

Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 6 MARCH 2024

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Pantling (Chair)
Councillor Aldred (Vice-Chair)

Councillors Agath, Bonham, Gopal, Kennedy-Lount, Kitterick, Mohammed, Dr
Moore, Singh Patel and Surti

One unallocated Labour group place

Members of the Committee are summoned to attend the above meeting to
consider the items of business listed overleaf.

For Monitoring Officer

Officer contact:

Jess Skidmore, Democratic Support Officer / Jacob Mann, Senior Democratic Support Officer

e-mail: jess.skidmore@leicester.gov.uk / jacob.mann@leicester.gov.uk

Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact: **Jess Skidmore, Democratic Support Officer or Jacob Mann, Senior Democratic Support Officer, Democratic Support Officers.**

Alternatively, email jess.skidmore@leicester.gov.uk / jacob.mann@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

3. MINUTES OF THE PREVIOUS MEETING **Page 1-28**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 6 December 2023 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS **Page 29-32**

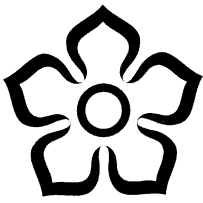
The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) **20221507 HINCKLEY ROAD, WESTERN PARK
CAR PARK** **Page 33-63**

(ii) **20232240 ARMADALE DRIVE, AL-MARIFAH
ACADEMY** **Page 65-74**

(iii) **20232393 10 HEDDINGTON WAY** **Page 75-81**

5. ANY URGENT BUSINESS



Leicester
City Council

Item 3

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 6 DECEMBER 2023 at 5:30 pm

P R E S E N T :

Councillor Pantling (Chair)
Councillor Aldred (Vice Chair)

Councillor Gopal
Councillor Kennedy-Lount

Councillor Surti

Councillor Dr Moore
Councillor Singh Patel

In accordance with the provisions of the Constitution (Part 4A, Rule 42) the following Councillors attended the meeting and with the sanction of the Committee spoke on the items indicated but did not vote.

Councillor:

Application details:

Councillor Clarke

20221898 48 LITTLE HOLME STREET

Councillor Kitterick

20231214 48A LONDON ROAD, THE
PARCEL YARD

* * * * *

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Bonham and Mohammed, who were substituted by Councillor's Cassidy and Whittle consecutively.

2. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 15 November 2023 be confirmed as a correct record.

3. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the

agenda.

Councillor Gopal declared an interest in application 20231214/5 48A London Road, the Parcel Yard as the application involved the demolition of a taxi premises, and that he worked elsewhere as a taxi driver. He declared that he retained an open mind.

Councillors Cassidy, Kennedy-Lount, Moore and Whittle declared an interest in that they had attended/viewed a briefing regarding application 20231214/5 but ascertained that they retained an open mind.

Councillor Aldred declared an interest in application 20221898 48 Little Holme Street, as she had been contacted by an interested party in regard to the application, but had that she declined to discuss the application with them and retained an open mind.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair confirmed that the items would be taken in the order listed on the agenda.

5. 20231214 48A LONDON ROAD, THE PARCEL YARD

Ward: Castle
Proposal: Demolition of 48 London Road
Applicant: Leicester City Council/Network Rail

The Head of Planning presented the report.

David Beale, on behalf of the applicant, addressed the Committee and spoke in support of the application.

Councillor Kitterick, as Ward Councillor, addressed the Committee virtually and spoke in opposition to the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by the Committee and moved that in accordance with the Officer, the application be approved. This was seconded by Councillor Aldred, and upon being put to the vote, the motion was CARRIED.

RESOLVED: That the application be APPROVED subject to the conditions set out below:

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. A scheme of restoration for the revealed Grade II listed station façade shall be submitted to the Local Planning Authority, as follows:
 - i. Upon practical completion of the demolition, a condition survey of the revealed Grade II listed station façade shall be undertaken and a report detailing the condition shall be submitted to the local planning authority for approval.
 - ii. A full scheme of restoration works for the Grade II listed station façade shall be submitted to and approved in writing by the Local Planning Authority.
 - iii. The scheme of restoration shall be undertaken in accordance with the approved methodology prior to occupation of the proposed public realm redevelopment.
(To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18).

3. Following demolition but prior to the commencement of development works, further details confirming the extent of external repair / alteration works shall be submitted to and approved in writing by the local planning authority. This shall include:
 - i) window & door schedule of repair;
 - ii) methodology for masonry cleaning, including sample cleaning schedule;
 - iii) specification of works to remove any redundant modern additions and visual clutter;
 - iv) methodology of repairs to masonry.
(To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18).

4. No groundworks, slab removal or new development shall take place or commence until a programme of archaeological investigation and mitigation has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the local planning authority. The scheme shall include:
 - (1) an assessment of significance and how this applies to the regional research framework;
 - (2) the programme and methodology of site investigation and recording;
 - (3) the programme for post-investigation assessment;
 - (4) provision to be made for analysis of the site investigation and recording;
 - (5) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (6) provision to be made for archive deposition of the analysis

- and records of the site investigation;
- (7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.
- (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).
5. No groundworks, slab removal or new development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4 above. (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).
6. In the event of the fallback scheme being implemented, 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 4 above, 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 significance is advanced; and in accordance with Core Strategy policy CS18).
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction periods. 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, 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).

8. The development hereby permitted shall be carried out in accordance with the mitigation measures as listed in Table A13 of the Air Quality Assessment (Arcadis, March 2023). (To ensure air quality is acceptable and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)
9. The development hereby permitted shall be carried out in strict accordance with the details contained in 10054277-ARL-XX-XX-MS-ZZ-0004-C1-Parcel_Yard_Demolition_Method_Statement Revision: 01 March 2023, received by the Local Planning Authority on 27 June 2023. (In the interests of the amenity of nearby residential occupiers in relation to noise levels during demolition and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).
10. The development hereby permitted shall be carried out in accordance with the recommendations as listed at "Assessment of Impacts and Recommendations" in the Updated Preliminary Roost Assessment and Update Emergence Survey (EMEC Ecology, August 2023), received by the Local Planning Authority on 31 August 2023. This includes the need for a pre-work check for nesting birds and scrub/ tree removal outside the bird breeding season. (In the interests of protected species and in accordance with Policy CS17 of the Core Strategy and Habitat and Species Regulations 2017).
11. Demolition works shall be commenced within the bat hibernation season between 1st October and 1st March, as the site was not noted to be suitable for hibernating bats; or alternatively, if work is to be undertaken outside of this period, a further survey to determine the presence or otherwise of bats shall be undertaken. (In the interests of protected species and in accordance with Policy CS17 of the Core Strategy and Habitat and Species Regulations 2017).
12. If no works are undertaken on site within 12 months of the Updated Preliminary Roost Assessment and Update Emergence Survey (EMEC Ecology, August 2023) or if any changes to the proposals are made, a further ecological survey shall be submitted to and approved in writing by the Local Planning Authority. (Due to the mobile nature of species and potential colonisation of the site and in accordance with Core Strategy Policy CS17 and the NPPF).
13. All trees on the site to be retained shall be protected from damage during building operations, in accordance with section 4 of the BS 5837 Arboricultural Report & Impact Assessment (EMEC Arboriculture, July 2022) received by the local planning authority on 27 June 2023. (In the interests of amenity, and in

accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. Prior to the commencement of demolition, details of the storage of the granite setts to be removed shall be submitted to and approved in writing by the Local Planning Authority. (To ensure the satisfactory development of the site, and in accordance with 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. Should an application for the redevelopment of Leicester Railway Station not be granted or applied for, the fallback scheme, including landscaping shall be implemented in full accordance with the following drawings within 24 months of practical completion of the demolition of the buildings on the site:

Fallback Plans - Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-907009 P02;
Fallback Plans - Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097007 P02 and
Fallback Plans - Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097008 P02,
received by the local planning authority on 27 June 2023.

and

Parcel Yard Fall-Back Option Landscape Concept Plan, 10054277-ARC-ZZ-LSC-1001 REV A and
Fallback Elevations - SW, N & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201004 P01,
received by the local planning authority on 28 June 2023.

(For the avoidance of doubt and to ensure that the site is developed to a satisfactory condition).

