



Leicester  
City Council

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

**DATE: WEDNESDAY, 24 AUGUST 2022**

**TIME: 5:30 pm**

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

**Members of the Committee**

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Broadwell, Chamund, Joshi, Dr Moore, Pandya, Thalukdar, Valand  
and Westley

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.

For Monitoring Officer

**Officer contact:**

**Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 /**

**e-mail: aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk**

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

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If you have any queries about any of the above or the business to be discussed, please contact: **Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 or , Democratic Support Officers.** Alternatively, email [aqil.sarang@leicester.gov.uk](mailto:aqil.sarang@leicester.gov.uk) / [jacob.mann@leicester.gov.uk](mailto:jacob.mann@leicester.gov.uk), or call in at City Hall.

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## **PUBLIC SESSION**

### **AGENDA**

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- 1. APOLOGIES FOR ABSENCE**
- 2. 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 3 August 2022 are a correct record.

- 3. 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.

**4. 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) **20200789 LANESBOROUGH ROAD - LAND AT REAR OF NOS 3-53** [Appendix A1](#)
- (ii) **20202119 HINCKLEY ROAD, WESTERN PARK OPEN AIR SCHOOL** [Appendix A2](#)
- (iii) **20202126 HINCKLEY ROAD, WESTERN PARK OPEN AIR SCHOOL** [Appendix A3](#)
- (iv) **20220701 5 PENDENE ROAD** [Appendix A4](#)

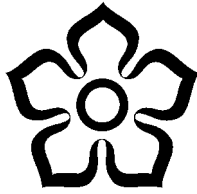
**5. ANY URGENT BUSINESS**

**6. CLOSE OF MEETING**

**MEMBERS' BRIEFING SESSION**

**After the meeting has closed, there will be an informal briefing session for Members, which will include the following:**

- Appeal decisions – for information



Leicester  
City Council

**Wards:**  
**See individual reports.**

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Planning & Development Control Committee

Date: 24 August 2022

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## REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

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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 2017 are screened to determine whether an environmental impact assessment is required.

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

#### **4 Equalities and personal circumstances**

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

#### **5 Crime and disorder**

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

#### **6 Finance**

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

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

## **7 Planning Obligations**

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

## **8 Legal**

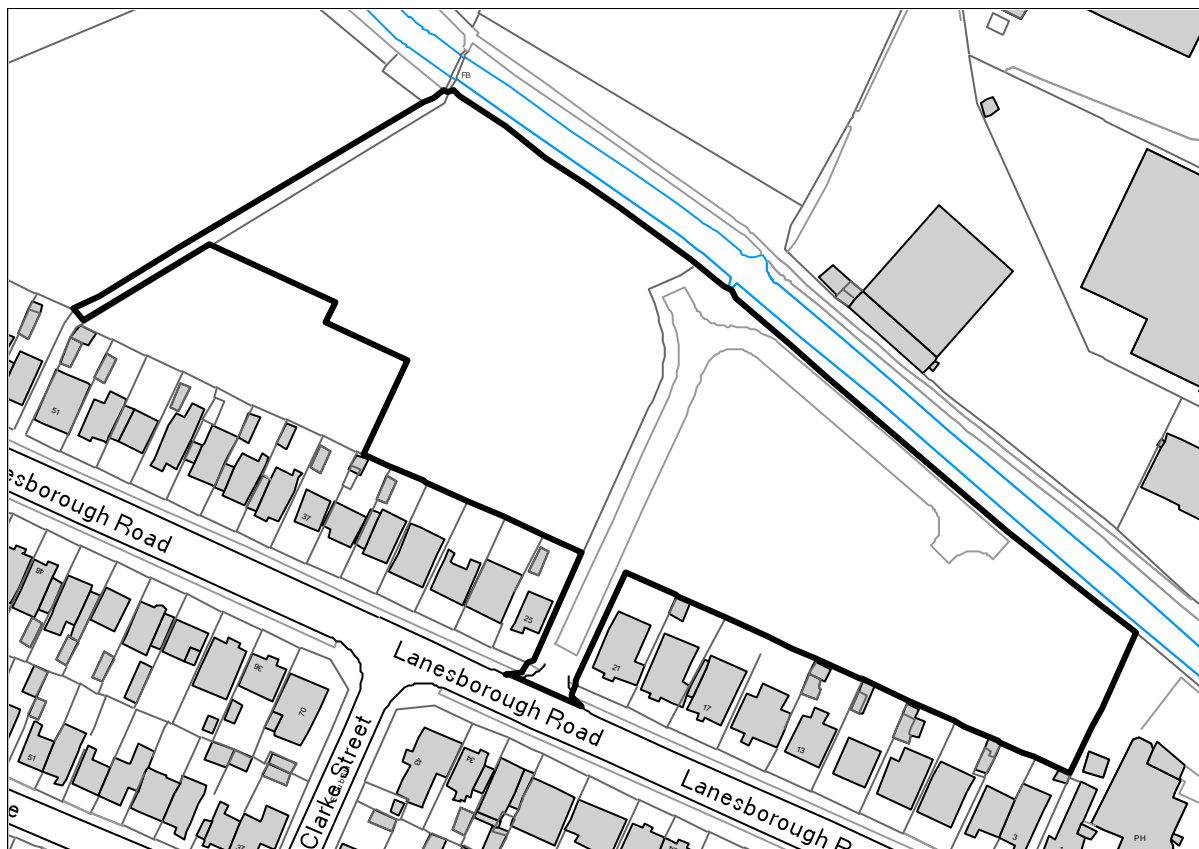
- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City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





## COMMITTEE REPORT

<b>20200789</b>	<b>Lanesborough Road, Land at rear of Nos 3 - 53</b>	
Proposal:	Construction of 37 dwellings (12 x 1-bed; 9 x 2-bed; 12 x 3-bed; 4 x 4-bed); associated roads, drainage and landscaping (Class C3). (Amended plans).	
Applicant:	Leicester City Council	
App type:	City Council Regulation 3	
Status:	Smallscale Major Development	
Expiry Date:	31 August 2022	
LL	TEAM: PM	WARD: Rushey Mead



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### Summary

- This application is brought to Committee due to the number of objections received

- 190 objections have been received from 91-94 households (some objections do not include a full address) (all except one within the City) relating mainly to the principle of development, highway issues, flooding, amenity, public safety and ecology.
- The main issues are the principle of development, ecology, flood risk, living standards for occupants, impact on neighbours and highway safety.
- The application is recommended for APPROVAL subject to conditions.

## **The Site**

The site is a former allotment site accessed from between Nos 21 and 25 Lanesborough Road. It runs roughly north-west to south-east for about 225m between the rear of properties on Lanesborough Road and the Melton Brook. The site is wedge-shaped, with the east end being about 36m deep and the west end about 86m deep.

The allotments were closed some years ago and the site is now overgrown with largely self-set small trees and shrubs and so on. The entrance road from Lanesborough Road remains, and is usable, and leads to a perpendicular internal site road about 100m along the Brook. At this point the site is 98m deep including the access road, 68m excluding the access road.

There is no obvious trace of previous buildings on historic maps at the site.

The Melton Brook runs in a ditch along the north-east boundary of the site, and to the east runs behind the Owl and Pussycat pub which is on the corner of Lanesborough Road and Melton Road. The Brook to the north-west runs through a wooded area and then into the River Soar. To the north of the Brook is an industrial area.

The Melton Brook runs within a ditch that is banked. The top of the bank is roughly but not exactly along the site boundary, and there is a requirement from the Environment Agency that a buffer of 8m is kept clear from the top of the bank into the site. (This relates to maintenance access, not flood risk).

To the west of the site is a public footpath leading between Nos 51 and 53 Lanesborough Road, across the site, and then leading to a footbridge over the Brook and a path alongside the Brook on the north bank. This footpath is within the application site.

Nos 3 – 21 Lanesborough Road are detached bungalows dating from around the 1960s, variously altered and extended. Nos 25 – 53 are detached houses from the same period, again variously altered and extended. All have on-plot parking accessed from Lanesborough Road, with grass verges to the footway between the dropped kerbs. Lanesborough Road has a wide carriageway, about 9m, so cars are not usually parked on the verges.

To the west of the site is a green partly wooded area, with footpaths, leading across to the River Soar about 300m away. This is interrupted about 150m from the site by the Bath Lane Showman's Guild caravan site.

## **Background**

The site subject of this application forms part of a larger allocated site. Some plans submitted with this application show housing on the western part of this larger site, which is referred to as Phase 2, but Phase 2 is not part of this application and cannot be considered at this stage.

The site has been allocated for development for a long time, and some occasional applications have been submitted as listed below. There is no recent planning history although pre-application discussions were under way before this application was submitted.

## **Planning History**

**20060069** Outline application for residential development outline withdrawn 12/6/07. There was a holding objection from the Environment Agency (EA) as no flood risk assessment (FRA) had been carried out.

**20021358** Outline application for residential development, effectively a renewal of 19980855. Withdrawn 17/1/05. There was a holding objection from the EA but no FRA.

In respect of the applications in 2002 and 2006 which were withdrawn the flood risk situation was not established as the FRAs were not carried out.

**19980855** Outline permission for residential development granted 13 September 1999. Included a condition stating that Finished Floor Levels (FFLs) must be a minimum of 600mm higher than 51.85AOD. (On the 27/1/2000 the EA said that the flood level is 50.85m AOD (not 51.85m) so finished floor levels (FFLs) should be 51.45m.)

The committee report for application 19980855 stated that there was an initial objection from the EA however they then prepared new indicative flood risk maps, and much of the earlier information was updated. The EA had no objection after that, subject to conditions relating to a buffer along the watercourse and FFLs.

**19901002** Application for 20 flats for the elderly. Permission was granted in August 1990 subject to approximately the same FFL condition as on 19861046. (At this time the landfill gas issue was identified. This would require significant remedial measures, but the source could not be identified and the results from the survey were inconclusive which hampered proposals for remedial work so the scheme was abandoned.)

**19861046** Application for 28 warden assisted flats and 14 cottage flats, permission granted in 1986. This was to form Phase 1 of the scheme permitted below. Preliminary earthworks to raise ground levels were carried out and the access road was installed but no further work took place. There was a condition requiring that FFLs are no less than 150mm higher if solid and 450mm if suspended than the flood level of 51.93m AOD. It is understood that the access road was built on the site of No 23 Lanesborough Road in 1987.

**19851773** Renewal of 19820778 granted December 1985. A condition required that ground levels were to be made up to 51.51m at the western end of the site and 51.93m at the eastern end, and that FFLs are no less than 150mm higher if solid and 450mm if suspended than this level.

**19820778** Outline application was approved in November 1982 and expired in 1985. There was a FFL condition which is in feet and inches.

**19810175** – withdrawn.

**19801380** – withdrawn.

## **The Proposal**

The proposal brought before Members is to construct 37 dwellings, being 12 x 1-bed; 9 x 2-bed; 12 x 3-bed and 4 x 4-bed. Of these, 12 would be one-bedroom flats and two would be two-bedroom flats. The remainder would be houses except for one bungalow.

The entrance into the site would be at the existing site entrance between 21 and 25 Lanesborough Road. This would extend along the existing route for roughly 60m into the site, and then would T off to each side forming a main site road. This main site road would be parallel to Lanesborough Road.

Of the dwellings, fifteen would back onto Nos 3 – 35 Lanesborough Road; two would be side-ways on to Nos 21 and 25 Lanesborough Road at the head of the access road. The flats would be in three small two-storey blocks on the north side of the site road, and the other six houses would be towards the north-west of the site.

One dwelling, a wheel-chair accessible bungalow, would be detached; the remainder of the houses would be semi-detached. Ten of the houses would be in a corner-turner style.

As the site narrows to the east the proposal is to have a narrow block of flats alongside and a deeper block slightly to the west. Directly facing the access road would be an area of open space with several retained trees and a drainage attenuation feature. The third block of flats, and six houses, would be to the north of the site road and the west of this open space, forming a small square.

Beyond these units, at the west of the site alongside the existing public right of way, would be a second area of green space with a further drainage attenuation feature.

The far eastern section of the road, accommodating the turning head, would be a shared surface area.

There would be four private vehicular accesses, two to small parking courts for the flats, one serving four flats and two houses, and the other being a shared drive serving three of the houses.

Each of the dwellings would have one private car parking space, either on-plot or in a small parking court, and there would be parking laybys along the road to accommodate additional car parking.

The proposal as initially submitted had an almost identical road layout however there were no flats and the houses were arranged in a pattern without consideration given to the overall appearance of or relationship to the public realm. The houses facing onto the access road were closer to the existing housing, and the layout was more formalised. Almost all car parking was proposed on-plot, and there was very little consideration of on-street car parking. Following discussion with colleagues, and after detailed and extensive advice from the Urban Designer and the Senior Planner,

this was amended and following further minor amendments the scheme before you now was arrived at.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2021

Section 2 – achieving sustainable development.

Paragraph 11 – the presumption in favour of sustainable development, which includes the “tilted balance” setting out that where there is no 5-year housing land supply local plan policies should be considered out of date, and applications for housing approved, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 39 – 42 the importance of pre-application engagement

Section 5 – Delivering a sufficient supply of homes

Paragraph 60 – “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

Paragraph 69 – “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”

Section 9 – Promoting sustainable transport

Paragraphs 124 – 125 – Achieving appropriate densities

Section 12 – Achieving well designed places, paragraphs:

130 (f) – create places that are safe, inclusive and accessible and which promote health and well-being

132 – Design quality considered throughout the evolution and assessment of individual proposals.

134 – 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

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

Paragraph 179 – Biodiversity

Paragraph 185 – Contamination

Section 16 – Conserving and enhancing the historic environment

### Development Plan policies

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

The key policies are AM01, AM02, AM12, GE03, GE06, H01, H03, PS10, PS11, UD06, CS02, CS03, CS13 and CS17.

### Supplementary Planning Documents (SPD)

Residential Amenity SPD, 2008

Green Space SPD, 2011/2013

### Other legal or policy context

#### *Leicester Climate Emergency Strategy 2020*

This seeks to achieve as close to an in-use carbon-neutral standard as possible for development on land released by the council, based on the energy hierarchy, and also to achieve a reduced carbon footprint from construction materials.

Sustainable drainage, use of solar power and the use of low carbon heating such as heat pumps are encouraged.

#### *Leicester City Council Sustainable Drainage Guide (2015)*

#### *Leicester Street Design Guide (June 2020).*

This document sets out standards for parking and accesses.

#### *Corporate Guidance – Achieving Well Designed Homes (October 2019)*

This document, which is not adopted, sets out in more detail the matters to be considered when interpreting the city council's policies relating to the quality of proposed residential accommodation.

#### *National Design Guide (October 2019) (the NDG)*

This document forms part of the National Planning Practice Guidance. The following sections are of particular relevance:

*“...good design involves careful attention to other important components of places. These include:...the context for places and buildings...” (para 20).*

Paragraphs 120-123 stress the importance of homes that provide good quality internal and external environments, that are adequate in size, fit for purpose and adaptable.

The “Homes & buildings” section of the Guide is explicit about the need for a good standard and quality of internal space, taking into account “...room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.” (para 126).

The NDG seeks good design and supports modern methods of construction.

#### *Nationally Described Space Standard*

Leicester City Council does not have a policy requirement relating to space standards in homes so cannot use the NDSS formally to assess applications.

## **Consultations**

### Local Highway Authority (LHA)

No objection subject to conditions. (Comments incorporated into consideration below).

### Lead Local Flood Authority (LLFA)

No objection subject to conditions to secure a construction method statement for flood risk mitigation measures during construction and a written response to the swale gradient clarification. (Further comments incorporated into consideration below).

### Better Buildings (Sustainability)

Pleased to see that a number of measures are proposed to make this development highly energy efficient and minimise carbon emissions, with the potential for an 84.5% reduction on the building regulations baseline.

### Pollution Control – Land

Request contaminated land condition and landfill gas condition.

### Pollution Control – Noise

Further information requested. Survey does not include measurements made during rush hour.

The acoustic reports suggests that trickle vents will provide satisfactory ventilation should environmental noise levels require that windows are closed to achieve satisfactory internal levels. Four air changes per hour is required in all habitable rooms for thermal comfort. It is suspected that trickle vents will not achieve this. Should the final acoustic survey results demonstrate that occupiers must have the option of closing windows to exclude noise, details of ventilation arrangements that achieve four air changes per hour in habitable rooms would be required.

The Owl and the Pussycat is licensed to open, with live music, until 0200 on a Friday and Saturday. No complaints have been received about the pub despite houses being located closer to the pub than the proposed development. The current operation of the pub is unlikely to be detrimental to occupiers of the proposed Development.

### Air Quality Officer

An Air Quality assessment was carried out for this development. The report identified a set of measures that need to be implemented during a Construction Phase to control dust pollution. A table of those mitigating measures can be found in Appendix 1 of the document and it is recommended that the developer implement those.

The report has not identified any mitigating measures that need to be implemented for the Operational Phase, but it is recommended that a Travel Plan in form of

Travel Pack be implemented for each unit. Also the developer should consider implementing electric charging points in this development.

### Environment Agency (EA)

The EA is satisfied that any flood risk concerns in regard to the development have been fully considered and therefore have no objection to planning permission being granted. The EA recommends planning conditions to ensure that the proposals meet the requirements of the National Planning Policy Framework in relation to flood risk.

It is acknowledged that development (omitting the site access) has been configured to avoid areas of Flood Zone 2 within the red line boundary with finished levels set with freeboard above the 1 in 1000-year modelled event. Although the main access to the site has been assessed as being outside of both the design and sensitivity flood events the access is shown to be inundated by flooding within the 1 in 1000yr event. Typically, within this event depths are below 300mm however the residual risk of flooding remains. It is recommended that a flood management plan is prepared and that the site is registered for flood alerts and warnings for the Upper Soar catchment to ensure the safety of residents within the occurrence of more extreme events.

No objection subject to conditions relating to finished floor level and further information to show how contamination would be assessed and mitigated, and some notes to applicant.

### Trees and Woodlands

No objection. Arboricultural Impact Assessment and tree constraints/protection for retained trees should be made a condition.

### Parks and Open Spaces

Although the site would provide public open space, a contribution is sought towards other kinds of open space.

### Education and Children's Services

No contribution sought as there are available school places.

### **Representations**

One hundred and ninety objections have been received in total (as at 28/7/22). Several local households have sent more than one objection. The objections are from 91 city households, although three objections have been received without a street number so there could be up to 94 different households represented.

Of these objections about 53 were addressed in response to the Regulation 18 Local Plan site allocations consultation of 2021 however as the letters (mostly identical) relate directly to this application they are reported here. It is noted that



there were no public comments submitted in response to the Emerging Option, Sites, and Development Policies consultation in 2017 which included this site.

Comments have been received from a further five city addresses, and one objection from an address outside the city.

References in this section to “Arcadis” apparently refer to comments made by the planning agent. It is understood that some of these comments were made at a public meeting in the summer of 2020 attended by representatives of the applicant.

