

## COMMITTEE REPORT

<b>20230708</b>	<b>553 Welford Road</b>	
Proposal:	Demolition of house; construction of replacement two storey dwelling (Class C3) (amended plans received 07/09/2023)	
Applicant:	Ms S Kaur	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	26 October 2023	
RB	TEAM: PD	WARD: Knighton



### Summary

- The application is brought to committee due to more than five objections received.
- 10 objections have been received from 6 different addresses within the city on grounds of loss of neighbouring amenity, design, impact on the character and appearance of the area, drainage, impact of the development on trees, inadequate parking, and highway safety.
- One objection has been received by Cllr Whittle outlining that he may speak against the application at planning committee.

- Main issues are the principle of the use, the impact on the character of the area, design, impact on amenity of nearby occupiers, impact of the development on trees, highway safety and parking.
- The application is recommended for approval.

## The Site

The site relates to an existing two storey detached property, located within a Primarily Residential Area.

The site is accessed by a tarmacked drive, adjacent to a grass verge off Welford Road, which is a classified road. Land levels increase to the north of the site along Welford Road.

There are two Council owned trees to the front of the site, one of which is directly adjacent to the tarmacked drive.

The land to the rear of the site is the rear garden space of the neighbouring dwelling at 551 Welford Road. From historic aerial photographs of the site, this land appears to have been within the curtilage of the application site until at some point between 2016 and 2019.

Part of the front of the site is prone to surface water flooding (1 in 1000 years).

## Background

Application 20220707 for the demolition of house; construction of replacement 2.5 storey dwelling (Class C3) was refused on 04/07/2022 for the following reasons:

1. The proposed plans are inaccurate with regards to the existing situation on site. Inaccurate answers have been provided to several answers within the application form. Insufficient information has been provided in relation to the impact of the development on landscape features and biodiversity. No information has been provided for the use of the second floor. The proposal is therefore contrary to National Planning Policy Framework (2021) paragraph 43.
2. The proposal, by reason of its excessive size, siting, height, mass, lack of detailing and its contextually unresponsive design, would appear out of context in relation to the surrounding area. The footprint and size of the proposal would be excessive in relation to neighbouring properties and would fail to respect the established built form contrary to National Planning Policy Framework (2021) paragraphs 130 and 134, Core Strategy (2014) policy CS03, saved policy PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).
3. The height of the proposed boundary treatment at the rear of the property would result in overlooking at the rear of 551 and 553 Welford Road. The proposal therefore conflicts with National Planning Policy Framework (2021) paragraph 130, Policy CS03 of the Core Strategy (2014), saved policy PS10

of The City of Leicester Local Plan (2006) and SPD Residential Amenity (2008).

4. The proposed development, by virtue of its design and layout would create a poor living environment for future occupiers. The development would result in poor levels of outlook and daylight to the habitable kitchen/pantry on the ground floor. Therefore the proposal would be contrary to paragraph 130 of the NPPF (2021), Core Strategy policy CS03, saved policy PS10 of the Local Plan and SPD Residential Amenity (2008).
5. The applicant has failed to demonstrate that a net gain in biodiversity could be achieved as a result of the proposal, contrary to Core Strategy policy CS17 and paragraphs 174 and 180 of the National Planning Policy Framework (2021).
6. The applicant has failed to demonstrate that the proposed development would not result in significant detriment to the Council owned trees at the front of the site and the trees at the rear of 551 and 555 Welford Road. The proposal is therefore contrary to paragraphs 131 of the National Planning Policy Framework (2021), Core Strategy policy CS3 and saved policy UD06 of the City of Leicester Local Plan.

## The Proposal

The proposal is for the demolition of the existing two storey property on site and the construction of a two storey house.

The footprint of the proposed dwelling would measure 10.9m in width, 13.7m in depth at the southern side and 15m in depth at the northern side.

The single storey elements to the rear would measure 2.7m in height to the eaves and 3.6m in total height.

At first floor level, the property would measure 10.9m in width, 10.2m in depth at both sides, with a 2.3m deep, 6.8m wide element located centrally at the rear.

