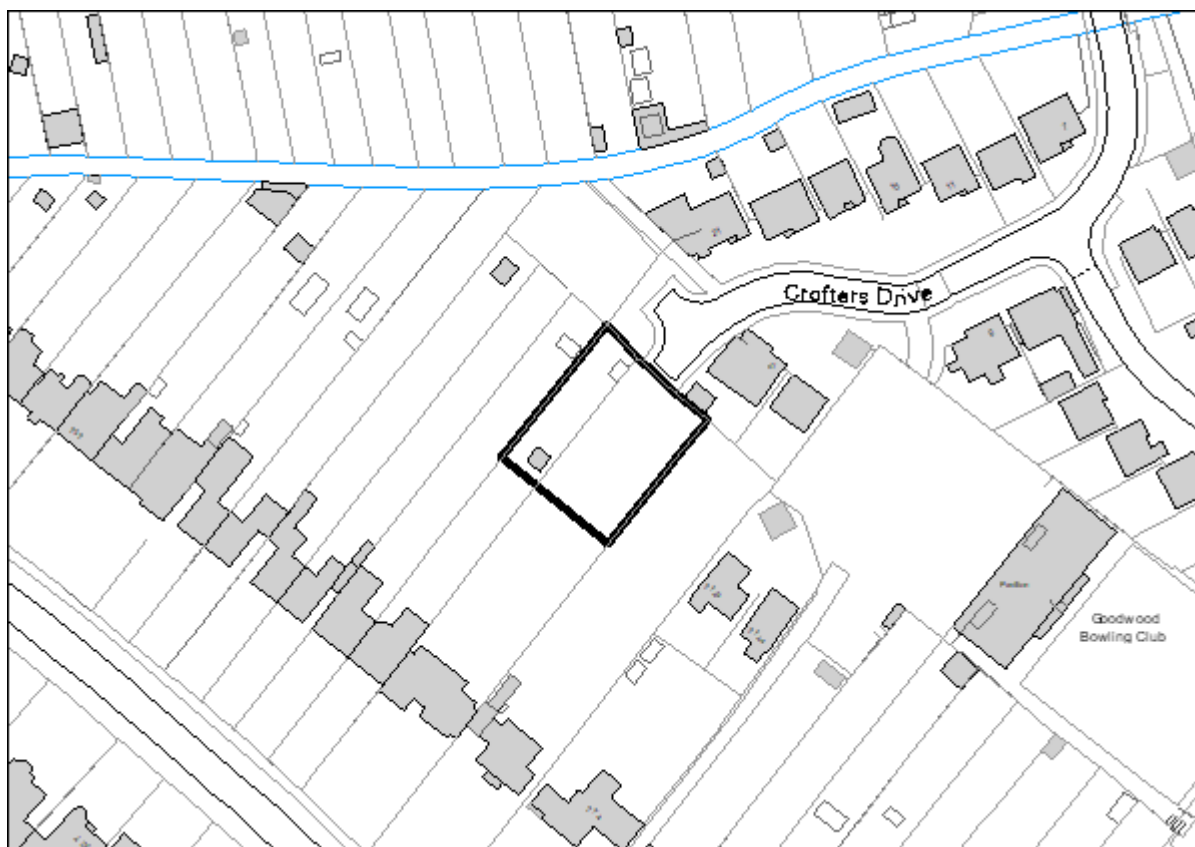


## COMMITTEE REPORT

<b>20221467</b>	<b>Land rear of 268-270 Uppingham Road</b>	
Proposal:	Construction of x2 two storey dwellinghouses (2 x 4 bed) (Class C3); associated parking and landscaping (amended plans 28/3/2023)	
Applicant:	Easy Property Group	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	20 April 2023	
SS1	TEAM: PD	WARD: Thurncourt



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### Summary

- This application was brought to Committee due to the level of objections and was considered at the meeting of 25/10/2023, where the Committee voted to defer a decision to this meeting and undertake a site visit in the meantime. Former Cllr Gee objected to the application and requested a Committee decision should the recommendation be for approval.

- Objections received from 11 City addresses with main concerns regarding character of the area, biodiversity/trees, highways/parking, residential amenity and drainage.
- Main issues are acceptability in principle, design, proposed living conditions, neighbouring residential amenity, tree protection, biodiversity/nature conservation, highways/parking, and drainage.
- The application is recommended for approval.

## The Site

The application relates to the rear part of the rear garden of two dwellinghouses on Uppingham Road. The site is also adjacent to a cul-de-sac at the end of Crofters Drive behind the rear fence.