16. The development hereby permitted shall be carried out in full accordance with the following drawings:

Site Plans – Location Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-08100 P02;
Site Plans – Site Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081001 P02;
Post Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097004 P02;
Proposed Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097001 P04; and
Post Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-

EAR-097006 P02,
Received by the local planning authority on 27 June 2023

Proposed Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097002 P04;
Post Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097005 P02;
Proposed Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-097003 P04;
Demolition Elevations – NE & SE, 177016-ARC-ZZ-ZZZ-DRG-EAR-201004 P03;
Demolition Elevations – SW & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201003 P04; and
Post Demolition Elevations – SW, N & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201005 P01,
Received by the local planning authority on 28 June 2023

Site Layout Plan, 10054277-AUK-XX-XX-DR-ZZ-0007-P1;
Demolition Extents, 10054277-AUK-XX-XX-DR-ZZ-0008-P1;
and
Traffic Management Plan, 10054277-AUK-XX-XX-DR-ZZ-0009-P1,
Received by the local planning authority on 13 July 2023

(For the avoidance of doubt)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.
2. 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.
3. 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.

4. Temporary direction signing for developments can be provided within the highway. The Highway Authority requires all temporary signing schemes are designed, implemented and maintained to an appropriate and acceptable standard. The temporary signing scheme including details of the sign faces, locations and means of fixing must be submitted for approval. These signs must comply with the Traffic Signs Regulations and General Directions (TSRGD). Applications must be submitted to the Council at least four weeks before the signs are to be erected. Applicants will agree to reimburse the City Council for the full costs involved in the processing of the application and any subsequent planning, design, implementation and maintenance of the signs. The Local Authorities (Transport Charges) Regulations 1998 refers, and charges are set in LCC minor charges report updated annually; available via this link <https://www.leicester.gov.uk/media/181997/minor-fees-and-charges-for-transportation-services-2020-2021.pdf>. In the event of signs not being removed expeditiously, the Council will remove them and recharge the costs to the promoter. For more information please contact highwaysdc@leicester.gov.uk.
5. As the existing building to be demolished abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the demolition works to be undertaken will require a licence. This should be applied for by emailing Licensing@leicester.gov.uk.

6. 20231215 48A LONDON ROAD, THE PARCEL YARD

Ward: Castle

Proposal: Listed Building Consent for proposed demolition of 48 London Road

Applicant: Leicester City Council/Network Rail

The Head of Planning presented the report.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by the Committee and moved that in accordance with the Officer recommendation, the application be approved. This was seconded by Councillor Cassidy, and upon being put to the vote the motion was CARRIED.

RESOLVED: That the application be APPROVED subject to the conditions set out below:

CONDITIONS

1. The works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)
2. A scheme of restoration for the revealed Grade II listed station façade shall be submitted to the Local Planning Authority, as follows:
 - i. Upon practical completion of the demolition, a condition survey of the revealed Grade II listed station façade shall be undertaken and a report detailing the condition shall be submitted to the local planning authority for approval.
 - ii. A full scheme of restoration works for the Grade II listed station façade shall be submitted to and approved in writing by the Local Planning Authority.
 - iii. The scheme of restoration shall be undertaken in accordance with the approved methodology prior to occupation of the proposed public realm redevelopment.

(To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18).
3. Following demolition but prior to the commencement of development works, further details confirming the extent of external repair / alteration works shall be submitted to and approved in writing by the Council. This shall include:
 - i) window & door schedule of repair;
 - ii) methodology for masonry cleaning, including sample cleaning schedule;
 - iii) specification of works to remove any redundant modern additions and visual clutter;
 - iv) methodology of repairs to masonry.

(To preserve the special significance of the Grade II Listed Building and in accordance with Core Strategy policy CS18).
4. No groundworks, slab removal or new development shall take place or commence until a programme of archaeological investigation and mitigation has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the local planning authority. The scheme shall include:
 - (1) an assessment of significance and how this applies to the regional research framework;
 - (2) the programme and methodology of site investigation and recording;
 - (3) the programme for post-investigation assessment;

- (4) provision to be made for analysis of the site investigation and recording;
 - (5) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (6) provision to be made for archive deposition of the analysis and records of the site investigation;
 - (7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.
(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).
5. No groundworks, slab removal or new development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4 above. (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).
6. In the event of the fallback scheme being implemented, 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 4 above, 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 significance is advanced; and in accordance with Core Strategy policy CS18).
7. The development hereby permitted shall be carried out in full in accordance with the following drawings:
- Site Plans – Location Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-08100 P02;
 - Site Plans – Site Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081001 P02;
 - Post Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097004 P02;
 - Proposed Demolition Plans – Lower Ground Floor, 177016-ARC-ZZ-000-DRG-EAR-097001 P04; and
 - Post Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-097006 P02,
- Received by the local planning authority on 27 June 2023

Proposed Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097002 P04;
Post Demolition Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-097005 P02;
Proposed Demolition Plans – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-097003 P04;
Demolition Elevations – NE & SE, 177016-ARC-ZZ-ZZZ-DRG-EAR-201004 P03;
Demolition Elevations – SW & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201003 P04; and
Post Demolition Elevations – SW, N & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201005 P01,
Received by the local planning authority on 28 June 2023

Site Layout Plan, 10054277-AUK-XX-XX-DR-ZZ-0007-P1;
Demolition Extents, 10054277-AUK-XX-XX-DR-ZZ-0008-P1;
and
Traffic Management Plan, 10054277-AUK-XX-XX-DR-ZZ-0009-P1,
Received by the local planning authority on 13 July 2023

(For the avoidance of doubt)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

7. 20221898 48 LITTLE HOLME STREET

Ward: Westcotes

Proposal: Demolition of factory (Class B2); construction of a 6 and 7 storey building containing student accommodation (Sui Generis), 2 storey building housing plant and cycle/bin storage, with associated ancillary works and landscaping (as amended).

Applicant: CC Leicester Limited

The Planning Officer presented the report and drew Members attention to the addendum report.

Alan Pearce, on behalf of the applicant, addresses the Committee and spoke in support of the application.

Hassan Gaffar addressed the Committee and spoke in opposition to the application.

Councillor Adam Clarke, as Ward Councillor, addressed the Committee and spoke in opposition to the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Committee noted the Head of Planning's offer to encourage detailed highway design dialogue to be undertaken between the Local Highway Authority, the applicant and Ward Members in respect of the final specification of the highway improvement works before approval.

The Chair summarised the application and moved that in accordance with the Officer recommendation and the addendum report, that the application be approved. This was seconded by Councillor Gopal and upon being put to the vote, the motion was CARRIED.

RESOLVED: That the application be APPROVED subject to the conditions set out below and the signing of a S106 Agreement:

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. All street works shall be constructed in accordance with the Leicester Street Design Guide. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3).
3. No part of the development shall be occupied until secure and covered cycle parking and pool of loan bikes have been provided in accordance with written details previously approved by the local planning authority. These facilities shall be retained 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).
4. The car parking area shall be provided in accordance with guidance in the Leicester Street Design Guide before the occupation of any part of the development and shall be retained

and kept available for that use. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS03).

5. Prior to the commencement of development (with the exception of demolition and site clearance) 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 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: (1) full design details, (2) a timetable for its implementation, and (3) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to the commencement of development details of drainage (with the exception of demolition and site clearance), shall be submitted to and approved in writing 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 approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
7. Prior to the commencement of (1) demolition and/or (2) development, a Construction Method Statement, with consideration being given to the water environment and flood risk management, shall be submitted to and approved in writing by the local planning authority for the demolition and development phases of the development. The approved Construction Method Statement shall be adhered to throughout the construction period. The Statement shall provide for: (1) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors; (2) the loading and unloading of plant and materials; (3) a dust management plan; (4) the storage of plant and materials used in the development; (5) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (6) wheel washing facilities; (7)

measures to control the emission of dust and dirt during construction; (8) a scheme for storage and management of waste resulting from excavation works (9) the proposed phasing of development and a detailed description of the works in each phase (10) the temporary access arrangement to the construction site; (11) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public (12) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works; (13) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident; (14) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (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 CS02 & CS03). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

8. Prior to the occupation of development, an Emergency Flood Plan shall be submitted to and approved in writing by the local planning authority. The Emergency Flood Plan details shall include: (1) details of the flood risk posed to the site and the reasoning for an Emergency Flood Plan; (2) safe access and egress routes from the property and site and the return period to which this will remain 'safe' - describing the safety of the access and egress route using the Hierarchy [13.3] and the UK flood hazard rating [13.7], in accordance with the appropriate approach [13.4] as outlined in Environment Agency's Flood Risk Assessment Guidance for New Development (FD2320) [Section 13; Requirements for Safe Access and Exits]; (3) define the areas of safe refuge for residents and/or users of the development to use if safe access and egress is not possible; (4) location of utility meters and stop taps and procedure for turning off [electricity, gas and water]; (5) consider whether it would be safest for vehicles on site to be moved to areas at lower risk of flooding, and reflect this in the plan as appropriate; (6) include provision for the signing up to the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service – where available for the site; (7) the evacuation procedure, including activation and call off; (8) assembly points (if applicable) – position of assembly points on layout plan, colour and image of sign; (9) the procedure for starting and stopping the emergency flood plan; (10) outline how the site will be reoccupied and made safe after a flood event; (11) responsible person/organisation for implementing flood plan (Risk Owner); (12) how the emergency flood plan will be stored, how it can be accessed by residents,

employees or suitable 3rd party's (Local Authorities, Emergency Services etc.) and how it can be obtained (downloaded or physical copy): (13) testing of the Emergency Flood Plan – overview of testing procedure, frequency and training required; (14) procedure for updating emergency flood plan – review period, amendment and version control; (15) emergency contact details – emergency services (999), utility providers (gas, electricity and water) etc. The development shall be managed in accordance with these details thereafter. (To minimise the risk of damage and to ensure the safety of occupants in times of flooding, and in accordance with policies PS10 of the City of Leicester Local Plan and policy CS02 of the Core Strategy).

