

Leicester  
City Council

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

**DATE: WEDNESDAY, 24 JUNE 2020**

**TIME: 5:30 pm**

**PLACE: Virtual Teams Meeting**

**Members of the Committee**

Councillor Riyait (Chair)  
Councillor Aldred (Vice-Chair)

Councillors Gee, Halford, Joel, Rae Bhatia, Thalukdar, Valand and Whittle

One unallocated Labour group place

One unallocated Non group place.

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

*Elaine Baker*

For Monitoring Officer

**Officer contact:**

**Elaine Baker, tel: 0116 454 6355 / Aqil Sarang, tel: 0116 454 5591 / Ayleena Thomas, tel: 0116 454 6369**  
e-mail: [elaine.baker@leicester.gov.uk](mailto:elaine.baker@leicester.gov.uk) / [aqil.sarang@leicester.gov.uk](mailto:aqil.sarang@leicester.gov.uk) / [ayleena.thomas@leicester.gov.uk](mailto:ayleena.thomas@leicester.gov.uk)  
Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

## Information for members of the public

**PLEASE NOTE** that any member of the press and public may listen in to proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council website at least 24hrs before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at City Hall / Town Hall. It is important, however, that Councillors can discuss and take decisions without disruption. The only participants in this virtual meeting therefore will be the Committee members, the officers advising the Committee and any applicants, objectors and Ward Members relevant to the applications to be considered who have registered to participate in accordance with the Committee's rules on public speaking.

### Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk), from the Council's Customer Service Centre or by contacting us using the details below.

### Making meetings accessible to all

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

### Further information

If you have any queries about any of the above or the business to be discussed, please contact any of the following Democratic Support Officers:

**Elaine Baker, tel: 0116 454 6355 (email: [elaine.baker@leicester.gov.uk](mailto:elaine.baker@leicester.gov.uk))**

**Aqil Sarang, tel: 0116 454 5591 (email: [aqil.sarang@leicester.gov.uk](mailto:aqil.sarang@leicester.gov.uk))**

**Ayleena Thomas, tel: 0116 454 6369 (email: [ayleena.thomas@leicester.gov.uk](mailto:ayleena.thomas@leicester.gov.uk))**

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

## **PUBLIC SESSION**

### **AGENDA**

#### **LIVE STREAM OF MEETING**

A live stream of the meeting can be followed on the following link:

<https://tinyurl.com/yaedtx6o>

#### **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**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 13 May 2020 are a correct record.

#### **4. ARRANGEMENTS FOR FORTHCOMING PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETINGS**

As only one further meeting of this Committee is scheduled after this one, three further meeting dates have been agreed with the Chair and Vice-Chair of the Committee under Council Procedure Rule 39(a)(ii), (Part 4A of the Council's Constitution).

Members therefore are asked to note that it is proposed to hold meetings at 5.30 pm on the following dates:

- Wednesday 15 July 2020 (previously agreed)
- Wednesday 5 August 2020
- Wednesday 26 August 2020
- Wednesday 16 September 2020

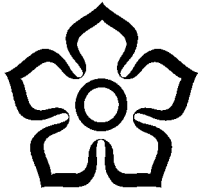
Consideration will be given as circumstances change as to whether a meeting will be in virtual or physical format.

## **5. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)**

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) **20182179 FORMER ST MARYS ALLOTMENTS  
AYLESTONE LANE-SAFFRON LANE** [Appendix A1](#)
- (ii) **20191465 580 GIPSY LANE** [Appendix A2](#)
- (iii) **20191480 4 KNIGHTON PARK ROAD** [Appendix A3](#)
- (iv) **20192110 LAND AT REAR OF 51-57 SANVEY  
LANE** [Appendix A4](#)

## **6. ANY URGENT BUSINESS**



Leicester  
City Council

**Wards:  
See individual reports.**

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Planning & Development Control Committee

Date: 24<sup>th</sup> June 2020

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## REPORTS ON APPLICATIONS AND CONTRAVENTIONS

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### 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 2011 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.

#### **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.

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## **7 Planning Obligations**

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of dealing with those impacts, such as increased demand for school places, 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 Regulations 2010.
- 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.
- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

## **9 Background Papers**

Individual planning applications are available for inspection on line at [www.leicester.gov.uk/planning](http://www.leicester.gov.uk/planning). Comments and representations on individual

applications are kept on application files, which can be inspected on line in the relevant application record.

**10 Consultations**

Consultations with other services and external organisations are referred to in individual reports.

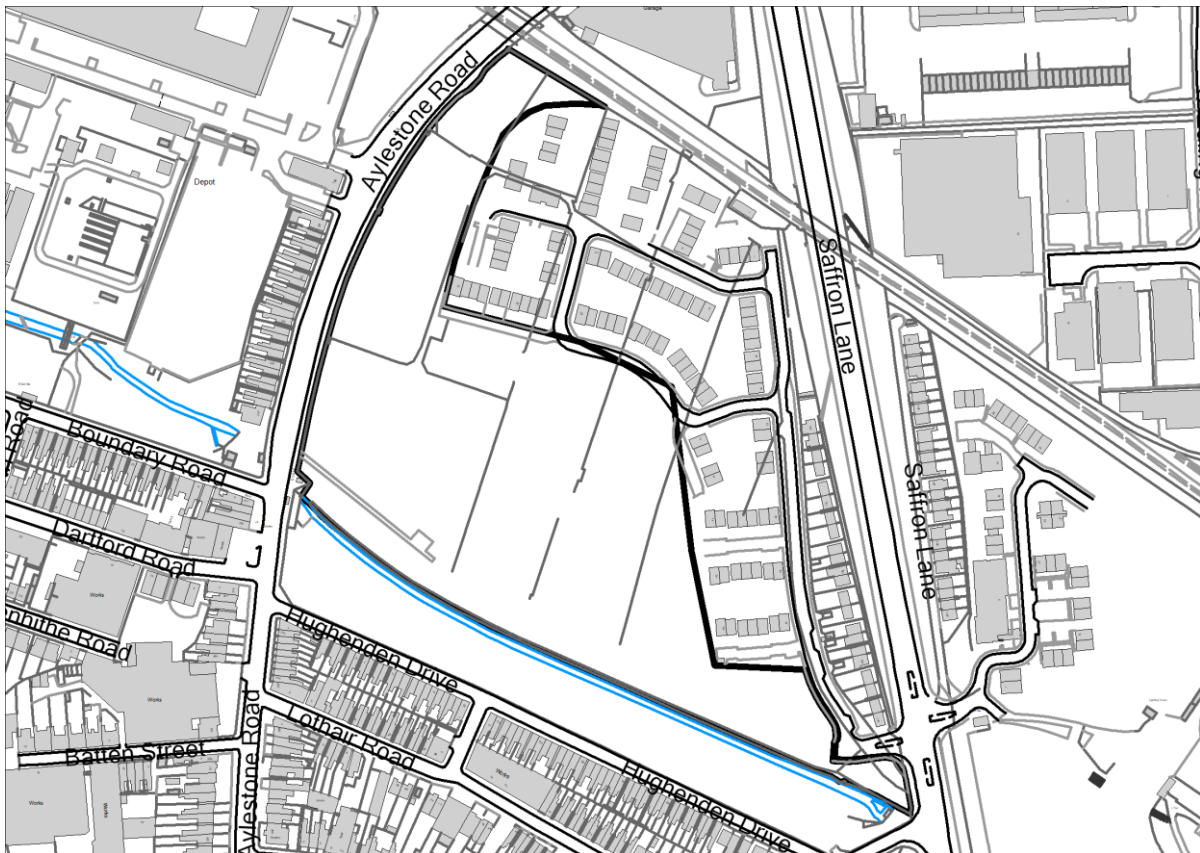
**11 Report Author**

Grant Butterworth (0116) 454 5044 (internal 37 5044).



# Appendix A1

Recommendation:	
<b>20182179</b>	<b>Former St Marys Allotments, Saffron Lane/Aylestone Road</b>
Proposal:	Change of use from former allotments to create public open space, play areas and protected natural areas, community orchard, access paths, replacement and refurbished fencing (Sui Generis)
Applicant:	Leicester City Council
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20182179">https://planning.leicester.gov.uk/Planning/Display/20182179</a>
Expiry Date:	25 June 2020
SJM	WARD: Saffron



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## Summary

- This application has been brought to the Planning Committee as the recommendation is for approval and more than five objections have been received.
- 48 objections relating to the impact on wildlife, the formation of paths, access for maintenance vehicles at the end of Old Saffron Lane, fly tipping and antisocial behaviour, loss of 3 parking spaces for residents, loss of privacy and increase of disturbance due to the close distance between the pathway and the residential area, unwanted fruit picking and increase of littering.

- Two letters of support received: improving access and facilities for adjacent residents
- The main issues are biodiversity, green space, access through the site.
- The application is recommended for approval subject to conditions.

## **The Site**

This site is part of the former St Mary's allotments located two miles south of Leicester city centre between Aylestone Road, Hughenden Drive and Old Saffron Lane. It is owned by Leicester City Council and is partially accessible open space. The site is also an ecologically sensitive area; the southern boundary along the site is a Local Wildlife Site.

## **Background**

Planning permission (19990135) was granted in 1999 for the site, along with the area to the north and east which has been recently developed for housing, to change from former allotments to open public space, park, garden and nature area. However, the development was not implemented. It was later allocated for development in the 2006 Local Plan.

The site has been un-managed for approximately 20 years after being de-commissioned and allowed to go wild. As such it has developed an intrinsic value for wildlife and the presence of protected species. Some site clearance has already taken place in autumn/winter 2018/19 under agreement of the Senior Nature Conservation officer and under an agreed methodology.

The allotment site was split and the area to the north and east with Old Saffron Lane to the east and the railway line to the north, were approved for residential development (planning permission 20161547) on 16<sup>th</sup> March 2017. This residential development of 113 houses with associated infrastructure including access, drainage and a pedestrian link to Aylestone Road has been completed and is now occupied.

## **The Proposal**

The proposal is for public open space to consist of landscaping, play areas, protected natural areas, community orchard, access paths, replacement and refurbished fencing.

## **Policy Considerations**

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

### National Planning Policy Framework (NPPF)

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 92 To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should a) plan positively for the provision and use of shared space, community facilities,,,,,,open space.... and other local services to enhance the sustainability of communities and residential environments.

Paragraph 96 Access to a network of high quality open spaces.....is important for health and the well-being of communities.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account of any local design standards or style guides in plans or supplementary planning documents.

Para 170 states 'Planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

Para 174 – 'To protect and enhance biodiversity and geodiversity, plans should: Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'

Para 175 - 'When determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

Para 178 – 'Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)....and

where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner' (Para 179).

Para 180 - 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.

#### Development Plan policies

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

#### Supplementary Planning Documents (SPD)

Biodiversity in Leicester SPG (2003)

Climate Change SPD (2011)

Green Space SPD (2011 Revised 2013)

### **Consultations**

#### Environment Agency

A condition is recommended to ensure that the development is carried out in accordance with the submitted flood risk assessment and the measures it details. An informative note is also requested

#### Network Rail

No objection is raised. An advisory note is recommended to ensure that boundary treatment provides adequate protection from access on to the railway.

### **Representations**

48 objections have been received raising concerns. Many of these were received in advance of the finalised plans detail and before the application was formally validated and advertised. Others were received before the final amendments were made to the southernmost path.