The site is within a primarily residential area. It is also within an LAAPC 250m buffer site, a critical drainage area and an area at 1 in 1000 year risk of surface flooding.

## Background

Both 268 and 270 Uppingham Road have had approved residential extensions however these are not relevant to this proposal which relates to the very rear of the large gardens at the properties.

The housing development to the east i.e., Crofters Drive & Treetops Close was approved in the 1990's:

- 19890602 – Residential Development – Conditional approval
- 19920922 – 23 detached houses (amended plans dated 21/10/92) – Conditional approval
- 19940023 – Substitution of house types on plot nos 1 3-7 9-12 15-17, 19-21, 23, 24 (being amendment to application no 92/0922/5 approved on 24/11/92) – Conditional approval
- 12 detached houses (amendment to application nos 92/0922/5 and 94/00235) (amendments received 18/04/94) – Conditional approval

A pre-application enquiry was submitted at the site in 2020 for 3 houses, 2 semi-detached houses and 1 detached. The response from officers informed the applicant of issues with the proposal including: the appearance of car parking areas at the front; density of the development; loss of green space/ecology; the hard landscaping; the lack of landscape plan; the lack of SuDS proposals; mitigation of existing vegetation loss; separation distances to neighbouring properties; the height of the proposed houses; the size of amenity spaces; the requirement for the M4(2) accessible standard to be met; the size of the parking spaces; vehicles tracking distances; and biodiversity net gain.

An application was submitted and refused for 2 houses: 20211563 Construction of two 2-storey detached dwellings (2 x 4 bed) (Class C3). Reasons for refusal:

*1. By reason of the proposed siting, layout and design of the development, the houses would not be visually attractive. The development would appear cramped and would fail to assimilate within its context or maintain a strong sense of place contrary to National Planning Policy Framework 2021 paragraph 130 and Core Strategy 2014 policy CS03.*

2. *The proposed dwellings, by reason of their siting and layout, would provide insufficient outlook to the study of the eastern house, the lounge of the western house, insufficient light and outlook to the kitchens of both houses, and insufficient rear amenity space to both houses in terms of its being overshadowed, resulting in inadequate living conditions for future occupiers, contrary to National Planning Policy Framework (2021) paragraph 130, Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).*

3. *There are no appropriate measures in place to retain existing trees wherever possible – both in terms of the significant loss of trees on site and the lack of mitigation of potential harm to trees adjacent to the site - contrary to National Planning Policy Framework 2021 paragraph 131 and saved policy UD06 of the Local Plan.*

## The Proposal

The proposal is for the construction of 2 two-storey detached dwellinghouses fronting Crofters Drive.

### Appearance and Design of Houses

The dwellinghouses would have the same design and critical dimensions as each other (but, as shown on the streetscene, designed symmetrically to each other at ground floor), measuring 9.5m in depth, 9.2m in width, 5m in height to the roof eaves, and 8m to the roof ridges. They would have pitched roofs.

Plot A would be sited marginally forward of Plot B.

There would be a canopy and square bay window each at the front at ground floor level.

The houses would have red bricked walls including a 'pattern' between windows at ground and first floor, uPVC windows and doors, and red roof tiles.

The houses would also have green roofs on the front canopies and there would be vertical trellis green walls at the rear right hand side. There would also be solar panels on the rear roofscapes.

### Site Layouts

The houses would have gross internal floor areas of 140sqm. On the ground floor of both houses there would be a lounge, study, kitchen/dining room, utility room and W/C, and on the first floors there would be 4 bedrooms (one with a walk in wardrobe and en-suite) and a bathroom.

To the front there would be two parking spaces each and wildflower lawns. There would be deciduous hedges around the entirety of the site (except the front vehicles accesses). Further hedges would separate the gardens at the rear. The gardens would measure 154sqm for the western house and 172sqm for the eastern house.

Bin storage is shown to the rear of the fences.

### Amended Plans

During the course of the consideration, amended drawings were requested from the agent primarily in relation to providing appropriate parking and landscaping proposals. The updated plans were received on 28/03/2023 with a detailed landscape plan received 18/05/2023.

### Ancillary Information

The proposal was initially accompanied by the following supporting information:

- Vehicle tracking plan;
- Design and access statement;
- Tree protection plan;
- Tree survey and constraints plan;
- Tree survey document; and
- Flood risk assessment.

During the course of the consideration, further information was requested from the agent in relation to trees and ecology. The following further documents were received.