9. The development shall be carried out in full accordance with the submitted Flood Risk Assessment (document ref 21-340-60, Revision No 05, Received on 17/08/23) and the submitted Landscape Strategy Plan (drawing no.19-05-PL-201 Rev G, created by the Richards partnership, received 11/09/2023) and the mitigation measures they detail, including finished floor levels shall be set no lower than 56.200metres Above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).??
10. Prior to the commencement of development, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority. This strategy will include the following components: (1) a site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (2) the results of the site investigation and the detailed risk assessment referred to in (1) and, based on this, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and (3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved. (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 developments 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 and paragraph 174 of the NPPF). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

11. Prior to occupation of any part of the development, a verification report demonstrating the completion of works set out in the remediation strategy approved under condition 10 (and the effectiveness of the remediation) shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. (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 developments 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 and paragraph 174 of the NPPF).
12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. If Piling or any other foundation designs using penetrative methods is proposed to be used, a piling risk assessment shall be submitted and approved in writing by the local planning authority prior to the commencement of any development (other than demolition and site clearance). The development shall be carried out in accordance with the approved details. (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 developments 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 and paragraph 174 of the NPPF).
13. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. (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 developments 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 and paragraph 170 of the NPPF).

14. Prior to commencement of above ground development, full design details of on-site installations to provide energy efficiency measures, including solar PV arrays, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until evidence demonstrating the satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the local planning authority. (In the interests of securing energy efficiency and in accordance with Core Strategy policy CS02).
15. Before the development is begun on any relevant phase, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected not within the root protection area in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (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).
16. Prior to the commencement of development (with the exception of demolition) a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all 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: (1) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (2) new tree and shrub planting, including plant type, size, quantities and locations; (3) means of planting, staking, and tying of trees, including tree guards; (4) other surface treatments; (5) fencing and boundary treatments, including details of the entrance gates; (6) any changes in levels; (7) the position and depth of service and/or drainage runs (which may affect tree roots); (8) a detailed plan of the biodiversity enhancements on the site such as meadow creation and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction; (9) details of planting design and

maintenance; (10) details of the make and type of 4 x bat integrated bat bricks and 4 x swift nest bricks 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 and 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 saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

17. Should the development not commence within 24 months of the date of the last protected species survey (June 2023) then a further protected species survey shall be carried out of all by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved 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 annually 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 CS 17 of the Core Strategy).
18. Notwithstanding the approved plans, prior to the commencement of any above ground works, a materials schedule for the development shall be submitted to and approved in writing by the local planning authority in general accordance with the submitted Design Principles document (received 01/09/2023). All materials for use on the buildings and surface treatments shall be provided, including the product and manufacturer specification. (In the interests of visual amenity and character and appearance of the area and in accordance policy CS03 of the Core Strategy and saved policy UD06 of the City of Leicester Local Plan).
19. Prior to the commencement of the development above ground level, samples of the materials to be used on all external elevations and roofs, and the construction on site for inspection of sample panels (size, number and detail to be agreed) showing (but not necessarily limited to) brick, bonding & mortar, window frames, reveals, ventilation panels/louvres and cladding shall be provided and approved in writing by the local planning authority. No works shall be carried out other than in accordance

with approved details. (In the interests of visual amenity and character and appearance of the area and in accordance policy CS03 of the Core Strategy and saved policy UD06 of the City of Leicester Local Plan).

20. No groundworks or development shall take place or commence until a programme of archaeological investigation has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the planning authority. The scheme shall include: (1) an assessment of significance and how this applies to the regional research framework; (2) the programme and methodology of site investigation and recording; (3) the programme for post-investigation assessment; (4) provision to be made for analysis of the site investigation and recording; (5) provision to be made for publication and dissemination of the analysis and records of the site investigation; (6) provision to be made for archive deposition of the analysis and records of the site investigation; and (7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of 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 approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
21. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 20 above. (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).
22. 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 20 above, 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 significance is advanced; and in accordance with Core Strategy policy CS18).
23. The development shall be carried out in full accordance with the submitted Façade Assessment (document ref 1804 – Little Holme Street, Leicester – Façade Assessment, received on 07/07/23) and the mitigation measures that are detailed,

including the façade treatment adjacent to the 2 Funky Music venue. These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development. (To minimise noise impacts for future residents, and in accordance with the Leicester Local Plan saved policy PS10 and NPPF paragraph 187).??

24. The flats shall only be occupied by students enrolled on full-time courses at further and higher education establishments or students working at a medical or educational institution, as part of their medical or education course. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times. (To enable the local planning authority to consider the need for affordable housing and education provision and to assess floor space standards and the suitability of the accommodation for general residential purposes in accordance with policies CS06, CS07 & CS19 of the Core Strategy and policies PS10 & H07 of the City of Leicester Local Plan).
25. The details of the accommodation approved by this decision are 231 student flats providing 466 bedspaces (201 studios, 2 x 6 bed cluster, 10 x 7 bed cluster, 1 x 8 bed cluster, 12 x 10 bed cluster, 5 x 11 bed cluster). (For the avoidance of doubt).
26. The development shall not be occupied until a waste management plan (in accordance with the submitted waste management plan, reference W0382-0250, issued 29/08/2023) has been submitted to and approved in writing by the local planning authority. The Plan shall include details of:
 - (a) location and surfacing of refuse collection point(s) and refuse store(s);
 - (b) signage directing residents/users/occupants to the refuse collection point(s)/refuse store(s) and advising them of contact details for the management company, such signage to be retained throughout the lifetime of the development and updated within seven days when such contact details change;
 - (c) provision for persons with mobility and other limitations to use the refuse collection point(s) and refuse store(s);
 - (d) arrangements for cleaning and maintenance of the refuse collection point(s) and refuse store(s);
 - (e) contact details for any management company responsible for the site; and
 - (f) provision for any change to the management company, or change to contact details for that company, to be advised to the local planning authority within seven days of the change of

responsibility or details taking effect.

The development shall not be occupied or used other than in accordance with the approved plan. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).

27. The development hereby permitted shall at all times be managed and operated in full accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the local planning authority before the first occupation of the development. The management plan shall set out procedures for: (i) how the arrival and departure of students at the start and end of tenancies will be managed; (ii) how servicing and deliveries will be managed; (iii) the security of the development and its occupiers; (iv) maintaining the external areas of the site; (v) restriction of car ownership / use of the car parking area; (vi) cycle parking and cycle storage including provision for use of the cycle parking by employees; and (vii) dealing with any issues or complaints arising from the occupiers of nearby properties, including details of how management contact details will be made available to neighbours. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with the aim of Core Strategy policies CS03, CS06 and CS15 and saved policy PS10 of the City of Leicester Local Plan.).
28. Each student on first occupation shall be provided with a 'Residents Travel Pack' details of which shall have previously been submitted to and approved in writing by the local planning authority. The contents of the Travel Pack shall consist of paper and/or electronic information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, details of local car clubs and ride-share facilities, and public travel and cycle discount information. (In the interest of promoting sustainable development, and in accordance with saved policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).
29. The residential accommodation hereby approved shall not be occupied, until a noise assessment to demonstrate compliance with the levels set out in the submitted Façade Assessment (document ref 1804 – Little Holme Street, Leicester – Façade Assessment, received 07/07/23) has been submitted to and approved in writing by the Local Planning Authority. (To minimise noise impacts for future residents, and in accordance with the Leicester Local Plan saved policy PS10 and NPPF paragraph 187)