The reasons for objection included the following comments:

- Influence on the wildlife living environment, loss of biodiversity. The City council needs to show that it is serious about protecting and enhancing our natural areas and biodiversity for local people and future generations.
- The proposed access for maintenance vehicles at the end of Old Saffron Lane will encroach on to an area rich in biodiversity which should be left as existing. If opened up it would encourage also result in fly tipping and antisocial behaviour.
- Loss of 3 parking spaces for residents.

- Tarmac pathway access to Aylestone Road may increase criminal activity and antisocial behaviour in the surrounding area, close to houses. The lack of lighting increases concern in this respect. Benches and litter bins will attract people loitering and littering.
- Any paths should be naturally mown.
- Loss of privacy and increase of disturbance due to the close distance between the pathway and the residential area.
- Unwanted fruit picking and increase of littering in the Community Orchard area, which will affect wildlife's habitats.

Two Letters of support received:

- The plan would make a big difference to the residents of the new development, improved access to shops with the path connecting to Aylestone Road, love the idea of a community orchard and play area and will open up the area.
- Outdoor gym equipment would be welcomed.

## **Consideration**

### Principle of development

The site is allocated in the 2006 Local Plan for public space development under saved GE20. Saved Local Plan Policy GE20 further details the requirements for development on the St Marys Allotments site and requires development to:

- a) Be part of a comprehensive scheme for the whole site;*
- b) Include 2.5 hectares of site for housing (H01);*
- c) Develop the remaining area for public open space; and*
- d) Ensure that the nature and landscape value of the site is protected.*

Policy H01 allocated 2.5 hectare for residential development in the St. Mary's allotments with the remaining area to be developed for public open space as part of a comprehensive scheme. The residential development has been completed and is now occupied by local residents. The proposed improvements to the open space will facilitate and encourage pedestrians within and through the site providing clear routes, improved accessibility and access to the natural open spaces and play area. Biodiversity will also be enhanced through planting, the community orchard and the sensitive management of the woodland areas. I consider that the proposed development complies with the requirements of saved local plan policies GE20 and the principle of open public space is considered to be acceptable subject to detail and other material considerations as follows:

Design: CS Policy 3 requires development to be high quality, well designed and contribute positively to the character and appearance of the local environment.

Ecology: Saved Local Plan Policy GE20 requires development on the site to ensure that the nature and landscape value of the site is protected. CS Policy 17 requires development to ensure development maintains, enhances, and/or strengthens connections for wildlife by the creation of new habitats, both within and beyond the identified biodiversity network.

The application site is designated as a Biodiversity Enhancement Site which does not currently meet the Local Wildlife Site (LWS) criteria but forms an important part of the green network in the City. Ecological surveys and mitigation plan are submitted.

Drainage: CS Policy 2 of the Core Strategy requires new development to address climate change and flood risk.

Areas of the site and how they address the above criteria:

Aylestone Road green corridor

The corridor will act as a boundary between Aylestone Road and the existing residential area and a natural green corridor for wildlife purposes. It proposes a thinning back of vegetation immediately inside the boundary with the houses for better access for future maintenance and litter picking; replacing removed trees along the fence line by planting new stand native species trees to complement the existing site ecology; seeding of the area inside the boundary knee-rail fence adjacent to the housing development. Apart from the complementary planting, a number of invertebrate boxes will be installed within the area. The rest of the vegetation within this area will be remain unchanged.

Community orchard and tarmac path

There will be a community orchard on the western part of the site, adjacent to the new path leading from Aylestone Road to the residential area. The orchard will be planted with 23 apple and plum trees in different species. These trees will be planted by local community volunteers and facilitated by Leicester City Council. The area underneath these trees will be planted with a wildflower meadow mix containing 22 species. Pear trees will be planted from the new entrance on Aylestone Road to the corner of the residential area. There will also be new trees planted along the boundary fence line between the residential area and new public open space.

The purpose of the Community Orchard is to provide space for local residents to plant and source locally produced food. The area is owned by the Leicester City Council and fruit picking by the public will be allowed. These fruit trees will enhance the biodiversity of the area and create better habitat for animals and plants.

The new path connecting Aylestone Road to the residential area, which is the main access from the west of the site, will be constructed of tarmacadam (1.5m wide, 1:12 steep). There will be 1.75m landings for every 12m on the path to create an improved path accessible for those with mobility difficulties.

Woodland block (west) near Aylestone Road

An existing woodland will be retained adjacent to Aylestone Road, between the two new entrances from Aylestone Road and Saffron Brook. This area is rich in ecology with a number of different habitats. Any rubble and debris left over from the adjacent development will be removed from the site, under the supervision of an Ecology Clerk of Works to ensure that wildlife disturbance is kept to a minimum.

Woodland block in the central area and tarmac path

The existing woodland is to be retained in the middle of the site. It is proposed to remove all remaining structures, rubbish and detritus from this area for public safety,

and to provide an area with thick vegetation including self-set trees, suckering shrubs, area with less understorey vegetation.

This woodland block is located within an area of high ecological importance and it is proposed to be managed effectively for biodiversity while maintaining a balance from the management of unauthorised access from the public. Future management work is intended to be carried out by conservation volunteers, along with agreement from the supervising officer and the Leicester City Council's nature conservation team.

The existing tarmacadam path (1.5m wide, 1:17.5 steep) adjacent to the woodland block, connecting Saffron Brook and the residential area will be retained and repaired.

#### Woodland block (east) near residential area

The proposed woodland block will consist of thick vegetation areas and open areas with the development of a natural understorey underneath. Similar management principles with the other woodland blocks will be applied.

#### Woodland glade along Saffron Brook and grass reinforcement

The proposed woodland glade with green weld-mesh fencing will be created along the brook on its northern edge, new gabions will be installed near to the swales to allow for access at the pinch point. Vegetation in this area will be kept low for natural surveillance through the new weldmesh fencing from the residential area opposite on Hughenden Drive.

This path was originally proposed as hard surfaced and many of the objectors made reference to concerns over antisocial behaviour that may occur over the attraction that this may have for motorbike users. There was also concern if unlit that it would be an unsafe route after daylight hours. If lit this would adversely affect protected species. The amended plan now proposes that this would be an informal, unlit mown path.

Three sections of grass reinforcement will be installed at the new entrance on Aylestone Road in between Saffron Brook and the mill waste path, and at the end of mill waste path. The most eastern section will be used for maintenance vehicle parking. An area of vegetation is to be removed at the south-east corner of Saffron Lane to facilitate installation of a maintenance barrier. This will enable safe access into the area.

#### Play areas

There will be children's play trail and play area for children from different ages, which will be located on the edge of the site near Maris Lane.

#### Spring Meadow

The area between the woodland glade along Saffron Brook and the eastern section of woodland and the swales will be planted as spring meadow. This will enhance the sites biodiversity and will allow a more open aspect to the public open space.

#### Fencing

Replacement and refurbished fencing are proposed to aid flood prevention on and off the site at high levels, by allowing water to pass through the fence in times of high water levels.

Weldmesh fence is proposed along the Saffron Brook. Close boarded fence with timber posts, rails and feather edge boards are proposed at Aylestone Road near the northern boundary with Network Rail. It will allow visibility into the site from Hughenden Drive improving safety and have a low visual impact.

#### Swales /green space boundary and mill waste path

Swales have already been constructed at the eastern and southern part of the site, two are situated along the boundary line of the houses and one is situated between two woodland area and towards Saffron Brook. These were constructed as part of the adjacent housing development.

There will be a mill waste path located between the swales and the woodland, joining the upper west to east path to the central tarmac path and the south/east entrance to the site.

#### Park furniture

A number of benches and litterbins will be installed across the park, including at the entrances and play area. New furniture with different designs will be installed in the play area to complement the play area equipment.

#### Other ecological improvements

Bird boxes and bat boxes with a mixture of designs will be located at different areas of the site, mainly in the retained vegetation area.

#### Lighting

The proposed lighting will be located on the path leading directly from the residential development towards Aylestone Road. The lighting will consist of 6m columns with baffled luminaires, only the path underneath will be lit at night with no light spillage into the surrounding wildlife areas. The impact on the wildlife habitat will be minimised.

No lighting is now proposed on any of the informal paths leading through the remainder of the open space.

#### Drainage

The majority of the site is within flood zone 1, but the southern part along the Saffron Brook extending 30m out from the water course is in flood zones 3A and B. The whole site is also a Critical Drainage Area.

Although there are parts of the site within flood zone 3A and 3B within the site in southern part, it was not necessary for a sequential test to be carried out as this development is a minor development, a water-compatible development in flood risk vulnerability classification, which it is unlikely to raise significant flood risk issues.

The Flood Risk Assessment confirms that since the proposed development will keep the existing green space, it would not create run-off or adding to any flooding, but



instead future flood waters will be able to infiltrate the ground. Any run-off from the new tarmac paths will be minimal.

The proposal will not entail of any works on the Saffron brook, where the main riverbank is, and so there will be no change to the capacity of the water course. The replacement of fencing along the brook channel will allow water to pass through the fence in times of high water levels instead of focusing it in the channel. There will be selective removal of vegetation along the brook course, which will help flood water on and off the site at high levels.

The proposed development will embrace and enhance the sustainable drainage system which has already been installed to ensure that the site will limit surface water run-off, reduce overall flood risk and protect water quality. In terms of its design, scale, location, I consider that the proposal will be positive in terms of natural drainage and will not increase the risk of flooding.

Residential Amenity

The creation of usable open space and the management of this space will provide a benefit to local residents and enhance its biodiversity value. Residents of the new adjacent housing and the wider area will be able to enjoy the facilities provided and the increased connectivity provided by access through the site primarily in an east to west direction. The proposed play area will provide accessible children’s play provision. The area allocated for the play equipment is not immediately adjacent to houses but will have surveillance from the surrounding development.

The parking areas to the southern end of Old Saffron Lane are informally used at present. Old Saffron Lane has been significantly improved as part of the housing development and layby parking provision created. I consider that the loss of this informal parking is acceptable and would be outweighed by the benefits of the proposal.

Conclusion

The proposals for public open space are acceptable and the majority of the open space area will remain relatively undisturbed to maximise its wildlife value.

The proposals represent a welcome enhancement and are in accordance with the Development Plan policies and those of the NPPF.

I recommend that this application is APPROVED 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. Within one year of work commencing on site to implement the approved plans, details of the play equipment to be provided and a timescale for the provision of the equipment shall be submitted to the local planning authority and approved in writing. The equipment shall be installed in accordance with the approved details. (In the

interests of residential amenity and in accordance with policies GE20 and PS10 of the City of Leicester Local Plan and Core Strategy policies CS08 and CS13.)

3. The development shall be carried out in accordance with the submitted flood risk assessment and the measures it details: No development or ground raising within the flood plain, as indicated on the map in section 6.0 of the FRA. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. (To prevent flooding elsewhere by ensuring that there is no land raising within the flood plain and in accordance with City of Leicester local plan policy BE20 and Core Strategy policy CS02).

4. This consent shall relate to the following amended plans: DWG 100 OWD-02-19 Rev B, 04-19 rev B, 05-19 rev B, 06-19 rev B, 07-19 rev B, 08-19 rev B, 09-19 Rev B, 10-19 Rev B, 11-19 Rev B, 25-19 Rev B, 26-19 Rev B, 27-19 Rev B, 27-05 rev 1 and the Landscape and Ecology Management Plan received on the 2nd March 2020.