- Arboricultural impact assessment & method statement;
- Preliminary ecological appraisal; and
- Biodiversity net gain metric.

### Changes from the previously refused 20211563

The following has changed from the previous submission:

- The roofscapes have been reduced in massing;
- The front elevations have been re-designed including the removal of two storey front projections, new square bay windows, reducing the size of other front windows and addition of altered ground floor canopies with green roofs;
- There are larger bi-fold doors and windows and new green wall elements on the rear elevations and new solar panels on the rear roofscapes;
- The windows and doors are white uPVC instead of anthracite, the fascia and guttering is now white instead of grey, and the roof tiles are now red instead of grey;
- The gardens are deeper and larger than in the original plans submitted in the previous submission;
- Previously proposed garages have been removed and tracking maps have been submitted for the cars;
- More detailed proposed landscaping has been submitted; and
- More detailed information on tree protection and biodiversity/nature conservation has been submitted.

It is noted that vegetation has been removed from the site since the previous refusal.

## Policy Considerations

### National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 60 (Boost supply of homes)

Paragraph 69 (Small housing sites)

Paragraph 75 (5 year supply of homes)

Paragraph 104 (Transport impacts and patterns)

Paragraph 110 (Assessing transport issues)

Paragraph 111 (Unacceptable highways impact)

Paragraph 112 (Highways requirements for development)  
Paragraph 130 (Good design and amenity)  
Paragraph 131 (Trees)  
Paragraph 134 (Design decisions)  
Paragraph 159 (Avoiding flood risk or making development safe)  
Paragraph 167 (Flood risk considerations and SuDS)  
Paragraph 174 (Natural environment considerations)  
Paragraph 180 (Biodiversity in planning decisions)

#### Core Strategy 2014 and Local Plan 2006

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

#### Further Planning Documents/Guidance

The Leicester Street Design Guide Design Element Sheet (DES) 16  
Residential Amenity SPD 2008  
Local Plan Appendix 01 – Parking Standards  
Nationally Described Space Standards

## Consultations

#### Highways Authority

- Access is proposed from the edge of the turning head and this would appear to be satisfactory;
- The drawings show the residents should be able to access their parking spaces and turn around so they can enter and exit in a forward gear;
- Recommendation: No objections subject to two conditions to require no occupation of the development prior to footway/verge crossings being provided at each vehicular access and to require no occupation of the development prior to the parking spaces and turning areas being provided with those spaces/areas being retained for that use.

#### Council Trees and Woodlands Officer

- No objection to the proposal as long as the tree protection plans are followed.

#### Lead Local Flood Authority

- No objection subject to conditions to establish full details of SuDS measures and full details of drainage.

## Representations

11 objections have been received. The points raised include:

#### General

- Disappointed that letters weren't sent to neighbours (*\* however this point was clarified with the objector as the letters were sent only 1 day before the site notice was put up and it was just that the letters hadn't got through the postal system before the objector saw the site notice\**)
- A similar application at Treetops Close (20201928) was refused for various reasons and this application should also be refused;
- The proposed plans do not show a fence nearby which will remain;

- General objection on the grounds of safety;
- Suggestion the officer has not undertaken a site visit;
- No consultation with the local residents despite the suggestion in the application that there has been;

#### Character of Area and Design

- The community takes care of the leafy street, and the development would heavily change the street vista, horizon and layout which would break up an environmentally friendly/strategically planned designed street;
- The hammerhead is used for children playing/a communal area, with peace and quiet, including for elderly local residents and there is a considerable amount of wildlife – the development would affect community spirit;
- The proposed houses would be not in keeping with the rest of Crofters Drive & Treetops Close – they would be an add-on, spoiling the appearance of the cul-de-sac;
- The proposed houses appear cramped on their layout;

#### Biodiversity/Trees

- Natural habitats have emerged in and around the site and this would be harmed;
- Several trees have been removed from the site prior to this application being submitted despite the reason for refusal relating to trees in 20211563;