The height to the eaves of the property would be 5.9m and the total height would be 8.6m.

A single storey canopy with pillars is proposed to the front of the dwelling, which would measure 2.9m in width, 0.5m in depth and 3m in height.

In terms of layout, on the ground floor there would be a lounge and living room to the front, a bathroom and a pantry in the centre and a kitchen/diner and bedroom at the rear. On the first floor, there would be a bathroom and four bedrooms, two of which would have ensuite bathrooms and one would have a walk in wardrobe.

Materials would be red brick walls, grey tiled roof and grey uPVC windows and doors. There would be fenestration on the front, rear and side, including French doors at the rear.

Permeable paving is proposed to the front and rear of the property. A soakaway and water butts would be located to the rear of the site.

In comparison to the previous refusal for the site, the width of the dwelling would be 0.7m less and the eaves height would be 0.3m less. The design of the roof has been altered so it would have a hipped roof rather than a crown roof and the positioning of the openings has been revised.

Amended plans and an amended application form have been received during the application process to ensure that the proposal and the information provided is accurate including in relation to the application site and the red line boundary.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110, 111 and 112 (Highways)

Paragraphs 120, 122 and 125 (Use of land)

Paragraphs 130 and 134 (Amenity and Good Design)

Paragraph 131 (Trees)

Paragraphs 159 and 167 (Flooding and drainage)

Paragraphs 174 and 179 (Biodiversity)

Paragraph 185 (Pollution)

### Development Plan Policies

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

### Further Planning Documents/Guidance

The Leicester Street Design Guide (2020)

Residential Amenity SPD (2008)

Appendix 01 – Parking Standards (2006)

Leicester City Council Corporate Guidance – Achieving well-designed homes (2019)

## Consultations

### Lead Local Flood Authority

No objection subject to two conditions requiring full details of SuDS and drainage.

### Trees and Woodlands

No objection, subject to the relevant elements of the Tree Report being conditioned and a condition to ensure that access to the property during the construction and demolition phases is restricted to the driveway only.

## Representations

10 objections have been received from 6 different households within the city including one from Cllr Whittle. The following issues were raised:

- The information submitted with the application is inaccurate, including questions answered incorrectly within the application form, the labelling of the rooms within the proposed plans and the details and dimensions shown on the submitted plans in relation to the existing situation.

- The existing use of the existing dwelling is not within Class C3, but is being used as a house in multiple occupation (Class C4)
- Concerns that parts of the development may not be constructed within the confines of the site.
- It is unclear from the proposed second floor plan what the use of the second floor would be.
- Concerns regarding the number of bedrooms proposed.
- Whether the proposed drainage measures would suitably address the issues presented within the site.
- Concerns over the design, style, scale and massing of the proposed dwelling and that it would not be in keeping with the character and appearance of the area.
- Demolition and rebuilding would cause waste and general pollution.
- Concern that the grass area on the front of the properties would be used for machinery, materials, skips and storage.
- The trees to the front of the site could be damaged by heavy construction vehicles.
- One of the trees is not included within the tree protection plan.
- Concerns regarding potential damage to neighbouring properties due to the construction process.
- There would be inadequate separation distance between the proposed dwelling and the common boundary with the neighbouring properties.
- The proposal would result in overshadowing of neighbouring principal rooms resulting in a loss of light.
- The proposal would have a negative impact on the environment and climate change
- The proposal would be overbearing to neighbouring properties.
- Three parking spaces for a five bedroomed house is inadequate.

Some procedural matters were raised regarding the application process, which included:

- Concern that only three weeks had been given for responses to the application rather than six weeks.

## Consideration

### Principle of development

The proposal is for a replacement dwelling, the principle of which is acceptable subject to the considerations of privacy and amenity of neighbouring and future occupiers; the character and appearance of the area; parking and highway safety; trees; flood risk and ecology.

### Design and Character & Appearance of the Area

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. It goes on to state that development must contribute positively to an area's character and appearance in terms of scale, height, density, layout, urban form, high quality architecture, massing and materials.

