at the entrance off Hinckley Road is supported and should prove to be a valuable facility. It is felt the differing materials help distinguish it from the other buildings on site, identifying it as a shared space.

Boundary Treatment:

The varied approach to boundary treatments is welcome. The various options proposed; estate fencing, brick walls, timber fences, and weldmesh with native hedge can all be supported.

Hard Landscaping:

The mix of proposed materials for the hard landscaping, appears appropriate and tonally in keeping with the material palette proposed for the architecture.

Heritage Conclusion:

As noted above, there will be some impact on the character of the locally listed park, principally the loss of an existing underdeveloped site which contributes to the spacious and green appearance of this area. As such paragraph 203 of the NPPF will need to be considered as part of the planning consideration. However, the scheme has been much improved during the planning application process and now represents a carefully detailed and contextual approach. I therefore consider that on balance the proposal as amended is acceptable having regard to the scale of any harm or loss and the significance of the heritage asset.

Living conditions (The proposal)

The proposed houses are to be built to the National Accessible and Adaptable Standard M4(2) and the Nationally Described Space Standards. The layout of the development has been as such that where possible there will be minimal overlooking to neighbouring properties within the development site. All properties will have private amenity space which is considered to be acceptable. The occupiers also have direct access to Western Park.

Residential amenity (*neighbouring properties*)

There are no immediate residential neighbouring properties to the proposal. The nearest being across from the site on Hinckley Road and further into the park to the north. Therefore, I consider that the proposal would have very limited impact on the amenities that the occupiers of those properties currently enjoy.

Waste storage and collection.

More details are required for the waste storage area off Hinckley Road and I suggest a condition be attached securing those details.

Highways and Parking

The access to the road through the park and thus giving access to those houses served off the park road when the Park is closed for public (vehicular) access will be gained through a bollard operation and the management of these will be by Leicester City Council's Area Traffic Control team.

- The bollard will replace the need for the park vehicle gates to be closed at dusk through to dawn and the bollard will be raised at the same time the park gates would normally be closed and lowered at the same time the park gates would be opened.
- In the event of fault, such as hydraulic pressure loss/ power cut, the bollard lowers automatically.
- Leicester City Council (LCC) will have full ownership and management of the bollard system and will have remote access to it and cameras on the entry and exit routes for the purpose of vehicle access management- The system is proposed to have ANPR facility that will enable residents and business of the Open Air school to register their vehicles with LCC and use a portal based system to update their vehicle changes.
- In the unlikely event of physical damage e.g. a vehicle hitting the bollard and rendering it inoperable then LCC Highways department would be called to attend and enable emergency removal of the bollard pending repair.

The proposal provides off street parking and cycle spaces for all the properties and the forum building. Charging points for electric vehicles will be provided for each property.

The loss of the car park is regrettable in terms of convenience of park users, however, it is considered that informal parking can still take place on the Park's main access road.

The proposed mews street and footways will not be adopted therefore there is some flexibility in their configuration and construction.

The access directly from Hinckley Road will be within the existing adopted highway and as such it will need to be designed and constructed to the approval of the Local Highway Authority. I will attach a condition to secure those details.

Refuse collection

For each property refuse collection will take place at various points around the edge of the site. Therefore, bin lorries will not need to enter into the development.

Sustainable Energy

As amended, most of the properties have been sited on a north-south axis to maximise daylighting. It is proposed to use mechanical ventilation, air source heat pumps and fit LED lighting. Solar panels are also included to the roofs. I will attach a condition ensuring the renewable energy and energy efficiency measures are carried in accordance with the details submitted with this application.

SuDS / Drainage

There are no objections to this proposal, subject to conditions to secure the relevant drainage provisions.

Nature conservation/Trees/landscaping

Nature Conservation: with regards to Biodiversity Net Gain (BNG) the planting of 20 trees within Western Park would be sufficient to provide the necessary net gain in biodiversity to compensate for habitat losses within the site. A financial contribution of £20,000 to plant 20 trees will be secured through the s106 agreement.

Bats: It is further recommended that for the compensation for the loss of bat roosting habitat there should be at least 5 bat roost boxes to be installed into the fabric of the buildings.

Badgers: No evidence of badgers was discovered during the site survey undertaken in 2022 but a number of sett records local to the proposed development site exist. As the surrounding parkland and habitats adjacent to the site provide suitable foraging, commuting and sett building habitat for badgers, it is considered likely that badgers would utilise the site for foraging and or commuting. Therefore, any proposed development work should be undertaken with caution.

Birds: The surrounding parkland and onsite habitat provides opportunities for nesting birds and care should be taken if undertaking any scrub and/or tree removal works during the bird breeding season. It is further recommended that compensation for the loss of bird roosting/nesting habitat will be required. Therefore, 5 bird nest boxes (suitable for Swifts recommended) should be installed within the fabric of the buildings within the proposed development.