#### Highways/Parking

- There is a lot of through traffic to the bowling centre already;
- The cul-de-sac cannot take any more traffic (refers to app 20161331 refused on traffic grounds), including the end of Crofters Drive closest to Scraftoft Lane;
- The emergency services struggle to enter Crofters Drive;
- The turning circle is challenging and new build would increase the hazard, including for pedestrians;
- One of the pictures used by the architect is aged;
- There is a dropped kerb to a garage on the hammerhead, the development would increase risk to using this garage and it would be a blind spot;
- Construction traffic would cause congestion on Crofters Drive;
- Overspill parking from the housing and removal of the hammerhead would cause traffic and congestion concerns, there is already parking concerns and narrowing the area would be inconsiderate, irresponsible and dangerous;
- Bin serviceman face access problems already;
- There is a training space for Leicestershire Fire Service in the cul-de-sac that could be impacted;
- The road would need to be re-laid and potentially the bridge over Bushby Brook would need re-enforced to accommodate the extra traffic;
- The access could be taken from Uppingham Road instead of Crofters Drive; an example of this was done at Treetops Close;
- Unsure whether 3 or 4 parking spaces are being proposed;
- The application form does not confirm that that a new access is proposed;

## Residential Amenity

- There would be an invasion of privacy, including to neighbouring principal room windows, affect natural light to a neighbour, cause harm to mental health and wellbeing of the neighbours;
- This proposal has in general caused stress and anxiety to residents; and

## Drainage

- There is no consideration about proposed drainage

Former Councillor Gee raised concerns in respect of siting, layout and cramped design with a dominant parking area. He was also concerned about the ability for the development to assimilate on the area, the nature of the parking/garage provision, incorrect information in respect of ownership and access rights and removal of trees and vegetation.

## Consideration

### Principle of Development

The basic principle of residential development in a primarily residential area is acceptable subject to the details of the proposal.

Paragraphs 60, 69(c) and 75 of the National Planning Policy Framework require local authorities to boost the supply of homes, including maintaining a 5 year housing supply, and use the development of small windfall sites within existing settlements.

Policy CS06 of the Council's Core Strategy states that housing requirements can be met through small housing infill sites and, within housing developments, appropriate sizes of houses we sought but in particular larger family housing (4 bed +).

The Council cannot demonstrate a 5 year housing supply. Whilst the provision of 2 dwellings will not have a significant impact on this, the overall development plan is still notably in favour of the proposal in terms of the principle of the residential development.

### Design and Landscaping

#### *Policy Context*

NPPF paragraphs 130 and 131 require well-designed developments and the retention of trees where viable.

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context, to contribute positively to an area's character and appearance in terms of inter alia urban form and high-quality architecture (at paragraph 1 (first bullet point)).

Saved policy PS10 of the Local Plan states that the visual quality of the area will be taken into account in determining planning applications.

#### *Site Context*

As explained in the previous report for 20211563, the westernmost area of Crofters Drive near the application site consists predominantly of two-storey detached dwellinghouses with front lawns/driveways of different sizes due to the curve in the road. All the houses have at least a c.2m gap between their side elevations. There are a mixture of hipped roofs and gabled roofs which have red roof tiles. Several houses have front/side garages or front side single storey protrusions. There is also a mix of red bricked houses and some white rendered houses and the garages are also white. The proposed houses would predominantly be viewed in the context of nos 10 and 12 on the left hand side, and 17, 19 and 21 on the right hand side.

#### *Comparison of this revision with the previous refusal*

Concern was raised with the previous proposal in that the houses with their garages would have been a cramped development. However, the removal of the garages as now proposed has reduced the amount of development on site. Secondly, the pitched roofs would allow for a greater degree of separation and reduce any overbearing effect as views of the sky would be available between the houses. There is some space in between the houses and to the sides and there is space in front of the site for cars, hedging and grass. There is also more space to the rear of the site than in the previous submission.

Concern was also raised in the previous submission that the previously proposed two storey front protrusions would be incongruent in the area. They have been removed from this submission and the front elevations in this revision appear standard and coherent.

Another issue with the last proposal was the proposed materials including anthracite windows and doors and garage doors and grey roof tiles which would have appeared out of context of the area. The revised proposal with red bricks, red roof tiles and white uPVC windows means that the houses would be reasonably similar to the neighbouring house no.12 and the garage of the other nearby house no.10, and generally match the overall street.

The size of the windows was the final issue with the previous application. The revised proposal shows more standard design and layout of windows and doors in a coherent appearance.

In the previous proposal there was a minimal amount of information on landscaping plans. In this revision, hedges would be installed to the front and 3 cherry trees would be at the front and centre of the layout. The car parking is to the side of front lawns to reduce the prominence of cars being parked.