The existing dwelling is a two-storey property with brick and render finish with grey roof tiles. The property has a hipped roof with subservient original side facing gable and attached single storey garage at the side. The property has not been extended.

Welford Road is defined by its tree lined street giving it a leafy character and characterised by detached and semi-detached two storey 1930s/1940s dwellings within spacious plots with relatively wide frontages.

The area is suburban in character, with the majority of houses having hipped roofs, front projecting bay windows and front facing gables and retain a variety of original design features, providing interest to the frontages. A large number of properties, along this part of Welford Road have been extended with varying degrees of design quality, some of which do not contribute well to the character and appearance of the area.

The neighbouring property at 551 has had a hip to gable extension at both sides and a two storey side extension. There does not appear to be any record of planning permission being granted for these extensions and would be immune from enforcement action.

The property at 458 Welford Road opposite is a residential care home and has been extended significantly to the front, side and rear.

Due to the existing sizeable extensions within the vicinity of the application site and the spacious nature of the plot, I consider that there is scope for a larger property on the application site.

Street scene drawings have been provided, which show the proposed dwelling would sit comfortably between the neighbouring properties at 551 and 557 Welford Road, with separation from the boundaries at both sides. The ridgeline of the dwelling would be higher than that of the neighbouring property at 551 Welford Road and lower than that of 557 Welford Road, and would follow the land levels within the street scene. As such, I consider that the size and massing of the proposal would be in keeping with the surrounding area.

The window to void ratio would allow for an appropriate amount of detailing on the front elevation and would be a considerable improvement on the previously refused scheme.

The pillars to the single storey canopy to the front are not a design feature within the area. However, as they are at ground floor level and compliment the design of the proposed dwelling, I consider that they are acceptable in this instance.

Although bay windows are a common feature of the area, there are nearby properties that do not have bay windows. As such, I consider it unreasonable to request that such a design feature is incorporated into the development.

Due to the size and bulk of the proposed dwelling and the potential impacts of any further extensions would result in harm to residential amenity or adverse impacts on

the design of the house and the character of the area. As such, I consider it necessary to removed permitted development rights for the new dwelling.

As the materials would be newly introduced into the area, I consider it necessary for samples to be submitted prior to work above ground level to ensure that the materials are appropriate.

I conclude that, subject to conditions, the development would comply with Core Strategy policy CS03, the design guidance set out within SPD Residential Amenity and NPPF paragraphs 130 and 134.

#### Residential Amenity (neighbouring occupiers)

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including privacy and overshadowing. The Council's Residential Amenity SPD (2008) sets out more detailed design guidance and is therefore also relevant to the subject proposal. The guidance is specific to new extensions; however, I consider that the impact of elements of the proposed dwelling would have a similar impact to new extensions.

SPD Residential Amenity sets out the following guidance for light and outlook at the rear of properties: *'A single storey rear extension deeper than 3m on or close to the boundary should not go beyond a line taken at 45° from the centre of the ground floor window of any principal room in an adjoining property'*; and *'a two storey rear extension on or close to the boundary should not go beyond a line taken at 45° from the nearest point of the ground floor window of any principal room in an adjoining property.'*

In regard to the impact of two storey extensions on first floor windows, I consider that the scenario would be similar to the impact of a single storey extension on a ground floor habitable room. As such, a 45 degree line taken from the centre of the nearest habitable room at first floor level should not be intersected by an extension.

Plans have been provided to show the 45 degree lines taken from neighbouring windows, which are not intersected by the proposal.

With regard to the amenity at the rear of 555 Welford Road, the existing single storey extension at the neighbouring property is on the boundary with a double door nearest to the existing boundary.

From my site visit and the information I have available to me, I consider that the proposal would not intersect a 45 degree line taken from the door and would not have a detrimental impact in terms loss of light or outlook at the rear of the neighbouring property at ground floor level.

In regard to the impact of the first floor element on the nearest habitable first floor window, the 45 degree line has been taken from the edge of the window rather than the centre. I am satisfied, from my site visit, that the proposal would not intersect the 45 degree line taken from the centre of the nearest window and would not have a significant adverse impact on the amenity of the neighbouring occupiers.