### First consultation – July 2020, and Local Plan consultation of October 2020

The comments relate to:

#### *Consultation*

- Initial consultation period was during the 2020 lockdown, the contact centre was not available for people to view the application
- This looks to be deliberately done to evade the local residents
- Unacceptable for the notice to be put up during covid pandemic, very [insensitive] of whoever made this decision
- People cannot get together to discuss the situation
- Short notice for comments
- Lack of consultation – certain properties not received direct notification
- Many elderly residents do not have internet
- Area was not informed of this
- Development is unjust

#### *Principle of new housing*

- Why plan new houses when there are empty flats and some being demolished in city centre
- Other brownfield sites that could be used
- This site is classed as non-strategic in the Local Plan, why would the council proceed with the destruction of what is now a wildlife habitat in a time when we need to preserve our natural space
- Why would the council consider spending our money on land which no private developer would consider building houses on
- With working from home office buildings and shops in the centre will be vacant so logical to renovate those properties
- There is plenty of industrial land that could be converted
- Many of the existing residents are pensioners
- Decrease in property value
- Area would become urbanised
- Overdevelopment of site should be a lower number

- Already over-populated area
- Unacceptable high density
- Inappropriate scale of development, overdevelopment
- Mostly bungalows backing on to development site
- Previous archaeological and geological surveys deemed the land not suitable to be built upon
- Land was unsuitable for development thirty years ago why is it suitable now
- Planning was previously denied to a private developer, it is [unacceptable] for the council to apply for the same [development] double standards is unacceptable
- Building of 17 one-bed houses would be a waste of space
- Funding should be used to develop existing council properties
- Area does not need more social housing
- Residents are mainly retired and many have lived here since the houses were built
- Retired residents who have contributed to the betterment of the city do not deserve to be subjected to an indescribable amount of disruption and noise
- Covid 19 is worse in places with a high concentration of people, adding more to an already populated area seems silly
- How can we practice social distancing if there is more development and increased crowds
- Lack of leisure spaces in this area considering the high population
- Smaller applications have been refused for little or no ground, this represents hypocrisy by the council
- Proposed 61 units over the two phases would be an overdevelopment of the land due to the limited single access road

#### *Design*

- Design of houses not in keeping with design of existing buildings
- Dwellings would be constructed using Structural Insulated Panels, they might not be intended to be of a design in keeping with the area
- Development is overbearing, out of scale or out of character in terms of appearance

#### *Neighbour amenity*

- Overlooking/lack of privacy, [particularly from residents who back on to the development site]
- [Proposed] house No 1 would overlook my rear and garden
- Houses behind 21 and 25 Lanesborough Road would block sunlight to these properties

- Report mentions raising site level, this might impinge on privacy of residents
- Part of the site is raised, this might affect privacy
- Beneficial effect of having green space behind houses, especially during Lockdown
- Overshadowing/loss of light to existing dwellings
- Increased noise for residents of the houses alongside the entrance road
- Existing bungalows are owned by elderly retired residents who are unlikely to adjust to this huge change
- No lighting assessment has been provided for the existing houses
- Noise pollution and nuisance for residents during construction
- Impact of noise on mental wellbeing
- Adding further to noise and visual pollution for residents
- Noise survey was for one day only and is not representative
- Lights from cars will shine into my windows as cars turn the corner into the site and additional noise from vehicles turning into the access road
- Increase in crowds
- People will walk past our house to get to the pub
- People bought houses on this side of Lanesborough Road so that they can enjoy a quiet life

#### *Highways and vehicle parking*

- Lanesborough road already used as a short cut / used for school drop off/pick up / used by learner drivers
- Traffic and noise going into/out of the development
- We live on corner of the access road, concern about increase in noise
- Traffic noise driving past our bedroom windows
- Object to pedestrian crossing in front of our window (No 19) will obstruct driveway access
- Increase in pedestrians will cause noise
- Increase in traffic, impact on residents on foot/cycle including elderly vulnerable residents and children playing
- Increase in traffic accidents
- Danger to children going to school
- No consideration given to additional traffic and overspill parking on other roads
- Traffic impact during development – highway safety
- More cars, more pollution
- Pointless to measure noise and pollution during lockdown

- Proposal could go against Leicester's Local Transport Plan as proposal would increase emissions and reduce safety
- Transport Statement assumes a lower impact of traffic than the reality would suggest
- Suggest traffic lights at site entrance
- Suggest another entrance into the site
- Current access road too narrow to permit the proposed traffic
- People might park on both sides of the access road, narrowing it further
- There would be no access if there was an accident on the site
- Level of traffic at roundabout junction already a problem
- Increase in risk of accidents at Berridge Road/Claremont St which is a blind double bend
- Bath Street, one of the access points, is narrow
- Traffic problem with school traffic, people park at the junctions
- Where will the cars park
- I cannot park outside my house a lot of the time
- Most houses are narrow
- Residents of the proposed site might park in front of the houses on Lanesborough Road
- One-bed houses would not require parking
- Common knowledge that all singletons have cars or multiple cars
- Each household will have 2-3 cars
- Cyclists will go on the pavement
- With new entrance, seems no need to maintain the public footpath between 21 and 25 Lanesborough Road which has been a venue for antisocial behaviour and illicit activities
- My daughters use the footpath often as a link to Watermead Park

#### *Flood risk and drainage*

- Similar planning applications rejected, what has changed
- Flood plain is too close
- Green land provides flood plain protection, helps mitigate flooding in the area
- If development proceeds council will be liable for damage to our house
- Flood risk being downplayed – global warming
- More concrete buildings will mean more flooding

- If the site floods there would be nowhere for the water to go other into the streets gardens and potentially properties, existing houses will be at more risk of being flooded
- Area has been listed as high risk for flood insurance, [some residents report unable to obtain flood insurance on their properties]
- Why construct dwellings in high flood risk areas, there are many old empty factories and houses where dwellings can be constructed
- In 1961 flooding occurred to the area due to marshland at the back
- Flood affected my garden and pumps had to be used to clear voids
- Took a walk by the brook on 24/12/2020 and it is full. The same time last year the brook had burst its banks and the footpath was flooded, this happens on an annual basis and with climate change will get [worse]
- Will the SuDS feature be enough to prevent flood waters for the entire development and prevent surface waters [from flooding] Lanesborough Road
- Unclear whether Arcadis or the council have consulted with the Environment Agency

#### *Natural environment, trees and landscape*

- Green space is habitat for several species including badgers, foxes, newts, water voles, owls, muntjac deer
- Loss of trees – impact on wildlife – loss of birds
- Arcadis have stated that all except four trees are of low value – for the residents they are of high value
- Variety of trees including apples and cherries
- Loss of trees and impact on views/character of area, impact on air quality
- Greenfield site connects to Watermead Country Parks
- Proposal will block path to Watermead Country Park
- We have regarded the rear of Lanesborough Road to be an extension of Watermead Park
- Loss of greenery that is accessible to local people
- Hardly any spaces left like this in Leicester
- Leicester claims to be a green [city] but it is destroying it's green spaces
- Disturbing the wildlife would lead to the animals migrating towards or into the houses
- Site is home to field rats and mice which could cause a rodent pest problem to residents of Lanesborough Road
- No wildlife survey provided
- Reduction in woodland for oxygen

#### *Local services*

- No space in schools
- Demand for services will increase
- Is there capacity in schools, health centre
- How did you arrive at school numbers

#### *Public safety*

- Increase in crime and anti social behaviour
- Crime rate already bad and will go up
- We have had low crime in this area this is likely to change with a council development
- Burglaries are increasing
- Will bring vandalism, drug dealers, robbery
- Area has a well-supported Neighbourhood Watch scheme
- Would be deemed more appropriate for the council to give preference to invest in and rectify [existing anti social/illegal substance issues]
- Impact of anti social behaviour and illegal substance issues on school children
- Most residents of the area are elderly disabled and vulnerable and will be afraid to leave the house if crime and traffic increase. The Equality Act 2010 has to protect them [social isolation and mental health]
- Will increase insurance prices on homes and cars
- Road is currently peaceful and quiet
- Existing anti-social behaviour by site entrance
- Disturbance from people hanging about
- If people state crime is an issue, build a police station on site

#### *Contamination*

- Health and safety risk to local community
- Potential gas leak
- Concern regarding contamination/landfill gas and impact on existing residents and new housing
- No mention as to risk of methane gas to existing properties

#### *Other comments*

- Effect on listed building and conservation area

#### Second consultation – November 2021

The following additional comments were made following the reconsultation in late 2021.

- There was a plan to build on this site about 30 years ago, 23 Lanesborough Road was eventually demolished and the access road created, why was nothing built and why do those reasons no longer apply
- Council tax is paid with the notion that services will be provided but waiting lists seem to get longer so questions rise who benefits from the development and who are the houses for?
- The land is a flood plain, the risk of flooding will increase, climate change should be taken into account
- When flood water can no longer be absorbed into the ground it will flow down the roadways of the site into Lanesborough Road
- Site flooded in early 1970s despite the presence of the culvert. Track between bridge over Melton Brook and River Soar has flooded many times as Melton Brook regularly overflows its banks
- Flood risks are being downplayed
- Loss of view from houses, could be harmful to mental health
- Possibility of red squirrels inhabiting these woodlands which are protected by law
- Once again the wildlife and safety of our planet has been disregarded and endangered.
- Concern about impact on Badgers
- A few weeks ago there was a huge issue with sewage and toxic waste being dumped in our seas and oceans and now turning green areas of Leicester into a concrete slab
- Construction will cause pollution of debris in an area classified as a country park including the lake in Watermead
- Lights from cars will shine into my windows as cars turn the corner into the site and additional noise from vehicles turning into the access road, would the council build a barrier to replace existing old fence
- Houses marked 1 and 2 should be replaced with a bungalow
- Traffic impact – reduction in car parking spaces at the Owl and Pussycat pub, pub [customers] park on Lanesborough Road, until use of this land is established the Traffic Report cannot be relied on
- Driveways blocked with school traffic
- Similar proposals in other areas that were granted permission appear to significantly impacted the existing local residents.
- Noise, dust and vibration will have negative impact on physical and mental health
- Plans to reduce the space for traffic – introduction of a bus lane will add to congestion, increase vehicle emissions and degrade air quality
- Concerned about additional footfall along the public footpath

- COP26 conference was about climate change & sustainability - what will be the impact on the environment. Is the planned development eco-friendly? Using renewable energy - sustainable?
- It is not acceptable to create plans that state "biodiversity", plant a few trees to get past red tape and call it "environmentally friendly". The bottom line is that this proposed housing development will be consuming and producing pollution all at a time where by we are facing major climate issues.
- Greenery protects residents from industrial eyesore [on the north side of Melton Brook]
- Is it more economical to adapt existing properties instead of build new ones?
- Given the statistics of an aging population part M of the building regulations has to be considered, access & facilities of buildings.

## **Consideration**

### Principle of development

In terms of the development plan currently in force, the site is included as a housing commitment in the 2006 Local Plan and is shown on the accompanying proposals map as such. The 2014 Leicester Core Strategy incorporates all saved Local Plan allocations within its projection of future housing supply. The site was similarly included as a commitment (and shown on accompanying proposals maps) for the 1994 city-wide Local Plan and the 1985 North-East Leicester Local Plan.

The 1956 City of Leicester development plan refers to the land as statutory allotment however it also shows the land as part of a longer term (1961-1972) residential development allocation.

The 1952 City of Leicester development plan refers to the land as permanent allotment.

The council currently has an acknowledged shortage of deliverable sites for housing and it is expected that existing allocated sites should be developed for residential use to help meet this need. Policy is clear that residential development should be maximised where possible both to meet the council's housing requirements and to meet its sustainability agenda.

The site as a whole (including the area shown as phase 2) is allocated in the saved Local Plan with an indicative figure of 80 dwellings. Policy H03 sets out that residential density on sites in this area should be 30 dwellings per hectare. The site currently applied for has an area of about 1.4ha, so using the density requirement in policy would lead to a target of 42 dwellings. The site is very constrained so it would not necessarily be expected that 42 dwellings could be accommodated unless there was a higher number of small flats, but this proposal aims to contribute towards meeting identified housing need including a mix of dwelling sizes. Neighbour objections relating to high density cannot be supported.

Adopted core strategy policy CS07 states that "New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing". The policy goes on to set specific requirements within Leicester, and within the area where the site is located there is



requirement for 20% affordable housing provision. The applicant is proposing all of the units being affordable, this position is supported by policy which highlights the important role played by sites which deliver 100% affordable housing in meeting the council's historic shortage of affordable housing provision.

Some objectors have made comments about converting other buildings to housing, use of brownfield sites and upgrading existing housing. All of these are part of providing good quality housing but the Local Plan process takes all of the methods of providing homes into account and if sites were not required to meet need then they would not be allocated.

Some objectors have referred to the area being overcrowded. This is unlikely to be the case as most of the nearby houses are detached, and there is no visual evidence of overcrowding. If this comment refers to overcrowding of individual properties then the provision of more homes would help to address this.

Some objections have been received relating to local leisure spaces and connections to Watermead Park. There would still be a connection, in fact it would be safer as paths would be overlooked from houses. It is unclear to what extent the site is used for leisure purposes at the moment, as it is overgrown and difficult to move around, however there are open spaces along the river which would be easily accessible for existing and new residents and there would be informal public open spaces within the development itself.

The site has never been a part of Watermead Park.

Although many neighbours have objected to the proposal it is important to be aware that the site has been allocated for residential development for nearly seventy years, and has been re-allocated at each local plan process over the last few decades. Many of the objections to this proposal were received via the current local plan site allocations process but only at the second consultation; no objections were received at the first round of local plan consultation. The "non-strategic" allocation referred to by one of the objectors does not mean that the site is unimportant, it just means that it is not a very large site.

Objectors have commented on the site having been deemed unsuitable for development in the past. This is incorrect. As can be seen above several applications have been received and in some cases permission was granted subject to conditions. In other cases necessary information was never provided and so applications did not proceed. It has not been determined that the site is unsuitable for development; if that was the case the site would not have been repeatedly allocated for development.

Objections have been made about other vacant residential sites in the city but the city's need for housing is unlikely to be met even if all possible sites are developed/retained.

Objections have been made referring to council tax and the length of waiting lists. It is not clear which waiting lists are referred to, but council tax is intended to contribute to the revenue costs of services rather than to the capital cost of building homes and other facilities. Waiting lists for council houses, if that is what is referred to, can primarily be addressed by the provision of additional council housing which is the purpose of this proposal.

Some objectors have mentioned green belt, but this site is not green belt. There is a green wedge policy designation to the north-east, including the River Soar corridor and associated green space, but policy GE06 primarily controls development within Green Wedges not next to them. A site would not normally be allocated as Green Wedge and as a Housing site as the two allocations would conflict, and the site under consideration is allocated for Housing. I do not consider that there is any conflict with Green Wedge policy.

Comments have been made regarding the possible eventual total of 61 dwellings across this and future phases. As already mentioned, Phase 2 is not under consideration as part of this application.

Although the emerging Local Plan at this stage has very little weight, the process has identified the site as suitable for re-allocation. Issues such as ecology and flood risk have been taken into account.

As the site is, and has for a long time been, allocated for residential use, refusal on principle could not be supported. Subject to consideration of matters as set out below, housing development on the site is acceptable in principle.

### Design – Layout

As the site is long and shallow, and runs effectively parallel to Lanesborough Road, the site would be laid out with a long central road running parallel to Lanesborough Road. Most of the houses would back on to the existing housing, and others would be to the north of the central road.

The layout has been amended since initial submission and the distribution of open space has been considered so as to allow the retention of the green view from Lanesborough Road up the entrance road and across the site.

The houses that are shown backing onto Lanesborough Road are of four different designs. There would be “corner-turner” type houses at the T junction into the site, addressing both roads and the corner itself. These would provide a symmetrical, formal, open feel to the main entry into the site and would also ensure natural surveillance of the junction and an efficient use of land.

Eight of the houses would be of a wider design, with one car parking space to the front with space for a planted area to avoid the parking dominating the frontage. These houses would have stepped frontages with a gable facing the street.

Four of the houses would be deeper, with parking to the side. These would also have a planted area of front garden, and would be accessed from the shared surface part of the road. The single bungalow would be at the far east end of the road.

To the north of the road the layout would be less formal. The northern strip of the site forms a triangle and there is not enough space for houses with gardens at the narrower end. Two small blocks of flats have been designed that would sit within the site in a pavilion style, looking out in all directions, with a parking court to the side of each. The open space around these blocks would be left open, with landscaping forming a separation to the street.

At the wider end of the site there would be six corner turner houses arranged in a block, with one quadrant of the block taken up with four flats. There would be a private drive to each side of this block.

The layout has been designed to balance efficiency of land use, provision of space for biodiversity and SuDS, creating a safe place for people to move about, minimising the impact of car parking while providing enough safe places to park cars, allowing a road that can be used by all necessary vehicles without looking like an over-engineered layout, and also providing outside space for residents and visitors.

Access through the site to the public footpath and to Watermead Park would be retained, but would be safer than at present as the footpath would be improved and the route would be overlooked from the houses.

Given the substantial constraints of the site I consider that the layout as now proposed is acceptable.

### Design – Buildings

The houses are designed to be built using modern methods which can be more efficient in terms of construction time, use of materials, and energy use as the houses can be more reliably insulated. The use of Structural Insulated Panels is one such modern method, and there is no objection to this in principle.

The houses are designed in a plain, neat style, with pitched roofs and gables. Windows would be generous and well-balanced on most of the façades, with a slight unevenness to the front elevation of House Type G which the applicant has explained and which I do not consider would warrant refusal.

The bungalow would have a very steeply pitched roof, to the extent that although the ground floor height is only 2.7m to eaves level the overall dwelling height is 7.6m. The reason for this is not entirely clear however as the design is not actively harmful, and the bungalow is in a corner of the site and would not be readily visible from the public realm, I do not consider that this needs to be further addressed.

External materials proposed are brick slips in a pale colour, wood cladding to some elements of the façades, a roof tile system, and triple-glazed uPVC-framed windows. Use of brick slips is increasingly proposed as they can be easier to use with modern methods of construction. It is noted however that the longevity of this material is not yet established and they can be more difficult to detail acceptably. The long-term quality of the material can only be assessed by using it, and this site would be a good opportunity to monitor the use over a long period. As some of the materials proposed are less common, such as the timber cladding, I consider that a sample panel would be required in order that the detailing and junctions of the materials can be assessed prior to the dwellings being built.

The blocks of flats would have flat roofs to allow for the use of solar panels and heating plant.

Objections have been received saying that the design will not be in keeping with the local area. The proposed buildings would be clad variously with brick-effect and timber cladding, mostly with tiled pitched roofs. Although this is not the same as the closest existing dwellings, the new development is large enough to establish it's own

character and I do not consider that a difference in design would be a reason to resist the proposal or to ask for changes. Styles and technologies in house building change over time, and this is accepted. The general character – of low-rise, low-density housing – would be the same as in the surrounding area, and the details are satisfactory. It is worth noting that even in the immediate area the housing styles vary, with housing on Wavertree Drive being of a different style to that on Lanesborough Road.

I consider that the design of the houses is acceptable.

### Living conditions

Policy PS10 sets out the criteria to be considered in respect of residential amenity, and the requirements of Policy CS06 are also relevant. It is necessary to consider the National Design Guide.

#### *Privacy*

All of the houses would have windows to the street and to the private gardens, providing the usual balance between a relationship with the street and privacy for occupiers. Where a ground floor front window would be only one or two metres from the street, which is the case on some of the corner-turners, these windows would be to non-habitable spaces such as hall, stairs and WC.

Some of the ground floor flats would have living room windows close to the street but this is a common relationship, the living rooms would typically have a second window to the open space at the side, and the more sensitive bedroom windows would be away from the footway.

Separation distances to existing houses would be a minimum of 21 metres. There would be some separation distances below this between the new houses themselves, for example between units 28 and 31, but this is not being imposed on existing residents and the minimum distance between facing habitable room windows would be 19m.

House type D would have a secondary side facing bedroom window on the front section, and in some cases these would face other windows at about 15m (for example between units 8 and 9). As these windows would give residents a view over their own car parking space, which can be beneficial in terms of natural surveillance, and no overlooking would be imposed on existing residents, I do not consider that these need to be obscure glazed.

I consider this acceptable.