The provision of bat roost boxes and bird nest boxes can be secured by condition.

Hedgehog: Numerous records local to the site exist and the onsite habitats provide suitable foraging and refugia opportunities. As a priority species, care should be taken

to minimise impacts if entering/found onsite. Therefore, any proposed development work should be undertaken with caution.

Amphibians: Although Great Crested Newts are not considered to be a constraint within this site, onsite ponds and surrounding habitat provide opportunities for other common species of amphibian and the likelihood of their presence onsite is considered to be high. Therefore precautionary measures should be undertaken.

Lighting: Exterior lighting has not been included within the proposal but should be avoided where there is potential to impact protected species such as bats and nesting birds. Should exterior lighting be considered the recommended mitigation detailed within section 5.3.7 (page 31) of the Ecological Assessment and Bat Activity Survey (EMEC Ecology – November 2022) should be followed to ensure that the trees/hedges to the north and west boundaries and the dark corridor beyond the new development property is not subjected to artificial light levels above 1 lux.

Trees: As the mitigation of mature trees lost by the development proposal and which provide existing habitats for wildlife cannot be adequately completed onsite. It has been agreed between the Nature Conservation officer and the Trees and Woodlands officer that the planting of 20 new trees will take place in close proximity to the development on Western Park, these trees will be sourced and planted by LCC. These trees shall be of 16-18 stem girth, British native, and Heavy standard. They should be maintained until established. Any tree that dies, becomes seriously damaged or is removed shall be replaced by another of the same specification at the same place in the first available planting season.

With regards to the construction on site, I will attach conditions which will help to prevent any damage to existing trees which are to be retained.

It should be noted that compensation is based upon BNG secured through projected onsite habitat creation and enhancement which the Applicant's Ecologist based upon submitted landscaping designs. Therefore, it will be necessary for the Landscape and Ecological Management Plan (LEMP) to be aligned with the findings of the submitted Biodiversity Metric Report and accompanying DEFRA Metric. This will be agreed through the use of a pre commencement condition.

Background to the issues raised regarding trees within Western Park.

During the process of assessing this application I have been informed of previous tree losses and replacements that have taken place in Western Park, for information purposes I have included further information:

Over the last few years, the tree stock of Western Park has been affected by two large scale incidents involving disease, the first was Phytophthora in 2021/2022, 60 trees were felled, due to health and safety concerns for users of the park. To mitigate there were 122 large stock trees planted by the Trees & Woodlands (T&W) team. Also, in the same year there was planting linked to the council's Local Authority Treescapes Fund (LATF) successful bid, this resulted in the planting of a further 60 fruit tree saplings and 1875 British native whips.

In 2022/2023, 40 trees were felled due to needle blight infection. To mitigate their loss the T&W team planted 80 trees, unfortunately, around 12 of these failed, mainly in the pine area on the right on entering the park from Hinckley Road. Any potential for replacement planting of these failed trees however should not be an additional requirement related to the planning application currently under consideration.

Landscaping:

Amended landscape plans have been submitted which detail the different boundary treatments and the hard and soft landscaping. These details are considered acceptable as amended.

To the western edge of the development there would be two ponds. A walkway crossing over the lower pond is proposed. There are gabions and water areas which need to be carefully designed to be positive unfenced open areas. It is not certain whether the ponds will be fenced off, therefore I am attaching a condition requiring details of any such boundary treatment that maybe required.

Further technical detail is required, and this can be secure through pre-commencement conditions.

Community Building (Forum Building)

This is located to the left hand side on entering the site direct from Hinckley Road. It will be single storey with a wildflower roof. There would one car parking space and two cycle parking spaces provided close to the forum. The design of the forum is considered to be acceptable. It is proposed to be used by the future residents of the development as a meeting place. I will attach a condition regarding its proposed use and will restrict it to be used solely by those occupiers.

Open space contribution

The contribution of £34,624.00 will be used towards the following open space enhancements:

- towards improved play provision at Western Park
- towards improved basketball facilities at Western Park.

This will be in addition to the biodiversity net gain which is being sought separately. This will be secured through the s106 agreement.

Leicester, Leicestershire & Rutland Integrated Care Board (ICB)

A contribution of £15,488.00 is sought and will go towards improvements at the Hockley Farm medical Centre and / or the West End Medical Centre and will be secure through the s106 agreement.

Housing

The proposal includes four affordable houses. Plots 16 and 17 will be 2 bed 4 person homes and plots 10 and 11 will be 3 bed 5 person homes. These affordable houses meet policy requirements and will be secured through the s106 agreement.

Education

Currently there is a surplus of spaces within this area therefore a contribution towards education facilities is not requested or required.