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

- W0382-0111 Proposed Site Plan (received by the City Council 07/07/2023)
- W0382-0220 Ground Floor Layout (received by the City Council 07/07/2023)
- W0382-0221 First Floor Layout (received by the City Council 07/07/2023)
- W0382-0222 Second Floor Layout (received by the City Council 07/07/2023)
- W0382-0223 Third Floor Layout (received by the City Council 07/07/2023)
- W0382-0224 Fourth Floor Layout (received by the City Council 07/07/2023)
- W0382-0225 Fifth Floor Layout (received by the City Council 07/07/2023)
- W0382-0226 Sixth Floor Layout (received by the City Council 07/07/2023)
- W0382-0227 Roof Layout (received by the City Council 07/07/2023)
- W0382-0320 Contextual Elevations (received by the City Council 07/07/2023)
- W0382-0321 City Wide Elevations (received by the City Council 07/07/2023)
- W0382-0327 Bay Elevation 01 (received by the City Council 07/07/2023)
- W0382-0328 Bay Elevation 02 (received by the City Council 07/07/2023)
- W0382-0329 Bay Elevation 03 (received by the City Council 07/07/2023)
- W0382-0330 Bay Elevation 04 (received by the City Council 07/07/2023)
- W0382-0331 Bay Elevation 05 (received by the City Council 07/07/2023)
- W0382-0322/A Streetscene Elevations 01 (revision A, received by the City Council 16/08/2023)
- W0382-0323/A Streetscene Elevations 02 (revision A, received by the City Council 16/08/2023)
- W0382-0324/A Streetscene Elevations 03 (revision A, received by the City Council 16/08/2023)
- W0382-0325/A Sectional Elevations 01 (revision A, received by the City Council 16/08/2023)
- W0382-0326/A Sectional Elevations 02 (revision A, received by the City Council 16/08/2023)
- W0382-0332/A Plant (Western) Building Elevations (revision A, received by the City Council 16/08/2023)
- W0382-0333/A Bay Elevation - Upper Link (revision A,

- received by the City Council 16/08/2023)
- W0382-0334/A Bay Elevation - Lower Link (revision A, received by the City Council 16/08/2023)
 - W0382-0335/A Bay Elevation - Principle Facade Lower (revision A, received by the City Council 16/08/2023)
 - W0382-0336/A Bay Elevation - Principle Facade Upper (revision A, received by the City Council 16/08/2023)
 - W0382-0337/A Bay Elevation - Lower Typical Façade (revision A, received by the City Council 16/08/2023)
 - W0382-0338/A Bay Elevation - Upper Typical Façade (revision A, received by the City Council 16/08/2023)
 - 19-05-PL-201/G Landscape Strategy Plan (revision G, received by the City Council 12/09/2023)
- (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process and pre-application. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.
2. 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/> As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk.
4. An accessible car parking bay is proposed to the north of the site (outside of the red line boundary) on an area of existing parking.

The costs for the alterations of the existing Traffic Regulation Orders (TROs) in this area should be funded by the Applicant. The average cost of a TRO scheme is currently in the region of £6,000, but this cost may rise depending on the complexity. The Applicant is advised to contact trafficmanagement@leicester.gov.uk to discuss the requirements to enable the TRO to be processed.

5. A surface water pumping system has been proposed within this development. However, pumping systems require ongoing maintenance and in the event of a malfunction could increase flood risk. It is recommended that Severn Trent Water are consulted to determine whether a gravity connection into the public sewer can be made to manage surface water runoff, providing an alternative to a pumping system.
6. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
 - treated materials can be transferred between sites as part of a hub and cluster project; and
 - some naturally occurring clean material can be transferred directly between sites.
7. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
8. The Environment Agency recommends that developers should refer to our:
 - Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - website at www.environment-agency.gov.uk for further guidance.
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011
9. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line

with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500 kg or greater in any 12-month period, the developer will need to register with the Environment Agency as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

10. Severn Trent Water advises that there is a public sewer located within the application site. 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. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600). Please be advised that it is an offense under S174(1) of the Water Industry Act 1991 to intentionally or recklessly interfere with any structure, installation or apparatus belonging to a water undertaker without consent.
11. Based on the approved plans, waste collection for the development will need to be undertaken by a private waste management company given the proposed bin storage is not suitable for the once-a-week collection service offered by Leicester City Council.
12. No infiltration of surface water drainage into the ground via SUDS or soakaway on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

The Chair announced a comfort break at 7:47pm for the duration of 2 minutes.

8. 20231511 FREEMAN ROAD NORTH, REAR OF 102, BUILDERS YARD AND STORES

Ward: Evington

Proposal: Retrospective application for change of use from land for the storage of building materials and equipment (Sui Generis) to land for the siting of 48 shipping containers for self-storage use (Class B8), and laying of gravel surface (AMENDED PLAN RECEIVED 07/11/2023)

Applicant: Mr O'Halloran

The Planning Officer presented the report.

Mohammed Patel, the applicant, addressed the Committee and spoke in support of the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by the Committee and moved that the application be approved subject to an additional condition to restrict stacking of containers above those subject of the application. This was seconded by Councillor Kennedy-Lount and upon being put to the vote, the motion was CARRIED.

RESOLVED: That the application be APPROVED subject to the conditions set out below:

CONDITIONS

1. The use shall not be carried on outside of the hours of 09:00 to 18:00 daily. (In the interests of the amenity at neighbouring residential properties, and in the interests of traffic management and highway safety, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 & PS11 of the City of Leicester Local Plan (2006)).
2. Within six months of the date of this permission, or such extended period as may be agreed in writing by the local planning authority, the following site security measures shall be installed in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority: (a) new gates at the access from Freeman Road North; (b) new gates and other boundary treatment at the boundary with the adjacent site to the east; and (c) a CCTV system and external lighting. The details of the new gates under (a) shall include their siting from the back edge of the adjacent footway in Freeman Road North. The details of external lighting under (c) shall include measures to prevent light pollution to neighbouring residential properties and to the neighbouring local

- nature reserve. The site security measures so installed shall thereafter be retained. (In the interests of safety and security at the site and at neighbouring properties, and in the interests of highway safety, and to ensure that external lighting does not cause light pollution injurious to amenity and biodiversity, and in accordance with Policies CS03 and CS17 of the Leicester Core Strategy (2014) and saved Policies AM01, BE22, PS10 & PS11 of the City of Leicester Local Plan (2006)).
3. Within six months of the date of this permission, or such extended period as may be agreed in writing by the local planning authority, the railings shown on the approved plan shall be installed along the entire length of the site's north boundary (with the neighbouring local nature reserve) in accordance with a method of installation that shall first have been submitted to, and approved in writing by, the local planning authority. The railings so installed shall thereafter be retained. (In the interests of safety and security at the site and at neighbouring properties, and to ensure that the installation of the railings is not injurious to protected trees and biodiversity, and in accordance with Policies CS03 and CS17 of the Leicester Core Strategy (2014) and saved Policy UD06 of the City of Leicester Local Plan (2006)).
 4. Within three months of the date of this permission, or such extended period as may be agreed in writing by the local planning authority, a Landscape and Ecological Enhancement Plan shall be submitted to, and approved in writing by, the local planning authority. All planting shall be installed in accordance with the within approved Plan and within the first available planting season following the approval of the Plan. Thereafter, all planting shall be established and (for a period of not less than thirty years following the completion of the development) shall be maintained in accordance with the approved Landscape Ecological Management Plan. (In the interests of biodiversity enhancement, and in accordance with Policy CS17 of the Leicester Core Strategy (2014)).
 5. The spaces between the containers shall be kept free from obstruction and shall be permanently available for loading and unloading to take place within the site. (To ensure that the space within the site remains fit for purpose and in the interests of highway safety, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy AM01 of the City of Leicester Local Plan (2006)).
 6. The vehicle turning space shown on the approved plan shall be kept free from obstruction and shall be permanently available to enable vehicles to always enter and leave the site in a forward

direction. (To ensure that the space within the site remains fit for purpose and in the interests of highway safety, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy AM01 of the City of Leicester Local Plan (2006)).

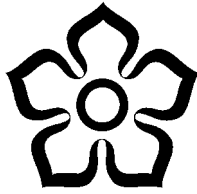
7. No containers shall be installed above those hereby approved without planning permission having first been obtained from the local planning authority. (In the interests of the amenity at neighbouring residential properties, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).
8. The change of use shall be carried on in accordance with the following approved plans: AVD-781-FRN-PL02 Rev.C (As Built Currently) rec'd 07/11/2023. (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

9. CLOSE OF MEETING

There being no other urgent business, the meeting closed at 8:12pm.