(For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
  - on or within 8 metres of a main river, such as the Saffron Brook
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

2. The applicant should be aware of the following advice from Network Rail in respect of safety:  
Due to the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local

Planning Authority acting in consultation with the railway undertaker to a minimum height of 1.8 metres and the fence should not be able to be climbed.

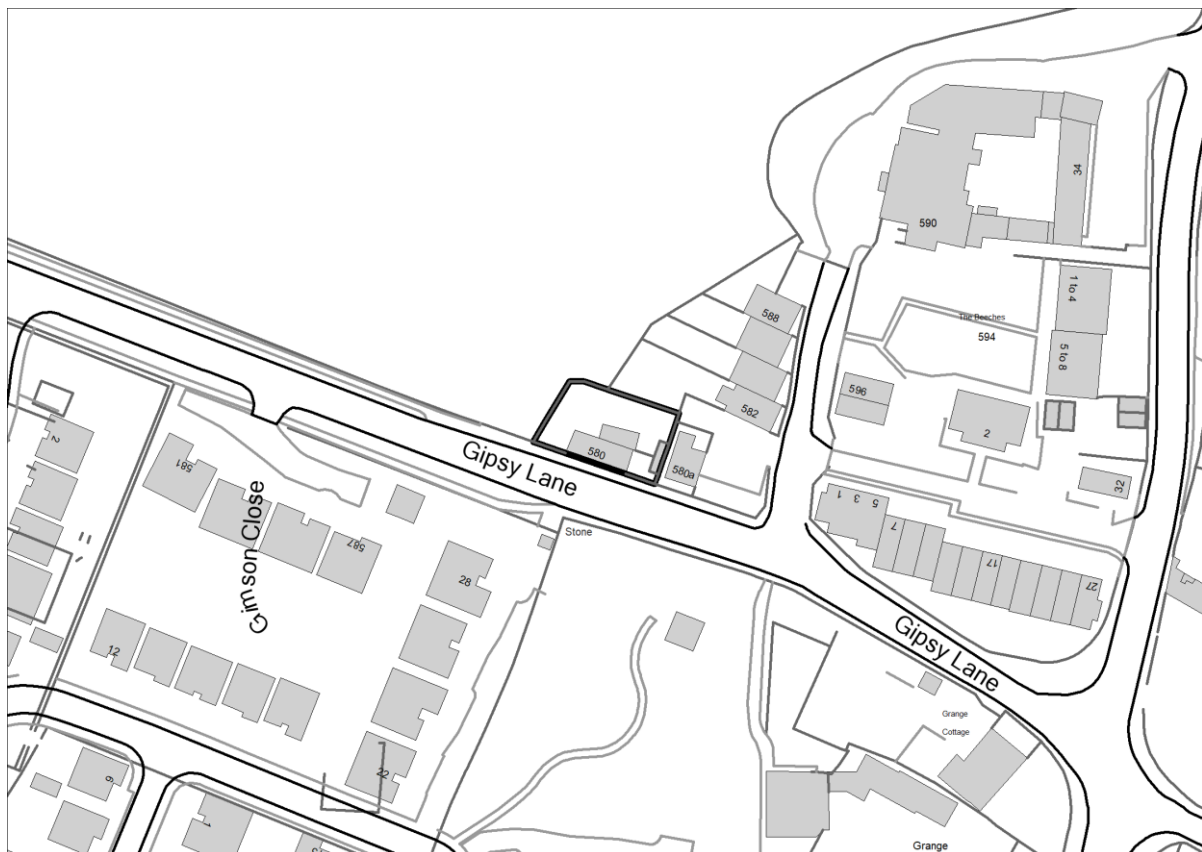
3. If any further clearance works are required they should be done in accordance with agreements and methodology previously agreed and with an appended note provided to the LPA.
4. The City Council as local planning authority has acted positively and proactively in determining this application by assessing 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 2019.

### **Policies relating to this recommendation**

- 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\_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\_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\_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.
- 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\_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2006\_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\_GE03 Development on a Biodiversity Enhancement Site will be permitted if the strategic nature conservation value is maintained or enhanced.
- 2006\_GE20 Criteria for the development of St Mary's Policy Area.

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.

Recommendation: Conditional approval	
20191465	580 GIPSY LANE
Proposal:	DEMOLITION OF EXISTING DWELLING; CONSTRUCTION OF TWO DETACHED DWELLINGS (2X 4BED) (CLASS C3); ASSOCIATED PARKING (AMENDED PLANS RECEIVED 28/04/2020 AND 20/05/2020)
Applicant:	RS DEVELOPMENTS (LEICESTER) LTD
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20191465">https://planning.leicester.gov.uk/Planning/Display/20191465</a>
Expiry Date:	29 May 2020
AVB	WARD: Troon



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## Summary

- Application is brought to committee at the discretion of the Head of Planning noting the objection from Conservation Advisory Panel.
- One other objection on grounds of design, conservation area character, parking, drainage, overlooking amenity space and demolition/construction impacts.
- Main issues are residential amenity, character and appearance, level of accommodation, ecology and trees, drainage and parking

- Application recommended for APPROVAL.

## **The Site**

The site currently has a two-storey dwelling located to the north of Gipsy Lane. The site is surrounded by residential properties to the northeast and east, to the south is mix of residential dwellings and open space and to the north and northwest is Humberstone Golf Course. The site is located within the Old Humberstone Conservation Area, immediately to the south-east is the Grade II Listed Grange Clinic and the Grade II Listed Grange Cottage, to the north-east is a Grade II Listed Francis Dixon Lodge.

The site is adjacent to Biodiversity Enhancement Sites and there are trees protected by a Tree Preservation Order to the northern boundary of the application site which is within the curtilage of the Golf Course.

The neighbouring properties and the wider area are predominantly residential in character. The land slopes down from north towards south of the site i.e from rear boundary towards the existing house. The site and surroundings form part of a critical drainage area and monument polygon.

## **Background**

201900890 – Demolition of existing dwelling house and construction of two detached dwellings was withdrawn.

## **The Proposal**

Planning permission is sought for the demolition of the existing detached dwelling and outbuildings and the construction of two detached houses by dividing the site in two.

The original application as submitted consisted of two detached houses with dormer windows to the front of the house. However, the applicant subsequently submitted amended plans with a more contemporary design.

Both the dwellings would have an internal floor area of approximately 119 square metres and would provide a private amenity area of 90 square metres each. The land slopes from north to south.

Plot B and Plot C:

The proposed dwellings as amended would be staggered with the proposed first and second floors being projected forward of the ground floor. The proposed dwellings design, roof details and internal layout would be same as one another. The proposed ground floor of each dwelling would have an overall depth of 6.5 metres deep and 7.6 metres wide which would consist of a lounge, open plan kitchen/diner and w/c. The applicant has also shown a potential lift which could be located within the lounge leading to first floor bedroom.

The proposed first floor and second floor measures 8.1 metres wide and overall depth of 7.1 metres. The first floor consists of three bedrooms and two bathrooms with a proposed balcony at the side and rear. The proposed second floor would have a bedroom and a bathroom. The proposed dwellings have pitched roofs with staggered ridge heights, between 8.4 and 8.6 metres.

Both the dwellings would be set-back from the front boundary by between 1.3 metres and 1.5 metres. The proposed dwellings would be set back from the rear boundary by around 7 metres. Plot B is set back by a metre from the side boundary with the neighbouring property 580A Gypsy Lane.

The proposed materials would consist of Ibstock red bricks and featured bricks along with cladding around the windows at the ground floor level. The proposed first floor would have combination of red brick and grey colour cladding and the second floor which blends into the roof would have zinc composite cladding.

Each dwelling would provide one car parking space to the side with a vehicular access off Gypsy Lane. The applicant has provided bin storage to the side and water butts to the rear of the dwellings.

The applicant has submitted the following documents in support of the application:

- Design and Access Statement
- Heritage Statement
- Ecology Report
- Tree Report
- Drainage Strategy

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester City Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date.

Paragraph 68 of the NPPF states that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The policy goes stating that local authorities are required

to support the development of windfall sites through decisions- giving great weight to the benefits of using sustainable sites within existing settlements for homes.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. The policy includes a set of criteria for both plan making and decision taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 170 of the NPPF encourages decisions to contribute to and enhance the local and natural environment. Paragraph 175 advises that local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, and that planning permission should be refused for development resulting in the loss of aged or veteran trees unless the need for the development clearly outweighs the loss.



Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets. Paragraph 192 indicates that there is desirability to sustain and enhance the significance of Heritage Assets and paragraph 193 advises that great weight should be given to an asset's conservation. Paragraph 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

#### Development Plan policies

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

#### Supplementary Planning Documents (SPD) *Residential Amenity SPD*

#### *Appendix 01 – City of Leicester Local Plan*

Old Humberstone Conservation Area Character Appraisal (2015)

### **Consultations**

Conservation Advisory Panel (18<sup>th</sup> March): The Panel reiterated their previous comments on the heritage merit and positive contribution of the existing dwellinghouse to the Conservation Area. The amended modern design was commended, but members questioned the scheme's relation to its setting. Despite some appreciation of the concept of two legibly modern dwellings, it was highlighted that the submitted drawings lack relevant detailing (e.g. guttering, glazing frames), while the visuals are highly 'unrealistic' (e.g. void through the dwellinghouses), while the scheme reads as detached from the existing context.

The Panel concluded that based on the questionable contextual relationship of the new scheme to the existing character and street scene of the Conservation Area, lack of relevant detailing and 'idealised' visualisations, while also constituting loss of a historic dwelling that does contribute to the merit of the designated locality, the development will fail to preserve or enhance the Old Humberstone Conservation Area.

Lead Local Flooding Authority (LLFA): No objection subject to conditions

Highway Authority: Raises concerns in regards with lack of sufficient parking and highway safety. However, have suggested conditions if it was to be approved.

Trees: No objections subject to conditions

Ecology – No objection subject to conditions

Pollution (Noise Team) – No objections

## Representations

I have received one letter of objection after the re-consultation was carried out in receipt of revised scheme and the concerns are as follows:

- Proposed design of the dwellings and images submitted appears cheap and nasty and is not in keeping with the character of conservation area;
- images show lack of details in terms of drainage from the proposed roofs of the dwellings and trees surrounding the site;
- the proposal does not provide sufficient car parking for the proposed dwellings which would lead to on-street parking resulting in traffic congestion;
- the proposed demolition and construction vehicles would lead to traffic congestion resulting in highway and pedestrian safety issues;
- the proposed balcony would lead to overlooking on neighbouring property;
- the proposed demolition will have impact on the residential amenity in terms of dirt and dust;
- the proposed dwellings due to its size appears to be for families but it provides little provision for children to play.

## Consideration

### Principle of Development

The application site is a large detached dwelling with detached outbuildings to the eastern boundary. The proposed development would consist of demolition of the existing buildings and construction of two detached houses with associated car parking. The site is located within area characterised as residential and the proposed residential development within an established residential area would be acceptable in principle. The site is not subject of any special environmental or planning constraints that would prevent the development in principle. The proposal for two 4 bedroom residential dwellings would make a modest but nevertheless welcome contribution of two dwellings to the city's housing supply in accordance with the Core Strategy housing delivery and existing neighbourhoods strategies. I am satisfied that the principle of development on this site is acceptable subject to other policy considerations.

I therefore conclude that the proposal would comply with Policies CS06 and CS08 of the Core Strategy (2014) and is acceptable in principle.