There is a habitable living room sited behind the conservatory at 551 Welford Road, which would have no other source of natural light other than through the conservatory. As a result of this, the 45 degree line from the centre of the opening between the habitable room is taken, rather than from the rear of the conservatory.

However, in this instance, the roof of the conservatory is tiled and not glazed, so I consider that the impact of the proposed two storey element of the dwelling would not have a significant detrimental impact on the natural light afforded to the living room when compared to the existing situation.

In measuring the proposed plans, as well as previously submitted plans for the neighbouring property, I consider that the proposed dwelling would not intersect the 45 degree lines as set out in SPD Residential Amenity and would not result in an adverse impact in terms of loss of light and outlook for existing and future occupiers at 551 Welford Road.

In regard to the impact of the first floor element, I am satisfied, from my site visit, that the proposal would not intersect the 45 degree line taken from the centre of the nearest window and would not have a significant adverse impact on the amenity of the neighbouring occupiers.

The original garden to the rear of the application property appears to have been subdivided at some point between 2016 and 2019 and the rear portion now within the curtilage of the neighbouring property at 551 Welford Road. The proposal would result in a separation distance of approximately 22m from the rear of the proposed single storey element to the new rear boundary of the site. The separation distance would be more than the 11m recommended within SPD Residential Amenity and would be acceptable.

The height of the proposed boundary treatment at the rear of the site on both sides is shown to be approximately 1.8m in height on the proposed elevations. I consider that this would ensure adequate privacy in relation to the future occupiers and the neighbouring occupiers.

I conclude that the development would not conflict with Saved Local Plan policy PS10, would comply with Core Strategy Policy CS03 and NPPF paragraph 130 and is acceptable in terms of the impact on the amenity of neighbouring properties.

#### Living Conditions (Future Occupiers)

All habitable rooms would have adequate light and outlook. There would be a store/pantry and bathroom on the ground floor that would not have windows, but are considered to be non-habitable rooms. As such, the arrangement would be acceptable.

There are no windows proposed to the loft area and would result in inadequate living conditions for any habitable use. As such, I consider it necessary to attach a condition to ensure that the roof space is only used for storage and not as habitable accommodation.



SPD Residential Amenity sets out that 100sqm of private amenity space should be provided for a three or more bedroomed dwelling in this part of the city. The dwelling would have in excess of the required amount. As such, I consider the arrangement to be acceptable.

The proposed dwelling has been designed to building regulations standard M4 (2), which sets out requirements that ensure that new dwellings to be accessible and adaptable for their lifetime. I consider it necessary to attach a condition to ensure that the dwelling is built to that standard and retained as such in the interests of the future occupiers of the property.

I conclude that the development would not conflict with Saved Local Plan policy PS10, would comply with Core Strategy Policy CS03 and NPPF paragraph 130 and is acceptable in terms of the amenity of future occupiers.

#### Highways & Parking

The Vehicle Parking Standards (2006) set out that for a three or more bedroomed dwelling two car parking spaces are required. Three car parking spaces are shown to the front of the property, which I consider to be sufficient.

The proposal would include an increase in the width of the existing driveway to allow for the parking court at the front of the property to be suitably accessible for three cars.

The amount of space available for car parking at the front of the site would not change significantly as a result of the proposal, compared to the existing situation.

I consider that the layout would provide sufficient car parking, and would not result in significant highways safety issues. The proposal is therefore, in accordance with saved local plan policies AM01, AM02 and AM12 and Core Strategy policies CS14 and CS15.

#### Biodiversity

The relevant protected species surveys have been conducted and it has been found that the proposal would not result in the detriment of protected species. As the protected species report is valid for 24 months, I consider it necessary to attach a condition to ensure that if the development is not commenced within 24 months of the last protected species survey (August 2023), then a further protected species survey would need to be conducted and any mitigation measures carried out.

The proposal does not show how it would achieve Biodiversity Net Gain; however, as the proposal would be on the footprint of the existing dwelling and existing hardstanding, the submission of the biodiversity net gain metric would be onerous in this instance. I consider that improvements through Biodiversity Net Gain can be secured by way of condition through the submission of a Landscape and Ecology Management Plan (LEMP).