#### *Daylight and sunlight*

All of the dwellings would have adequate daylight provision. The design of the dwellings includes secondary windows to several of the deeper rooms, and the spaces between dwellings are such as to avoid light being unduly blocked by other buildings.

Most of the dwellings would have a living room window facing south-west, to provide direct sunlight. Some would face north-east/south-west, which also allows for sunlight to get to the windows.

Four of the flats, on the north side of Block B, would have living rooms facing either north-east or south-west, and would also have bay windows to maximise light into the dwelling. Two of these four flats would have generous roof terraces (as the first floor of this block is smaller than the ground floor).

The single bungalow on the site, having a very deep plan, would have secondary side windows to the kitchen and living room, and a sunpipe to the hall.

I consider this acceptable.

#### *Accessibility*

Policy CS6 requires that all dwellings are built to meet the Lifetime Homes standard. That standard is no longer in force, and the Building Regulations Part M is used instead.

The development would include one wheelchair-accessible bungalow built to standard M4(3), and the other dwellings would be constructed to M4(2) (Accessible and adaptable) standard. The upper floor flats would not have lift access but this is allowed for in the standard provided that a suitable stair is provided. The plans show that the requirements of the standard have been incorporated into the design as far as would be shown on a plan at this stage – for instance, sanitary provision and doorways, and space to move around the rooms. I recommend a condition to require that all aspects of the standards are incorporated into the development.

#### *Amenity space*

All of the houses would have a private garden. These would mostly be over 100 sq m, which is the usual requirement for a family home, however some of the corner-turner houses would have gardens of 50 sq m. The Residential Amenity SPD sets out that all semi-detached houses would be expected to have 100 sq m of private garden but the breakdown of house types in the Guide is not fully representative and it is increasingly recognised that good quality accommodation can be provided with smaller private gardens. When recommending that levels of amenity space below that expected in the SPD are accepted it is important to explain why the quality of the space is such that a lower quantity can be accepted.

In this case, the smaller gardens would all have a patio for sitting out and space for bins and cycles. All of the houses would have a sideway and gate for easy access to the rear garden. The layout has been arranged so that all of the rear gardens would benefit from direct sunlight at some point during the day all year round. The spaces between the pairs of semi-detached houses are such that direct sunlight would pass through to the rear gardens, even those gardens that would be described as facing north. In addition, all of the houses would be close to the shared open spaces.

The flats would not have private gardens. Four of the flats would have shared gardens at the rear, and the two two-bedroom flats would each have a generous private terrace. One-bedroom flats should have either private or shared amenity space, however the outside space available to occupiers of these flats would effectively form part of the wider open space within the site. In a different environment such as the city centre this lack of private outside space might not be acceptable, but not all occupants of flats want to have private outside space requiring personal maintenance; the flats would all have very close access to open space; residents would be able to open windows and look out at greenery and have

fresh air; the flats would be well spaced. I consider in this case that the lack of private amenity space is acceptable.

On balance, taking into account the high quality design and the attention paid to detail, and the importance of providing affordable housing, I consider that the provision of amenity space would be acceptable.

### *Noise*

There is a pub at the far east end of the site and some industrial development on the north side of the Brook. A noise report was submitted with the application and reviewed by Pollution Control, who noted that the noise survey did not include results taken during rush hour and asked that further survey work take place after lockdown (the survey was carried out in on the 13 March 2020, just before lockdown was implemented).

This additional survey was requested in order to establish what level of mitigation would be required, and to determine whether mechanical ventilation would be required to enable windows to be kept closed to mitigate noise.

It is understood that the pub at the end of Lanesborough Road can be open until 0200 Fridays and Saturdays. There was no record of complaints before lockdown since about 2015, although one complaint about music was made to the Noise Team in July this year, and none of the neighbours has commented on noise from the pub as an issue despite comments being received from all of the households at the eastern section of Lanesborough Road. It is not possible to impose retrospective controls on the pub, and Agent of Change requirements are such that impact of noise from the pub, based on what they could lawfully do, would have to be allowed for by the applicant/developer.

The dwellings are proposed to have mechanical ventilation, which provided that it allows for four air changes per hour would enable windows to be kept closed if there is local noise. I recommend a condition to secure this.

Some objectors have commented that the noise survey is not representative, but as the mechanical ventilation would provide adequate mitigation for likely local noise levels I do not consider that further noise survey work is required.

### Residential amenity (existing residents)

Policy PS10 also applies when considering impact on the amenity of existing residents.

### *Separation/overlooking*

The site is to the north of a row of existing houses on Lanesborough Road. The existing houses have rear gardens with a boundary to the site; this boundary stretches along 16 rear gardens. Many of the existing houses and bungalows have been extended, and the applicant has surveyed the properties and shown the extensions. The separation distances between rear windows in the new houses and those in the existing houses would vary, but would be a minimum of 21m. This is in accordance with guidance in the Residential Amenity SPD and with usual practice which seeks a separation distance of 21m where windows to habitable rooms face each other.

There are some instances where the separation distance between facing walls would be less than 21m but in those cases the wall in the new development would have no habitable room windows so the distance can be less.

It should be acknowledged that windows to these blank walls could be created later as Permitted Development, but in that case the General Permitted Development Order requires that any upper-floor windows to side walls are obscure glazed and non-opening to a height of 1.7m above floor level. This would ensure protection of neighbour amenity.

The occupiers of No 21 Lanesborough Road have commented that the new house immediately behind their property would be too close. The separation distance would be more than 17m, and the side wall of the proposed new house, which would face No 21, would have only a bathroom window upstairs. The usual minimum separation distance between a blank wall and a habitable room window in a different property is 13-15m, and this distance can be acceptable when one of the walls does not have windows that could lead to overlooking. I recommend a condition to secure those side windows as obscure glazed and non-opening apart from a top light. In addition, as the new houses would be to the north, there would be no concern regarding shading. I consider this relationship acceptable and within the normal parameters.

An objection has been received relating to overlooking from the public footpath into a neighbouring property. The case officer visited the site to check and could not see where this might occur. Boundary fences appear to be mainly 1.8m. Boundary treatments are included in a condition.

Objections have been received relating to an area of raised ground on the site, and expressing concern that this might result in overlooking. The levels on the site will be re-ordered as shown on the layout plan. The levels differences proposed have been taken into account.

#### *Daylight and sunlight*

Some objectors have commented that the new houses would block light to the existing houses but none of them has provided any technical analysis.

The new houses would be roughly north-east of the existing houses. Considering the proposed new houses immediately behind No 21 as an example, the new house directly behind, unit 1, would be at 20 degrees bearing (due north is zero degrees). In midsummer at Leicester's latitude the sun rises at about 50 degrees solar azimuth. This means that from the point of view of a person standing at the rear of No 21 the sun would rise behind Unit 3 on the proposed layout. Unit 3 would be 37m away and 7.8m tall, the next houses along (units 4-6) would be the same height, which means that the sun would rise above the ridge of these houses at about 5.30am GMT. (This assumes that the land is level which is not quite the case, but the difference would not be material.) The existing trees are likely to cause shading, so it is possible that some of the existing bungalows are more shaded as things are than they would be if the trees were removed and the houses constructed.

At equinox the sun would of course be seen to rise directly to the east, and it would rise above the (uninterrupted) horizon at about 6am. Using the rear of No 21 as an example again, the new houses directly east would be about 50m away, and with

the lower solar elevation the sun would be seen above the new houses at about 7am.

In midwinter the sun rises at about 130 degrees azimuth. Somebody to the rear of No 21 would see the sun rising over the tops of the existing houses and the proposed new buildings would have no effect.

In the evenings, there would be almost no impact in terms of direct shading from the new houses.

In terms of daylight the proposed houses are unlikely to have a significant impact, as the separation distances are sufficient to allow plenty of light to get to the windows at the back of the existing houses.

### *Noise*

Neighbours at No 21 have objected on the grounds of noise, during construction and after occupation.

Some noise during construction is inevitable, but a construction method statement would have to be agreed prior to commencement and the developer would be expected to take appropriate precautions.

There is no reason to suppose that noise following occupation would be unusual for a suburban area. The proposed dwellings would be well spaced out, with plenty of space for people to sit out or play out and space for people safely to move around. There is no reason why new residents should congregate in any particular place on the footways, and if they do it is probably more likely to take place within the development where neighbours might encounter each other informally rather than at the site entrance. It should also be borne in mind that people talking to each other on the street is both normal and contributes to community cohesion.

Development cannot be refused because there might be some noise, it can only be refused on the grounds of noise if that noise would be unacceptable in planning terms. The development of housing alongside existing housing is, in terms of noise, acceptable in planning terms.

### *Impact of traffic*

Some neighbours at No 21 have commented that the traffic entering and leaving the site would cause them disturbance, and they have commented also on vehicle headlights affecting them. They have requested a boundary treatment to be installed as part of the development. This dwelling has been recently extended and the plans approved in 2016 show a 2m brick wall along the boundary to the application site driveway; this wall had not been built as at 29/7/22. Of course the neighbour is under no obligation to build the wall, but it does indicate that they considered it necessary before this development was proposed.

I consider that replacement boundary treatments would be needed along each side of the access road. It is possible that the applicant would have to agree this with the neighbouring landowners so I recommend a condition requiring that details are submitted and approved, and the boundary treatments in place, prior to occupation of the development.

It would not be appropriate for a 2m wall to extend right round the front garden at the neighbour's property, as this would have a harmful effect on the streetscene. Car headlights are normally angled downwards rather than parallel to the road and car



headlights are rarely more than 1m above the ground level. This means that a 1m wall at the front garden should be sufficient to block direct light from car headlights. There is already a wall of about that height outside the dwelling in question, on the corner of the access road.

#### *Crime and anti-social behaviour*

Several objectors have objected on the grounds of crime and anti-social behaviour generally and some have either implied or said directly that the occupation of the site by council tenants is likely to lead to an increase in crime and anti-social behaviour. There is no reason to suppose that the addition of the proposed dwellings would have any significantly harmful effect on neighbours in terms of crime or anti-social behaviour (ASB). Residential development including decent affordable housing is wholly appropriate in planning terms in or adjacent to residential areas subject to meeting appropriate design considerations to reduce crime and anti-social behaviour, while still providing appropriate levels of open space.

The increase in activity and the increase in natural surveillance of the green space and the footpaths could improve the situation including at the site entrance as the area would be in regular use and more overlooked.

I do not consider that the proposal would have any significant harmful impact on crime and public safety.

#### Sustainability

The site is in a sustainable location, being well-related to services and facilities including buses to the city centre. There are safe walking and cycling routes to shops, schools, open spaces and the Belgrave District Centre.

The proposal is designed to achieve a high standard of energy efficiency, achieving a substantial improvement over Building Regulations. An improvement of over 70% is being worked to, potentially over 80% for some units, which is excellent. The energy statement proposes use of air-source heat pumps with smart controls to provide heating to all units, and low energy lighting. Mechanical ventilation with heat recovery would be used which would be energy efficient.

All of the dwellings would be provided with photo voltaic panels on the roofs. This is supported.

There is also a consideration around fuel poverty, which this high level of energy efficiency will help to address. The use of electric heating equipment means that the houses would not need to have a gas supply, this would also help to address fuel poverty as there would not be two standing charges for residents to pay.

The proposed u-values for development meet or exceed the value for the notional building (Building Regulations standard) in all cases and represent a good approach to fabric efficiency. This includes enhanced standards proposed for the windows, roof and air permeability.

A daylight and sunlight modelling assessment has been provided showing that all units have been designed to receive sufficient daylighting, which shows good use of passive solar design. The balance between solar gain in winter (which is good as it provides useful heat in cold weather), and excessive solar gain in summer (which can contribute to overheating), has been considered. The dwellings would all be

dual-aspect which enables cross ventilation, and brise soleil would be fitted outside the south-facing living room windows to aid in shading during mid-summer. It is likely that over the lifetime of the dwellings overheating in summer would become more frequent but this could be further mitigated with the use of additional external shading which could be retrofitted later. Use of mechanical ventilation also means that residents could, in very hot weather, ventilate the house overnight to take advantage of cooler air without having to have the windows open which could be a security risk.

The houses would be fitted with low-use water fittings and with water butts but large scale rainwater harvesting is not proposed.

The possibility of using district heating has been considered by the applicant but is not proposed at this stage. The site is not within range of the existing district heating scheme in Leicester.

I recommend a condition to secure implementation of the energy efficiency measures prior to occupation.

I consider that in terms of sustainability and energy efficiency the proposal is not just acceptable but designed to a very high standard.

#### Waste storage and collection

Each of the dwellings would be provided with a bin store area. For the houses this would be in the rear garden, all houses would have a side gate to allow movement of bins and cycles. Collection would take place from the street.

The blocks of flats are proposed with bin stores close to but outside of the block. Again, collection would take place from the street, and the highway layout allows turning heads which could accommodate refuse collection vehicles.

I consider this acceptable. I recommend a condition to secure the necessary facilities prior to the occupation of any individual dwelling.

#### Highway safety

The details of the highway layout have been discussed with the LHA and the proposal amended accordingly.

There would be footways from the existing Lanesborough Road footway into the site, and traffic along the entrance road would be calmed by a small parking layby. The footways would continue along each side of the road to the shared surface area at the east end. At the west end the footway to the south side of the road would simply stop; at the north side of the road the footway would continue as a path across the public open space to link with the public right of way.

Car parking would be provided on-street in laybys which would also provide access to the on-plot car parking spaces. Dimensions and details of layout have been optimised, although final details will be agreed with the LHA at technical approval stage.

Visibility splays are shown on the layout plan to each of the vehicle access points. I recommend a condition to ensure that these are kept clear.

The main entrance to the site would be altered to provide 6m radii, which would allow entrance of large vehicles. The swept path analyses for refuse, fire tender and pantechnicon vehicles show that vehicles would be able to turn around within the site within the Highway. Although large vehicles would encroach into opposite lanes vehicle flows would be very light so this would be infrequent and large vehicles would be able to wait for other vehicles to pass.

Large vehicles should be able to use the private drive at the west end of the site to turn. If the construction of the private drive does not allow the refuse collection vehicle to go up the drive then collection could take place from the street.

The applicant has stated that the development roads would be subject to a 20mph speed limit, and a speed table is proposed at the T junction within the site. The surface materials would change to maintain low speeds. A junction table is also proposed at the site entrance although details are not shown. Detailed design work around the physical works, signing and lining would take place after planning stage as technical approval from the LHA would be required. Conditions are recommended to secure these details and implementation prior to occupation.

The inclusion of a junction table at the T junction, with areas of wide pavement, could result in pavement parking so I recommend a condition to secure bollards at this point to keep cars off the footway.

The private access drives would comply with the required dimensions, materials of the various elements of the highway have been considered to minimise maintenance issues, and the layout of tree pits has been considered to enable manoeuvring.

Plots 1 and 32 require retaining walls at the front to provide a level access ramp from the footway to the front door. The foundations for these walls would have to be kept clear of the highway. The applicant is aware of this and I recommend securing details in a condition.

Several objections have been made relating to traffic and car parking at school times. This is unlikely to increase as a result of the proposal as children living in the development and attending the nearby schools would be close enough to walk or cycle to school.

Some residents have referred to a double blind bend at Berridge Lane/Claremont Street but this is more than half a kilometre away so is unlikely to have any effect on, or be affected by, the proposed development. Objectors have also commented that Bath Street is narrow which is subjectively true but it is not clear why this would be a concern as there is no vehicular through route to a main road (other than for cycles) via Bath Street.

Subject to compliance with the conditions I consider that the proposal is acceptable.

### Cycle parking

Each of the houses would be provided with a side gate and a shed, which would provide adequate facilities for the parking of cycles.

The site plan shows that each of the blocks of flats would have an external cycle shelter. I recommend a condition to secure further details and installation of the cycle parking before occupation of the flats.

Subject to the condition being satisfactorily addressed, I consider these arrangements acceptable.

### Car parking

Each of the dwellings would be provided with at least one car parking space. For the houses and the bungalow this would be on-plot; for the flats this would be in small off-street communal areas.

Using the DCLG car parking assessment methodology, which takes into account car ownership rates and the level of allocation, the identified requirement for car parking spaces across the development is a maximum of 70. The proposal does provide 70 car parking spaces if the entire length of each layby is included. Access to some of the on-plot car parking spaces would be across the laybys, but this would not completely sterilise those sections of the layby. People visiting would be able to park across driveways, vehicles staying for a few minutes only such as delivery vans would be able to park across driveways, and of course if the occupants have two vehicles they would be able to park across their own driveway.

Use of parking laybys has many advantages. It directs car parking to a safe and dedicated space, it prevents cars being parked on the footway and causing an obstruction, and it enables flexible use of space. Unallocated car parking is more efficient in terms of land use than is allocated car parking, so this proposal includes an element of unallocated car parking spaces although each dwelling does have at least one space off-street. Allocation of the spaces within the parking areas to the flat blocks would be for the landlord to manage, for example if the accessible spaces need to be allocated to a particular tenant.

Neighbours have expressed concerns about parking, mainly on Lanesborough Road. As explained above, the development would provide parking to meet the expected requirements. There is no reason to suppose that residents would need to use Lanesborough Road for overspill car parking, and even if they did choose to park there it is a public highway where people can park provided they do so safely and there are no controls in place.

Objectors have made reference to the subdivision of the car park at the pub on the corner of Melton Road. I do not consider this to be a significant issue in relation to the application provision which I consider acceptable.

Objectors have made comments relating to car ownership but I consider the DCLG method of assessing car parking requirements, being based on census data, provides a robust and evidenced method of establishing likely requirements.

I recommend a condition to secure provision of the private car parking before each dwelling is occupied.

Subject to the condition being complied with, I consider the proposed car parking arrangements to be acceptable.

### Electric vehicle charging points

As well as being supported by Planning Policy, the installation of electric vehicle (EV) charging points is now covered by the Building Regulations. Given the length

of time that this proposal has been under discussion the location of charging points has not been discussed in detail. Policy and expectations in respect of EV charging points have moved swiftly on during the assessment of this proposal, and so I do not consider that it would be reasonable to require charging points by planning condition as they were not discussed earlier on in the application process. However as the applicant might wish to install them, and might be required to under the Building Regulations, I recommend a condition applicable to the flats only to secure details of electric car charging points prior to their installation.

Charging points to the houses and the bungalow which would each have a private driveway could be provided within the curtilage and would probably necessitate only a suitable socket fitment on the front or side elevation. I do not consider that this would need to be controlled by condition but I recommend a note to the applicant.

### Drainage and flood risk

Part of the site as it runs directly along the watercourse is in Flood Zone 3b (which is functional flood plan), and Flood Zone 3a extends into a small part of the site at the north. There is no housing proposed on that area.

A larger part of the site is within Flood Zone 2 and most of the site is within Flood Zone 1. Flood Zone 2 can be suitable for housing development, and planning policy requires that where sites are not allocated a sequential test should be carried out. This site is allocated, and Flood Risk has been assessed through the city council's Strategic Flood Risk Assessment.

An exception test, which is usually the next step after a sequential test is passed, should demonstrate that the sustainability benefits of a proposal outweigh the flood risk, and that the development will be safe for its lifetime without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The council's Strategic Flood Risk Assessment (SFRA), prepared to support the emerging Local Plan, supports the allocation of sites for various uses. The SFRA also identifies the sustainability benefits of developing this site for housing. These are, briefly, that the site performs well in terms of access to services, heritage and air quality; and that residential development here helps to meet local housing need. I consider that this does meet the requirement for a development to show sustainability benefits.

In addition, in order to pass the exception test, a development must be safe from flooding for its lifetime and not increase the flood risk elsewhere.

The applicant has provided a Flood Risk Assessment (FRA) and Drainage Strategy.