### Residential amenity (neighbouring properties)

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. 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: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

Section 3 of the Council's *Residential Amenity SPD* (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and of 21 metres between facing principal room windows. It also recommends the provision of a minimum of 100 square metres' amenity space for detached dwellings. Although Appendix G of the SPD is primarily intended as a guide for house extensions, the SPD does say Appendix G is also intended for new houses. A separation distance of 11 metres is recommended between principal room windows and the boundary with any undeveloped land, including neighbouring gardens; that the separation distance between principal room windows may be reduced to 18 metres where direct overlooking is avoided by the positioning of windows, and that a two storey rear extension should not project beyond a 45 degree line from the nearest point of any ground floor principal room window at an adjacent property.

#### 580A Gipsy Lane

580A Gipsy Lane is located to east of the application site with car parking at the rear which is at higher level than the existing house. 580a Gipsy Lane has existing two windows at the ground floor level facing the existing fence approximately 1.8 metres high on the common boundary with the application site and an existing outbuilding at the side of the site. There are no windows to the side elevation at the first floor level.

The existing outbuilding is at higher level than No. 580a Gipsy Lane and it would be demolished as part of the development. There are two windows at the side of No. 580a facing the application site and it appears that they serve non principal room windows. However, the light and outlook to these windows are already compromised by the existing level difference, high fencing on the common boundary and the existing outbuilding.

Plot B as proposed would be set back by approximately a metre from the common boundary with No. 580a. The proposed dwelling (Plot B) will not intersect 45 degree line taken from the nearest principal room window at the rear of 580a Gipsy Lane. I therefore consider that the proposed development due to its size, design, separation distance and boundary treatment will not have significant detrimental impact on the light, outlook and privacy of No. 580a Gipsy Lane.

#### 582 Gipsy Lane

582 Gipsy Lane is located to the rear and it is at a higher level than the existing house at the application site. The two storey rear elevation of the dwellings would be a distance of approximately 6.9 metres from the rear boundary to Plot C and 7 metres from the rear boundary to Plot B. Although the separation distances are less than recommended within SPD. However, the existing dwelling is set back by approximately 7.3 metres from the rear boundary which does not meet the requirements. Furthermore, the proposed dwellings would be at lower level than neighbouring property No. 582 due to the level differences as the ground level falls from north of the site to the south. In addition there is an existing approximately 2 metres high boundary fence on the common boundary with No. 582. I therefore consider that the proposed dwellings due to its size, design, level differences and

boundary treatment would not result in overbearing impact and will not have significant detrimental impact on the residential amenity in terms of light and outlook.

The proposed dwellings as amended would not have any principal room windows to the rear elevation. The only windows to the rear elevation would serve staircase in each dwelling and they are obscured glazed.

The proposed dwellings as revised would have balconies to the side and part rear of the dwellings. However, the proposed balconies are blocked by a handrail to the side so that there would not be any access to the rear balcony. This would help to prevent overlooking to the neighbouring gardens. I therefore consider the proposed dwellings will not have unacceptable impact on the privacy of the neighbouring properties to warrant a refusal.

I therefore consider that the proposed dwellings, as amended, due to their location, design and scale would not appear visually dominating from the adjacent properties and gardens.

The opposite site of site has new dwellings and public open space and to the north-west is golf course. The existing dwelling on the site is located at the back of the footway. By virtue of the position of the proposed dwellings being set back from the front elevation and scale of development I consider there would be no significant harm to other residential properties along Gipsy Lane.

In addition to the above, the site would be in residential use which is compatible with the residential properties along Gipsy Lane. Similarly, I do not consider that the finished development would be likely to give rise to unacceptable levels of increased light or air pollution.

The new dwellings, once completed and occupied, would acquire 'permitted development rights' that would enable future extensions and alterations. Given the tight relationship with the surrounding properties in Gipsy Lane the exercise of permitted development would have potential to unacceptably affect the amenity of neighbouring occupiers and amenity of future occupiers of the site. I therefore recommend a condition controlling development under Classes A, B and E of Part 1 (of Schedule 2) of the GPDO (2015).

I conclude that the proposal would comply with Core Strategy Policy CS03 and would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Character and Appearance

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 and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area.

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 the visual quality of the area and the ability of the area to assimilate development.

The property is located within the Old Humberstone Conservation Area, immediately south-east from the site are Grade II Listed Humberstone Grange Clinic and the Grade II Listed Grange Clinic, north-east from the Grade II Listed Francis Dixon Lodge.

The building on site dates from the late 19<sup>th</sup> century but has been heavily altered since and uPVC windows with a relatively blank brick frontage which is of some heritage significance, based not only on its relative age but also its architectural form, dominated by elegant front dormers, pair of chimneystacks and simple bargeboards to top. With its partly exposed brick façade and limited footprint, it does broadly fit the character of the rest of the Old Humberstone Conservation Area.

The Design and Heritage Statement submitted as part of the application does state that the building is “in a state of disrepair and not viable for renovations”. However, no evidence has been submitted to support this statement and the quality of the assessment of heritage significance is poor. The demolition of the property could be admissible in principle only if its loss would be followed by a new development, which would preserve or enhance the character of the Old Humberstone Conservation Area.

The proposed dwellings as amended, has been designed to form modern and contemporary dwellings rather than pastiche replica or arbitrary pastiche features incorporated within the design as submitted earlier. The proposed dwellings would be set-back from the established building line which would be similar to the adjacent dwelling at 580a Gypsy Lane which is considered as acceptable. Furthermore, the proposed contemporary buildings as revised would be read as a modern addition within the street scene and would add to the character and appearance of the surrounding streetscape. In addition, the proposed set-back along with soft landscaping at the front would reduce the impact of the built form on the street scene. It would not be visually intrusive and would provide an interesting entrance to conservation area when entering from the west of the Gypsy Lane. Furthermore, the applicant has amended the east elevation to incorporate feature bricks which is an improvement from the earlier proposed blank elevation.

The proposed first and second floors would project forward of the ground floor. Design features include first floor balconies at the side and rear of the dwellings, long vertical windows which form part of second floor and roof design and staggered roofs. The proposed materials would consist of lbstock red bricks and featured bricks along with cladding around the windows at the ground floor level, the proposed first floor would have combination of red brick and grey colour cladding and the second floor which blends into the roof would have zinc composite cladding.

I acknowledge the concerns raised by the objector and Conservation Advisory Panel in regards with images submitted which are not contextual. However, I consider that the pans as amended show more details in terms of proposed materials. I consider that the proposed modern design along with mix of red bricks and modern cladding

material provides a visually appealing built form. I recommend a condition to secure this.

I am satisfied that the development would not be out of proportion to the surrounding area and would preserve the character and appearance of the conservation area. I conclude that the proposal would comply with Core Strategy Policies CS03, CS08 and CS18, and would not conflict with saved Local Plan Policy PS10 and is acceptable in terms of the character and appearance of the area.

#### Living conditions (*The proposal*)

Policy CS03 of the Leicester Core Strategy (2014) states that new development should, *inter alia*, create buildings and spaces that are fit for purpose and achieve the highest standards of accessibility and inclusion. Policy CS06 states that new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City and seeks to ensure that new housing units are designed to meet 'Lifetime Homes' standards. The amenity factors set out at saved Policy PS10 of the Local Plan (2006) apply to the future occupiers of proposed development as well as to the occupiers of existing neighbouring property. Saved Policy AM01 of the Local Plan (2006) states that planning permission will only be granted where the needs of people with disabilities have been successfully incorporated into the design.

Section 3 of the Council's *Residential Amenity* SPD (2008) ("the SPD") sets out more detailed design guidance for development in the outer areas (which would include the application site) of the City.

The proposed dwellings would provide good-sized accommodation suitable for family occupation. All of the principal rooms within the dwellings would have at least one window providing a source of daylight and outlook, and I consider that individual room sizes would be sufficient to accommodate the reasonable furniture requirements of future occupiers whilst maintaining satisfactory circulation space.

I consider that the proposed dwellings due to their design would not have unreasonable impacts of overlooking, daylight, outlook and overbearing between the two.

The proposed bin storage to the side of the dwellings are considered to be acceptable as it can be easily accessed and brought to the street side on waste collection days. I do not consider a condition in this respect to be necessary.

It is noted that the applicant has shown a potential lift at the ground floor level within the proposed lounge area leading the first-floor bedroom. The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that it is reasonable and necessary to secure compliance with Building Regulations Standard M4(2) as a condition of planning permission.

Section 3 of the Council's *Residential Amenity* SPD (2008) sets out more detailed design guidance for development in outer areas of the City. It advises that semi-detached 2/3 bedroom properties should provide approximately 100 square metres

of garden area. Both of the proposed dwellings would provide 90 square metres of rear amenity area which is less than 100sqm and I do acknowledge that the amenity area to the rear is not flat but at a gradient. However, I consider that the proposed dwellings would provide reasonable useable private amenity area to the rear and there is an existing public open space opposite the application site.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policy PS10.

#### Highways and Parking

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location and take into account the amount of available existing off street and on- street parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Policy AM12 gives effect to published parking standards.

Appendix 01 of the Local Plan (2006) sets out guideline standards for car parking in new developments. For dwellings, a maximum of 2 spaces for 3+ bedroom dwellings is recommended.

The proposal will only provide 1 parking space for each of the dwellings including the existing dwelling, and this level of parking is below the City Council standards of 2 car parking spaces per dwelling.

The development proposal has been amended so that one parking space would be provided for each dwelling, and this level of parking is below the City Council standards of 2 car parking spaces per dwellings. The highway authority has raised concerns regarding the lack of car parking spaces and impact on road safety.

Paragraph 109 of the NPPF 2018 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The site is close to the good public transport links on Humberstone Drive and Gipsy Lane/Victoria North East, and therefore residents would have a sustainable alternative to the use of a car for some of their journeys.

The provision of 2 car parking spaces was proposed with the original submission. However, it was acknowledged that the constraints within the site especially for Plot C, the proposed driveway being close to TPO trees meant that the provision of two spaces may not be feasible. Furthermore, the proposed car parking was one behind the other which is not ideal arrangement and it was considered that only one of the spaces would be useable.

I consider that the likely level of congestion arising from the proposed development would not result in significant highways impact on Gipsy Lane. As such I considered the proposal to be acceptable in this respect.

The applicant has not proposed any cycle parking. However, cycle parking can be accommodated within the rear gardens of the proposed dwelling and I consider it unreasonable to attach a condition requiring the submission of such details.

As the existing dwelling is currently built to the back of the footway, the applicant will need to make arrangements to maintain the safety of users of the highway, and in particular any pedestrians. It may be necessary to close a section of the footway during demolition and construction. Therefore, appropriate traffic management and alternative arrangements for pedestrians, including the provision of safe crossing points would need to be provided. Appropriate licences and permissions would be required for the placement of apparatus in the highway, including licences for any hoarding required in the highway. A note to applicant is provided in respect of this.

A condition is recommended for the provision of the new footway crossings. Construction of the footway crossings would require the applicant to obtain a licence to undertake the works from the Highway Authority, and technical approval of the construction details. A note to applicant is also provided in respect of this.

I also recommend a note to the applicant regarding the need for the Authority's permission under the Highways Act 1980 and the New Roads and Street Works Act 1991.

I conclude that the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policies AM01, AM02 and AM12 of the Local Plan (2006), and is acceptable in terms of parking and access.