#### *Overall considerations and Conclusion*

The points raised in the objections are acknowledged. A key point raised is the removal of some of the soft landscaping i.e. trees/foliage and the replacement with housing. The concerns are understandable insofar as I saw on my site visit for the previous application that the site was previously a dense mix of trees and shrubs that could support biodiversity and this has been removed. However, whilst the Council would wish to see trees retained where viable, outside of conservation areas there is no control over how people landscape their own existing back gardens in the long term as there were no protected trees. Given the detailed plans for replacement planting there would still remain a clear element of greenery and foliage at the front of the site including hedging and cherry trees. It is noted that whilst the trees/foliage would be reduced at the site, it is only part of the green/verdant area of this end of



the street and a large part of the trees behind the turning area are not within the application site. The trees on the application site provided a pleasurable addition to the area but they were set behind a road and fence and not publicly accessible. For all these reasons, the weight in the planning balance given to the effect of the proposal on the 'green' character of the area is substantially reduced.

I note that the housing development of Crofters Drive and Treetops Close was approved for 23 units as backland development in the 1990's. Whilst I take the points of objectors that the existing estate is well laid out, taking all of the foregoing together in terms of the acceptability in principle of the development, the addition of 2 houses would not be considered to substantially harm this in principle.

In terms of a conclusion on the design of the houses themselves, I have set out above how the applicant has addressed the previous concerns raised. I conclude that they would be of such design, shape and materiality to reasonably reflect and be respectful of the other houses, and, being set back c.13m from the end of the road, that they would not be unduly bulky or cramped in the context of the street, striking a reasonable design balance on a relatively constrained site.

Taking all of the above together, the proposed development would be acceptable in terms of the character and appearance of the area and accord with Core Strategy policy CS03, Local Plan policy PS10 and NPPF paragraphs 130 and 131 insofar as they relate to good design.

An objection suggests that because another application 20201928 was refused on design grounds, this proposal should also be. However, that application was for enlargements to a garage and change of use to be a house in its own right. It bears little resemblance to this proposal. In the present submission, the proposed design is acceptable.

#### Living Conditions for Future Occupiers

NPPF paragraph 130(f) requires developments to provide a high standard of amenity for existing and future users.

The houses, having in the region of 140sqm of internal floorspace each, would meet the nationally described space standards for a 4 bed house. The houses overall and the principal rooms would all have sufficient floorspace to provide acceptable living conditions for the future residents.

The future residents would also have sufficient privacy, not being directly overlooked by any neighbours. The projection at the left hand side of the rear of 12 Crofters Drive does not have a window at first floor.

The bedrooms of both houses would benefit from sufficient outlook by reason of their location and size of their windows.

An issue with the previous application was that outlook to the front would be hindered by the cars being parked in front of the study of the eastern house and the lounge of the western house. In this revision there would remain cars in front of the studies in both houses, however now they would have square bay windows with large windows to increase the light to these rooms.

A further issue with the previous application was that the French doors and windows to the kitchens would have been looking to the rear boundary treatment and tall trees at a distance of 6.4m leading to poor outlook and lack of natural light. In this

submission the distance has increased to 10m, plus the kitchen/dining rooms would have a large section of clear glazed bi-fold doors and a window. As such these rooms would now receive a good amount of light notwithstanding the trees to the rear, and have reasonable outlook.

The other issue with the previous application was that although there would have been 100sqm of rear garden space for both houses, the gardens would have been overshadowed and felt cramped owing to the trees to the rear and sides and the short space between the rear elevation and the rear boundary. However in this submission the size of gardens have been increased significantly to 177sqm (Plot A) and 157sqm (Plot B). As such there would be an acceptable amount of garden space and it would not be cramped or unduly overshadowed.

Overall, the proposal would be providing good floorspace, good garden space, and good outlook from most windows resulting in acceptable living conditions. Taking all of the above together, the proposed development would be acceptable in terms of living conditions and accord with NPPF paragraph 130 insofar as it relates to good amenity for the future occupiers.

#### Neighbouring Residential Amenity/Character of the Street

As above, NPPF paragraph 130(f) requires developments to provide a high standard of amenity for existing and future users, and this would also include the neighbouring residents. Local Plan policy PS10 also lists amenity factors to take into account including noise pollution, privacy and overshadowing and safety.

#### *Overlooking & Overshadowing consideration*

The development would allow the retention of sufficient garden space for 268 and 270 Uppingham Road. The first floor rear windows of the new houses would look towards the rear of their gardens but they would be set so far back from the rear elevations of 268 and 270 and have intervening trees so as to not significantly harm privacy of the neighbours. I also consider that there would not be undue overshadowing to windows or gardens at 266, 268, 270 or 272 Uppingham Road due to the length of their gardens and the orientation of the site to the north of those neighbours.