I consider that subject to conditioned, the proposal complies with Core Strategy Policy CS17 and NPPF (2023) paragraphs 174 and 180.

#### Trees and Landscaping

Saved Local Plan Policy UD06 sets out that planning permission will not be granted for any development that impinges directly or indirectly, upon landscape features that have amenity value including areas of woodland, trees, planting or site topography whether they are within or outside the site.

A tree report has been submitted that sets out protection measures for the trees to be retained on adjacent land. I consider that these mitigation measures can be suitably conditioned to ensure that the development would not harm the trees.

Concerns were raised by objectors that one of the trees to the front of the site is not included within the tree protection plan. I consider that this tree is of a significant separation distance from the access road not to be impacted by the construction work, providing a condition is attached to ensure that all construction traffic access the site by using the driveway.

I consider it is also necessary to attach a condition to ensure that the driveway is widened, as shown on the proposed plans, prior to demolition or construction works to ensure that construction vehicles do not use the grass verge to the front of the property. In addition, all construction access would be on the tarmacked area and not on the grass verge and all storage of materials would not be on the grass verge.

As such, subject to conditions, I consider that the proposal would comply with saved Local Plan Policy UD06 and Leicester Core Strategy Policy CS03.

#### Flood Risk/Drainage/Climate Change

Part of the front of the site is at a 1 in 1000 year risk of flooding. As a new dwelling, the provision of SuDS features and other mitigation measures to ensure that surface water run-off is minimised from the site can be secured by way of condition. These matters can be secured by way of condition.

Although the demolition of the existing house and construction of a new property on site would be less efficient than extending the existing property, the Local Planning Authority must assess schemes that are submitted to them. As the proposal provides an element of public benefit in the increased amount of accommodation, I consider it would be unreasonable to withhold planning permission on the basis of an impact on climate change or pollution.

Subject to the conditions, I consider that the proposal would comply with Core Strategy policy CS02 and NPPF paragraphs 159 and 167.

#### Other Issues

Comments have been made that the pre-application advice previously for the site and the bat survey is not available to view by the public. This information is confidential and is not published.

There is no evidence to suggest that the property is being used as a house in multiple occupation with Council records suggesting the use of the property is in use as a residential dwelling (Class C3). I consider that whether the existing use of the property falls within Class C3 or Class C4 does not materially affect the consideration of the application, particularly as the existing property has permitted development rights for

the change of use without requiring planning consent from the local planning authority and it lies outside the Article 4 Areas of control for HMOs.

In regard to the consultation period for planning applications of this type, three weeks or 21 days is the statutory time given to neighbours to provide comments and not six weeks. In addition all comments from neighbours received after the three weeks consultation period have been considered in the report.

Boundary disputes and impacts on neighbours due to the construction process are not planning matters and cannot be assessed as part of the planning process. However, I consider it necessary to attach a note to applicant, regarding entering into a party wall agreement.

### Conclusion

I consider that the proposal is acceptable in terms of its principle, impact on residential amenity, impact on trees, living conditions of the future occupiers, parking and highways, design and impact on the character of the area. Subject to additional information, that can be secured by way of condition, the proposal is acceptable in regard to drainage, SuDS, landscaping and ecology.

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. Prior to any work above ground level, the materials to be used on all external elevations and roofs shall be provided on site and approved by the City Council as local planning authority. The details shall include:

- beige stonework sample
- grey roof tile sample
- Wienerberger 65mm Bellbrook red multi F2 brick sample or of

similar quality

The development shall be carried out in accordance with the approved details. (To ensure that the details are agreed in time to be incorporated into the development and in the interests of visual amenity and the character and appearance of the area, and in accordance with Core Strategy policy CS03).

3. Notwithstanding the boundary treatment shown on the approved plans, the height of the close board fencing beyond the front of the front elevation shall be no higher than 1m, installed prior to occupation of the approved dwelling and retained as such thereafter. Prior to the occupation of the approved dwelling, the boundary treatment to the side and rear of the property shall be installed in full accordance with these approved details and retained as such thereafter. (In the interests of neighbouring amenity, visual amenity and the character and appearance of the area, and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS03).