The FRA adequately evaluates risk from all sources and presents mitigation measures including raising finished floor levels to no lower than 51.83m AOD. This figure is required by the Environment Agency.

In case of exceedance, water would flow along the streets and to Lanesborough Road. This is unlikely but has to be considered.

Surface water arising from a developed site should, as far as is practicable, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Opportunities to reduce the flood risk to the site itself and elsewhere, taking climate change into account, should be investigated.

The drainage proposals within this strategy have been prepared to meet planning policy requirements and the applicant has taken city council guidance into account.

At present, a section of road within the site drains to the main public sewer. Following development, a small section of the site would drain the same way. The remainder of the site would drain to Melton Brook but would be attenuated through drainage features which would hold the water back and discharge it at a controlled rate as well as improving water quality. Following development the peak rate of discharge into the Brook would be slightly below the present peak rate, which would improve the situation in extreme events.

The proposal includes attenuation basins to hold rainwater when there is a lot of rain, at other times these basins would form part of the open space and would be open for people to walk or play on the area. In addition, some areas of permeable paving are proposed with underground attenuation crates.

The larger attenuation feature would have stepped sides making the detention basin a multi-use SuDS with the first tier retaining surface water in all events up to 1 in 30 year events and acting as a pond/permanently wetted feature. The second tier would only be needed to retain water in an extreme event and so could act as an informal play space during normal conditions. A maintenance access has been proposed to enable access from the road into the area where the detention basin is located.

Drainage calculations show that the drainage system is designed to manage all storm events up to and including 1 in 100-year rainfall event with a 40% climate change allowance. In addition, the calculations have included a 10% allowance for urban creep.

The designs of the attenuation basins are based on engineering drawings, and it should be possible to design basins that are more organic in appearance with shallower sides. Some alterations would be required before these features would be formally adopted by the Council (albeit the land is already in City Council ownership) and those changes can be secured by condition. I recommend as well a condition to secure management and maintenance information for the drainage system.

Some objectors have referred to the site as flood plain. This is incorrect. Flood Zone 3b is classified as "functional flood plain" but this only applies to a small part of the site.

Some objectors have commented that they are unable to get flood insurance for their houses, but it is noted that there are some areas outside the site that are also in Flood Zone 2. The insurance status of other people in the area is not a material consideration.

Some objectors have commented that building on the site would increase flood risk elsewhere. The plans show attenuation features to hold water back in a safe place and slow the rate at which it enters the watercourse and drainage system, to reduce the risk of flooding.

One of the objectors has provided recent photographs to support their objection on flood risk grounds, however these photographs do not show any substantive flooding. They show the brook at a higher level than perhaps usual but within its banks, which would be expected in winter. There is a photograph showing large puddles on the footpath, but it is not possible to tell whether this is the effect of the

brook overflowing or surface water falling on the footpath and ponding on the surface.

A photograph has also been provided of flooding on the site about 50 years ago, but this is not a reason to over-ride the advice of the Environment Agency and the Lead Local Flood Authority which is based on the current situation.

Subject to conditions being complied with I consider that the proposal is acceptable in respect of flood risk and drainage.

### Nature conservation

The southern section of the site is considered as a Biodiversity Enhancement Site, and the northern section a locally designated wildlife site. Policy requires that the proposal demonstrates that harm to biodiversity is avoided and/or mitigated and that biodiversity overall is enhanced.

Since the closure of the allotments the site has become overgrown and inevitably the biodiversity of the site has benefited from it being left undeveloped. However, this was taken into account when the site was last allocated, and also taken into account as the emerging allocation is being considered.

The biodiversity constraints on the site are significant, and it is apparent that much consideration and survey work has been undertaken so as to avoid and reduce impacts on biodiversity as a whole, following the mitigation hierarchy. The principle of achieving Biodiversity Net Gain (BNG) on-site and measures to ensure the long-term welfare of existing established badger populations on-site are acknowledged by the applicant.

Off site mitigation will be required, and a suitable piece of land has been identified. This is a section of Green Wedge to the west of the land identified as the potential Phase 2, which would enable mitigation to be provided in the same area, as part of the same ecology network, and convenient for any wildlife populations to be moved to. As the land is Green Wedge it is not allocated for development, it is directly related to the application site and borders the Brook. The applicant has confirmed that in principle they would be content to use this land, which is in city council ownership, but that if this land is not available then an alternative, equally suitable site would be found. I therefore consider that a condition requiring a combination of on-site and off-site mitigation would be appropriate.

### Trees and Landscaping

Many of the existing trees are self-set or left over from the allotment use. There is no objection to removal of many of the trees, however some will be retained and information is required as to the protection of those trees during construction. As there would be only four trees retained I recommend including the tree protection within the Construction Method Statement.

The applicant has provided a landscaping scheme which is broadly acceptable. It includes about 50 new trees, although details are yet to be finalised by condition. There is a query about whether the tree pits should be surfaced with a permeable resin material, and as there is also an outstanding point regarding boundary treatments I recommend a condition to secure final details of the scheme. This

should include details of the swale and the attenuation basin, to demonstrate that these features will be integrated with the open space and usable by local people when not holding water.

### Heritage Assets

This site is a relatively short distance, c.100m, from the Roman road connecting Leicester with Lincoln, and not far from where a Roman milestone was found (c. 250m northeast of the site's eastern boundary). The location of this milestone is instructive as it indicates not only distances but potentially other activity in this area dating to this period. To the west of the site the location of a mud-walled house was identified, as well as the medieval northern limit of Belgrave.

Geotechnical investigations have taken place on the site and it is stated there is a considerable depth of made ground. This is a challenging site to assess in terms of archaeological potential and it will depend on the nature of the engineering works associated with the site's development. As it is not yet clear what form of piling would be used, I recommend a condition to secure a supervised watching brief for all groundworks.

One neighbour has objected to the proposal on the grounds of effect on listed building and conservation areas, but they have not explained which listed buildings or conservation areas they are concerned about. The nearest locally listed building is 600m away, the nearest nationally listed building is Belgrave Hall over 500m away, and the nearest conservation area is Belgrave Hall CA which is over 400m away. I do not consider that the proposed development would cause any harm to those heritage assets.

### Viability and Developer Contributions

As this is a city council application an agreement under s106 of the Town and Country Planning Act cannot be entered into. As there is a contribution of £49,237 due towards off-site Public Open Space a Memorandum of Understanding will be completed between the applicant (Housing team) and the council as LPA.

Objectors have commented on the capacity of local medical facilities. A consultation was sent to the Clinical Commissioning Group but no response was received.

Objectors have commented about a lack of school places, but the council's Education team has not requested a contribution as there is a surplus in both primary and secondary school places within the relevant area.

### Contamination

The site is constrained as it is within a landfill buffer. Part of the site has in the past been used for inert landfill and has been affected by methane. The applicant has submitted a Geo-Environmental report as well as a Ground Gas report. The Geo-Environmental report identifies some low and moderate risks to future site users from ground contamination. The Ground Gas report concludes that investigation did not identify large volumes of materials that are likely to generate large volumes of gas, but the monitoring identified elevated ground gases with low flow rates.



The Geo-Environmental report considers the risk to neighbouring properties and concludes that the risk is low. There is some moderate risk identified to the watercourse and further sampling is recommended. Risk to site users is low to moderate and some suggestions for mitigation are included in the report.

Further investigation, remediation and mitigation is required and should be secured by condition. I recommend not only the standard contamination condition but also a condition specifically intended to deal with the risks from landfill gas.

Subject to the conditions being suitably addressed the risk should be minimised and remain within acceptable parameters according to the council's Pollution Control Officers.

### Other matters

Air quality is not a major concern on this site however measures to control dust should be included in the Construction Method Statement, and Travel Packs are recommended as well to encourage non-car travel.

One objector has mentioned the Equality Act however it is not clear how a housing development on an allocated housing site would breach this Act. The objector considers that an increase in traffic and crime would make older people less willing to leave their homes but as already explained it is not considered that there would be any materially harmful increase in traffic, and it cannot be assumed that there would be an increase in crime. An Equality Impact Assessment was carried out as part of the Local Plan process.

Some objectors have referred to the initial consultation having been carried out during (what we know now was the first) lockdown in 2020. At that time the council's customer service centre was closed and so people could not visit there to look at plans. The application was submitted in May 2020 when the LPA was adjusting to remote working. Consultation took place in July 2020 and although the case officer was available at this time, and the site notices provided the case officer's telephone number in case of people having difficulty viewing the application, this facility was not taken advantage of. The timing of the submission was based on the progress of the of the design process and funding timetable, and was not related to lockdown. Subsequent consultation followed in November 2021.

Some objectors have commented on the local population and made references to there being a high number of elderly people in the area. This cannot be given significant weight in the context of the housing demands facing the city. The development is likely to include households with children which would help to rebalance the local demography.

References to the implications of the development for Covid-19 are not considered to be substantive or material.

### Conclusion

- The site is allocated for residential use, and the proposed dwellings will make a valuable contribution to meeting housing need

- The design, accessibility and sustainability of the proposed dwellings would meet or exceed policy requirements
- Requirements relating to drainage, biodiversity and highway safety would be addressed
- The applicant would make a contribution towards meeting local open space needs
- The proposal complies with relevant local and national policies.

I recommend that this application is APPROVED subject to 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. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:
  - (a) arrangements for the parking of vehicles of site operatives and visitors;
  - (b) arrangements for the loading and unloading of plant and materials;
  - (c) arrangements for the storage of plant and materials used in constructing the development;
  - (d) details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (e) details of wheel washing facilities;
  - (f) details of works to be carried out in the Highway and arrangements to facilitate those works;
  - (g) measures to control the emission of dust and dirt during construction;
  - (h) measures to control the impact of noise on existing residents;
  - (i) a scheme of working hours;
  - (j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (k) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public;
  - (l) procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works;
  - (m) procedures to ensure pollution and sedimentation is minimised to the adjacent watercourse and the procedure to be used in case of a pollution incident;
  - (n) measures to ensure that the structure of the adjacent watercourse is not affected by the proposed development;
  - (o) a scheme of tree protection for retained trees.

(To ensure the satisfactory development of the site, and in accordance with saved policies AM01, UD06 and PS11 of the City of Leicester Local Plan and Core Strategy policies CS02 and CS03. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. No development, including groundworks, shall take place until a programme of archaeological work and a Written Scheme of Investigation in respect of an archaeological evaluation have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- (a) the programme and methodology of site investigation and recording;
- (b) the programme for post-investigation assessment;
- (c) provision to be made for analysis of the site investigation and recording;
- (d) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (e) provision to be made for archive deposition of the analysis and records of the site investigation;
- (f) nomination of a competent person or persons or organisation to undertake the works set out within the Written Scheme of Investigation.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 3 above.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).

5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with the local planning authority.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18.).

6. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority. The strategy shall include the following details:

- 1. A preliminary risk assessment which has identified:
  - (a) all previous uses;
  - (b) potential contaminants associated with those uses;
  - (c) a conceptual model of the site indicating sources, pathways and receptors;
  - (d) potentially unacceptable risks arising from contamination at the site :
- 2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy

giving full details of the remediation measures required and how they are to be undertaken;

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.

(In the interests of ensuring that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution and in accordance with saved policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

7. No part of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. (To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete and in accordance with saved policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework.)

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. (To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and in accordance with saved Policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework.)

9. Before any development takes place details of a scheme of mitigation, as well as a timetable for the implementation of the scheme, to mitigate the risks to human health arising from the landfill gas identified in report reference "10033776-ARC-XX-XX-RP-ZZ-0003-01-Lanesborough\_Rd\_Gas" shall be submitted to and approved in writing by the local planning authority. All approved mitigation measures shall be included in the development and shall be in place prior to occupation, and shall be retained thereafter. No occupation shall take place until a verification report has been submitted to and approved in writing by the local planning authority. (The site is in the vicinity of a landfill site known to have accepted wastes and it is considered that there is a perceptible risk of landfill gas adversely affecting it and in accordance with saved policy PS11 of the City of Leicester Local Plan. To ensure that the details

are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

10. A. Notwithstanding the approved plans, before any development takes place a materials sample panel drawing (at a scale of 1:20) and materials schedule for the development shall be submitted to and approved in writing by the local planning authority. The materials shall be in broad accordance with the specifications submitted as part of the application.

B. Before any above ground works take place a sample panel shall be constructed on site in accordance with the details approved under A above showing all external materials including:

(a) brick slip cladding system including method of installation, brick, bond and mortar colour and showing the treatment of cills, lintels, doorways, corners and junction with timber cladding;

(b) timber cladding;

(c) window frames, cills and lintels;

(d) door frames; and

(e) roofing,

for inspection and approval in writing by the local planning authority.

The development shall be constructed in accordance with the approved sample panel and materials.

(In the interest of visual amenity and the character and appearance of the area and in accordance with 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).

11. Before any development takes place a scheme of on-site and off-site biodiversity mitigation including habitat for Badger and informed by the findings and recommendations of the following reports:

Badger Monitoring Report ref 10047095-ARC-XX-XX-RP-EC-0001-01-Badger Monitoring Report revision 01 dated August 2022

Biodiversity Metric Report 2022 ref 10047095-ARC-XX-XX-RP-EC-0001-02-BNG Lanesborough Road revision dated June 2022

Preliminary Ecological Appraisal Report ref 10033776-ARC-XX-XX-RP-EC-0003-05-Lanesborough Road PEA version 05 dated September 2021

shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation and details of long term management and maintenance over a period of a minimum of thirty years. The scheme shall thereafter be implemented in accordance with the approved timetable.

(In the interests of protecting and securing gains to biodiversity, mitigating harm to protected species and in accordance with Core Strategy policy CS17 and relevant provisions of the NPPF in particular paragraph 180).

12. A. Prior to any work taking place on the Sustainable Drainage System (SuDS) for the site details of the attenuation basin and the swale, including sections, layout plans and drainage calculations, shall be submitted to and approved in writing by the Local Planning Authority.

B. No part of the development shall be occupied until the Sustainable Drainage System (SuDS) for the site has been completed in accordance with the approved details contained within the Phase 1 Drainage Strategy reference

10033776-ARC-XX-XX-RP-CE-0001 version 4.0 dated June 2022, as modified under part A above, and is operational. The Sustainable Drainage System shall be retained thereafter.

(To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

13. Prior to the commencement of any construction above ground level details of the heating and ventilation systems shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

The development shall be carried out so as to achieve at least the minimum standards set out in sections 3.2 and 3.4 of the Sustainable Design and Construction Statement version 02 dated September 2021. The mechanical ventilation shall be capable of providing four air changes per hour on demand.

(In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy).

14. Before any above-ground work takes place details of a design for the site access shall be submitted to the local planning authority for approval in writing. The alterations shall be completed prior to occupation of the development. All street works shall be constructed in accordance with the Leicester Street Design Guide, June 2020. The details shall include:

- (a) alterations to the existing bell-mouth junction and kerbed radii;
- (b) provision of tactile paving and dropped kerb pedestrian crossing points;
- (c) provision of a junction table on Lanesborough Road;
- (d) alterations to existing highway drainage as required;
- (e) provision of highway signing and lining as required;
- (f) diversions of any statutory undertakers' equipment as required.

(To achieve a satisfactory form of development in respect of Highway safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

15. Before any of the flat blocks is occupied, and notwithstanding the approved plans, that block shall be provided with cycle parking in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking shall be contained within structures that are lockable, secure and weatherproof, and occupants of each flat shall be provided with access to the cycle shelters on occupation of the flat.

The cycle parking shall be retained thereafter for use in connection with occupation of the approved development. (In the interests of the satisfactory development of the site and to encourage sustainable travel in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).

(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)

16. Before the development authorised by this permission is occupied, and notwithstanding the approved plans, 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 be in broad accordance with Landscape Strategy Plan 2377\_PL\_01\_REV H and shall include details of:

- (a) the position and spread of all existing trees, shrubs and hedges to be retained;
- (b) new tree, shrub and other planting, including plant type, size, quantities and locations and including defensive planting to exposed rear boundaries;
- (c) means of planting, staking, and tying of trees, including tree guards and surfacing of tree pits;
- (d) other surface treatments including paths within the public open space, patios, driveways and refuse bin areas;
- (e) works to the existing public footpath;
- (f) fencing and boundary treatments including boundary treatments along the entrance drive between 21 and 25 Lanesborough Road, along the south-west and south-east site boundaries and means of controlling vehicular access to the open spaces;
- (g) retaining structures including sections showing foundations clear of the Highway;
- (h) pedestrian visibility splays to driveways and parking spaces;
- (i) any changes in levels;
- (j) the position and depth of service and/or drainage runs (which may affect tree roots);
- (k) street furniture and similar items to be placed in the public open space and within the highway;
- (l) landscaping of the swale and attenuation basin including sections and demonstrating integration with and usability as public open space;
- (m) consideration of biodiversity enhancements including hedgehog holes in boundary walls and fences;
- (n) a landscape and ecology management plan covering aftercare/maintenance of planting and open spaces.

The approved landscaping scheme shall be carried out prior to occupation for hard landscaping, and within one year of occupation of the development for soft landscaping. 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 biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17.)

(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)

17. Prior to the installation of the solar photo voltaic systems details of the systems shall be submitted to and approved in writing by the local planning authority. Evidence demonstrating satisfactory installation and operation of the approved scheme prior to occupation shall be submitted to the local planning authority within three months of the system becoming operational. (In the interests of securing energy efficiency in accordance with Core Strategy policy CS02).

18. No part of the development shall be occupied until details of a long term maintenance and management scheme for the Sustainable Drainage System (SuDS) as approved and as modified under condition 12 above has been submitted to and approved in writing by the local planning authority. The details shall include 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. The Sustainable Drainage System shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

19. Before, or at the time of, the first occupation of each dwelling, the occupiers of that dwelling shall be provided with a 'Residents Travel Pack', details of which shall have previously been submitted to and approved in writing by the local planning authority. The contents of the Travel Pack shall consist of paper and/or electronic information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with saved policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)

20. The dwelling on Plot 11 as shown on the approved plans and its associated parking and approach shall be constructed in accordance with "Category 3: Wheelchair accessible dwellings M4 (3)" Optional Requirement of the Building Regulations. All other dwellings and their associated parking and approaches shall be constructed in accordance with "Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement" of the Building Regulations. On completion of the scheme and prior to the occupation of any dwelling a completion certificate for that dwelling signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs and to meet the need for accessible housing in accordance with Core Strategy policy CS06).

21. No part of the development shall be occupied until dropped kerbs and ramps, suitable for wheelchairs and prams, have been provided in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings, in accordance with details that have previously been submitted to and approved in writing by the local planning authority. Notwithstanding the approved plans, the details shall include the provision of bollards at the footway radii at the internal priority junction, such bollards to be provided prior to any occupation of the development and retained thereafter. (For the safety and convenience of pedestrians including disabled people and pram and wheelchair users; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)



22. No dwelling shall be occupied until the visibility splays to each side of each vehicular access to that dwelling, or to the parking area for the block in which the dwelling is contained, have been provided as shown on the approved plans. The visibility splays shall be retained thereafter free of any obstruction over 600mm in height. (In the interests of the safety of pedestrians and other road users, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

23. No dwelling shall be occupied until the approved facilities for the storage and collection of refuse including storage areas and bins, collection point and access for collection operatives, as shown on drawing G70-005 revision P4, are complete and ready for use. The approved facilities shall be retained thereafter for use in connection with the approved use of the development and all refuse bins shall be kept within the designated area other than on refuse collection day. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).