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 6 March 2024

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

-
- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

-
- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

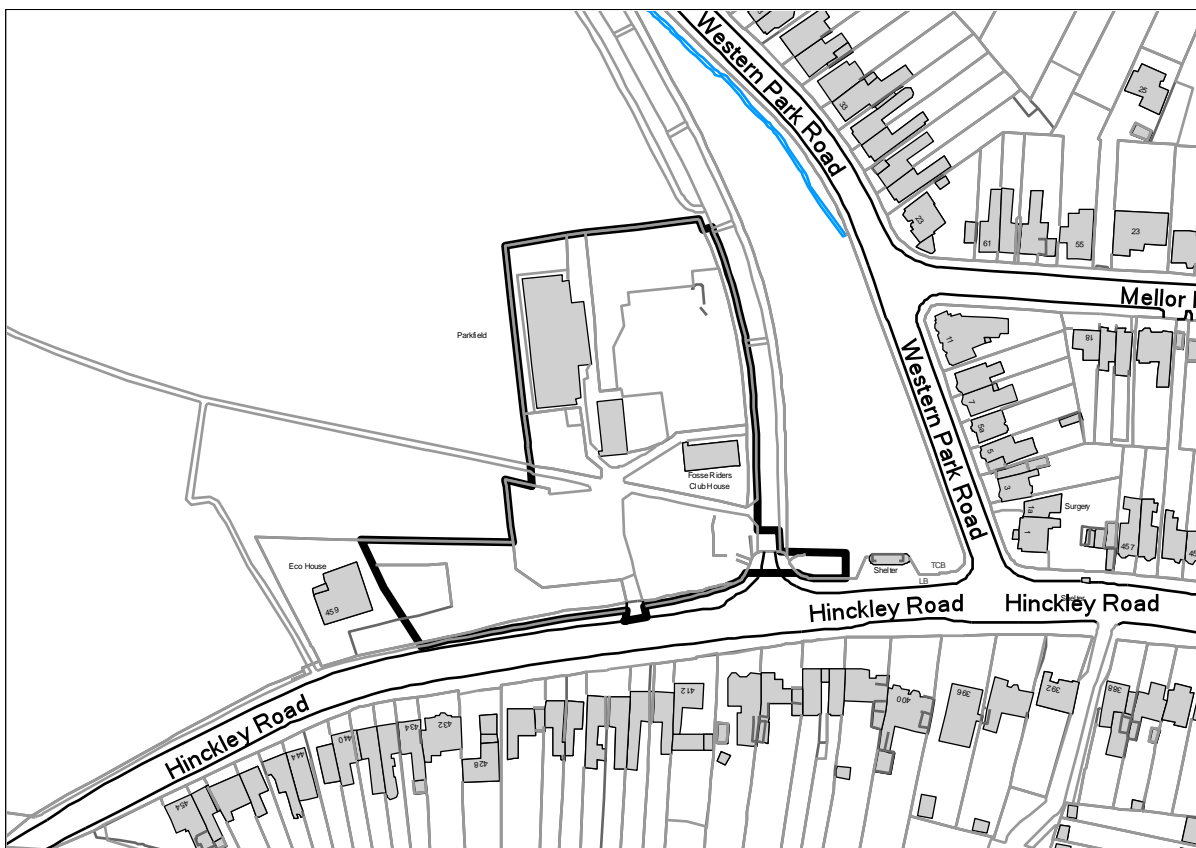
8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

Item 4a

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 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 is 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 concerning 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.

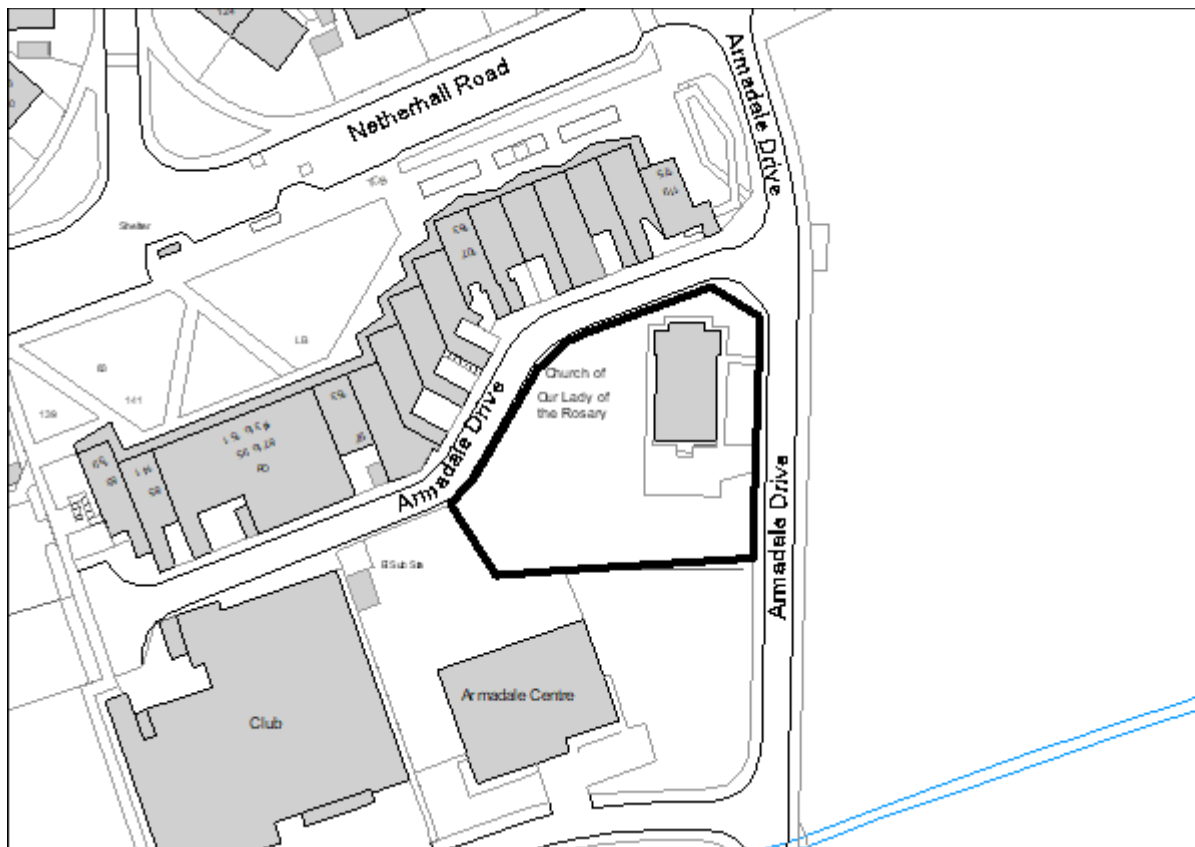
Policies relating to this recommendation

- 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.

COMMITTEE REPORT

20232240	Armadale Drive, Al-Marifah Academy	
Proposal:	Construction of two single storey temporary buildings at rear of place of worship (Class F1); installation of hardstanding and parking area	
Applicant:	Mr Khawaja Muhammad Junaid Gulraiz	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	7 March 2024	
SS1	TEAM: PD	WARD: Humberstone & Hamilton



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Summary

- Brought to committee due to objections being received from 7 neighbours;
- The main concerns raised in objections are regarding traffic/parking congestion and the principle of development;
- The main issues for consideration are principle of development, design/appearance, highways/parking, neighbouring residential amenity, trees, ecology and flood risk/drainage;

- The application is recommended for approval.

The Site

The application relates to the site of a single storey building in use as a place of worship. The building was approved and constructed in the 1950's. It has a spacious curtilage.

The side fronts a road of relatively narrow width and beyond the road is a large public park. To the north and west of the site there is an access road and directly beyond that are local shops with dwellinghouses above. To the south is open space and another single storey community centre.

The site was formerly allocated for community/leisure use in the Local Plan.

There is a tree in the north of the site subject to a tree preservation order. The site is also within a critical drainage area.

Background

There are two relevant recent planning records at this site:

20230282 Construction of perimeter fence and gates to place of worship (Class F1) (amended 29/06/2023)

- Conditional approval

20230662 Construction of two single storey temporary buildings at the rear of place of worship (Class F1); installation of hardstanding and parking area

- Refused

Reason: By reason of the siting of the cabins in close proximity to residential dwellings and the associated likelihood of noise from voices and increased user activity and of noise from vehicles, and in the absence of acoustic insulation details of the walls of the cabins the proposal would significantly exacerbate the potential for noise pollution and disturbance to neighbouring residents on Netherhall Road to the detriment of residential amenity, contrary to National Planning Policy Framework 2021 paragraphs 130f and 185, and Local Plan 2006 policies PS10 and PS11.