4. The second floor loft space shall not be used as living accommodation and only used for storage purposes and shall be retained as such (In the interests of the amenity of occupiers of the approved dwelling and in accordance with saved policy PS10 of the City of Leicester Local Plan).

5. The development shall not commence until 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 agreed in writing with the City Council as local planning authority. No part of the development shall be occupied until the LEMP has been implemented in accordance with the approved details. 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 any trees, including tree guards; (iv) other surface treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots), (vii) 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. (viii) details of planting design (ix) details of the make and type of [2]x bird boxes/tiles/bricks and [2] x bat boxes/tiles/bricks to be erected on buildings or trees under the guidance and supervision of a qualified ecologist.

For a period of in perpetuity, 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 interest of biodiversity, amenity and the character and appearance of the area, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS17).

6. Should the development not commence within 24 months of the date of the last protected species survey (August 2023), then a further protected species survey shall be carried out 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 Local Planning Authority 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 CS17 of the Core Strategy).

7. Prior to any demolition of construction works, the driveway shall be widened in accordance with the approved plans and retained as such thereafter. (To ensure a satisfactory vehicular access is provided and achieve a satisfactory form of development and in accordance with saved policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)

8. 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 City Council as 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 Policies CS03 and CS06 of the Leicester Core Strategy (2014)).

9. All works to trees shall be carried in accordance with the details provided within the categories and subcategories of the submitted Tree Survey and Arboricultural Impact Assessment received on 20/04/2023 as follows:

- \*3.0 Tree Protection;
- \*4.0 Onsite Storage of Spoil and Building materials;
- \*5.0 Location of Site Office;
- \*6.0 Programme of Works;
- \*7.0 Remedial Tree Surgery;
- \*8.0 Levels;
- \*9.0 Services;
- \*10.0 Construction Within the Tree Protection Area;
- \*11.0 Reporting Procedure; and
- \* the Tree Protection Plan

(In the interests of the health and amenity value of the trees and in accordance with saved Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

10. During the demolition and construction process, all vehicles entering and exiting the site shall use the tarmacked driveway. The grass verge to the front of the site shall not be used for storage of construction materials, construction equipment or for vehicle parking (In the interests of the health and amenity value of the trees, the character and appearance of the surrounding area and in accordance with saved Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

11. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

12. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property 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).

13. 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 A, B, C, D, E and F 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 the proposed house; and in accordance with saved policy PS10 of the City of Leicester Local Plan (2006) and Core Strategy (2014) policies CS03 and CS06).

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

Location Plan, PL553 A212 rev B, received 07/09/2023

Proposed Site Plan, PL553 A210 rev B, received 07/09/2023

Proposed Ground Floor Plans, A200 rev A, received 20/04/2023

Proposed First Floor Plans, A201 rev A, received 20/04/2023

Proposed Second Floor Plans, A202 rev A, received 20/04/2023

Proposed Roof Plans, A203 rev A, received 20/04/2023

Proposed Front and Side Elevations, A204 rev A, received 20/04/2023

Proposed Side and Rear Elevations, A204 rev A, received 20/04/2023

Proposed Street Scene, A213 rev A, received 20/04/2023

(For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted for works on, under or above land outside the ownership of the applicant. The applicant may need to enter into a Party Wall Agreement with adjacent land owners.

2. Please note it is a criminal offence to kill, injure or disturb protected species and their habitat in accordance with the Wildlife and Countryside Act (1981) as amended and The Habitat & Species Regulations (2010). If during the demolition a protected species is found, work must cease immediately and a suitably qualified ecologist or Natural England be contacted.

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 [highway.management@leicester.gov.uk](mailto:highway.management@leicester.gov.uk)

4. The effect of condition 13 of this planning permission is that all future alterations and extensions to the dwellings, and the construction of outbuildings within the curtilage of the dwellings, will require planning permission from the City Council as the local planning authority. (Permitted development rights for this dwelling has been restricted).

5. 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.

### **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_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.   |
| 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_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_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.  |