24. Before the occupation of each dwelling the parking space(s) to serve that dwelling as shown on the approved plans shall be provided. The on-plot spaces shall be retained thereafter for the parking of vehicles in connection with the approved use of the dwelling. The spaces within the Highway shall be retained thereafter. (To secure adequate parking provision, and in accordance with saved policies AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)

25. The development shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment reference: 10033776-ARC-XX-XX-RP-CW-001-01 dated October 2021 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 51.83 metres above Ordnance Datum (AOD).

This measure shall be implemented and maintained thereafter throughout the lifetime of the development and shall be applied to any extensions constructed to any of the dwellings. (To minimise the risk of damage in times of flooding, and in accordance with Core Strategy policy CS02).

26. Should the development not commence within twelve months of the date of the last protected species survey then a further protected species survey shall be carried out by a suitably qualified ecologist and submitted, including details of any revised or additional mitigation, to the local planning authority prior to the commencement of development. Development shall not commence until the local planning authority has approved the details in writing, and development shall be carried out in accordance with any approved mitigation. (In the interests of protecting and securing gains to biodiversity and in accordance with Core Strategy policy CS17 and relevant provisions of the NPPF in particular paragraph 180).

27. Before any charging points for electric vehicles are installed (other than those which are entirely contained within the private curtilage of a house) details shall be submitted to and approved in writing by the local planning authority. The charging points shall be installed in accordance with the approved details. (In the interests of

energy efficiency and sustainable travel and in accordance with Core Strategy policy CS02).

28. Before the occupation of any "House Type B" the side windows above ground floor level shall be fitted with obscure glazing to a minimum of Level Five on the Pilkington scale, and shall be fixed shut (with the exception of a top opening light at least 1.7m above internal floor level). The windows shall be retained as such thereafter. (In the interests of the amenity of occupiers of neighbouring dwellings and in accordance with policy PS10 of the City of Leicester Local Plan).

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

G70-005 revision P4, Site layout as proposed, received 2/8/2022

A-G20-009 revision P4, plans and elevations house type B, received 18/11/2021

A-G20-004 revision P8, plans and elevations house type D, received 4/7/2022

A-G20-006 revision P10, plans and elevations house type E, received 4/7/2022

A-G20-008 revision P5, plans and elevations house type G, received 4/7/2022

G-20-010 revision P6, plans and elevations house type F, received 4/7/2022

A-G20-011 revision P5, plans and elevations apartment block A, received 4/7/2022

A-G20-012 revision P5, plans and elevations apartment block B, received 4/7/2022

A-G20-013 revision P5, plans and elevations apartment block C, received 4/7/2022

(For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

2. The Environment Agency has advised that the proposed surface water drainage outfall to the Melton Brook will require the necessary discharge consents to be agreed and that any works within 8 metres of an EA main river will require a permit.

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 (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) 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 the EA's National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the EA advises consultation at the earliest opportunity.

### 3. Access and egress from Lanesborough Rd (extreme event) - advice to the applicant from the Environment Agency

Although the main access to the site has been assessed as being outside of both the design and sensitivity flood events i.e. the 1 in 100yr 30% CC event and 1 in 100yr 50% CC event, the access is shown to be inundated by flooding within the 1 in 1000yr event. Typically, within this event depths are below 300mm however the residual risk of flooding remains. The EA recommends that a flood management plan is prepared and that the site is registered for flood alerts and warnings for the Upper Soar catchment to ensure the safety of residents within the occurrence of more extreme events.

4. The site known as Lanesborough Road, Leicester located at NGR SK 598 076 lies directly beneath the proposed development and is known to have accepted brick and concrete fragments, wood, ash/tarmac, old vegetation, plastics and clays. Any operations at this site would have ceased prior to the implementation of licensing under the Control of Pollution Act 1974 and as such the Environment Agency has only limited details. However, gas monitoring carried out between 1990 and 1993 detected significant quantities of landfill gas in one of six boreholes put down at the site. The potential for further gas generation at this site must therefore be assumed, however further investigations would be needed to confirm the current status of the site.

The site known as Off Bath Street, Leicester lies adjacent to the proposed development and is known to have accepted waste from the construction industry. It is assumed that this site was operational prior to the implementation of licensing under the Control of Pollution Act 1974, as a site licence was never issued. The Environment Agency has no records of waste types deposited at this site. A storage compound now occupies the area. The Agency is not aware of any gas monitoring being carried out at this location.

The site known as Bath Street, Leicester located at NGR SK 597 078 lies adjacent to the proposed development and is known to have accepted canal and watercourse silt dredgings. The site is currently operational and tipping is controlled

under Waste Disposal Licence reference 85. The Environment Agency is not aware of any gas monitoring being carried out at this site.

5. Further to condition 11 above, it is understood that land within the applicant's ownership to the west of the site would be suitable for off-site biodiversity mitigation. In the event that this land is unavailable or unsuitable then an alternative site capable of providing an acceptable level of mitigation would be required to be provided for the off-site mitigation, within close proximity to the site and within the existing ecological/Green Infrastructure network.

6. Further to condition 12 above, it is expected that the gradients of the attenuation features will be reduced in order to improve the amenity use of the features. As the gradients are adjusted this might affect the volume of the water that can be stored, hence the requirement for drainage calculations. It is recognised that further discussions might need to be held with officers in the council's Parks team in order to achieve a design that can be adopted as open space and which also meets drainage, amenity and biodiversity requirements.

7. The applicant is advised that although there is no planning condition regarding the installation of Electric Vehicle charging points to the houses and bungalow these can be installed as part of the development provided they would have only a minor impact on the external appearance of the buildings.

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

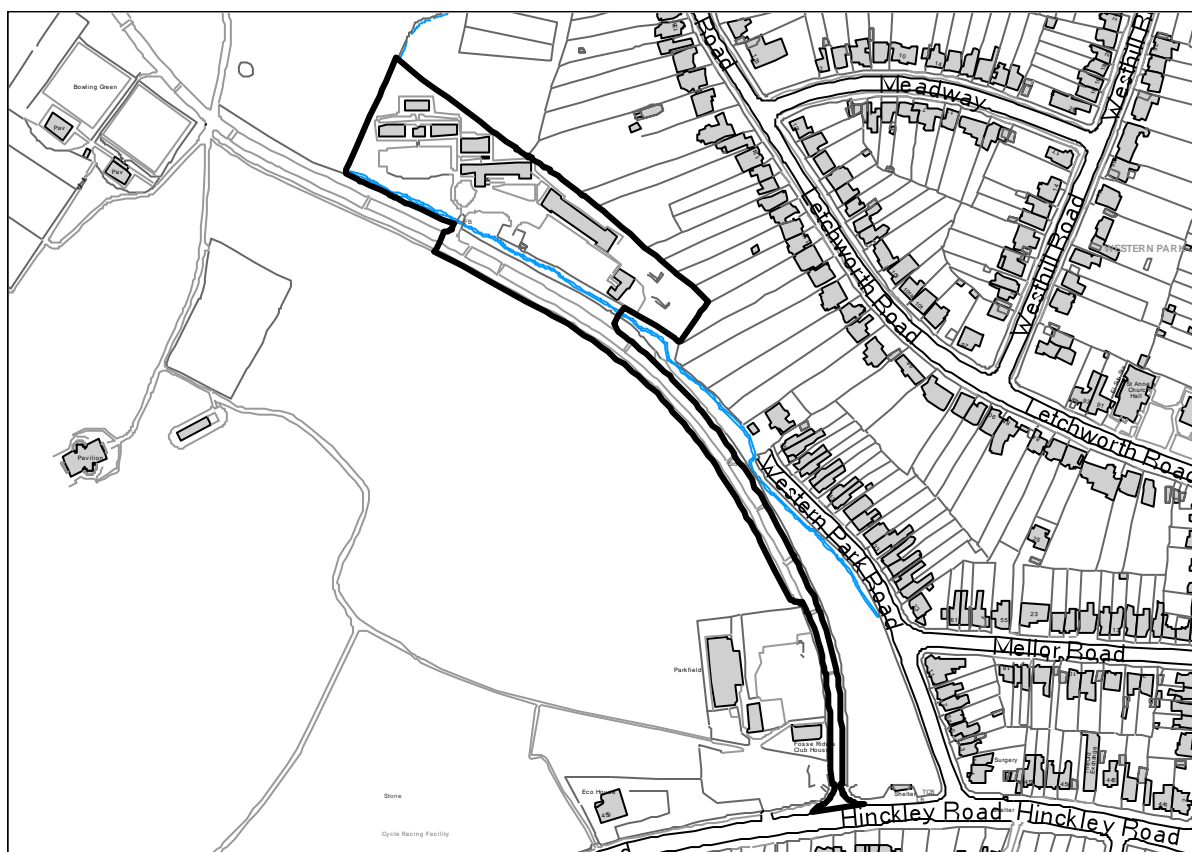
2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated 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_GE03	Development on a Biodiversity Enhancement Site will be permitted if the strategic nature conservation value is maintained or enhanced.
2006_GE06	Sets out the criteria for assessing proposed development within, and adjacent to, green wedges.
2006_H01	Sites shown as Housing Development Proposals on the Proposals Map will be safeguarded for housing and will not be given planning permission for alternative uses.
2006_H03	Provides guidance on minimum net densities to be sought for residential development sites according to location.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_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_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_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_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS13	The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
2014_CS18	The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
2014_CS19	New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.



## COMMITTEE REPORT

<b>20202119</b>	<b>Hinckley Road, Western Park Open Air School</b>	
Proposal:	Internal and external alterations to listed buildings to facilitate the change of use to office (use class E(g)(i)) and community building with cafe; demolition of two buildings and fire damaged elements; construction of three new elements/extensions; construction of bridge over watercourse; new internal driveway and external lighting (Amended plans 17.03.2022 and 25.03.2022).	
Applicant:	WPOAS Limited	
App type:	Listed building consent	
Status:	Other development	
Expiry Date:	30 August 2022	
LL	TEAM: PM	WARD: Western



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### Summary

- This application is to be considered alongside an associated planning application ref 20202126.

- This application is brought before committee as 12 objections have been received from 8 different City addresses and one address out of the city. Objections have also been received to the full planning application. Only objections relating to the listed building are reported here, other comments are addressed in the report on the planning application.
- The relevant objections relate to the demolition of the buildings and how the buildings and site should be re-used.
- The application is recommended for APPROVAL subject to conditions.

## The Site

The site is within Western Park, about 270m-470m from the main entrance on Hinckley Road. The main driveway into the Park runs along the south-west side of a watercourse, the Western Park Brook, and the application site is on the other bank of the watercourse. The site slopes upwards towards its rear and this topography supports the layout of the buildings, which face either south or southwest. The Open Air School (OAS) was built in about 1930 as a facility for children with respiratory and similar problems, designed to enable children to benefit from fresh air and sunlight. It was used as a school until 2005 and has been closed since then.

The OAS was listed Grade II in 2011.

The entrance to the site is by way of a bridge over the watercourse with gates at the site side. There is a hard-surfaced area suitable for vehicles to park and turn just within the gates.

The site is on a slope and the largest main building, Building 5, the only building of more than one storey, addresses the site entrance. Leading to the right/south-east of this is a long, low building, with Building 6 being the end section which is severely fire damaged. Building 7 is another long, low building, and at the far right of the site is a smaller detached building (Building 8). All of these face onto a grassed area.

To the left of the main building there are ramped paths and steps leading up to the higher levels of the site. Immediately behind the main two-storey building is Building 4, Buildings 2 and 3 are slightly higher and to the left, and Building 1, behind, has been almost completely destroyed by fire. Buildings 1 - 3 were originally constructed as small pairs of classrooms and have large windows facing directly south.

The buildings are of brick (rendered or painted) with pitched or hipped roofs, covered in red or brown tiles. Windows are timber-framed casements and dormers, and many of the doors are part-glazed. The former school's list entry describes it as "a rare surviving example of an open air school", notable for its "intactness". Since it was listed in 2011, the buildings have fallen into disrepair and are included on Leicester's Buildings at Risk register (category 'A').

## Background

Since becoming vacant the buildings on site have deteriorated and suffered from vandalism including arson as recently as May this year. Most recently, part of a tree fell onto one of the fire-damaged sections of the building.



Pre-application discussions took place over a period of about two years prior to this application being submitted.

## The Proposal

The proposal is to restore and update the buildings on site in order to bring them back into use as small office units and a café/community room. Two elements of the original build have been fire damaged to the extent that they cannot realistically be restored, and these would be replaced with new buildings. These are Building 1, at the far north-east of the site, and Building 6. Two small structures which were constructed later than the main buildings, as sanitary facilities, would also be demolished.

Buildings 1 to 7 would be rebuilt or restored, fitted with sanitary facilities, and converted to small office units.

Building 8, at the far south-east, would be extended to the rear, restored, and converted to a café/community space.

The ramped path to the former playground would be extended to form a vehicular route, and the former playground would be converted to car parking. Ramps and steps would be altered to provide level access around the site.

An additional bridge would be put in over the watercourse, near to Building 8. This bridge would be for cyclists, pedestrians and wheelchair users only.

As the site would be used for employment purposes it would be necessary to secure a safe route for people going to and from the site mornings and evenings. The driveway is not currently lit, as people do not usually come to the Park during darkness, and lighting would be installed along the driveway.

## Policy Considerations

### National Planning Policy Framework (NPPF)

Para 197 – In determining applications LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets

Para 199 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

Para 200 – Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification

Para 201 – Proposals of substantial harm to or total loss of significance of a designated heritage asset should be refused, unless the harm or loss is necessary to achieve substantial public benefits

Para 202 – Proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal

Para 203 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application

Para 206 – LPAs should look for new development to preserve or enhance significance of heritage assets.

### Development Plan policies

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

The most relevant Core Strategy policy is CS18.

### Other legal or policy context

Listed Buildings and Conservation Areas Act

## Consultations

### Historic England

Do not wish to offer any comments.

### Conservation Advisory Panel (CAP)

The panel focussed on the poor condition of the buildings on site and their long term vacancy, offering support to the principle of a development that brought the site back into use. They considered that there was a lack of three-dimensional imagery of how the new structures would look in relation to the existing older ones and requested that some new drawings be produced. These could be ‘part elevations’ to reduce the cost. Some concerns expressed about window detail and materials, but these were considered best negotiated via the Planning Officer and colleagues. Amendments sought. *[officer’s note: the requested images were later provided and assessed by officers.]*

### Twentieth Century Society

No objections to the scheme in principle but would like to be assured that points of detail are being carefully considered to ensure the new work has as minimal an impact as possible on the significance of the Grade II buildings.

Concerns expressed regarding limited information in the Heritage Statement, and also concerned that the timber windows should be retained and restored with replaced glazing, as windows and doors are a key part of the buildings’ special interest as a former open air school. The new work should be conservation-led.

## Representations

Representations have been received for this application and for the associated application for planning permission. Twelve objections were received to this application, also four “no objections/support” and 2 comments, however some responses included non-heritage matters which are reported under the application

for planning permission. Only those comments relevant to the Listed Building as such are reported here.

### *Objection*

- Demolition of the fire damaged original house should not be necessary. Should be rebuilt
- Should remain part of Leicester's architectural heritage and continue to benefit the lives of the Leicester public
- Council has neglected it; comments made about the timing of various actions related to the sales contract
- Demolition and rebuilding, presumably with new materials is NOT conservation and is NOT a sustainable practice
- Would be better if National Trust or English Heritage could take it on, may be the only one left in the country
- Like the Corah building, important parts of Leicester's history being sold off for commercial use
- Support listed buildings being brought back into use if we can make sure that the use does not have a negative impact on the surrounding environment
- Buildings have been left empty for too long
- Why were walkways demolished without listed building consent
- Suggestion that the site of the open air school is levelled to all but a few buildings and the land turned into a community orchard/allotment space for locals and local schools
- One objector has referred to a petition, but no petition has been submitted to the LPA

### *Support*

- Pleased to see the plans for the old open air school, it is heart-breaking to walk through the park every day and see the buildings deteriorating and the level of vandalism getting worse all the time.
- Look forward to the buildings being brought back into use and restored

## Consideration

### Heritage Impact – Open Air School

The building has been empty for several years and is deteriorating. Policy CS18 states that the LPA will "... 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, encourage contemporary design rather than pastiche replicas...".

The National Planning Policy Framework states that LPAs should consider “... *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation ... [and] the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality...*”.

The principle of the proposed use of the buildings is considered in the planning application being considered alongside this application. This application for listed building consent relates to the works proposed and their impact on historic fabric and the setting of the buildings.

This application is for a comprehensive redevelopment of the site comprising conversion into office and café, partial demolition, internal and external refurbishment / restoration, extensions and landscaping works.

The principle of re-use and conversion is strongly supported and is considered advantageous to the survival and preservation of the site. The work offers an opportunity to improve its condition and enhance its significance.

The loss of some elements through demolition, with most such elements being of limited merit and/or in critical condition, is outweighed by the benefits of retention of most of the built heritage on site including the most well-preserved and architecturally distinguished sections of the complex. On balance the level of demolition as proposed is considered acceptable.

The contemporary style of the extensions is supported. The visual representations requested by the CAP have now been submitted as part of the supporting information, which is welcomed. They help provide a greater understanding of the potential impact on the significance of the Grade II listed complex.

Schedule of Works details have been provided for most of the buildings. There are no such details for the upper floor of building 5 as, due to the condition of the building, it cannot presently be accessed. I recommend that these details are secured by condition.

There is some concern about the installation of double glazing to existing windows. Section drawings show that the existing timber window profiles are capable of an additional depth, totalling 12mm for the glazing. There remains a concern that this approach could lead to all glazing bars being remade to this profile, rather than being adapted. Where they survive in good condition existing glazing bars and other joinery elements should be retained, and if it is found to be unviable to adapt surviving glazing bars to take the double glazing, then alternative means of improving the thermal efficiency of single glazing should be considered. I recommend a condition to secure a sample of one existing unit with double glazing installed, to assess this part of the proposal, prior to the work being carried out across the whole site.

The proposed pergola and seating to the south of Building 7 would be an addition into the open space which forms part of the setting of the buildings, however the car parking has set a precedent for intrusion into the space, the trees that have grown over the years have altered the space, and the proposed attenuation features will also alter the space. Historic buildings have to be used in order for them to survive and this inevitably means some degree of change. I do not consider that the pergola and its associated surfacing would cause substantial harm to the site.

The location of the office bin store, next to the vehicle bridge, is not ideal however there are limited options to locate this. The location of the bin store for the café in Building 8 is also not ideal however it could not be located behind the building as there would not be space to move the large bins around past the side of the building. The details of the bin stores will be secured by condition.

I recommend further conditions to secure details of the external cleaning, the replacement roof timbers, new and replacement materials and details of any additional flues/extracts.

Paragraph 201 of the NPPF has been quoted by one of the objectors. This is a relevant paragraph, and reads as follows:

*201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

The proposed works would not lead to substantial harm to the heritage asset – on the contrary, they would be restored and further deterioration prevented. The interventions to provide double glazing and modern facilities are not considered to constitute substantial harm. This means that paragraph 202 comes into consideration, this paragraph states that less than substantial harm should be weighed against “...*the public benefits of the proposal including, where appropriate, securing its optimum viable use.*”

The proposal would secure the building in use and the proposals allow for retention of historic features and contemporary rebuild of elements that are severely fire-damaged.

#### Heritage Impact – Western Park

Western Park as a whole is locally listed. I do not consider that the proposed works would affect the value of the park in this respect.

#### Other matters

An objector has asked why some walkways around the site were demolished without listed building consent (LBC) several years ago. The external walkways were added in 1973 and although they were in situ in 2011 when the buildings were all listed, and are identified in the Official List Entry on the Historic England website, they are described as, “of plywood construction with plastic glazing... which are of no special interest”.

LBC is required for works which would alter a listed building in a way that “affects its character or appearance as a building of special interest”. Historic England states in their guidance on the topic that it is possible to undertake work to a listed building which would have no impact on its special interest.