In regard to 12 Crofters Drive to the front of the eastern proposed house, the bedroom 3 first floor window of Plot A would be c.12.8m from the shared boundary which is more than the recommended minimum distance of 11m given in the Residential Amenity SPD 2008. It would not look directly towards any principle room windows at 12 Crofters. As such, as the development would meet the SPD tests, amenity of residents at 12 Crofters Drive is considered to be retained in respect of privacy. The new Plot A house would be highly visible from the rear garden of no.12 however the houses would be sufficient distance to avoid substantial harm to residential amenity in terms of overbearing impacts also.

The proposal also would be substantial distance from the windows and garden of no.21 to avoid significant impacts on their living conditions.

#### *Further considerations raised in objections*

Objectors raise several issues with the proposal in relation to the wider amenity of the street, overall considering that the cul-de-sac hammerhead and turning area provides an area for children and the elderly to congregate in and the new houses would mean extra traffic makes this space dangerous and take it away.

The wider concerns in relation to highways are discussed below but the effective change to the area in terms of its amenity would be that the kerb is dropped and occasionally throughout the day a handful of cars would drive slowly into and from the new driveways, having clear visibility as they do so.

There would be little other change in reality to how the area is used. There would be no reason why people could not still walk on the pavement in the area and see the trees that remain or why the small grass area in the corner could not be enjoyed. The turning area on the road is not a children's play area and it could not be protected as being a play area. Indeed, several representations state that cars are often parked in this area and fire engines do training in this area. I see no reason why the area cannot assimilate the future residents of these two properties and consider the concerns over land ownership are not a matter for planning to control.

As such these concerns do not find any substance in land-use planning terms. I have not been provided any specific policies in the development plan which objectors would consider that the development is in conflict with in relation to these issues. Notwithstanding that the 2 new houses would add to the built environment at this end of the street, in conclusion there would not be any substantially material harm to the amenity of the area nor to safety of any neighbours.

### *Conclusion*

I conclude that the development is acceptable in terms of neighbouring residential amenity and comply with NPPF paragraph 130f and Local Plan policy PS10 insofar as they relate to residential amenity and safety.

### Tree Protection

NPPF paragraph 131 and Local Plan policy UD06 require developments to retain trees wherever possible.

One of the reasons for refusal in the last application was due to the loss of trees and the fact that there was inadequate proposals for avoiding harm to trees adjacent to the site as a result of the works.

In relation to the loss of trees - as discussed above trees have been removed in the applicant's back garden; the Council does not have control over how residents maintain their own gardens; and acceptable replacement planting plans including hedging and foliage to the front would retain some green element to the site's appearance. As such, the issue of loss of trees on site is not a viable reason to refuse the application any longer and has been acceptably mitigated.

In relation to the protection of trees in and around the site to be retained: it is described above that a tree protection plan, tree survey and constraints plan, tree survey document, and arboricultural impact assessment & method statement have been submitted. Page 3 of the arboricultural impact assessment outlines the nature of trees to be reduced and that document, along with the tree protection plan drawing, talks about the barriers, ground guards and associated measures to protect the trees that are to be retained during works.

The Council's Trees and Woodlands officer considers that, provided the development is carried out in accordance with the submitted information, there would be no harm to trees proposed to be retained. I agree with this conclusion.

As such, the development would accommodate replacement trees to the front of the site and retain health of neighbouring trees in accordance with NPPF paragraph 131 and Local Plan policy PS10.

### Biodiversity & Nature Conservation

Paragraphs 174 and 180 of the National Planning Policy Framework and Core Strategy policy CS17 require developments to avoid harm to biodiversity and state that developments should look to provide net gains.

As described above a preliminary ecological appraisal and biodiversity net gain metric have been produced as well as detailed landscaping plans including new hedges, shrubs, wildflower lawns, green canopies, green walls, and trees. Bat and bird boxes are shown on the elevations of the houses also.

In terms of the preliminary ecological appraisal, this concludes that protected species are likely absent from the site, due to unsuitable habitats, levels of disturbance, species range, and/or landscape context. This has been reviewed by the department and it is concluded that the appraisal is acceptable and up-to-date. As such, the development would avoid harm to protected species.