#### Ecology, Trees and Landscaping

Policy CS03 of the Leicester Core Strategy (2014) sets out an expectation for high quality, well designed development that contribute positively to the character and appearance of the local natural and built environment. Policy CS17 recognises that Leicester's urban environment, including buildings and private gardens, can provide important habitats for wildlife, and states that the Council will expect development to maintain, enhance and/or strengthen connections for wildlife. Saved Policy UD06 of the Local Plan (2006) resists development that would impinge upon landscape features of amenity value and requires new development to include planting proposals.

The development site is located next to Biodiversity Enhancement Site and there is an existing Gold Course to the north that contributes to connectivity for wildlife to the wider natural environment. The applicant has submitted an Ecology report to support the application and there are no significant concerns in regards with this. It is recommended that enhancements should be incorporated within any development to achieve a net gain in biodiversity in accordance with paragraph 175 of the NPPF 2019.

Enhancement may include installation of bat and swift bricks, hedgehog holes and water butts as part of Sustainable urban Drainage System (SuDS), landscaping includes native species.



The proposed dwelling (Plot C) as revised would be outside of the root protection area of the TPO tree located to the northern boundary of the site and the ground level near the root protection area is not dropped. The tree officer has raised no concerns in regards with the proposed development and have recommended conditions regarding tree protection measures and fencing specification. I have attached the conditions to secure this.

It is considered appropriate to attach a condition to secure ecological improvements as suggested in Ecology Report and Tree Report. The proposal would comply with Policies CS03 and CS17 of the Core Strategy (2014) and with saved Policy UD06 of the Local Plan (2006), and is acceptable in terms of ecology, landscaping and trees.

### Drainage

Policy CS02 of the Leicester Core Strategy (2014) states that development should be directed to locations with the least impact upon flooding or water resources. It goes on to state that all development should aim to limit surface water run-off by attenuation within the site, giving priority to the use of sustainable drainage techniques.

The applicant has submitted a Drainage Strategy Report (FW1768/CF/001-Draft) and have proposed water butts for both of the dwellings to the rear of the site. Based on the information submitted the principle of development on the basis of drainage and flood risk is acceptable; however, it is recommended that details of drainage and foul drainage should be submitted. In addition to this, details of sustainable urban drainage should also be submitted for approval.

On the basis of the above and subject to condition I consider the proposal would appropriately mitigate any harm in terms of flood risk. I conclude that subject to conditions the proposal would comply with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

### Representations

The impact of building work of this scale is unlikely to be unreasonable. The issues relating to highway and pedestrian safety during demolition and construction would be secured by condition.

### Conclusion

I consider the parking provision is sufficient to avoid severe highways impacts. The proposed development would not result in significant harm to the residential amenities of adjacent neighbours nor would it harmfully impact the character and appearance of the conservation area and the significance of the locally listed building. The proposal would have an acceptable impact on ecology and trees and landscape measures can be secured by way of condition. Suitable sustainable drainage mitigation can be accommodated within the site and secured by condition.

The Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to provide five years' worth of housing against objectively assessed housing requirements and the NPPF establishes a presumption in favour of sustainable development. In this case and in light of paragraph 11 (d) (ii), I consider

that the harm caused by the lower off-street parking provision is outweighed by the development's contribution to housing supply.

I conclude that the proposed development is sustainable development.

I therefore recommend that planning permission be APPROVED subject to the following conditions

## CONDITIONS

### 1. START WITHIN THREE YEARS

2. Prior to the commencement of the proposed development hereby approved, details of all external surfaces shall be submitted to and approved in writing by the City Council as local planning authority. This should include the following:

- o feature brickwork
- o external finish of vertical roof 'bridge' (gap between ridge heights)
- o external cladding & roofing samples
- o timber fencing to curtilage

The works shall be carried out in full accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. Prior to the commencement of the development hereby approved full joinery details (excluding cross sections) of all window and door types (scale 1:10 / 1:20 as appropriate) shall be submitted to and approved in writing by the City Council as the local planning authority and the works shall be carried out in full accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. No part of the development shall be occupied until the following works have been carried out in full accordance with details shown on the approved plans: (a) footway crossing(s) at each vehicular access; (b) alterations to footway crossing(s); (c) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway. (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.)

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 flat shall be occupied/the use shall not commence until the system has been implemented in full. 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 foul drainage, shall be submitted to and approved in writing by the City Council as local planning authority. No property shall be occupied until the foul drainage has been installed in full 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. Before the development is begun, a scheme shall be submitted to and approved by the City Council as local planning authority indicating details of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts to be adopted during building operations and shall be implemented. (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 CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

8. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. ( In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

9. Prior to the occupation of the proposed development, the bat and swift bricks shall be installed as per the specifications in the ecology report. The proposed hedgehog holes shall be provided at the point of fence installation and soft demolition of the structures shall be carried out as per the ecology report. There shall be no lighting to the rear elevation of the properties during demolition, construction and after completion/occupation. (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy.)

10. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. ( In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

11. ONE PARKING SPACE TO BE PROVIDED

12. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. ( In the interests of the health and amenity value of the trees

and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

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 (amend as necessary e.g. Part 1, Classes A, B, and E 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, unreasonably reduce amenity space or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan).

14. 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 dwelling 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 dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)

15. This consent shall relate solely to the amended plans ref. no. 219032- SK01 Rev J, SK02 Rev G, SK03 Rev J, SK04 Rev H, SK05 Rev G, SK06 Rev F and SK10 Rev D received by the City Council as local planning authority on 20/05/2020, plan no. 219032-SK11 received on 28/04/2020, Arboricultural Report, Ecology Report and Drainage Strategy Report received by the City Council as local planning authority on 02/08/2019 (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

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

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

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](mailto:Licensing@leicester.gov.uk).

2. With respect to condition 12 above, the fencing required should be welded mesh panels securely fixed to a scaffold frame work with uprights driven well into the ground and in this case should be provided not within the root protection area in accordance with details agreed with the city council in advance. In most cases this equates to 12 times the diameter of the tree when measured at 1.5m height from ground level. The applicant is advised to visit <http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030213642> to find out further information in respect of BS 5837:2012.

3. Development on the site shall avoid the bird nesting season (March to September), but if necessary a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

'Bats are a rare and declining group of species. Hence, all British species of bat are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both'.

4. To meet condition 14 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. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

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

6. 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.

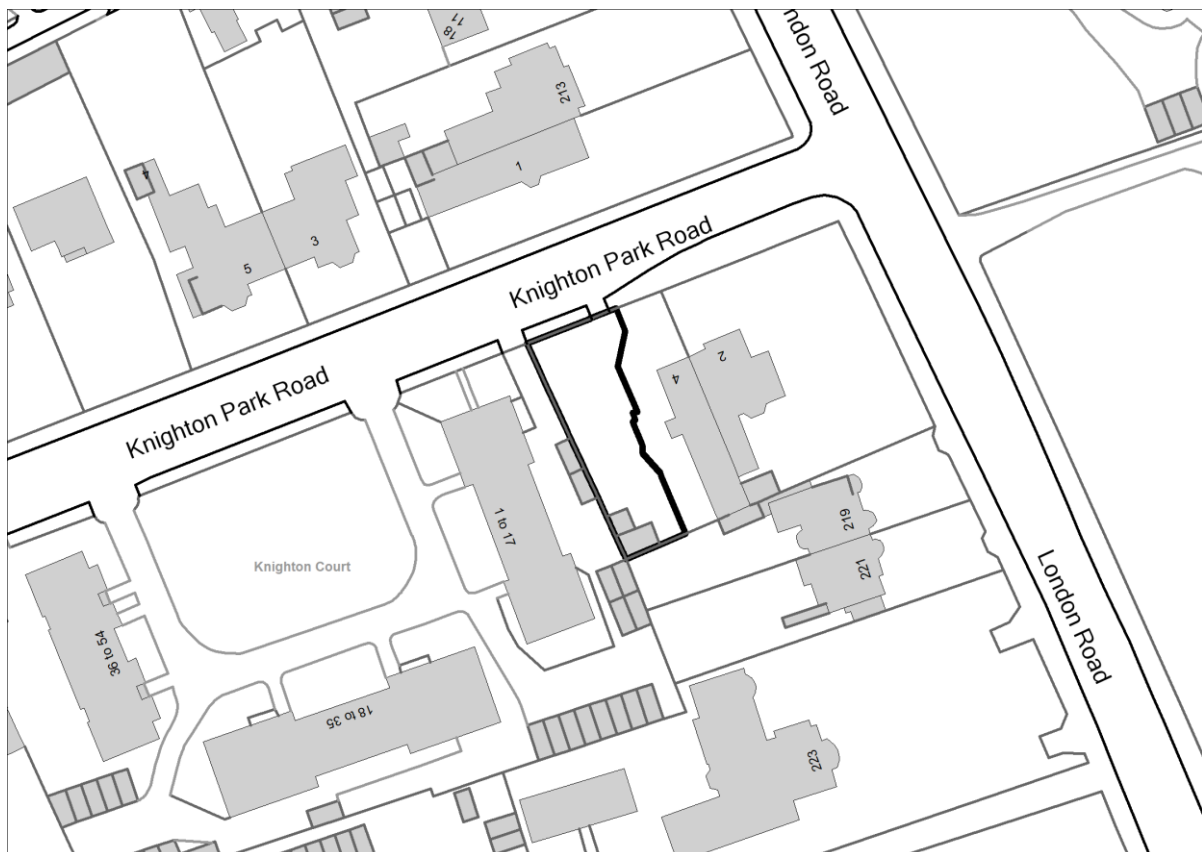
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

### **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\_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\_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\_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\_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.

<b>Recommendation: Conditional approval</b>	
<b>20191480</b>	<b>4 KNIGHTON PARK ROAD</b>
Proposal:	DEMOLITION OF EXISTING GARAGE AND OUTBUILDING; CONSTRUCTION OF NEW DWELLING (1 X 2 BED) (CLASS C3); ALTERATIONS (AMENDED PLANS RECEIVED 21/05/2020)
Applicant:	MS C EVERT
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20191480">https://planning.leicester.gov.uk/Planning/Display/20191480</a>
Expiry Date:	1 July 2020
PK	WARD: Castle



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## Summary

- The application is before committee at the discretion of the Head of Planning having regard to the Conservation Advisory Panel (CAP) objection
- The issues raised by CAP relate to the principal of a residential dwelling in the Conservation Area and the quality of plans received in support of the application. No other representations have been received;
- The main issues are the principle of development, amenity and privacy, character of local area and Stoneygate Conservation Area, appearance, parking, trees, landscaping, ecology, and flood risk;
- Recommended for approval.

## **The Site**

The site is part of the side garden to 4 Knighton Park Road which is sub-divided into flats and is a 2-storey brick structure with ashlar dressing. The application involves demolition of a detached garage/outbuilding which is situated to the south-western corner of the site.

The site is currently accessed off Knighton Park Rad serving a parking area to no.4

The site is located within the Stoneygate Conservation Area, covered by the Article 4 Direction. It is also located to the immediate north of the Grade II Listed No. 223 London Road and south-west from the Grade II Listed former Stoneygate School.

The site is within a Critical Drainage Area. Along the northern boundary of the site there are two TPOs on two Lime trees.

## **Background**

There are a number of planning applications relating to the site but there are not relevant to this application as they relate to felling of trees. The main property on site is in use as flatted accommodation (4 flats). There are no planning records of this sub-division and Council Tax records confirm the use of the property as flats.