The Proposal

The proposal is to install two single storey metal cabins (connected to each other) in the north part of the site. In total they would measure 15m in width by 6.1m in depth by 2.6m in height to the flat roof.

The application form states that the building would measure 82sqm in internal floorspace, adding to the existing 180sqm of the existing building. It also states that there are 2 full-time staff and 2 part-time staff, and this would remain following the development.

The application also includes the laying out of hardstanding and parking spaces as shown on the proposed site plan. This part of the submission is being applied for retrospectively.

A cycle store is also proposed in the western corner of the site. A brochure shows 16 bicycles could be accommodated.

A planning statement accompanied the proposal and notes the following:

- at present, daily prayers are conducted five times a day and educational classes for children are held in the evenings. At present, the classes have approximately 36 children attending and are open from 5 pm to 7 pm on weekdays with no classes on weekends
- there is not enough space for all those who attend at prayer times so it is wished to expand
- this temporary building will provide an immediate solution and allow the site to host additional evening classes on weekdays between 5pm-7pm.
- the temporary buildings would only be used for classes and not for prayers.

The statement also sets out considerations in regard to the principle of development, character and appearance, amenity and parking.

An arboricultural implication study also accompanied the application. It provides details of tree protection measures that would be used during construction of the proposed works.

A transport statement & travel plan was also submitted with the application. It provides notes on the existing site and impacts of the proposed developments on parking and travel patterns. This is an additional document from the previous refused application.

An assessment of emission of noise was also submitted with the application. The assessment details how surveys were undertaken of the existing noise climate, provides the background to the proposed development, and assesses potential noise generation

Policy Considerations

National Planning Policy Framework (NPPF) 2023

- Paragraph 2 (Primacy of development plan)
- Paragraph 11 (Sustainable development)
- Paragraph 39 (Early engagement)
- Paragraph 43 (Right information crucial)
- Paragraph 96 (Social, accessible and healthy places)
- Paragraph 97 (Community facilities)
- Paragraph 108 (Transport impacts and patterns)
- Paragraph 114 (Assessing transport issues)
- Paragraph 115 (Unacceptable highways impact)
- Paragraph 116 (Highways requirements for development)
- Paragraph 135 (Good design and amenity)
- Paragraph 136 (Trees)
- Paragraph 139 (Design decisions)
- Paragraph 165 (Avoiding flood risk or making development safe)
- Paragraph 173 (Flood risk considerations and SuDS)
- Paragraph 180 (Natural environment considerations)
- Paragraph 186 (Biodiversity in planning decisions)
- Paragraph 191 (Noise and light pollution)

Local Plan (2006) and Core Strategy (2014)

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

Other Planning Documents and Guidance

Local Plan Appendix 1 – Vehicle Parking Standards

Leicester City Council – Leicester Street Design Guide 2020

GOV.uk Planning Practice Guidance – Noise <https://www.gov.uk/guidance/noise--2>

Consultations

Noise & Pollution Control Team

I have reviewed the noise emission report, and I am satisfied with the findings. I have no objections to the planning application. However, the noise data only refers to daytime levels, in the interest of nearby residents I suggest the following condition is added on if planning application is granted: *The use shall not be carried on outside the hours of 08:00-20:00 daily.*

Highways Authority

Comments on previous application 20230662

- The proposed development is unlikely to result in any significant highways or transport issues.

Further comments on this submission

- Not reasonable to impose any conditions or obligations on the applicant to require initiatives or off-site works;
- However the Highways Authority will consider bollards & markings for future implementation.

Lead Local Flood Authority (LLFA)

Comments on previous application 20230662

No objection as long as details/additional information of sustainable drainage systems are secured through 2 pre-commencement conditions.

Trees and Woodlands

Comments on previous application 20230662

Reviewed the arboricultural assessment supplied by J.A.G. arboricultural consultancy – adherence to it should be conditioned.

Representations

One comment in support and 1 additional document with comment on parking was received from Cllr Bonham.

7 objections were also received raising the following issues:

- There is not enough parking and the development will result in traffic and parking congestion on Armadale Drive and the surrounding area resulting in detriment to highway safety; and
- Not the right site for the development/there is no need for the development.

Consideration

Principle of Development

The principle of the site in use as a religious building is established. It is noted that there is also ancillary use of the site for educational purposes. Both uses are in Class F1 so no material change of use is occurring. The development would also comply with NPPF paragraphs 92 and 93 and Core Strategy policy CS8, which promote provision of community facilities for neighbourhoods. Notwithstanding comments made in representations, as the site is an existing place of worship (and always has been), there is no issue with the principle of extensions/ancillary buildings subject to there being no specific unacceptable potential impacts. Therefore the principle of the development is acceptable subject to specific considerations addressed as follows.

Design/Appearance of the area

Core Strategy policy CS03 and NPPF paragraph 135 require developments to be of good design and respect the character of the area.

The design would be a temporary structure at odds with the host building and surrounding buildings, and in clear view from the public realm. As such it would not comply with the above policies should the proposal be for permanent consent. However, it is made clear in the application that a 2 years limited period consent would be acceptable to allow a more permanent solution to be found. I conclude therefore that subject to a condition for the development to be removed within 2 years, the harm to visual amenity would be temporary and therefore acceptable.

The proposed (retrospective) hardstanding would remove some previously green space from the site. However, the hardstanding is next to the building, is not a particularly large area in the context of the overall green space in the area, is viewed in the context of neighbouring buildings to the west and north of the site, and would provide a betterment in terms of providing a parking area for the existing building. As such the provision of the hardstanding would be acceptable in these particular circumstances and not conflict with Core Strategy policy CS03.

Highways/Parking

NPPF paragraphs 108, 114, and 116, Core Strategy policies CS14 and CS15, Local Plan saved policies AM01, AM02, and AM11 and Local Plan Appendix 001 – Vehicle Parking Standards require developments to provide a sustainable and effective transport network, appropriate levels of parking for non-residential development, ensure suitable access, and preserve safety for highway users including motorists, cyclists and pedestrians. Local Plan policy PS10 requires consideration of potential additional parking and vehicle manoeuvring on neighbouring residential amenity.

Taken together, Local Plan policy AM11 and Appendix 1 of the Local Plan set a maximum of one parking space per 22sqm for developments within Use Class D1, which is now F1, outside the central commercial zone. The internal floorspace of the two buildings would be 262sqm following the development. 14 parking spaces are indicated on the site plan although the spaces shown would only be c.4.8m deep which may be insufficient for some modern larger cars and the turning space becomes quite narrow towards the west end of the hardstanding area. Overall, it would be considered that it would be likely that there would be 13 usable spaces that could be accommodated within the hardstanding. This means that there would be at least 1 usable space per 20.1sqm.

As such, appendix 1 is clear on the maximum standard and the proposal is already in excess of that. In this case given there was no parking prior to this development and the fact that the increase in capacity from the new portacabins is only temporary, it would not be reasonable to refuse the application on the lack of parking provision. Overall, the application would have some degree of betterment in terms of parking.

The concerns in the objection that there is a high amount of traffic at the site are noted. There would be potential for there to be a substantial number of visitors by car at prayer times and at times of classes for children between 5pm-7pm and the proposed buildings would increase capacity of the site. It is noted that Armadale Drive is of a relatively narrow width and on-street parking could affect the free-flow of traffic of the highway. However, again the proposed additional capacity is only for a temporary period. The proposed cycle parking for 16 bicycles would ensure that attendees would be able to cycle to the site to reduce reliance on private cars and this can be secured by condition. In the context of the place of worship having existed on the site in the long term and the potential for the traffic situation to be reviewed at the end of the temporary permission, I consider the proposal would not be likely to have an unacceptable impact on traffic/parking congestion.

As such, acknowledging the potential the existing site has for congestion in general, this application itself would not be unacceptable in highways terms and accord with NPPF paragraphs 108, 114 and 116.

In regard to a representation which details potential measures to encourage sustainable methods of travel to/from the site, the Highways Authority commented that the applicant can be provided with material to address inconsiderate parking behaviour and that the Highways Authority will consider measures to support highway functioning.

Neighbouring Residential Amenity

NPPF paragraph 130f requires a high standard of amenity to be provided for occupiers. NPPF paragraph 185 requires planning decisions take into accounts effects of pollution on living conditions, including avoiding noise giving rise to significant adverse impacts on health and quality of life. Local Plan policy PS10 requires the noise, vibrations and smell caused by the development to be taken into account in respect of amenity of residents. Policy PS11 states that proposals which have the potential to pollute by reason of noise, vibrations, or smell will not be permitted unless the amenity of neighbours can be assured.