The biodiversity net gain metric has been reviewed and it is concluded that it has been filled out appropriately. It shows that there would be an increase of 0.67 biodiversity units in respect of hedgerow units although a decrease of 0.15 units in respect of habitat units. As such the development would be considered acceptable in terms of hedgerow units and having regard to the variety of measures provided on site as listed above it is considered that this would mitigate for the small loss of habitat units. It is considered that the applicant has taken all reasonable steps to provide appropriate landscaping with potential for ecological value and conditions are recommended to secure this.

### Highways & Parking

NPPF paragraphs 104, 110, and 112, Core Strategy policies CS14 and CS15, Local Plan saved policies AM01, AM02, AM12 and PS10 and Local Plan Appendix 001 – Vehicle Parking Standards require developments to provide a sustainable and effective transport network, appropriate levels of parking for residential development, ensure suitable access, and preserve safety for highway users including motorists, cyclists and pedestrians.

I note the objections in respect of traffic, highway safety, parking congestion, manoeuvring, and service vehicles.

The concerns relate to both the parking and safety of the cul-de-sac/turning area; and also to the traffic/highway impact on the wider area i.e. the rest of Crofters Drive.

#### *Consideration of impact in and around the cul-de-sac*

Considering firstly the localised impact on the cul-de-sac: the houses would have off-street parking for 2 cars. This is compliant with policy AM12 and the Local Plan appendix 1 and as such it would be unreasonable to consider developers to provide more than this. This also avoids over-provision of unattractive car parking spaces in the public realm and avoids encouraging excessive creation of vehicle emissions in the environment. Generally it would not be expected for homeowners to have more than 2 cars for 1 house and as the new houses would have this and the other houses in the area tend to have this, there would be no likely material harm to

parking congestion. One objector considers that the area is used for parking his cars in and the development would affect this and some objectors also state that there are often cars parked in the turning head, whilst others consider it is used for turning. However this area is not a car park and also for the reasons above this point would not have significant weight in this case. The turning head could still be used as such. Furthermore, I did not see any cars parked on my site visit and looking at aerial imagery on the Council mapping system from 10 separate years between 1997-2021 there are rarely any cars parked in that area at all. Whilst these are only snapshots in time, they do not indicate a continual parking congestion problem in this area.

The layout of the parking spaces is well-designed in terms of there being space on the frontage of the site for residents to enter and leave the site in a forward direction. Cars entering and leaving the site would have clear visibility and would not be coming or going at high speed. As such there are no concerns in relation to the safety of the proposed access and parking. The Highways Authority are satisfied that this is the case.

One objector notes that there is a dropped kerb which has recently been provided to the side garage of no.12 and considers cars coming or going would be unsafe when using the garage. However, mapping imagery shows that this garage was not an original building on site and that part of the rear garden of no.12 was plainly not designed for a garage. It does not provide high visibility for the user. However, this would not be unduly affected by the very modest amount of comings and goings to and from the safe access proposed at the application site. The development could not be prevented on these grounds.

In the absence of any correspondence from the fire department I do not give any weight to the suggestion that a development in this area would affect the Fire Service training. I am not persuaded that such a development would have a material impact on the Leicestershire Fire and Rescue Service. The site is a residential area and could not be viewed or retained as being an area for fire service training.

#### *Consideration of wider impact on Crofters Drive as a whole*

Several objectors are frustrated with members of the nearby bowling club using Crofters Drive to access their club. Other comments note that the access road to Crofters Drive is narrow and congested and tough to use for emergency services and bin men, and a further issue raised is that the same road and bridge would need to be re-laid/re-enforced to accommodate extra traffic.

However, the addition of 2 houses in this area is small in proportion to the wider housing estate and would not significantly exacerbate these issues. Two houses would not provide a significant extra amount of traffic. The streets are wide enough to accommodate cars and there are suitable pavements. Impacts of construction traffic would be temporary and would be unlikely to cause harm to highway safety.

As such there are no concerns in relation to highways impacts on Crofters Drive.

Several of the objection points are not things that the development would materially impact, including access for emergency vehicles to Crofters Drive and the road materials nearby.

#### *Conclusion of Highways Impacts*

The Highways Authority are satisfied with the proposal subject to two conditions to ensure the access and parking spaces are laid out prior to occupation and retained as such. I agree with their conclusion.

For the above reasons, the development would provide safe and suitable access and not have significant impacts on the highways network in accordance with NPPF paragraphs 104, 110, and 112, Core Strategy policies CS14 and CS15, and Local Plan saved policies AM01, AM02, AM12 and PS10.