Application 20182457 for the conversion of existing garage/outbuilding and construction of part single part two storey front and side extensions to form new dwelling (1 x 2 bed) (class c3) was withdrawn.

## **The Proposal**

The application is for the demolition of the brick garage and associated outbuildings and construction of a dwelling in a similar position.

The dwelling would be part single, part two storeys in height and would be set off the rear (south) boundary by 4 metres. The two storey element would have a total width of 7.1 metres and depth of 7.8 metres. It would have a total height of 7.8 metres.

To the rear the dwelling would have an orangery measuring 5.4 meters in width and 2 metres in its depth. The front there would be a single storey front element providing a living room. It would measure 3.3 metres in depth and 5.6 metres in width.

The dwelling has been designed to be of a modern appearance when compared to the host building adjacent. A mix of materials is proposed, brick, render and cladding.

The property would utilise the existing vehicular access off Knighton Park Road and parking for one car would be to side of the property. The access is currently constructed with gravel which wraps around the front and side of the host building (up to the garage) providing informal parking on site. It is intended that the proposed



dwelling would use this with no alterations. The access would remain in use for the existing building and the proposed new dwelling.

Amended plans have been submitted to provide greater detailing and depth to the elevations. Also consideration has been given to different external materials to be used. The applicant has also submitted 3-dimensional views in support of the latest revision of the proposal.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester City Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date.

Paragraph 68 of the NPPF states that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The policy goes stating that local authorities are required to support the development of windfall sites through decisions- giving great weight to the benefits of using sustainable sites within existing settlements for homes.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. The policy includes a set of criteria for both plan making and decision taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when

considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 170 of the NPPF encourages decisions to contribute to and enhance the local and natural environment. Paragraph 175 advises that local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, and that planning permission should be refused for development resulting in the loss of aged or veteran trees unless the need for the development clearly outweighs the loss.

Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets. Paragraph 192 indicates that there is desirability to sustain and enhance the significance of Heritage Assets and paragraph 193 advises that great weight should be given to an asset's conservation. Paragraph 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

#### Development Plan policies

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

#### Supplementary Planning Documents (SPD)

##### *Residential Amenity SPD*

##### *Appendix 01 – City of Leicester Local Plan*

##### *Stoneygate Conservation Area Character Appraisal (2015)*

#### Other legal or policy context

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

## Consultations

Trees and Woodlands: No objection to the principle of development but require details of tree protection measures and location of where services would be directed from.

Conservation Advisory Panel (11<sup>th</sup> September 2019): The Panel noted the modest size of the site, and the awkward relationship of the dwelling proposed to the existing house. The design was criticised as being of inadequate quality for its location within a designated locality. The loss of the garden and crude subdivision of the existing plot was considered as harmful to the historic character of the Stoneygate Conservation Area. The principle of such a subdivision, creating a tighter urban grain was objected to, with the poor quality of architecture failing to help ameliorate the harm.

Following amendments, the scheme was taken back to CAP (11<sup>th</sup> December 2019): The Panel were critical of the limited visual information provided and suggested more 3d views showing the new building in context from the street would be helpful. They reiterated their concerns over the loss of garden space and the impact on the character of the Conservation Area from a new dwelling. They considered that the quality of the architecture was still poor and that the structure would fail to preserve or enhance the character of the Conservation Area.

The latest revisions have not been back to CAP. However the applicant has now supplied 3D views of the proposal in context from the front and further design work has been undertaken to improve the elevational detail.

## Representations

None received

## Consideration

The main issues in this case are: the principle of the proposed development; the amenity and privacy of neighbouring occupiers; the character and appearance of the Stoneygate Conservation Area; the quality of the proposed accommodation; the adequacy of parking provision and the access arrangements; trees, ecology and landscaping; and sustainable drainage.

### Principle of development

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, *inter alia*, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing. Policy CS08 recognises that small scale infill sites can play a key role in the provision of new housing but states that, in areas of high architectural quality or significant local distinctiveness such as the Stoneygate Conservation Area, the

Council will seek to ensure that the distinctive characteristics of existing properties are retained and that any new development is sympathetic to its specific location. The Council cannot currently identify a supply of specific, deliverable sites sufficient to provide five years' housing. The proposal would make a modest contribution to housing supply through the redevelopment of this small site within an established residential area. In these respects, the proposal would be consistent with Policy CS06.

There are no site specific designations or constraints to indicate that a residential development would be inappropriate or inherently harmful (the impact upon the setting of the neighbouring Stoneygate Conservation Area is considered below). In the above policy context and having particular regard to the City's current housing supply position, I conclude that the development of this site is acceptable in principle, subject to consideration of the impacts and qualities of the proposed development.

#### Character and Appearance of the Stoneygate Conservation Area

Policy CS18 of the Leicester Core Strategy (2014) commits the Council to protect and seek opportunities to enhance the historic environment, including the character and setting of designated heritage assets. The Policy goes on to support the sensitive reuse of high quality historic buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places, and encourage contemporary design rather than pastiche replicas.

The *Stoneygate Conservation Area Character Appraisal* includes a definition and assessment of the area's special interest. Paragraph 3.1 notes that Stoneygate is Leicester's best surviving Victorian suburb, containing a large number of late Victorian and Edwardian houses of importance in terms of their high quality construction. Paragraph 3.2 states that the special character and appearance of the area is also created by a consistency of scale and building materials. For townscape purposes, the Appraisal places Knighton Park Road within its North Stoneygate sub area and describes the townscape of the sub area as dominated by mainly 2-3 storey buildings with many detached houses on Knighton Park Road especially. The key feature of the street scene of Knighton Park Road is that it remains broad and spacious.

The original building on the site is typical of the Stoneygate Conservation Area in terms of its age (dating from the Victorian era) and scale and architectural style. Having regard to the Appraisal, I consider that it makes a positive contribution to the street scene of Knighton Park Road and London Road and the wider character and appearance of the Stoneygate Conservation Area. The existing garage/outbuilding is brick built partly finished in render with a part mono-pitched roof and flat roof. The roof material of the mono-pitch element is tiled.

The proposal is for the construction of a new dwelling site. The building would sit in between a three storey building with loft accommodation (4 Knighton Park Road) and a three storey flat roof building (1-17 Knighton Court) both of which are in residential use as flats. The proposed dwelling would be set back from the front building line of both the host building and the flatted block adjacent.

The proposal, as amended, would appear as a modest addition on site which would not appear overly dominating within its context. Whilst it would evidently appear as new built form on site, the dwelling would be nestled between two buildings which are more prominent in their siting and scale. The proposed dwelling would be of a different style, with a flat roof and more modern glazing than existing built form; however, it would have elevational detailing which positively reflects the host building. The amended plans show the windows and elevations having greater depth to reflect design features which are prominent in the immediate vicinity, which would ensure the proposed dwelling would be able to assimilate with existing built form.

The plans indicate that the surface treatment around the new property would be the same as the host dwelling. Whilst this is acceptable, this will need to be secured by condition as the Stonegate Conservation Area Character Appraisal places great emphasis on the treatment of the fronts of dwellings. Further consideration is given to this in the landscaping section below.

The new dwelling would be larger than the garage and outbuildings which are to be demolished; however, it would not detract from the residential quality of the site and wider area. The site is on a prominent location and the proposal, by virtue of its height and siting to the rear of the plot would be largely screened by the mature landscaping. And boundary treatment of the site which is to remain unaltered by the proposal. This would further help the development be assimilated in the local context.

The 3-dimensional views show the proposal in context with some detailing of brick work and cladding, the latter around the openings. This is considered acceptable and in line with the aims of providing a modern dwelling which takes material notes from the immediate area. I consider it appropriate to attach a condition requiring the submission of material samples on site, including a sample panel. Further details of window and joinery details will also be required and can be adequately secured by way of condition.

I consider the proposed scheme as amended would make a positive impact on the character and appearance of the Conservation Area and wider street scene. I acknowledge that the proposed new dwelling would be of a modern design which is supported by the Conservation Area Appraisal. The amended proposals would enhance the character and of the Conservation Area. The proposed development is considered to comply with paragraphs 127, 192 and 200 of the National Planning Policy Framework and Core strategy policies CS03 and CS18.

#### Residential amenity (*neighbouring properties*)

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. 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: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

The dwelling has been designed with first floor principal room windows being located along the northern side of the property facing Knighton Park Road. The relatively small height and narrow design of the building maintains an adequate separation distance from principal room windows at the host building on site 4 Knighton Park Road and the adjacent flatted block at Knighton Court. As such I consider the proposal would not have an unacceptable impact on the residential amenity of the occupants of neighbouring properties in terms of privacy and overlooking. Additionally I consider the narrow width of the plot and building would not result in harmful overshadowing and overbearing impact on the occupiers of the adjacent buildings.

I consider that the proposed building would intersect a 45 degree line from side facing ground floor windows of the main building; however having regards to the separation distance between the building and the orientation of both, I consider the proposed building would not significantly harm daylight to, and outlook from principal room windows.

By virtue of the siting of the proposed building, I consider that there would not be any significant harm to the residential amenity of other properties adjoining the site.

No details of the appearance of the proposed bin store have been submitted; however as a proposal for only one new dwelling I consider that the requirements for bin storage would not be so significant to harm the character and appearance of the site and bins could be adequately kept in the rear garden.

I conclude that the proposal would comply with Core Strategy Policy CS03 and would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Residential Quality

Policy CS03 of the Leicester Core Strategy (2010) states that new development should achieve the highest standards of accessibility and inclusion, whilst Policy CS06 states that new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City.

The proposed dwelling would provide a good size of living accommodation. The internal layout of the site would have principal rooms at first floor to the north and ground floor to have outlook to the front and rear. The ground floor has been arranged as partly open plan and would also be served by roof lanterns to increase light into the space. I consider that individual room sizes would be sufficient to accommodate the reasonable furniture requirements of future occupiers whilst maintaining satisfactory circulation space.

The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that it is reasonable and necessary to secure compliance with Building Regulations Standard M4(2) as a condition of planning permission.

Section 3 of the Council's *Residential Amenity SPD* (2008) sets out more detailed design guidance for development in outer areas of the City. It calls for two bedroom properties to provide between 75 and 100 square metres of amenity area. The site would provide in excess of this and therefore there are no concerns in this respect. There would be a private area to the rear of the property and a more open amenity space to the front which is considered reasonable.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policy PS10.

#### Parking and Access

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to the parking standards in the local plan which suggest two parking spaces for such a dwelling.

The proposed development includes provision of one vehicle parking space on site and a second tandem space could be accommodated. Parking on site is currently arranged informally with no spaces drawn out; however, it is apparent that parking is mainly to the front of the property due to the wrap-around surfacing. With parking proposed to the side of the proposed dwelling I consider there would be sufficient space on site to accommodate the new property in this respect. On street parking is controlled on Knighton Park Road and the adjacent London Road. There is no indication of cycle parking, but I consider this could be sufficiently provided on site. The site is situated along the London Road A6 which is well served by public transport. I consider that the proposal would provide adequate vehicle parking and would be within a sustainable location in terms of access to public transport and local amenities. I conclude that the proposal would comply with Core Strategy Policy CS15 and saved Local Plan Policies AM02 and AM12, and that any residual cumulative transport impacts of the development would not be likely to be severe.