Developer Contributions

NPPF Paragraph 57 states '*Planning obligations must only be sought where they meet all of the following tests:*

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

(b) directly related to the development; and

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

Core Strategy policy CS19 states that new development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought also where needs arise as a result of the development.

Contributions will be used to mitigate the adverse impacts of development and the City Council will, where appropriate, seek to secure such measures through planning obligations.

Section 106 requirement:

Contributions have been sought and these requirements have been discussed with the applicant during the determination period and will be secured through a s106 Agreement:

Open space: £34,624.00

ICB (NHS) :£15,488.00

Biodiversity Net Gain: £20,000

Affordable Housing: four houses.

Other matters

The footpath running from east to west within the development site will remain accessible for the public as the proposed development is not a secure gated complex.

As the ECO house is currently vacant, parking for the house will be considered in a future application for that site but vehicular access is provided through the current application site to its boundary to ensure that access to the rear of the Eco House site is retained.

Conclusion

I consider the scheme to have been evolved into an exemplary and innovative design which should be welcomed as appropriate to the council's urban, environmental and heritage design policy objectives.

The current state of the site is detrimental to the local area and the housing provision will make a significant contribution to the council's housing supply, including affordable housing provision and the high standard of energy efficiency achieved is significantly more ambitious than the levels which could be required by policy.

To use this area for housing will remove an area and buildings that are in a poor state and are likely to deteriorate further.

The residential development on site would fit in with the aims and aspirations for the area. The proposal, as amended, represents an acceptable scale and form of residential development that would not adversely impact the character of the site and the Park bearing on mind the previous developments at the site, nor would it adversely affect the amenity of nearby residents.

The applicant has worked positively with the local authority to improve aspects of the proposal and respond to comments made by consultees and this has improved the proposal and addressed relevant policies. Technical matters can be addressed through the use of conditions to secure an acceptable residential scheme.

I therefore recommend that this application is APPROVED subject to conditions and subject to the signing of a SECTION 106 AGREEMENT to secure the agreed financial contributions towards open space facilities, towards local healthcare facilities and biodiversity net gain which compensates for the loss within the site and to secure the affordable housing:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No demolition or development shall take place in relation to the proposal until the applicant has secured the implementation of an appropriate programme of archaeological fieldwork undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the local planning authority. The WSI must include an assessment of significance and research questions; and: (1) the programme and methodology of site investigation and recording; (2) provision to be made for analysis of the site investigation and recording; (3) provision to be made for publication and dissemination of the analysis and records of the site investigation where appropriate; (4) provision to be made for archive deposition of the analysis and records of the site investigation. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 2. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).
4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 2, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding

of their economic and social significance is advanced; and in accordance with Core Strategy policy CS18).

5. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. No dwelling or building 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 Core Strategy policy CS02. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. No dwelling or building 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 Core Strategy policy CS02. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. Prior to works above ground level on-site installations to provide renewable energy and energy efficiency measures including solar panels shall be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until evidence demonstrating satisfactory installation and operation of the approved scheme including on-site installation has been submitted to and approved in writing by the local planning authority and the installations and operation shall be retained as such thereafter. (In the interests of securing energy efficiency in accordance with Core Strategy policy CS02).

8. Prior to the commencement of the development, details of all street works, including the access directly from Hinckley Road, alterations to the footway crossings, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development all streetworks must be implemented in full accordance with the approved details and retained as such. (To achieve a satisfactory form of development, and in accordance with policy AM01 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).

9. Before the occupation of the development the parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)

10. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents

of this shall be submitted to and approved in writing and in advance by the local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and Core Strategy policy CS14).

11. A) Prior to the construction of any above ground development, a materials sample panel drawing (at a scale of 1:20) and full materials schedule, shall be submitted to and approved in writing by the Local Planning Authority.

B) Prior to the construction of any above ground development, the approved sample panel shall be constructed on site, showing all external materials, including, but not limited to, bricks, bond, windows, doors and cladding, for inspection by Officers and approval in writing by the Local Planning Authority. Each dwelling shall only be occupied, once that dwelling has been constructed in accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)

12. Should the development not commence within 24 months of the date of the last protected species survey (13/09/2022), 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 2017 and in accordance with Core Strategy policy CS17).

13. Notwithstanding the submitted Landscaping Plans, prior to any work above foundation level, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of the parts of the site which will remain unbuilt upon shall be submitted to and approved in writing with the local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction; (ix) details of planting design and maintenance of; (x) details of the make and type of bat and bird boxes/tiles/bricks to be erected on buildings under the guidance and supervision of a qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas for that relevant phase and be carried out within one year of completion of that phase of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with

saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

14. Prior to the commencement of development, an arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

15. All works within the Route Protection Area (RPA) of trees to be retained shall be overseen by a qualified Arboriculturist who will advise on the necessary requirements and procedures to protect all of the trees and their rooting structure, the Arboriculturist will also monitor the correct installation of all the no-dig systems required onsite. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

16. Prior to the commencement of the development, details and locations of all 20 new trees to be planted within the site shall be submitted to and approved in writing with the local planning authority. They shall be of 16-18 stem girth, British native, Heavy standard. All replacement trees shall then be maintained until established following planting. Any tree that dies, becomes seriously damaged or is removed shall be replaced by another of the same specification at the same place in the first available planting season. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.) To ensure that the details are agreed in time to be incorporated into the development, this is a PRE COMMENCEMENT condition).