It is therefore not considered that LBC would have been required for the works.

## Conclusion

- The proposed works would restore the buildings and bring them back into beneficial use
- The demolition of certain elements that are either beyond reasonable repair or of less heritage interest is acceptable
- The construction of new elements is acceptable as these sections are of a suitable design and respect the original layout and massing of the site.

I recommend that this application is APPROVED subject to conditions

### CONDITIONS

1. The works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)

2. Before any works take place a full internal schedule of works shall be submitted to and approved in writing by the local planning authority. The Schedule shall include:

(a) a detailed schedule confirming the extent of works to all walls, floors, ceilings and historic features to the first storey of Building 5/6;

(b) floorplans confirming the location, scope and method of the installation of all new plumbing and pipework;

(c) full details including relevant sectional drawings at an appropriate scale (1:10, 1:5, 1:2) of the location and methodology of any fire protection and acoustic/thermal separation works (ceilings, walls and floors) to all retained buildings on site;

(d) full details of the new staircase to Building 5/6

(e) details of the condition and appropriate repair or replacement of the lift doors in Building 5/6.

A photographic record of works carried out, and retained historic features, shall be kept during the works, and a copy provided to the local planning authority after the completion of works.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

3. Prior to the cleaning of the exterior brickwork, stonework and/or render, a patch test shall be undertaken in accordance with details that have previously been submitted to and approved in writing by the local planning authority. In the event that the exterior cleaning of brickwork/stonework/render is to be carried out using any other system than DOFF, details shall be submitted to and approved in writing

by the local planning authority prior to the work being carried out. The exterior cleaning shall be carried out as approved.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

4. Before any work takes place details of materials to be used on all new and existing external surfaces shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details shall include:

(a) specification and sample of roofing;

(b) specification and sample of wall cladding;

(c) specification and sample of brick;

(d) specification and sample of rainwater goods and details of where existing rainwater goods have to be replaced;

(e) a joinery schedule showing full details including elevation and section drawings at an appropriate scale (1:10, 1:5, 1:2 or 1:1), material and surface finish for all new external windows and doors cross-referenced with their location;

(f) any exterior paint to be used.

Development shall be carried out in accordance with the approved details.

(In the interests of preserving the character, appearance and setting of the listed buildings, and in accordance with Core Strategy policy CS18.)

5. Before the double glazing is installed to the retained timber window frames, a sample of one existing window with double glazing fitted shall be prepared for inspection and approved in writing by the local planning authority. Double glazing shall be installed to other windows and doors in accordance with the approved sample.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

6. Before any work is carried out to the roof timbers the scope of the works and details of replacement timbers shall be submitted in writing to the local planning authority, and arrangements made for a site inspection. No work shall be carried out until approval has been issued in writing by the local planning authority and the work shall take place in accordance with the approved details.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

7. Prior to the installation of any mechanical and electrical services with external elements including but not limited to vents, extracts, flues, soil pipes, external lighting, security cameras/alarms, telecommunication aerials and fibre optic/telecommunications cables (where visible) details including material, colour, surface finish and scaled elevation drawings (1:50) showing the location and design shall be submitted to and approved in writing by the local planning authority.

No additional such external elements shall be installed unless details of their design and location have first been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

8. Before any work takes place to the floor of Building 8 (to facilitate drainage works if required) details of the condition and materials of the floor and details of the proposed restoration shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

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

Proposed site layout, drawing no 28806(P-20)101 revision S received 17/3/2022

Site layout including Hinckley Road, drawing no 28806(P-20)107 revision F, received 17/3/2022

Building 1 floor plans, drawing no 28806(P-20)203 revision C, received 2/9/2021

Building 1 elevations and sections, drawing no 28806(P-20)205 revision C, received 2/9/2021

Building 1 Schedule of Works floor plans, drawing no 28806(P-08)101 revision D, received 2/9/2021

Building 1 Schedule of Works elevations and section, drawing no 28806(P-08)102 revision D, received 2/9/2021

Building 2 floor plans, drawing no 28806(P-20)206 revision D, received 2/9/2021

Building 2 elevations and sections, drawing no 28806(P-20)207 revision D, received 2/9/2021

Building 2 Schedule of Works floor plans, drawing no 28806(P-08)103 revision D, received 2/9/2021

Building 2 Schedule of Works elevations and sections, drawing no 28806(P-08)104 revision D, received 2/9/2021

Building 3 floor plans, drawing no 28806(P-20)208 revision D, received 2/9/2021

Building 3 elevations and sections, drawing no 28806(P-20)209 revision D, received 2/9/2021

Buildings 1, 2, 3 floor layout, drawing no 28806(P-20)201 revision D, received 2/9/2021

Buildings 1, 2, 3 front elevations, drawing no 28806(P-20)202 revision C, received 2/9/2021

Building 3 Schedule of Works floor plans, drawing no 28806(P-08)105 revision D, received 2/9/2021

Building 3 Schedule of Works elevations and section, drawing no 28806(P-08)106 revision D, received 2/9/2021

Buildings 2 and 3 Schedule of Works: window and door Sections, drawing no 28806(P-20)221 revision A, received 2/9/2021

Building 3 Schedule of Works floor plans, drawing no 28806(P-08)105 revision D, received 2/9/2021

Building 3 Schedule of Works elevations and section, drawing no 28806(P-08)106 revision D, received 2/9/2021



Building 4 floor plans, drawing no 28806(P-20)210 revision C, received 2/9/2021

Building 4 elevations, drawing no 28806(P-20)211 revision C, received 2/9/2021

Building 4 elevations and sections, drawing no 28806(P-20)212 revision E received 21/10/2021

Building 4 Schedule of Works floor plans, drawing no 28806(P-08)107 revision D, received

Building 4 Schedule of Works elevations and section, drawing no 28806(P-08)108 revision D, received 2/9/2021

Building 4 Schedule of Works window and door sections, drawing no 28806(P-08)241 received 1/3/2021

Building 5/6 floor plans, drawing no 28806(P-20)213 revision C received 2/9/2021

Building 5/6 elevations and sections, drawing no 28806(P-20)214 revision C received 2/9/2021

Building 5/6 elevations and sections, drawing no 28806(P-20)215 revision D received 2/9/2021

Building 5/6 Schedule of Works floor plans, drawing no 28806(P-08)109 revision D, received 2/9/2021

Building 5/6 Schedule of Works elevations, drawing no 28806(P-08)110 revision D, received 2/9/2021

Building 5/6 Schedule of Works elevations and sections S2, drawing no 28806(P-08)111 revision D, received 2/9/2021

Building 5 Schedule of Works window and door sections, drawing no 28806(P-08)251 received 1/3/2021

Building 5 Schedule of Works window and door sections, drawing no 28806(P-08)252 received 1/3/2021

Building 7 floor plans, drawing no 28806(P-20)216 revision C, received 2/9/2021

Building 7 elevations and sections, drawing no 28806(P-20)217 revision D received 2/9/2021

Building 7 Schedule of Works floor plans, drawing no 28806(P-08)112 revision D, received 2/9/2021

Building 7 Schedule of Works elevations S1, drawing no 28806(P-08)113 revision D, received 2/9/21

Building 7 Schedule of Works elevations and sections S2, drawing no 28806(P-08)114 revision D, received 2/9/2021

Building 7 Schedule of Works window and door sections, drawing no 28806(P-08)271 received 1/3/2021

Building 8 floor plans, drawing no 28806(P-20)218 revision D received 12/7/2022

Building 8 elevations and sections, drawing no 28806(P-20)219 revision D, received 2/9/2021

Building 8 Schedule of Works floor plans, drawing no 28806(P-08)115 revision D, received 2/9/2021 (NB: layout of accessible WC as per drawing ref 28806(P-20)218 revision D)

Building 8 Schedule of Works elevations and sections, drawing no 28806(P-08)116 revision D, received 2/9/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)281 received 1/3/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)282 received 1/3/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)283 received 1/3/2021

Pergola, drawing no 28806(P-20)111 revision A received 26/10/2021

Bin store (Building 8), drawing no 28806(P-20)105 revision B, received 12/10/2021

Bridge link adjacent Building 8, drawing no 28806(P-20)106 revision B, received 2/9/2021

Cycle storage, drawing no 28806(P-20)103 revision B, received 2/9/2021.

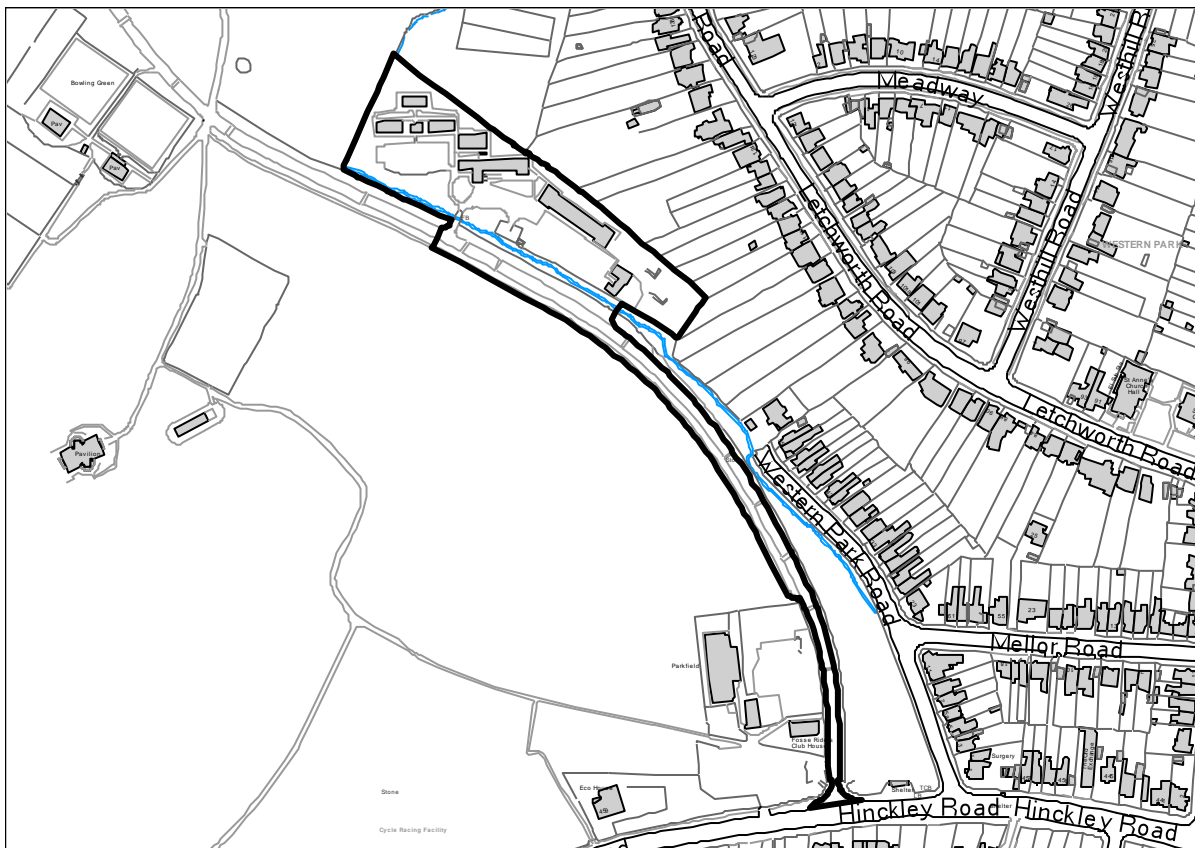
(For the avoidance of doubt).

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

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.

## COMMITTEE REPORT

<b>20202126</b>	<b>Hinckley Road, Western Park Open Air School</b>	
Proposal:	Change of use to office (use class E(g)(i)) and community building with cafe; demolition of two buildings and fire damaged elements; construction of three new elements/extensions; construction of bridge over watercourse; new internal driveway and external lighting (Amended plans 17.03.2022 and 25.03.2022)	
Applicant:	WPOAS Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	30 August 2022	
LL	TEAM: PM	WARD: Western



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### Summary

- This application is to be considered alongside an associated Listed Building Consent (LBC) application ref 20202119 elsewhere on this agenda.

- This application is brought before committee as 8 objections have been received from 7 different City addresses. Objections have also been received to the LBC application and as those objections relate to matters other than just the heritage impact they are reported here.
- The main issues relate to the principle of the use, impact on historic fabric, ecology, public safety and transport.
- The objections relate to vehicle access and car parking, ecology, the principle of the use, pollution, trees and flooding.
- The application is recommended for APPROVAL subject to conditions.

## The Site

The site is within Western Park, about 270m-470m from the main entrance on Hinckley Road. The main driveway into the Park runs along the south-west side of a watercourse, the Western Park Brook, and the application site is on the other bank of the watercourse. The site slopes upwards towards its rear and this topography supports the layout of the buildings, which face either south or southwest. The Open Air School (OAS) was built in about 1930 as a facility for children with respiratory and similar problems, designed to enable children to benefit from fresh air and sunlight. It was used as a school until 2005 and has been closed since then.

The OAS was listed Grade II in 2011.

The entrance to the site is by way of a bridge over the watercourse with gates at the site side. There is a hard-surfaced area suitable for vehicles to park and turn just within the gates.

The site is on a slope and the largest main building, Building 5, the only building of more than one storey, addresses the site entrance. Leading to the right/south-east of this is a long, low building, with Building 6 being the end section which is severely fire damaged. Building 7 is another long, low building, and at the far right of the site is a smaller detached building (Building 8). All of these face onto a grassed area.

To the left of the main building there are ramped paths and steps leading up to the higher levels of the site. Immediately behind the main two-storey building is Building 4, Buildings 2 and 3 are slightly higher and to the left, and Building 1, behind, has been almost completely destroyed by fire. Buildings 1 - 3 were originally constructed as small pairs of classrooms and have large windows facing directly south.

Some of the ramped paths lead up to a flat area in front of Buildings 2 and 3 which appears to have been a playground. Due to being unoccupied for some time, the site is overgrown and has become used by local wildlife.

## Background

Since becoming vacant the buildings on site have deteriorated and suffered from vandalism including arson as recently as May this year. Most recently, part of a tree fell onto one of the fire-damaged sections of the building.

Pre-application discussions took place over a period of about two years prior to this application being submitted.

Comments have been made about possible future development on the Hinckley Road car park. An application for this has been submitted but is not yet valid and does not form part of this assessment.

## **The Proposal**

The proposal is to restore and update the buildings on site in order to bring them back into use as small office units and a café/community room. Two elements of the original build have been fire damaged to the extent that they cannot realistically be restored, and these would be replaced with new buildings. These are Building 1, at the far north-east of the site, and Building 6. Two small structures which were constructed later than the main buildings, as sanitary facilities, would also be demolished.

Buildings 1 to 7 would be rebuilt or restored, fitted with sanitary facilities, and converted to small office units.

Building 8, at the far south-east, would be extended to the rear, restored, and converted to a café/community space.

The ramped path to the former playground would be extended to form a vehicular route, and the former playground would be converted to car parking. Ramps and steps would be altered to provide level access around the site.

An additional bridge would be put in over the watercourse, near to Building 8. This bridge would be for cyclists, pedestrians and wheelchair users only.

As the site would be used for employment purposes it would be necessary to secure a safe route for people going to and from the site mornings and evenings. The driveway is not currently lit, as people do not usually come to the Park during darkness, and lighting would be installed along the driveway.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

Paragraph 2 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

### Paragraph 11 – Presumption in Favour of Sustainable Development

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. 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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 39 – Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Paragraph 81 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

Paragraph 87 – Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Paragraph 112 – ... applications for development should prioritise sustainable transport, address the transport needs of people with disabilities and reduced mobility, create safe and secure places, allow for servicing and be designed to enable charging of electric vehicles.

Paragraph 130 – Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive and sympathetic to local character and history, maintain a sense of place, optimise the potential of the site to accommodate a suitable amount and mix of development, create places that are safe inclusive and accessible with a high standard of amenity and where crime and the fear of crime do not undermine the quality of life.

Paragraph 157 – ... development should ... take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 174 – Planning ... should contribute to and enhance the natural and local environment by (inter alia) minimising impacts on and providing net gains for biodiversity

Paragraph 180 – 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

Paragraph 194 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation

Paragraph 195 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 197 – In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 201 – Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 202 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 204 – Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

### Development Plan policies

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

The most relevant Core strategy policies and Local plan policies are AM01, AM02, CS10, CS17 and CS18.

### Other legal or policy context

Listed Buildings and Conservation Areas Act

### **Consultations**

#### Local Highway Authority

The bridge into the site is below the usual minimum width required in the Leicester Street Design Guide (LSDG). Preference would be for this to be widened.

Level of increased trips unlikely to result in severe congestion at the park entrance on Hinckley Road.

Worn out road markings on the park access road should be renewed.

Conditions recommended.

#### Lead Local Flood Authority

No objection subject to conditions.

#### Pollution Control – Noise

No concerns about this proposal.

#### Trees and Woodlands

No objection subject to conditions to ensure that development is carried out in accordance with arboricultural method statement.

### **Representations**

The planning application and the listed building consent application were advertised at the same time, and neighbours have commented under both references.

There have been 8 objections submitted from 7 city addresses specifically for this application, as well as 3 “no objections/support” and seven other comments. Objections submitted to the LBC application, where they relate to relevant planning matters, are also reported here.

#### *Objections*

- Demolition of the fire damaged original house should not be necessary. Should be rebuilt
- If the school needs demolishing can't the council do it?
- Have enough business parks
- Seems to be a desire to commercialise city parks bringing more unwanted traffic and pollution



- Land was sold off for a pound to the developer, the same developer who worked on housing in Western park and on Winstanley House, is this correct? If so why? (*Officer's note: this is not relevant to the planning consideration of the proposal*)
- Building is within the public domain and has been enjoyed by Leicester citizens for many years.
- Building has been used by various community groups who have benefited from its use
- Should remain part of Leicester's architectural heritage and continue to benefit the lives of the Leicester public
- Council neglected it and allowed it to become private property and is using public money to rectify damage from neglect by owners; comments made about the sale contract, the applicant and the timing of various actions within the contract [*officer's note: these are not planning considerations*]
- Leicester does not need more offices, it needs space for people to be creative and healthy
- Council throwing money at this privately owned building and the owners want to knock it down and build new
- Demolition and rebuilding, presumably with new materials is NOT conservation and is NOT a sustainable practice
- Would be better if National Trust or English Heritage could take it on, may be the only one left in the country
- Like the Corah building, important parts of Leicester's history being sold off for commercial use
- Buildings are regularly targeted by vandals and arsonists, it's a toss up between that and a more busy (less peaceful) and polluted environment
- Planned café could increase litter
- Lack of car parking
- Development should be traffic free
- Can it be disabled and mobility scooter access only
- Proposal would make Western Park a destination point and attract more traffic
- The Avenue was not designed for current volumes of traffic or parking and there are no turning points
- Cars will park on surrounding roads
- Impact of development on local traffic network including bus stops/routes used by school children
- Parking issues at local schools not resolved yet
- Additional cars mean more congestion and pollution harming people and trees

- No mention of electric vehicle charging points
- Travel by foot and bike should be encouraged
- Site is in a dip which traps pollution
- What steps would be taken to minimise pollution levels
- Increased danger from cars where children play and learn to ride bikes
- Park should be limited vehicular access
- Lack of parking for building 8
- Alternative car parking should be looked at, especially as the existing car park is to be developed later
- Extra traffic coupled with planned redevelopment of the EcoHouse and the new homes planned for brownfield site at the park entrance
- Parking should be charged for
- Transport Statement not valid
- Transport Statement underestimates the number of additional journeys and ignores the impact on the park road
- There should be a community consultation
- Against the removal of trees
- Felling of trees negative impact on wildlife
- Proposal could increase flooding due to removal of trees and shrubs
- Light pollution effect on wildlife
- New bridge could affect privacy of residents on Letchworth Road
- Development is contrary to the Leicester City Climate Change Action Plan, guidance and legislation and some of the planning policies
- School site could be levelled to all but a few buildings and the land turned into a community orchard/allotment space for locals
- Developer does not appear to have fully examined other options for the better use of the site

### *Support*

- Support listed buildings being brought back into use if we can make sure that the use does not have a negative impact on the surrounding environment
- Would be nice to see this site made use of again by office staff and the community
- Buildings have been left empty for too long
- Park would benefit from having a café, would encourage more users to the park and give a community atmosphere
- Traffic movement to these premises will be nothing like the amount of traffic using the park at weekends for sporting events

### *Other comments*

- Not clear whether the vehicular access will be limited to the current park opening hours
- Concern about impact of access and lighting on wildlife
- Will further traffic calming measures be added to the access road
- Unclear how the parking will be managed, how will those working in the offices be stopped from using the free parking in the Park
- Support site being brought back into use but only if use does not have a negative impact on the surrounding environment and trees
- How will an increase in traffic be discouraged? How will this differ compared to when the site was still in use as a school?