#### Trees and Landscaping

Saved Policy UD06 of the Local Plan (2006) requires new development to include planting proposals and resists development that would impinge upon landscape features of amenity value. Policy CS17 recognises that Leicester's urban environment, including buildings and private gardens, can provide important habitats for wildlife, and states that the Council will expect development to maintain, enhance and/or strengthen connections for wildlife.

The applicant has submitted a bat survey of the buildings to be demolished which indicates that there are no features suitable for bat foraging. Therefore, the loss of the buildings would not have an adverse impact on protected species of bats. The survey and report include a number of recommendations which can be secured by way of condition.

The application has not been submitted with a tree survey as the proposal does not directly impact any significant trees with no changes to access arrangements or the boundary around the site. It is considered reasonable and necessary to attach a condition for a tree protection plan to be submitted and approved prior to the commencement of development. It is also considered reasonable to require the submission of a plan showing the treatment of all unbuilt land within the site to ensure that the green leafy character of the site is retained as far as possible. This would also require details of any boundaries proposed within the site, to ensure there is no conflict between users on site.

I conclude that subject to conditions the proposal would comply with Core Strategy Policies CS03 and CS17 and saved Local Plan Policy UD06 and is acceptable in terms of its impacts upon trees and landscaping.

#### Flooding and Sustainable Drainage

Policy CS02 of the Leicester Core Strategy (2014) states that development should be directed to locations with the least impact upon flooding or water resources. It goes on to state that all development should aim to limit surface water run-off by attenuation within the site, giving priority to the use of sustainable drainage techniques.

The application site falls within a Critical Drainage Area. Although sustainable urban drainage details have not been provided, it is considered that this could be adequately secured by way of condition to mitigate any increase in surface water run-off.

I conclude that the proposal would comply with Core Strategy Policy CS02 and is acceptable in terms of flooding and drainage.

#### Conclusion

The amended scheme would secure a good quality development which would not result in an adverse impact in terms of residential amenity, living environment, highways and flood risk. Conditions can be used effectively to secure a high quality development that would make a positive contribution to the character of the Conservation Area and also ensure the leafy landscaped character of the site is not altered.

I consider the proposed dwelling would make a modest yet positive contribution to the City Council's housing land supply in line with the NPPF. The proposal represents a sustainable form of development that would comply with national and local plan policies.

I therefore recommend that planning permission be APPROVED subject to the following conditions:

#### CONDITIONS

1. START WITHIN THREE YEARS



2. All trees on and adjacent to the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with details to be submitted prior to the commencement of development and approved in writing by the City Council as local planning authority. (In the interests of amenity, 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.)

3. Notwithstanding any materials outlined on the approved plans, prior to the commencement of any works above slab/foundation level on site a materials sample panel for all external finishes, including but not limited to, windows, doors and cladding shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be delivered in accordance with the approved materials. (In the interests of visual amenity and in the interests of preserving and enhancing the character and appearance of the conservation area, and in accordance with Core Strategy policies CS03 and CS18).

4. Prior to commencement of any works above slab/foundation level on site, full joinery details including horizontal and vertical cross sections of all windows and doors (scale 1:2 / 1:5 as appropriate) shall be submitted to and approved in writing by the City Council as local planning authority, and the works carried out in accordance with the approved details. (In the interests of preserving and enhancing the character and appearance of the conservation area, and in accordance with Core Strategy policy CS18 Historic Environment).

5. Notwithstanding any landscaping details on the approved plans, prior to the commencement of any works above slab/foundation level on site, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out in full 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 CS03. 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 any works above slab/foundation level on site 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. The dwelling shall not be occupied until the system has been implemented in full. 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).

7. Before the occupation of the proposed extension new windows facing 4 Knighton Park Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 4 Knighton Park Road and in accordance with policy PS10 of the City of Leicester Local Plan).

8. The development shall be carried out in full accordance with the precautionary mitigation and enhancements as recommended in Section 7 of the Protected Species Report: Bat presence and absence surveys (Brindle and Green, September 2019). Where necessary a suitably qualified ecologist should be present on site to supervise works and actions taken to minimise risk of injury or disturbance to species and their habitats and evidence provided in writing to the City Council as Local Planning Authority. Any necessary mitigation shall be retained thereafter. (In the interests of existing ecology and in accordance with Core Strategy policy CS17)

9. The dwelling and its 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 dwelling 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 dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

10. The vehicular access to the site shall be retained and kept available for that use by the host building (4 Knighton Park Road) and the proposed dwelling. (To ensure that vehicular access is retained and also to ensure a second access is not proposed in the future to protect the character of the Area and secure highway safety; and in accordance with policies AM12 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS18.)

11. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 21/05/2020. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site.

2. To meet condition 9 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. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

3. Development on the site shall avoid the bird nesting season (March to September), but if necessary, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

'Bats are a rare and declining group of species. Hence, all British species of bat are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both'.

4. 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 2019 is considered to be a positive outcome of these discussions.

### **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\_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\_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.

<b>Recommendation: Conditional approval</b>	
<b>20192110</b>	<b>Land at rear of 51-57 Sanvey Lane</b>
Proposal:	Construction of one bungalow (1x2 bed) (Class C3) (Amended plans received 20/05/2020)
Applicant:	Mr A Sibson
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20192110">https://planning.leicester.gov.uk/Planning/Display/20192110</a>
Expiry Date:	26 June 2020
SSA	WARD: Aylestone



## **The Site**

The site lies on the south/west side of Aylestone village, at the rear of the junction between Sanvey Lane and Narrow Lane. The application relates to a parcel of land located to the rear of semi-detached dwellings (51 - 57 Sanvey Lane) with a parking courtyard at the rear. The two storey semi-detached houses (51 - 57 Sanvey Lane) are later 20th century buildings with timber windows. There is a gated access provided to the site for the bungalow from the car parking area. The site was historically used as a builders' yard, and is enclosed by breezeblock walls and is currently vacant. The site is located within a predominantly residential area, surrounded by two storeys residential properties.

The application site is shown to also include the vehicle access off Sanvey Lane and a route across the existing shared car park.

The application site is within the Aylestone Conservation Area and the village core is recorded as Early Anglo Saxon to Late Medieval Historic settlement. However, the character of Sanvey Lane is predominantly early to mid and late 20th century with a small number of later 19th Century buildings.

The site is within the Environment Agency's Flood Risk Zone 1 and GDO Landfill 250m buffer.

## **Background**

19941461 – In January 1995, planning permission was granted for six semi-detached houses fronting Sanvey Lane with a shared car park to the rear. This development was carried out.

20171168 - In 2017 application was withdrawn for construction of two storey dwellinghouse (1x 3bed) (Class C3) due to concerns over design, amenity and right of access.

## **The Proposal**

The proposal is for the construction of a detached bungalow with associated access, parking and amenity space.

The site area for the dwelling and curtilage is approximately 240 sqm. The building footprint measures between 7.2 and 9.3 metres in depth and 4.2 to 7.8 metres in width.

The bungalow would have a dual pitched roof with a ridge height of 4.8 metres and eaves height of 2.4 metres. It would be constructed from brick and tile and face towards the front of the site. An open, pitched timber porch is proposed over the front door.

The property would maintain a separation of 5.6 metres from the front (south west), 0.7 to 1 metres from the south east common boundary with 37 Sanvey Lane; 4 metres from the south east common boundary with 30 Narrow Lane and 2.7m to 5.8m from the rear boundary with 35 Sanvey Lane. The L shape garden area would provide an amenity area of approximately 80 square metres.

The proposed dwelling will reuse the existing access and the site would be reached through the existing parking area. This access and the route through the car park are shown as part of the application site and the application ownership certificate declares that this land is all within the ownership of the applicant.

Two off street parking spaces with turning area would be provided within the front court, to the north-west corner of the plot. The existing boundary walls would enclose the site, whilst a new fence would separate the parking and garden areas. A storage area for waste and recycling bins has been provided next to the proposed garden gate, away from vehicular circulation areas.

The amended plan includes revised internal layout showing bedrooms to the front and kitchen and living area facing the rear boundary.

A Heritage, Design and Access Statement, drainage strategy, ecological appraisal report and tree survey have also been submitted with the application.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester City Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date.

Paragraph 68 of the NPPF states that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The policy goes stating that local authorities are required to support the development of windfall sites through decisions- giving great weight to the benefits of using sustainable sites within existing settlements for homes.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. The policy includes a set of criteria for decision-taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account

the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 170 of the NPPF encourages decisions to contribute to and enhance the local and natural environment. Paragraph 175 advises that local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, and that planning permission should be refused for development resulting in the loss of aged or veteran trees unless the need for the development clearly outweighs the loss.

Paragraph 180 requires decision makers to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 192 - Desirability to sustain & enhance significance of Heritage Assets.

Paragraph 193 - Great weight should be given to asset's conservation

Paragraph 200 - Local planning authorities should look for opportunities for new development within Conservation Areas to preserve or significance of Heritage Assets.

### **Development Plan policies**

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

Appendix 01 - Parking Standards -The City of Leicester Local Plan (2006)

Supplementary Planning Documents (SPD): Residential Amenity SPD (2008)

### **Consultations**

Conservation Advisory Panel (CAP): No objections

Traffic and Travel Planning – No objections, subject to condition.



Lead Local flood Authority (LLFA) – No objection, as long as remaining requirements are satisfied through use of the suggested conditions for Sustainable Urban Drainage Systems (SuDS) and drainage.

Tree and Woodland Officer: No objection, subject to condition.

Pollution Control (Land contamination): No objection, subject to condition.

## **Representations**

3 objections have been received raising the following concerns:

- The proposed development will have an adverse impact on their amenities, resulting in visual intrusion, noise nuisance and or a material loss of privacy.
- Enquired what is visible from their property and windows and where the property sits – its structure/plans;
- The proposed development will block access to their garage; land rights issues and highway safety problems;
- There would also be concerns for the building work being so close to the garage roof (may be asbestos);
- The access road leading to the development is marginally substandard as described in the planning, heritage, design and access statement; with an additional property this will even more problematic;
- Concerned with the trees over hanging the development;
- Although have no objection for a bungalow, it should be built with a hipped roof instead of a pitched roof to minimise loss of outlook from the adjacent house to north.

Councillor Nigel Porter has also objected that the proposed development is a cramped over development of the site; is not in character with the area; the design will not enhance the visual amenity of the conservation area; the location of the proposed development will result in access /land rights issues and highway safety problems.

## **Consideration**

The main issues are the principle of the development, design and appearance of the conservation area, neighbouring amenity, living environment, sustainable drainage, ecology, access and highways issues.

### Principle of development

The site is within a predominantly residential Area. Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, *inter alia*, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing. Policy CS08 seeks to ensure that suburban areas continue to thrive and recognises that small scale infill sites can play a key role in the provision of new housing, but states that backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass. Policy CS08 goes on to resist development on garden land where it would have an unacceptable impact upon levels of biodiversity in the neighbourhood and states that, in areas of high architectural quality or significant local distinctiveness, the Council will seek to ensure that any new development is sympathetic to its specific location.

In the above policy context and having particular regard to the City's current housing supply position, the proposal is considered acceptable in principle as it provides housing on a suitable small site within an existing residential area.

### Design /appearance

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 and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of inter alia urban form and high quality architecture. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area.

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 the visual quality of the area and the ability of the area to assimilate development.

Policy CS18 highlights that the Council will seek to protect or enhance historic quality areas within the city, including Conservation Areas. The Council will also support new development to create attractive places.