### Flood Risk & Drainage

The site is in a critical drainage area and is at 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 would be secured by way of condition. A flood risk assessment was submitted with the application. The Lead Local Flood Authority have reviewed the submission and set out pre-commencement conditions to secure the appropriate details. As such, subject to conditions, the proposal would be acceptable in terms of NPPF paragraphs 159 and 167 and Core Strategy policy CS02 which require developments to avoid increasing flood risk and provide appropriate drainage.

### Permitted Development Rights

Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 grants permitted development rights for residential properties. In the event of the dwelling being extended in future, greater impacts to the design, residential amenity or living conditions could arise. It would be necessary to condition the removal of certain permitted development rights to avoid these impacts. Class A rights are to be removed as extensions may unacceptably reduce the size or quality of rear gardens at the new houses, Class AA rights are to be removed as additional storeys would impact on character of the area and amenity, Class B rights are to be removed to avoid further roof extensions affecting the character of the houses, Class D rights are to be removed to control the appearance of the front elevations and ensure space is not reduced for parking, and Class E rights are to be removed as outbuildings could unacceptably reduce garden space and rear outlook for the new houses.

### Other Issues

Some further issues were raised in representations as listed above. Firstly, all publicity requirements were carried out in accordance with planning law. If the developer did not consult with the public prior to their application being submitted, that is not able to be controlled by the Council and would not warrant reason for refusal.

I have visited the site internally and viewed from Crofters Drive in connection with both applications and this has informed the recommendation.

The comment in relation to the nearby fence not being shown is not unacceptable as the proposed plans show all of the proposed development within the red line.

### Conclusion

Residential development is acceptable in principle and there would not be unacceptable harm to the character of the area. In the absence of a five year land supply in the City the tilted balance should be applied in favour of applications such

as this which will make a contribution to housing supply. The three reasons for refusal in regard to the previous application have been fully addressed.

Conditional approval is therefore recommended.

### 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 new walls and roof shall be constructed in materials as shown on the approved plans. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. No part of the development shall be occupied until footway / verge crossing(s) have been provided at each vehicular access in accordance with guidance in the Leicester Street Design Guide. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. The parking area shall be provided before the occupation of any part of the development and shall be retained and kept available for that use. (To ensure that parking can take place in a satisfactory manner; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
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 by the local planning authority. No flat shall be occupied/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. 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 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
7. 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)).

8. Development must take place in strict accordance with Section 4 of the Arboricultural Impact Assessment & Method Statement (RJ Tree Services Ltd, dated 09 September 2022, received by the City Council as local planning authority on 09/09/2022) and the Tree protection plan (as received by the City Council as local planning authority on 09/09/2022) (To ensure that trees proposed to be retained on site and trees surrounding the site are not harmed and in accordance with Local Plan saved policy UD06).

9. The approved landscaping scheme (drawing title: Detailed soft landscape proposals, no 21-047-01, revision C, bea landscape design ltd, received 18/5/2023) shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

10. Prior to above ground works, details of the type and location of x2 bat tiles/boxes and x2 bird boxes to be incorporated within the elevations of the proposed buildings have been submitted to and agreed in writing with the City Council as local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).

11. Should the development not commence within 24 months of the date of the last protected species survey (December 2022), 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).

12. 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 the dwelling or provision of any outbuilding of types specified in Part 1, Classes A, AA, B, D and E shall be carried out without express planning permission having previously been obtained from the Local Planning Authority. (Given the nature of the site, the form of development is such that work of these



types may unacceptably reduce amenity space on site or lead to an unacceptable loss of amenity to occupiers of neighbouring properties, or be a design that is out of keeping with the character and appearance of the area; and in accordance with Core Strategy (2014) policy CS03 and saved policy PS10 of the City of Leicester Local Plan (2006)).

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

Planning Application - Proposal Drawing Plot A, Ref DSA-20147-PL-PRO-01-C, received 28/03/2023

Planning Application - Proposal Drawing Plot B, Ref DSA-20147-PL-PRO-02-C, received 28/03/2023

Planning Application - Proposal Drawing Site Plan, Ref DSA-20147-PL-PRO-03-B, received 28/03/2023

(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.

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. To meet condition 7 all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements.

3. Condition 12 refers to alterations/extensions that you are normally allowed to carry out to houses without planning permission. In this case the City Council wants to be able to control any alterations and extensions to preserve the appearance of the property or protect the amenities of neighbouring properties. You should contact the City Council (telephone (0116) 454 1000) if you are considering such works.

## Policies relating to this recommendation

2006\_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

- 2006\_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006\_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.