The Planning Practice Guidance on Noise states that decision making needs to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. The Guidance advises that as noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

The proposed metal cabin would be situated in the north part of the site. To the north and northwest are the rear principal room windows of residential properties which are c.20m from the proposed cabin. The addresses are the odd numbers from 153 to 175 Netherhall Road and the odd numbers from 99 to 119 Netherhall Road.

The cabin would also be within c.18m of the rear garden areas of the closest of those properties.

As per the report on the previously refused application 20230662, there was no information on additional noise levels that could be caused within the use of the new buildings, despite a noise impact assessment being requested at validation stage. As such there could have been an unsatisfactory harm to living conditions of neighbours.

I consider that the new noise impact assessment submitted with this re-submission is robust and that its scope is appropriate and conclusions are suitably evidenced. The calculated activity levels would be comfortably below the existing noise climate levels.

The noise pollution officer comments that she is satisfied with the findings subject to control of house of use between 0800-2000 daily. I recommend a slightly altered condition to control hours of use between 0800-2000 Monday to Saturday. I consider this is reasonable as the noise climate in the noise assessment was measured on a Thursday evening and there would be likely to be a noticeably lower noise climate on Sundays, meaning noise from comings and goings and full classrooms could have a more pronounced impact in regard to disturbance to neighbours on Sundays.

I also recommend a condition to control the use of the portacabins to F1(a) provision of education because that is the use that was considered in the noise assessment and other Class F1 uses could attract different/greater levels of noise.

Subject to conditions, I consider that it has been evidenced that there would be no significant impact in terms of noise/disturbance to neighbouring residents, in accordance with Local Plan policy PS11.

Trees

Local Plan policy UD06 requires developments to retain features of landscaping which contribute to visual amenity.

There is a protected tree near the siting of the proposed cabins. An arboricultural assessment, including tree protection methods during installation of the buildings, and approved by the Trees and Woodlands Officer within the previous similar application and has been submitted again within this application. It is considered to be acceptable. Therefore, subject to a condition to ensure the procedures listed within the assessment are adhered to, the proposal would retain features of landscaping which contribute to visual amenity.in the area and be acceptable in regard to trees in accordance with policy UD06.

Ecology

Core Strategy policy CS17 requires developments to avoid impacts to wildlife habitats and species. The existing building on the development site will not be impacted by the proposed works and the area within the redline boundary is mostly buildings, car park and managed amenity grassland therefore ecology surveys will not be required on this occasion. As such, the proposal would be acceptable in regard to avoiding impacts on biodiversity and comply with policy CS17.

Flood Risk/Drainage

Core Strategy policy CS02 requires developments to avoid increasing flood risk and provide suitable and sustainable drainage.

The proposed development is located within Flood Zone 1. Therefore, the site is considered 'Low' risk to fluvial flooding. The proposed building is of modest scale and as such will not have a significant impact on flood risk in the area.

The site is in a critical drainage area. The LLFA reviewed the previous similar application and requested further details of SuDS and drainage. The development within this application is the same build/footprint therefore these comments are still valid. The agent has agreed in writing to the conditions being attached.

I therefore consider that there is scope for the development to facilitate appropriate sustainable drainage and details of this can be agreed with the LLFA prior to commencement of the siting of the portacabins. The development would accord with Core Strategy policy CS02.

Conclusion

The proposal is acceptable in principle and as a relatively modest size of development with the buildings being subject to limited period consent for 2 years, for the above reasons I consider that there would be no other unacceptable long-term impacts resulting from the development. I therefore recommend conditional approval.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The classroom portacabin buildings shall be removed and the land restored to its former condition not later than 2 years from the date of this permission. (The proposal does not represent a satisfactory form of permanent development; and to allow a period to assess parking impacts of the proposal; in accordance with Core Strategy policy CS03 and National Planning Policy Framework 2023 paragraph 114d.)
3. The use of the portacabin buildings shall be limited to Use Class F1(a) provision of education and no other use. (Because other Class F1 uses could attract different/greater levels of noise, and in accordance with Local Plan 2006 policy PS11).
4. The use shall not be carried on outside the hours of 0800-2000 Monday-Saturday. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Prior to commencement of the use of the portacabin classrooms, the cycle shelter with 16 cycle spaces shall be installed in accordance with the shelter details submitted (BDS Cycle Shelter- 16 Space Cycle Shelter & Bike Stands, Bikedock solutions.) (In the interests of sustainable transport and managing traffic impacts, in accordance with Local Plan 2006 policy AM02)
6. Construction shall take place in strict adherence with the procedures detailed in chapters 3-11 inclusive of the submitted arboricultural implication study (J.A.G. arboricultural consultancy, dated April 2023) (to ensure landscape features of visual amenity are retained in accordance with Local Plan 2006 saved policy UD06).
7. Prior to the installation of the portacabins 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. The use shall not commence 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).

8. Prior to the installation of the portacabins details of drainage, shall be submitted to and approved by the local planning authority. The use shall not commence 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).

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

Proposed Site Plan PL-A203, Revision A
Proposed Plan & Elevations, PL-A200, Revision A
Cycle Stand, PL-A203, Revision A
(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 planning considerations, including planning policies and representations that may have been received and subsequently determining 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.
2. This consent is partially for a limited period only. The relevant condition above must be complied with unless a further consent is obtained. If you or anyone else wishes to apply for a further consent, this should be done at least two months before the expiry date given by the condition, and you should contact the City Council before making your application to ask whether further consent might be granted. **YOU SHOULD NOT EXPECT ANY FURTHER REMINDER REGARDING THIS LIMITED PERIOD CONSENT.**

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_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |

- 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_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_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.

Item 4c

COMMITTEE REPORT

20232393	10 Heddington Way	
Proposal:	Construction of single storey extension at front, two storey extension at side, single & two storey extension at rear; installation of render to external elevations of house (Class C3) (amended plans 16/2/2024)	
Applicant:	Sunny Singh	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	11 March 2024	
SS1	TEAM: PD	WARD: Knighton



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Summary

- Brought to committee due to objections being received from 6 neighbours and 2 councillors;
- The main concerns raised in objections are regarding design, neighbouring residential amenity, use as a HMO, impacts on neighbouring houses/sewerage, and parking;
- The main issues for consideration are design and neighbouring residential amenity;

- The application is recommended for approval.

The Site

The application relates to a two-storey semi-detached dwellinghouse on a residential street.

There is hardstanding to the front/side of the house.

There is a lean-to at the side of the house, extending to the rear and then a garage at the rear on the east side boundary of the garden.

The house has an existing single storey extension to the rear.

There is a hedge on the west side boundary of the garden.

There are no planning constraints at this address shown on Council mapping.

Background

There is one prior planning record at the address, application 20230947 for extensions and alterations to the house which was withdrawn by the agent during the consideration process.

The Proposal

The proposal includes construction of a front porch 2.3m in width by 1.3m in depth. It would have a pitched roof 3.3m in height to the ridge.

The proposal also includes a two storey side extension. It would be 2.6m in width. It would be flush with the main front elevation at ground level and set back 1m at first floor. It would have eaves at the same height as the existing eaves and a ridge height of 7.2m.

The extension would wrap around the rear of the house. At first floor, it would extend back 3m from the rear elevation and extend across 5.3m. The first floor would provide an extra bedroom with en-suite and additional space with en-suite for an existing bedroom. There would be a rear gable roof at first floor.

The ground floor would extend a further 1m beyond the first floor at the right hand side of the rear of the house but be stepped back at the left hand side of the house to only extend 3m in depth. These elements would have a flat roof 2.7m in height. The ground floor extension would accommodate a new office at the side and enlarged kitchen/dining/living room at side/rear.

White external render would be applied to all existing and proposed elevations of the house. There would be grey roof tiles and uPVC windows and doors all to match existing.

The above description relates to amended plans received on 16/02/2024 to reduce the massing of the porch and rear extensions and include the application of render to existing elevations. Additionally (and not at my request) the agent extended the first floor rear element by 0.2m.

Policy Considerations

National Planning Policy Framework 2023 (NPPF)

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)
Paragraph 115 (Highways impact)
Paragraph 135 (Good design and amenity)
Paragraph 139 (Design decisions)

Local Policies

Core Strategy policy CS03 (Well-designed developments)
Local Plan policy PS10 (Residential amenity)
Local Plan policy AM12 (Residential parking)

Further Relevant Documents

Residential Amenity Supplementary planning document (SPD) 2008
Local Plan Appendix 001 – Vehicle Parking Standards

Consultations

Oadby & Wigston Borough

No response received.