The site is situated within the Aylestone Conservation Area. The character of Sanvey Lane is predominantly early to mid and late 20th century with a small number of later 19th Century buildings to west side 51 - 57 Sanvey Lane are later 20th century buildings with timber windows and doors.

The proposed bungalow would relate well to the simple form of brick with tiled pitched roofs of the surrounding area. I consider the size and scale of development and appearance of the proposed bungalow would be compatible with the local area. The single storey element would be subservient to nearby buildings and will therefore have a neutral impact on the conservation area.

The form, design, and size proposed reflect the design of the existing area. I do not consider the proposal would result in a cramped form of development or contribute negatively to the character and appearance of the conservation area as it would not undermine the protected heritage assets or visual amenity of surrounding properties.

The application form and plans indicate that the external finish materials brick and UPVC window/doors. The walls are proposed to be built of red brick and the roof would be tiled. Although the principle of these external finishes is acceptable, I consider that the new bungalow should be fitted with timber windows and doors only to comply with the NPPF and core strategy policies CS03 and CS18, therefore recommend a condition in this respect requiring details of external material and samples of the external finishes.

A dwelling would have permitted development rights for extensions and alterations. The NPPF advises that removing permitted development rights by way of condition should be reasonable and justified. I consider it would be reasonable to remove permitted development rights for extensions, roof alterations and outbuildings due to limited separation distances and the constraints around the site.

I am satisfied that the development would not be too intensive or out of proportion to the surrounding area. The proposal would comply with Core Strategy Policies CS03

and CS18 and would not conflict with saved Local Plan Policy PS10 and is acceptable in terms of the character and appearance of the conservation area.

#### Living conditions (The proposal)

Policy CS03 of the Leicester Core Strategy (2014) states that new development should achieve the highest standards of accessibility and inclusion, whilst Policy CS06 states that new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City.

Section 3 of the Council's Residential Amenity SPD (2008) sets out more detailed design guidance for development in outer areas of the City. It calls for 2 bed bungalows to provide a garden area of 75 sqm.

Whilst this is a backland development and have limited separation distances to the adjacent boundaries, the proposed dwelling would provide a good size of residential accommodation. All principal rooms would have a window, and the proposed bedrooms at the front and living room at the rear that faces car park and the adjoined neighbouring gardens would have shorter separation distance between 5.8 to 7 metres to the boundaries but provides an adequate, privacy, ventilation and outlook. The L- shaped garden area provides an amenity area of approximately 80 square metres for future occupants which is reasonable in respect of the Residential Amenity SPD guidelines.

A storage area for waste and recycling bins has been provided next to the proposed garden gate, away from vehicular circulation areas.

The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that it is reasonable and necessary to secure compliance with Building Regulations Standard M4(2) as a condition of planning permission.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policies AM01, and PS10.

#### Impact on neighbouring amenity

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 the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

The adopted SPD states that a minimum of 11 metres will normally be required between any elevation containing principal room windows and any site boundary. For single storey dwellings, shorter distances may be acceptable in the case of bungalows depending on the arrangement of windows, orientation and massing of the proposed buildings.

There would not be an intersection of the 45° line from the nearest windows of the adjacent properties in particular no 26, 28 and 30 Narrow Lane. There is approx. 9.7m distance from the rear of the main house at 30 Narrow Lane. The bungalow would be sited approx. 13.7m from this two storey house and 10m from the rear wall of the single storey rear extension.

The principal rooms faces to the front and rear overlooks the approx. 2m high site boundary wall. Whilst the proposed bungalow contains no principal room windows in the northwest side elevation, there are two windows proposed, a bathroom and secondary habitable room's window that faces the southeast boundary wall. On the northwest boundary, there is currently an approximately 2m high boundary wall. I consider the proposed separation distance is acceptable in this instance for a single storey bungalow and any potential loss of privacy would be mitigated by the boundary wall.

The bungalow will have mixed hipped and low pitched roof profile. Whilst the bungalow will be sited to the south of no 28 and 30 Narrow Lane, I do not consider the proposed bungalow, due to its position, the design, and layout would have significant impact on the amenity of the existing occupiers of houses on Narrow Lane, in terms of loss privacy, the day or sun light or outlook, overbearing or overshadowing, contrary to the policy PS10 and adopted Residential Amenity - SPD.

Given the use of the existing access and parking area, it is unlikely that the proposal for a two bedroom bungalow would give rise to unreasonable noise.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Access and Parking

The existing shared private drive serves the parking court for the six properties 51 to 57 Sanvey Lane. A garage at the rear of 37 Sanvey Lane is also accessed via the parking court, and this is to be retained as part of the proposed development. There is a gated access provided to the site from this parking area.

The private drive's width is slightly below the current standard but there is no evidence indicating this has resulted in problems. One additional dwelling is therefore unlikely to result in severe harm to highway safety in this location, and it would be unreasonable to raise an objection to the proposal from a highway safety point of view. The proposal meets the vehicle parking standard of Appendix 01 Parking Standards as the proposed bungalow includes onsite parking space for two cars within which it is possible to turn around, avoiding the need to reverse either into or out of the parking court. Cycle storage arrangements are not shown on the layout plans, but secure cycle parking is generally expected to be provided within the site area.

The Local Highway Authority raises no objection providing a condition is attached requiring parking and service area to be retained. I recommend conditions to ensure that the proposal will be satisfactory with regards to highways and parking.

I conclude that the proposal would comply with policy CS15 of the Core Strategy (2014) and with saved policy AM12 of the Local Plan (2006) and is acceptable in terms of highways safety and parking.

#### Drainage

The development is located with Flood Zone 1 and does not reside within a flooding Hotspot or a Critical Drainage Area, subsequently is considered at low risk from fluvial and surface water flooding. However, the proposed development is on vegetated area currently helps in limiting run off from this site thus the proposal will

result in loss of permeable area thereby full range of suds options should be considered

Surface water would be managed via a combination of Sustainable Drainage Systems (SuDS), prior to controlled discharge into the public sewer. The applicant needs to provide an exceedance statement for the surface water flood flow routes and to provide a drainage plan that shows the location of the storage crates and any other flow control devices. Also, the applicant is required to submit the product specification and maintenance plans for the storage crates and any other SuDS proposed.

I recommend a condition for SuDS and drainage to ensure that the development is provided with a satisfactory means of drainage; to reduce discharge into the public drainage system, limit surface water volumes and discharge rates, reduce overall risk from surface water flooding, make sufficient allowances for climate change and minimise the risk of pollution. I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage, subject to the recommended conditions.

#### Nature conservation/Trees/landscaping

Saved Policy UD06 of the Local Plan (2006) requires new development to include planting proposals and resists development that would impinge upon landscape features of amenity value. Existing trees on or adjacent to the site have low amenity values. The Tree and Woodland Officer has no objection provided a condition is attached requiring tree protection in accordance with the detail supplied in the arboricultural report.

The ecology report provides details of the enhancements that could be provided on site to achieve net gain. Although the scope is very limited in this case insufficient landscape detail has been submitted to show how some biodiversity net gain might be achieved in the garden area. This information should be required prior to commencement of development.

All planting on the site should be planted with a native shrub planting mix that is beneficial to wildlife. The landscape planting should be designed to provide a net gain in biodiversity and additional benefits to green infrastructure through appropriate use of plants and structures.

I recommend a landscaping condition/notes to ensure that the trees, shrubs and a wildflower lawn mix planting will be locally native species, as well as larger species to have greater positive impact for visual amenity and biodiversity. The recommended condition also includes requirement for details of a bat box, hedgehog box and 2 bird boxes suitable for small garden nesting birds within the rear garden to achieve potential biodiversity of the site, to enhance and/or strengthen connections for wildlife. I conclude that the proposal would comply with Core Strategy policy CS17 Biodiversity and saved policy UD06 Landscape Design of The City of Leicester Local Plan (2006).

#### Other matters

The concern about the principle of development, character, amenity and highway raised by the councillor and occupier of neighbouring properties have been adequately addressed in the above relevant sections.

The concerns raised about a right of access to the garage adjacent to the site associated with 37 Sanvey Lane are a civil matter. The applicant states that the proposed parking layout with bin storage set away from this circulation space would ensure the access to this garage is maintained and no conflict will therefore occur between the existing garage and proposed dwelling.

### Conclusion

The proposed development is acceptable in principle and would create an acceptable living environment for future occupants whilst also having an adequate impact on the residential amenity of adjacent properties. The design of the proposed scheme is considered acceptable and would have minimal impact on the character and appearance of the conservation area. Biodiversity, landscaping, sustainable drainage and parking measures could be secured by way of condition.

I therefore recommend APPROVAL subject to the following condition

### CONDITIONS

1. START WITHIN THREE YEARS
2. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policies CS03 and CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. 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. The dwelling shall not 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.)
4. Prior to the commencement of development details of foul drainage shall be submitted to and approved by the local planning authority. The development 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).
5. Before the occupation of the dwelling, the parking area as shown on the approved plan shall be provided and shall be retained and kept available for that use thereafter. (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.)

6. 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, B, C and E 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, unacceptably reduce amenity space on site or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan).

7. The dwelling and its 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 dwelling 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 dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)

8. Before the development is begun, all existing trees to be retained on the site shall be protected by fences erected not within the root protection area in accordance with British Standard BS 5837:2012 and in accordance with the detail in the supplied arboricultural report dated 16 December 2019. 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 policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

9. Before the development authorised by this permission is begun, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon and achieve a biodiversity net gain shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, 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 current biodiversity on the site pre-commencement and any areas to be retained, enhanced or created using the Defra Metric and calculated in accordance with Defra guidelines to clearly show a biodiversity net gain. The approved LEMP shall contain details on the aftercare 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 25 years from the date of planting, the applicant or owners of the land shall maintain all planted material to optimise its value for biodiversity In accordance with policy NPPF (2019), Core Strategy CS 17 Biodiversity, CS3 Urban Design, and UD06 of the City of Leicester Local Plan.)

10. A mitigation scheme to minimise disturbance to reptiles, hedgehogs and other wildlife as recommended in the Ecology report completed by Ramm Sandersons dated April 2020 Paragraph 5.4.8 (page 21/40) should be implemented prior to commencement of works. This includes removal of all rubble and brash piles by hand and careful strimming back of vegetation. If evidence of any protected species is found during this process all works should cease and any mitigation measures reviewed by the ecology consultant and agreed with the LPA. (To comply with Core Strategy policy CS17.)

11. The development shall not commence until details of the type and location of bat and bird boxes to be incorporated within the elevations of the proposed building along with the location of a hedgehog box and measures to facilitate access by hedgehogs to neighbouring gardens have been submitted to and agreed in writing with the City Council as local planning authority. The development shall be carried out in accordance with the details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).

12. Before the development is begun a detailed design plan of lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted and approved in writing by the local planning authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained thereafter. No additional lighting should be installed without prior agreement from the Local Planning Authority (In the interests of protecting wildlife habitats and in accordance with saved policy BE22 and Core Strategy policy CS17)

13. This consent shall relate solely to the revised plans ref. no. 19-76.2 -Rev E, and 19-76.3-Rev E received by the City Council as local planning authority on 20/05/2020, unless otherwise submitted to and approved by the City Council as local planning authority. (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 2019 is considered to be a positive outcome of these discussions.

2. Condition above 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.

3. To meet condition above, 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. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

4. Development on the site should avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

### **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\_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\_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\_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.