17. No existing trees, shrubs or hedges adjacent to the site shall be topped, lopped, uprooted, felled or wilfully damaged without the prior written approval of the local planning authority. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

18. Prior to the occupation of any dwelling, a lighting scheme shall be implemented in accordance with details first submitted to and approved in writing by the local planning authority. It shall be retained as such thereafter. The details shall show the locations of lights, their type of light emittance and wavelength, and include a lux contour map showing the variation in light. The lighting shall be designed to cause minimum disturbance to wildlife that may or could inhabit the site. (In the interest of protecting wildlife habitats and in accordance with NPPF (2023) paragraph 185 and Core Strategy policy CS17).

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

20. The detached community building (Forum) shall only be used in conjunction with the development and shall not be used, let, sold or otherwise disposed of as a separate unit for living accommodation or commercial use or any other such use. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan.)

21. Prior to the installation of any boundary treatment to the ponds as identified on plan soft landscaping 23.1783.010 rev details shall be submitted to and approved in writing by the local planning authority showing the location area, the height and materials. The boundary treatments shall be installed in accordance with the approved details and retained as such thereafter. (In the interests of residential and visual amenity and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

22. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

23. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes AA, A, B, C, D, E and F, and Part 2 Classes A and C of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS03).

24. The development shall be carried out in accordance with the following plans:

- Type 1 floor plans, elevations, section 265-BBA-01-ZZ-DR-A-02110 rev P4
- Type 2 floor plans, elevations, section 265-BBA-02-ZZ-DR-A-02120 rev P4
- Type 3A floor plans, elevations, section 265-BBA-02-ZZ-DR-A-02121 rev P4
- Type 3B floor plans, elevations, section 265-BBA-02-ZZ-DR-A-02122 rev P4

Type 4A floor plans, elevations, section 265-BBA-03-ZZ-DR-A-02130 rev P4
Type 4B floor plans, elevations, section 265-BBA-03-ZZ-DR-A-02131 rev P4
Type 5A floor plans, elevations, section 265-BBA-03-ZZ-DR-A-02132 rev P4
Type 5B floor plans, elevations, section 265-BBA-03-ZZ-DR-A-02133 rev P4
Forum, floor plans, elevations 265-BBA-04-BBA-04-ZZ-DR-A-02140 rev P3
Proposed street scene elevations 265-BBA-00-ZZ-DR-A- 02321 rev P3
Proposed plot boundaries 265-BBA-00-03-DR-A-02016 rev P5
Plan, section, elevation details Type 1 - 265-BBA-00-ZZ-DR-11350 rev P1
Plan, section, elevation details Type 2 - 265-BBA-00-ZZ-DR-11351 rev P1
Plan, section, elevation details Type 3 - 265-BBA-00-ZZ-DR-11352 rev P1
Plan, section, elevation details Type 4 - 265-BBA-00-ZZ-DR-11353 rev P1
Plan, section, elevation details Type 5 - 265-BBA-00-ZZ-DR-11354 rev P1
Proposed street sections 265-BBA-00-ZZ-DR-A-2320 rev P3
Site plan 265-BBA-00-ZZ-DR-A-02010 rev P3
Proposed ground floor plan 265-BBA-00-GF-DR-A-02100 rev P3
Proposed first floor plan 265-BBA-00-03-DR-A-02101 rev P3
Proposed second floor plan 265-BBA-00-02-DR-A-02102 rev P3
Proposed roof plan 265-BBA-00-03-DR-A-02103 rev P3
Boundary strategy 1 – 23.1783.012 rev B
Boundary strategy 2 – 23.1783.013 rev A
Hard landscaping 23.1783.011 rev A
Soft landscaping 23.1783.010 rev B

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.

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 2023 is considered to be a positive outcome of these discussions.

2. Any development where surface water runoff will be managed through discharge into a public sewer will require approval from Severn Trent Water (STW). It is recommended that STW are consulted regarding the proposed connection. An application for connection will need to be completed and submitted to STW once planning approval is granted.

3. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

4. 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.

Policies relating to this recommendation

- 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_GE02 Permission not normally granted if development adversely affects Sites of Importance for Nature Conservation, Local Nature Reserves and the Regionally Important Geological Sites.
- 2006_GE09 Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.
- 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_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_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_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_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.