Representations

Objections have been received from 6 addresses raising the following issues:

- Concerns regarding impacts on light to and outlook from neighbouring windows and gardens;
- Concerns that the extensions are proposed on the shared boundaries with the neighbouring properties and whether it could affect the integrity of neighbouring houses;
- The development appears to allow the house to become a HMO which could be a commercial business, would be out of character for the area, cause anti-social behaviour/litter/noise/parking problems and cause anxiety to neighbours. It appears already to be a HMO. It would increase the likelihood of further HMOs and residents would sell their homes. The property generally could be open to mis-use;
- The development would cause disruption to the quiet residential area including during the building works and the building works could attract vermin;
- Concerns regarding whether the sewage system will be able to cope given the enlargement and extra bathrooms and building over a manhole on the rear patio;
- Extensions would double the size of the house making it too dominant and making the house stand out;
- The render would be out of keeping with the rest of the houses which all have facing brickwork;
- Concerns regarding looking out from the skylight.

Also, Cllr Whittle advised that he would support objectors if approval were to be recommended by officers and advised an article 4 direction be declared for this street to prevent HMO's.

Finally, Cllr March also objected to the proposal, on the grounds of:

- Changes would be out of character with the area;
- Overdevelopment of the side;
- Would set a dangerous precedent;
- Negatively impact on overlooking to nearby properties, harming their privacy, light and private life; and
- There is insufficient parking for 6 occupiers.

Consideration

Principle of Development

This application is a householder application to extend the dwellinghouse.

House extensions are acceptable in principle subject to the considerations detailed below.

In regard to matters raised in representations, the potential for the site to be used as a HMO is not within the scope of this application. However, the site is not within one of the areas in the City covered by an extensive updated Article 4 Direction to control such uses brought into place last year, as the evidence of concentration at that time did not justify these additional controls in the area. The use of the property as a house in multiple occupation for up to six residents could therefore take place without requiring planning permission.

Should problems raised in representations including noise, anti-social behaviour, or litter occur at this or any other property, other legislation and bodies such as the noise pollution team or the police could deal with this, but in planning terms it is considered there would be no inherent increase in disturbance caused by this house extension.

Appearance

NPPF paragraph 135 and Core Strategy policy CS03 require well-designed developments that do not detract from the appearance of the area.

The Council's Residential Amenity SPD Appendix G provides a design guide for house extensions to ensure they appear proportionate and consistent with existing dwellings.

The proposed porch would be acceptable in terms of massing and appearance. At 3sqm and with a pitched roof it would not be overly bulky on the front elevation and its ridge height would leave some space below the first floor windowsills.

The two storey side extension would also be acceptable in terms of massing and appearance. It would follow the SPD guideline in terms of providing a 1m set back at first floor to avoid appearing overbearing or risk causing a 'terracing effect'. Its roof pitch would appear similar to the pitch on the roof of the main house and its ridge would be set down from the main ridge to demonstrate the subservience of the extension again in accordance with the Council's SPD. The extension would appear to be a similar massing and appearance to the extension on the other side of the semi-detached couplet which planning records indicate was approved in 2013 under application 20130728 and which has a similar 1m first floor set back.

The application of white render to the property would mean the property has a different materiality to the other houses on this part of the south side of Heddington Way. However other houses on the north side of the street in close proximity also have

applied render. The applicant has advised that the proposed materiality would be more durable and add an insulated layer especially to existing areas. Whilst there would be a loss of brickwork I recommend a condition ensuring all the walls are to be finished in the same white render and as such the house would retain a consistent appearance. On balance the application of render to the property would not cause unacceptable impacts to the visual amenity of the area.

For the above reasons, the proposal would be acceptable in terms of visual amenity and accord with NPPF paragraph 135 and Core Strategy policy CS03.

Neighbouring Amenity

NPPF paragraph 135 and Local Plan policy PS10 require consideration to be given to impacts on neighbours' amenity. The Council's Residential Amenity SPD Appendix G also provides guidance on ensuring that house extensions do not significantly impact on neighbouring amenity.

12 Heddington Way

12 Heddington Way is the neighbour to the west of the application site. There is a single storey rear extension at no.12 close to the shared boundary with the application site which is c.2.1m in depth. The existing rear extension on the application site is c.2.9m in depth and the proposed extension would be 3m in depth. I saw on the site visit that the existing extension does not impact the rear outlook from the neighbour's extension. I do not consider that the proposed extension will have a significant impact either. It would not come close to intersecting a 45 degree line taken from the centre of the rear glazing on the neighbour's rear extension. The two storey element of the extension would be 2.7m from the boundary with no.12 and not extend any further back. Accordingly, it would not impact on outlook from the neighbour's rear extension window either. It is also depicted on the proposed first floor plan that the first floor element of the extension would not intersect a 45 degree line taken from the edge of the nearest first floor window. As such it would accord with the Council's SPD and not substantively impact on outlook from the neighbour's first floor window.

There would be no first floor windows facing towards no.12 meaning that there would be no significant overlooking or harm to privacy for the neighbour.

As such, the proposal would not impact on light, outlook or privacy to no.12

8 Heddington Way

No.8 is the neighbour to the east of the application site. There is a rear single storey garage at no.8 on the shared boundary with the application site. The garage is sited such that there would be no views of the ground floor element of the proposal from neighbouring rear windows at no.8. Even if the garage were to be removed, the ground floor element would not intersect a 45 degree line from the nearest edge of the closest ground floor window. Also, the proposed extension, at first floor, would not intersect a 45 degree line taken from the nearest of the neighbour's nearest first floor rear window. As such the proposed extension would not impact on views from the neighbour's windows and not significantly impact on light to the neighbour's windows or garden.

There would be no first floor windows facing towards no.8 meaning that there would be no overlooking or harm to privacy for the neighbour.

As such, the proposal would not impact on light, outlook or privacy to no.8.

9 & 11 Lynmouth Drive

The proposed rear first floor windows would be sited over the minimum distance of 11m away from the rear shared boundary with 9 and 11 Lynmouth Drive which are the properties to the south. This is in accordance with the Council's guidance and as such there would be sufficient distance from these to avoid unacceptable impact on their privacy.

Other Matters

It was suggested in a representation that privacy would be impacted from looking up from the skylight. However, a skylight would not give a vantage point from which the occupier could meaningfully look towards neighbours.

Conclusion

The extension would accord with all Council guidelines on house extensions with regard to neighbouring amenity impacts. It would not impact on neighbours in regard to light, outlook or privacy. It would accord with Local Plan policy PS10 and NPPF paragraph 135.

Other Issues

The proposal is not in an area of known issues with flood risk or drainage and would not be of a scale to significantly affect this. A representation raised issues of sewerage. However, this is not within the remit of householder planning applications, and it would be a civil matter between the applicants and water company to ensure suitable sewerage is in place. This may also be looked at during the Building Regulations approval stage.

An issue raised in representations was concerns over any impacts to neighbouring properties/land from the extension being sited on the shared boundaries with the neighbours to the east and west. However, this is not within the remit of householder planning applications. The Party Wall etc. Act 1996 provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings therefore any issues caused in this regard would be a civil matter.

A comment raised in a representation raised issues regarding parking spaces. The increase from a 3-bed house to a 4-bed house on a suburban residential street would not cause significant extra parking demand that could have a meaningful impact on parking congestion or highway safety. The parking requirement is the same for a four bedroom property as a three bedroom and therefore there is no additional parking requirement. There is space for two vehicles to park off street on the front, however, practically it may only be one vehicle. Any unauthorised or indiscriminate parking would be a matter for consideration by the highway authority. Disruption during construction is temporary and again any unacceptable parking is a civil matter. As such the proposal would accord with NPPF paragraph 115.

Conclusion

This is a householder planning application for a house extension which would not cause an unacceptable impact on the appearance of the area and not cause significant impact on neighbouring residential amenity. I therefore recommend approval subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Every external facing wall of the property shall be finished in the same white render and shall be retained as such. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Development shall be carried out in full accordance with the following approved plans:
Proposed Roof Plan, Proposed Front Elevation, Proposed Side Elevation, Proposed Side Elevation, Proposed Rear Elevation, Proposed Ground Floor Plan, Proposed First Floor Plan, Block Plan 1:500, ref 10/PI/TS/2, Rev 2, received 16/2/2024.
(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 planning considerations, including planning policies and representations that may have been received and subsequently determining 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.
2. The local planning authority expects that the installation of external wall insulation as approved shall be moist resistant, damp proof and shall protect the integrity of the brickwork. The local planning authority also expects the finish to be of good quality and durable.

Policies relating to this recommendation

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| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 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'. |