## **Consideration**

### Principle of development

Although the site is within Western Park, which is allocated as green space, the school site is not itself allocated as parkland or as public open space. It was used as a school until 2005, and was allocated as “Community and Leisure” land in the 2006 Local Plan. That allocation was not saved and so the site currently has no allocation.

Core Strategy policy CS10 supports new small offices (defined as less than 1,000 sq m) in centres, or where they are part of a mixed use scheme. The applicant has stated that the office floorspace would be 1,183 sq m and the café and community building would be 183 sq m.

The site is not in a sequentially preferable location for offices however policy CS18 must also be considered. This policy seeks beneficial uses for listed buildings in order that they can be retained and maintained. The listed building status is significant and office use would enable the retention and restoration of the heritage asset, and the development is a mixed use. The slight exceedance of the 1,000 sq m limit is considered acceptable in the interests of securing a beneficial use for the listed buildings.

### Design and Heritage Assets

The principle of re-use and conversion is strongly supported and will aid the survival and preservation of the listed buildings. The work offers an opportunity to improve the condition.

The loss of a relatively small proportion of the existing asset through demolition, with most such elements being of limited merit and/or in critical condition, is outweighed by the benefits of retention of most of the built heritage on site, including the most well-preserved and architecturally distinguished sections of the complex. On balance the level of demolition as proposed is considered acceptable.

The design of the new sections is contemporary and this is supported. The new Building 1 would be to the same scale as the original and would retain the chimney,

which is the only remaining part of the original building. It would have large south facing windows in keeping with the original character, and a pitched roof with gable ends instead of the hips on Buildings 2 and 3. Generally, the finishes (timber, aluminium, zinc) are considered appropriate in its context.

The details of the work in respect of impact on historic fabric is examined in the associated listed building consent application elsewhere on this agenda.

### Residential amenity

There are existing dwellings on Letchworth Road, which is to the back of the school site, and on Western Park Road which runs along the east side of the park parallel to the park driveway. The fences along the site boundary at the back are of various materials.

There are also existing dwellings in the park itself, in converted historic buildings, about 140m away from the school site. These dwellings are reached further along the park driveway.

The dwellings on Letchworth Road which back onto the application site have large gardens ranging from 55-95m long. The houses are located on higher ground than the application site, in some cases by several metres, and there are trees both on the application site and in the gardens. Taking into account that the nature of the proposed use is not inherently noisy, and given the separation distance and the levels difference, I do not consider that the proposed use of the application site would give rise to any unacceptable impact on residents. There will of course be people within the site, and sometimes the people will be close to the ends of private gardens, but that would be the case whatever use took place on the site.

### Waste storage and collection

Two bin stores are proposed, one for the offices just within the site next to the vehicle bridge over the watercourse, and one for the café also within the site and next to the proposed pedestrian/cycle bridge. Each of the bin stores being next to a bridge would allow bins to be moved to the main driveway for emptying. I consider this acceptable, subject to a condition to secure installation and retention of the bin stores.

The design of the bin stores in terms of external appearance and the associated retaining wall for the larger store needs to be finalised and this is included in a condition. I also recommend a condition for a waste management plan.

Subject to these conditions being satisfactorily addressed I consider the details acceptable.

### Highways and Parking

Access to the development would be via the main park gates, for vehicular traffic other than cycles. Other traffic could use this entrance, or the entrance through the existing car park off Hinckley Road, or other park entrances.

Use of the main park gates is acceptable although it is noted that this means there would be no vehicular access once the main gates are closed. Closure is generally

between 1830 (later in summer) and 0800 (although it is usually open earlier). The applicant or operator of the site would have to manage use of the site, including deliveries and refuse collection, accordingly.

The LHA raised a concern about the use of the bridge over the watercourse. This bridge would only allow one-way traffic meaning that vehicles might have to wait to enter or leave the site. The applicant has proposed an electric gate across the site entrance, which would help to control traffic, but details of the operation of this gate would be required and I recommend that this is included in the site management plan.

As there would be a secondary bridge closer to Building 8, for pedestrians, cyclists and wheelchair users, there would be reduced chance of conflict with these groups using the main bridge. The secondary bridge would not need to be gated (although subject to suitable management it could be) and would be closer to the main park entrance, so would allow access by taking people off the main drive ahead of the proposed vehicle bridge. I recommend a condition to secure details of the pedestrian/cycle bridge, and its installation prior to occupation.

Policy seeks a minimum of three cycle parking spaces for a development this size but also requires that cycling facilities accommodate a minimum of 12% of all journeys to work. The proposal is for over 30 Sheffield stands, which could accommodate up to 60 cycles, in a combination of open and covered areas spread across the site. This exceeds minimum requirements and will also allow for cycle parking for people coming to the café.

Policy seeks a maximum of 30 car parking spaces for the 1,183 sq m of office development. The proposal includes 32 spaces overall, of which four would be accessible. I consider this acceptable.

The café/community room would, according to policy, generate a maximum car parking requirement of 3 spaces, however the facility is likely to serve people who are already in the park and people who are working in the offices. There is car parking on the main drive and in two small car parks, one at the head of the driveway and one off Hinckley Road. Any impacts associated with potential development of the Hinckley Road car park would need to be considered as part of that application, although were it to be developed there would still be car parking available for people visiting the park.

The applicant has had regard to Approved Document S of the Building Regulations, which sets out requirements for electric vehicle charging points. This document, despite being about electric vehicles, appears to concentrate on facilities for cars and does not explicitly mention cycles although cycles are vehicles. The applicant has stated that the development would provide one dedicated electric vehicle charging point and that seven of the 32 parking spaces are proposed to be provided with the cable routes. As there are two car parking areas, and some people such as wheelchair users might not be able to move between the two parking areas, I recommend a condition to secure charging points in each of the two parking areas, including charging points at the accessible spaces.

Objections have been received on the grounds of lack of car parking however as explained above the parking provision is acceptable in terms of policy requirements as related to the proposed development. It would be unreasonable to expect this development to address existing car parking problems in the area.

It should be borne in mind that the site could be restored for use as a school and then re-opened as a school without needing permission for that use. Use as a school would be likely to create significantly larger car parking problems than the proposed use under consideration.

Objections have been received on the grounds of air pollution, however given the level of likely additional car traffic, and the existing levels of car traffic (the existing driveway is long enough for about 100 cars to be parked), this objection cannot be supported.

Objections have been received on the grounds of highway safety, however the LHA has no objection on this ground. The additional traffic on Hinckley Road would not have a significant impact.

It is not clear why objectors are concerned about the safety of people using bus stops. The nearest bus stop inbound is about 80m from the park entrance on the far side of the Western Park Road junction, and the nearest outbound stop is on the opposite of Hinckley Road opposite the main entrance.

I consider that in respect of traffic and public safety and arrangements for access and vehicle parking the proposal is acceptable.

### Drainage

Although there is a watercourse running along the south-west boundary of the site, between it and the main park, the site is not affected by any flood zone constraints. The site slopes downwards towards this watercourse. The site is within a Critical Drainage Area.

The site is in Flood Zone 1, and flood risk is low.

The site is already drained into the watercourse, although the underground elements of the system are damaged in places. It is proposed to repair some sections and generally upgrade the system. Measures such as water butts, permeable paving, permeable resin bound surfacing, and attenuation ponds, are proposed.

Change of use developments are encouraged to achieve a reduction in the current runoff rate with the aim to achieve Greenfield runoff rate of 5l/s/ha, where practically possible. It has been stated that the overall surface water discharge rate into the watercourse will be reduced by a minimum of 30%.

It is proposed to replace the existing headwalls and to use flow control devices to ensure that runoff into the watercourse is kept to a low level.

Some further information is required including the sections of the attenuation ponds, some technical details and the maintenance scheme. I recommend a condition to secure this.

Foul drainage would use the existing system leading to the public sewer in Hinckley Road.

Subject to the conditions being satisfactorily addressed I consider this acceptable.

Neighbours have commented on increased flood risk however there is no increased flood risk, and the upgrading of the surface water drainage system should regulate runoff which would control the risk of surface water flooding.

### Nature conservation/Trees/landscaping

The site comprises significant unlit areas of mature broadleaved woodland, shrubs, smaller areas of amenity grassland and derelict buildings with hardstanding. It is surrounded by mature trees and parkland; Western Park is a Biodiversity Enhancement Site (BES). The site is very well connected to existing ecological networks within the city and is considered to offer substantial nature conservation potential, particularly for bats and birds. The site is ecologically sensitive, and the applicant has provided the necessary ecology reports.

Bats use the park and bat surveys show that there is activity along the driveway and on one of the buildings. The developer will have to apply for a licence from Natural England which will be required before the works could take place lawfully. Building 5 was found to be supporting day roosting for a Brown long-eared bat over one occasion during the 2021 surveys and the same gable of building was found to be in use by Common pipistrelle (2 bats) during one of the two 2019 surveys. As bats are using the roof, there are certain materials that should not be used and I recommend a clause in the Construction Environmental Management Plan (CEMP) condition accordingly.

In order to avoid undue impact on bats along the driveway the lighting will have to be designed carefully. Some information has been provided but it is insufficient so I recommend a condition to secure further details. It is anticipated that the lighting scheme would include times when the lighting is turned off, as it would only be needed during the hours of darkness when people would be coming and going to the site. This means that the lighting might not be needed at all in the summer, and only for a limited period morning and evening.

Surveys have identified badger setts and activity in the area. In order to protect badgers the development has to be kept within the red line boundary and away from the adjoining woodland, but it is not anticipated that there would be any need to extend works beyond the site boundary. There are mitigation measures within the ecology report that should be kept to, and I recommend a condition to secure this.

The majority of existing habitats will be retained on site with low numbers of trees and shrubs proposed for removal. With appropriate replacement planting for lost areas of vegetation achievement of Biodiversity Net Gain should be possible without the requirement for a formal Biodiversity Impact Assessment in this case. The provision of biodiversity features is required to ensure that the development will provide an overall net gain in biodiversity on site and I recommend a condition to secure them.

A Biodiversity Enhancement Plan has been submitted, is acceptable, and I recommend a condition to secure its implementation.

It is proposed to remove several trees (a total of 16) just next to the gate and alongside an existing path in order to facilitate the work, there is no objection to this. The tree removal would be focussed in the locations for the proposed bin store and car park ramp, and at the point where the new footbridge would be installed. As the other works would be to existing buildings there would be no other tree impact, subject to tree protection being used as set out in the Arboricultural Report. A total of 24 replacement trees are proposed.

In order to avoid harm caused to trees along the driveway when the lighting is installed, I recommend a condition to require that these works are carried out in accordance with the National Joint Utilities Group methods.

The proposed landscaping scheme is broadly sympathetic to biodiversity and is supported, however the creation/maintenance of a wildflower meadow is unlikely to be compatible with the use of this area as a SuDS feature. It is recommended that this area be managed as a flowering lawn using a seed mixture that can tolerate regular mowing, with SUDs areas managed appropriately using a wet grassland mix with less frequent cutting.

I recommend conditions to secure further details of the landscaping including the replacement trees, a Construction Environmental Management Plan and a Landscape and Ecology Management Plan. Mitigation is required also for Hedgehogs and birds and to avoid pollution affecting the watercourse. The issue of pollution affecting the watercourse is included in the main Construction Method Statement condition.

### Other matters

Comments have been made about the possible future development on the Hinckley Road car park site. That development is not part of this application, and that and any other proposals would be assessed on their own merits.

## Conclusion

- The proposed development would restore the listed buildings and bring them back into beneficial use
- Access, parking and drainage arrangements are acceptable
- The design of the new build elements is appropriate to the character of the site as a whole
- The proposal complies with local and national policies.

I recommend that this application is APPROVED subject to 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. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) vehicle and pedestrian temporary access arrangements;  
the parking of vehicles of site operatives and visitors;
- (b) the loading and unloading of plant and materials;
- (c) the storage of plant and materials used in constructing the development;



- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) measures including working hours to minimise the effect of noise on neighbouring occupiers;
- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (i) measures to ensure that flood risk is managed on site during the period of works for personnel, plant and members of the public;
- (j) measures to ensure that flood risk is not increased anywhere outside of the site for the duration of the works;
- (k) measures to ensure that pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident;
- (l) measures to ensure that the structure of any adjacent watercourse is not affected by the proposed development.

(To ensure the satisfactory development of the site, and in accordance with saved policies AM01, PS11 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. Before any development takes place 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 use shall not commence until the system has been installed in accordance with the approved details and is operational. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:

- (a) full design details including sections of the attenuation features;
- (b) a water quality assessment;
- (c) a timetable for its implementation; and
- (d) 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).

4. Before any development takes place (including demolition, ground works and vegetation clearance) a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following details:

- (a) Risk assessment of construction activities with the potential to cause harm to biodiversity;
- (b) identification of "biodiversity protection zones";

(c) measures (both physical and working practices) to avoid or reduce impacts during construction including use of suitable roofing materials to minimise effects on Bats;

(d) the location and timing of sensitive works to avoid harm to biodiversity features;

(e) times during construction when specialist ecologists shall be present on site to oversee works;

(f) responsible persons and lines of communication;

(g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

(h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the construction period.

(In the interests of amenity and biodiversity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).

5. Before any development takes place a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing by the local planning authority. The scheme shall include details of:

(a) the position and spread of all existing trees, shrubs and hedges to be retained or removed;

(b) new tree and shrub planting, including plant type, size, quantities and locations;

(c) sections of and planting to the attenuation features;

(d) a detailed plan of biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction;

(e) details of the make, type and location of six bird boxes/tiles/bricks and six bat boxes/tiles/bricks to be installed on buildings/trees and two hedgehog boxes, all to be sited and installed under the guidance and supervision of a qualified ecologist.

The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the local planning authority.

(In the interests of amenity and biodiversity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).

6. Before any development takes place a detailed design plan of lighting to be used across the site, including the main Park driveway, shall be submitted to and approved in writing by the local planning authority. The details shall include:

(a) the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light;

(b) hours of operation of the lighting and details of the operating hours of the approved office development.

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 completed and operational prior to the development being brought into use and shall be retained thereafter. No additional lighting shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. (In the interests of public safety and protecting wildlife habitats and in accordance with Core Strategy policies CS03 and CS17 and paragraph 180 of the National Planning Policy Framework. In order that the details can be agreed in time to be incorporated into the development this is a PRE-COMMENCEMENT condition).

7. No development shall take place until details including a manufacturer's specification and permeability details of the replacement and new external surfacing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(In the interests of amenity and sustainability and in accordance with Core Strategy policies CS02 and CS03.)

8. The development shall not be occupied until remedial works to the road markings on the Western Park access driveway have been carried out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

(In the interests in public safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

(For the avoidance of doubt, the details approved as part of this permission are insufficient to address this condition).

9. Before any development takes place details of the vehicular access to the upper car park and the main bin store as shown on drawing shall be submitted to and approved in writing by the local planning authority. The details shall include:

- (a) Plans, sections and levels;
- (b) details of the construction of the retaining walls;
- (c) details of tree removal and protection measures;
- (d) details of surfacing;
- (e) details of enclosure to the bin store.

Development shall be carried out in accordance with the approved details and the ramp and bin store shall be provided prior to the development being brought into use.

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

10. No development shall take place (other than site clearance) until details of the proposed new footbridge adjacent Building 8, as shown on drawing, have been

submitted to and approved in writing by the local planning authority. The bridge shall be installed and open for use prior to the development being brought into use, and shall be retained and available for use at all times when the site is open for use. (In the interests of the safety of users of the site and in accordance with saved policies AM01 and AM02 of the City of Leicester Local Plan).

11. The development shall not be occupied until a waste management plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- (a) location and surfacing of refuse collection point(s) and refuse store(s);
- (b) signage directing occupants to the refuse collection point(s)/refuse store(s) and advising them of contact details for the management company, such signage to be retained throughout the lifetime of the development and updated within seven days when such contact details change;
- (c) provision for persons with mobility and other limitations to use the refuse collection point(s) and refuse store(s);
- (d) arrangements for cleaning and maintenance of the refuse collection point(s) and refuse store(s);
- (e) contact details for any management company responsible for the site;
- (f) provision for any change to the management company, or change to contact details for that company, to be advised to the local planning authority within seven days of the change of responsibility or details taking effect.

The development shall not be occupied or used other than in accordance with the approved plan.

(To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with Core Strategy policy CS03).

12. The development shall be managed and operated in full accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the local planning authority before the first occupation of the development. The management plan shall set out procedures for:

- (a) hours of operation of the site and arrangements for closure of the car park during the hours when the main park gates are closed;
- (b) how servicing and deliveries will be managed;
- (c) the security of the development and its occupiers including any gate to the footbridge;
- (d) maintaining the external areas of the site;
- (e) operation of the site vehicle gate and control of access;
- (f) advising the local planning authority of the contact details for site management.

(To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with the aim of Core Strategy policies CS03, CS06 and CS15 and policy PS10 of the City of Leicester Local Plan.)

13. The development shall not be occupied until a Travel Plan for the development has been submitted to and approved in writing by the local planning authority. The Plan shall be carried out in accordance with a timetable to be contained within the Plan. The Plan shall:

(a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries;

(b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options;

(c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking;

(d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use.

The plan shall be maintained and operated thereafter.

(To promote sustainable transport and in accordance with saved policies AM01, AM02, and AM11 of the City of Leicester Local Plan and Core Strategy CS14 and CS15).

14. Before the installation of the gate to the vehicle bridge, details of the gate including design and operation shall be submitted to and approved in writing by the local planning authority. The gate shall be installed and operated thereafter in accordance with the approved details. (In the interests of safety and security and in accordance with Core Strategy policy CS03.)

15. All development including the installation of the lighting to the Park driveway shall be carried out in accordance with the details contained within the document Arboricultural Impact Assessment and Method Statement reference AAAIAWEST dated 6 April 2022.

(In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

(The applicant's attention is drawn to the requirement to comply with NJUG requirements.)

16. Development shall take place in accordance with the Construction Management Recommendations within the Badger Survey report reference BS/BC/Open Air/v2 dated 15 March 2022, Section 6 (P7/8). (In the interests of biodiversity and avoiding harm to a protected species and in accordance with Core Strategy policy CS17.)

17. The development shall not be brought into use until facilities for the charging of electric vehicles have been provided to each of the two car parking areas and at least one cycle parking area, and shall be available at a minimum of one accessible car parking space in each of the upper and lower parking areas, and a minimum of five other car parking spaces and five cycle parking spaces. (In the interests of energy efficiency and sustainable travel and in accordance with Core Strategy policy CS02).

18. The development shall not be occupied until cycle parking has been provided in full accordance with the details shown on the approved plans. The cycle parking

shall be retained thereafter for use in connection with occupation of the approved development. (In the interests of the satisfactory development of the site and in accordance with saved policy AM02 of the City of Leicester Local Plan).

19. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking and re-enacting that Order with or without modification), the buildings labelled Building One to Building Seven on drawing 28806(P-20)101 revision S shall be used only as offices falling within Use Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (as it existed at the date of permission) and for no other use within that or any use class. (To ensure that full consideration is given to any alternative use).

20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking and re-enacting that Order with or without modification), the building labelled Building Eight on drawing shall be used only as a mixed use of cafe and community facility and for no other use. (To ensure that full consideration is given to any alternative use).

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

Proposed site layout, drawing no 28806(P-20)101 revision S received 17/3/2022

Site layout including Hinckley Road, drawing no 28806(P-20)107 revision F, received 17/3/2022

Building 1 floor plans, drawing no 28806(P-20)203 revision C, received 2/9/2021

Building 1 elevations and sections, drawing no 28806(P-20)205 revision C, received 2/9/2021

Building 2 floor plans, drawing no 28806(P-20)206 revision D, received 2/9/2021

Building 2 elevations and sections, drawing no 28806(P-20)207 revision D, received 2/9/2021

Building 3 floor plans, drawing no 28806(P-20)208 revision D, received 2/9/2021

Building 3 elevations and sections, drawing no 28806(P-20)209 revision D, received 2/9/2021

Buildings 1, 2, 3 floor layout, drawing no 28806(P-20)201 revision D, received 2/9/2021

Buildings 1, 2, 3 front elevations, drawing no 28806(P-20)202 revision C, received 2/9/2021

Building 4 floor plans, drawing no 28806(P-20)210 revision C, received 2/9/2021

Building 4 elevations, drawing no 28806(P-20)211 revision C, received 2/9/2021

Building 4 elevations and sections, drawing no 28806(P-20)212 revision E received 21/10/2021

Building 5/6 floor plans, drawing no 28806(P-20)213 revision C received 2/9/2021

Building 5/6 elevations and sections, drawing no 28806(P-20)214 revision C received 2/9/2021

Building 5/6 elevations and sections, drawing no 28806(P-20)215 revision D received 2/9/2021

Building 7 floor plans, drawing no 28806(P-20)216 revision C, received 2/9/2021

Building 7 elevations and sections, drawing no 28806(P-20)217 revision D received 2/9/2021

Building 8 floor plans, drawing no 28806(P-20)218 revision D received 12/7/2022

Building 8 elevations and sections, drawing no 28806(P-20)219 revision D, received 2/9/2021

Pergola, drawing no 28806(P-20)111 revision A received 26/10/2021

Bin store (Building 8), drawing no 28806(P-20)105 revision B, received 12/10/2021

Bridge link adjacent Building 8, drawing no 28806(P-20)106 revision B, received 2/9/2021

Cycle storage, drawing no 28806(P-20)103 revision B, received 2/9/2021  
(For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

2. Further to condition 16 above, the mitigation measures include the need for a pre-commencement badger survey and inclusion of a 20m exclusion zone to be erected around the site to protect badger setts. If any partially/active setts fall within the 20m exclusion zone, temporary closure under Natural England licence will be necessary throughout the duration of nearby works. In this case all works should cease and any mitigation measures be reviewed by the LPA.

3. Birds

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 have to 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_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.                                                                                                                      |
| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.                                                                                                                                                                                        |
| 2006_GE03 | Development on a Biodiversity Enhancement Site will be permitted if the strategic nature conservation value is maintained or enhanced.                                                                                                                                                                                   |
| 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_CS01 | The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.                                                                          |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.                                                                                                                                  |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_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_CS10 | The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.                                                                                                                     |
| 2014_CS12 | In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.             |



- 2014\_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.
- 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.



## COMMITTEE REPORT

<b>20220701</b>	<b>5 Pendene Road</b>	
Proposal:	Demolition of garage and construction of two storey dwellinghouse (1 bed) (Class C3); installation of gates/fence and hard surfacing and removal of gate and fence to front.	
Applicant:	Mr and Mrs Sultan	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	25 August 2022	
PK	TEAM: PM	WARD: Knighton



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### Summary

- Reported to committee as there are 10 objections from 9 different addresses in the city.
- An objection has been received by Cllr Whittle.
- Objectors raise issues of highways safety, parking, emergency access, impact on neighbouring property in terms of daylight, privacy and loss of view.

- The main issues are character on the Stoneygate Conservation Area, design, residential amenity and highways.
- The application is recommended for approval.

## The Site

The application relates to a detached three storey dwelling house with a two-storey annexe to the southern side and a detached single storey double garage to the northern side. The site is located within the Stoneygate Conservation Area, covered by an Article 4 Direction in the interests of conservation, and a Critical Drainage Area. The application site is within a Primarily Residential Area.

## Background

The garage subject of this application was approved under planning permission 19960082 (Garage extension to side of house). This application was granted unconditional approval.

There have been several applications for tree works at the site which are not directly related to this application.

Application 20200421 for the Change of use from house (6 bed) (Class C3) to two houses (1x5 bed; 1 x 1 bed) (Class C3); construction of porch and steps to front, single storey extension to side and two storey extensions, raised platform, steps, 2.9m high wall and alterations to ground levels to form basement level amenity space at rear; alterations was refused in March 2021 for the following reasons:

1. The proposal, by reason of the installation of uPVC windows and doors, the disruption of the characterful cornice to the front of the annex, the incongruous two storey extensions to the rear and the associated loss of the characterful original bay windows to the rear, pastiche design of the porch, and likely permanent storage of waste to the front of proposed house two, would be detrimental to the character, appearance and significance of the host property and the Stoneygate conservation area contrary to National Planning Policy Framework (2019) paragraphs 124, 127, 130, 192, 193, 194 and 196, Core Strategy (2014) policies CS03 and CS18, saved policy PS10 of The City of Leicester Local Plan (2006) and Residential Amenity Supplementary Planning Document (2008).
2. The proposal by reason of the inaccurate plans and information in documents, discrepancy between the plans and discrepancy between the plans and documents are not satisfactory information for good decision-making. The proposal is contrary to National Planning Policy Framework (2019) paragraphs 43 and 189 and Core Strategy policy CS18.
3. Proposed house two, by reason of the poor levels of privacy, light and outlook, would be provided with unsatisfactory living conditions contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy policy CS03, saved policy PS10 and the Residential Amenity Supplementary Planning Document (2008).

4. The proposal, by reason of the ground floor side facing windows and the rear stairs to proposed house two and the raised patio to the rear of the main house, would cause an unacceptable loss of privacy and perceived loss of privacy to 9 Pendene Road, contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, saved policy PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).

Application 20202152 for the demolition of garage and construction of two storey dwellinghouse (3 bed) (Class C3); installation of gates/fence and hard surfacing and removal of gate and fence to front was refused in April 2021 for the following reasons:

1. The proposed balcony, by reason of its siting and design, would result in a substantial loss of privacy and perceived loss of privacy to the rear garden and rear principal room windows of 3 Pendene Road the retained house at 5 Pendene Road, contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, saved policy PS10 of The City of Leicester Local Plan and the Residential Amenity Supplementary Planning Document (2008).
2. The proposal, by reason of the lack of visibility splay to the northern side of the driveway and intensified residential use of the site, would result in highways safety risks on Pendene Road, contrary to National Planning Policy Framework (2019) paragraphs 108, 109, 110, 127 and 130; policies CS03, CS14 and CS15 of the Core Strategy (2014) and saved policies AM01 and AM02 of the City of Leicester Local Plan (2006).
3. The proposed design, by reason of the pastiche design, upvc windows, distorted window designs, grey tiles, vehicle-dominated/hard surfacing dominated environment to the front of the house, bland side elevations, position and dimensions of the ground floor window proposed to the northern side elevation and obstruction of waste storage access to the rear garden of the retained house at 5 Pendene Road, would harm the character and appearance of the application site and the Conservation Area contrary to National Planning Policy Framework (2019) paragraphs 124, 127, 130, 192 and 193, Core Strategy (2014) policies CS03 and CS18, saved policies PS10 and UD06 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).

Most recently application 20212871 for the Construction of stairs at front of annexe; solar panels at side of roof house and annexe (Class C3); alterations was granted conditional approval.

## The Proposal

The proposed development relates to the demolition of existing detached garage which is situated to the north of the main dwelling on site followed by the construction of a part single, part two storey pitched roof building in its place. The building would be used as a separate dwelling, with one bedroom.

The dwelling would be 5.7 metres in width with a total single storey depth of 12.1 metres. At first floor the dwelling would have a total depth of 7.8 metres. The dwelling would be gable fronted with a total ridge height of 6.6 metres. The total height of the single storey element to the rear would be no more than 5.2 metres in height. The roof plans to either side would contain one dormer each which have been identified to be opening only above a finished floor level of 1.7metres. The roof slopes to either side would also contain roof lights.

At ground floor the property would offer an open plan kitchen, dining and living space with a separate bathroom and study. At first floor, it is proposed to provide a bedroom with an ensuite.

To the rear of the property would be the rear garden. To the front, it is proposed to provide one parking space which would be horizontal to the dwelling. A small soft landscaped area is also proposed.

During the course of the application, amended landscaping plans were submitted.

## Policy Considerations

### The National Planning Policy Framework (2021)

Paragraph 8 establishes three, overarching and interdependent objectives for sustainable development. They are: an economic objective; a social objective; and an environmental objective.

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision taking this means: approving development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:

- i. 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
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision makers should approve applications for sustainable development where possible.

Paragraph 56 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that local planning authorities should give great weight to the benefits of using suitable sites within existing settlements.

Paragraph 111 states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative impacts on the road network.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and goes on to recognise that good design is a key aspect of sustainable development.

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the surrounding built environment; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 134 states that development that is not well designed should be refused, taking into account any local design guidance and supplementary planning documents.

Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 194 states that, in determining applications, local planning authorities should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 195 requires local planning authorities to assess the significance of any heritage asset affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset.

Paragraph 197 requires local planning authorities to take account of: (a) sustaining heritage assets with viable uses; (b) the positive contribution heritage assets can make to communities including economic viability; and (c) the desirability of development positively contributing to local character and distinctiveness; when determining applications.

Paragraph 201 states that proposals leading to substantial harm to a designated heritage asset should be refused unless necessary to achieve substantial public benefits or certain circumstances (as specified in criteria a-d of this paragraph) apply.

Paragraph 202 states that proposals leading to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

#### Development plan

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

## Supplementary Planning Documents

Residential Amenity SPD (2008)

## Other legal or policy context

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes: Residential Space Standards, Amenities and Facilities

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

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

Statutory duty of section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Stoneygate Conservation Area Character Appraisal (2015)

## Consultations

Trees & Woodlands – No objection

Lead Local Flood Authority – No objection subject to conditions

## Representations

Conservation Advisory Panel - The panel felt the proposed dwelling was a modest building with no striking features which, with an appropriate brick and a good bricklayer could be a humble building clearly subservient to the main property. The panel welcomed the fact that the massing of the proposed dwelling would not obscure the side window of the main Victorian property. The proposal was considered to be a modest and discreet replacement of a late twentieth-century garage which in itself is not striking.

Panel members were disappointed that the opportunity had not been taken to add a more architecturally refined new building to the Conservation Area but nevertheless, considered that this proposal would preserve the character of the Conservation Area.

No objections

10 Objections have been raised by 9 City addresses which raise the following concerns:

- The plans do not indicate the recent planning permission granted at the annexe. This application should be considered with that approval.
- Insufficient parking on site (photos also submitted to demonstrate the current problems)
- Reduced access for emergency vehicles along the road which is already a concern, especially for the care home
- Impact on all users of the road from highways safety perspective



- Impact during construction phase on highways safety, access and road surfacing
- Financial impact on neighbours from any damage to Pendene Road which is an unadopted road (not a material planning consideration)
- Visual impact of squeezed dwelling of a modern style not characteristic of Pendene Road
- Storage of bins to the front of properties is unacceptable from a visual amenity perspective
- Loss of daylight, outlook, privacy and view of trees from neighbouring property
- Impact on water pressure with additional residential dwelling
- Devaluation of properties from the development (not a material planning consideration)
- No community engagement from the applicant
- Flooding issues arising from the proposal
- Inaccuracy of plans
- Use of the ground floor study could be as a bedroom which would increase number of occupiers

Comment from Stoneygate Conservation Area Society stating that the proposed design would have a neutral effect on the area. A more distinctive design of dwelling would be welcomed.

15 letters of support for the proposal from 14 City addresses have been received. One letter of support has been received from outside of the City boundary and thus has not been included in these figures.

The letters of support make the following remarks:

- Similar development has been carried out along Pendene Road already
- The large study represents the current working from home practices which is becoming the norm
- Visual improvement to the character of the site given the appearance of the garage
- Photos submitted are not representative of the situation of parking at all times
- Smaller dwellings are required in such sought after areas with gardens, not every professional wants to live in small flats in the city centre
- Visibility splays are poor from the driveways of neighbouring properties which already has a detrimental impact on the area

## Consideration

### Principle of development

The proposal would make a small contribution to Leicester's housing need within an area characterised as primarily residential. The proposal is acceptable in principle, subject to the following considerations.

### Design and Heritage Assets

The site is occupied by a modern 1990s garage immediately adjacent and attached to a fairly intact house constructed c.1880. The main property is of considerable historic and architectural interest, included into the Stoneygate Conservation Area in 2000.

The supporting documents recognise the designated status of the locality, but the Heritage Assessment reads that “*the current garage is an unattractive building, constructed without any consideration to the CA and its environs*”. I consider that whilst the existing garage is of limited architectural interest in its own right, due to its single storey massing, brick elevations and slate pitched roof, it is a neutral addition to the Conservation Area and clearly subservient to the main house.

I have no objections to the principle of the development, that is a two-storey house of footprint as proposed. The proposed design and material palette for the proposed dwelling is a significant improvement over the previously refused application. The proposal is for a brick built building which would be similar in its appearance to a modern coach house. The proposed slate roof with aluminium windows with lighter cladding to add some elevational detailing is considered appropriate for the site. The dimensions of the windows and the other openings would be proportionate to the building and its setting.

Whilst it is acknowledged that the proposed building would be larger than the one it replaces, however it would not appear disproportionate on site and would also be more of a more suitable size as a dwelling. The building would be set-back from the location of the existing garage and would only be seen in full from limited views on Pendene Road. The development would not appear cramped, but a modest addition to the site.

I welcome a simplistic design of building in this location which would ensure it does not detract from the quality of the main Victorian dwelling. The building has not been designed to replicate in any way the main house which is an acceptable design approach preferable to a ‘pastiche’ design seeking to mimic features of the main house. The set-back within the site would further minimise the building’s visual impact on the character of both Pendene Road and the main Victorian dwelling on site.

Sufficient space would be retained to either side of the house to encourage the storage of waste within the rear garden, which is preferred. The landscaping plan demonstrates that there would be sufficient space of bin storage to the front of the site. Whilst this is not ideal; I consider a condition requiring further information of waste storage should be attached to any planning permission. The landscaping plan also demonstrates how a parking space and some soft landscaping could both be provided to the front of the site which would ensure that the sites frontage is not dominated by hard landscaping. This approach is welcomed.

I am satisfied with the quality and design of the proposed new dwelling, which would sustain the special significance of the Stoneygate Conservation Area and has taken the opportunity to improve the character and quality of the area.

I conclude that the proposal would comply with policies CS03 and CS18 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 character and appearance of the area.

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

The internal floorspace, light, outlook and access would provide satisfactory living conditions. Whilst rooflights only to a bedroom is not ideal, given the proposal includes ground floor living space with a good level of outlook I consider in this instance the

provision of rooflights only to the bedroom would be acceptable. To ensure that adequate light and outlook is retained at the ground floor, I consider it reasonable to remove permitted rights for further extensions at the property which may increase the depth of the living space and ultimately reduce natural light into principal rooms.

The proposed development would include a generous garden which could be used for cycle parking and bin storage.

A condition is recommended for the proposal to demonstrate compliance with the National Accessible and Adaptable Standard M4(2).

Subject to conditions I consider the proposal would accord with Core Strategy policy C03 and would provide an acceptable living environment for future occupants.

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

##### *3 Pendene Road*

From east to west at ground floor level, the first two windows of 3 Pendene Road are non-principal obscure glazed windows. The third and final window is the secondary side window to the kitchen, which is also served by a rear facing window. The rear facing window is considered to be the main window and the side window is afforded less weight.

The proposed dwelling would not intersect a 45-degree line taken from the centre or the edge of the rear kitchen window. There is an obscure glazed window at first floor level to the southern elevation. The proposal would not intersect a 45-degree line taken from the closest edge of the first-floor principal room window to the front. I do not consider that the proposal would result in a significant loss of light and outlook to 3 Pendene Road to warrant refusal for this reason.

I recognise that objections advise that the dwelling would affect the neighbours 'Right to Light' and that they have enjoyed the outlook towards trees. Planning legislation does not protect views, and is separate to 'Right to Light' legislation and therefore this is not a reason for refusing the current application.

With respect of privacy, the side elevation of the proposed dwelling would have a side dormer at first floor. This would not serve a principal room and can be conditioned to be installed as obscure glazed and top opening only which I consider to be sufficient. The rooflights on the side roof slope are unlikely to result in an adverse impact in terms of privacy.

Given that the rear portion of the dwelling would be single storey I do not consider there would be any significant adverse impacts on the neighbouring property's garden.

##### *5 Pendene Road*

The rear windows of 5 Pendene Road are canted bay windows as shown on the site plan. The side windows of 5 Pendene Road serve non-principal room windows. The windows at the host dwelling would not be adversely affected by the proposed development in terms of loss of light, outlook and privacy.

The first floor side dormer would serve the bathroom and can be conditioned to be installed as obscure glazed. The rooflights are unlikely to result in any significant impacts on the amenity of 5 Pendene Road.

5 Pendene Road would retain sufficient rear garden space which would not be overshadowed by the proposed dwelling.

#### *9 Pendene Road*

The southern side elevation of the house will be more than the 15m distance required from the ground floor side kitchen/dining window of 9 Pendene Road. Given the separation distance from this dwelling I do not consider there would be any significant adverse effects from this proposal.

#### *Avenue Road*

The proposed dwelling would retain an acceptable separation distance from properties along Avenue Road to avoid any adverse effects.

In comparison to previously refused applications, the proposed siting and design of the proposed dwelling would be acceptable in terms of impact on residential amenity. I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Highways and Parking

One vehicle parking space is proposed to the front of the site, which is sufficient for a one bedroom house. The parking space would be horizontal along Pendene Road to avoid any over hang from vehicles across the private road. This parking layout is similar to the layout of 5 Pendene Road.

There is a hedge at 3 Pendene road which is outside of the control of the applicant. This is an existing obstruction in visibility from use of the garage. In light of this, I consider the provision of a horizontal parking space to be acceptable.

Three vehicle parking spaces are shown for the existing house at 5 Pendene Road. One of these spaces would overhang the boundary of the existing and proposed new dwelling and therefore if the new dwelling is sold off it is unlikely that three spaces would be available for 5 Pendene Road. Whilst this is unfortunate, the car parking standards require a maximum of 2 vehicle parking spaces for dwellings with 3+ bedrooms in line with Appendix 01 Vehicle Parking Standards. As such I consider the two spaces within the boundary of no.5 would be policy compliant.

The space to the side of the house would allow access for potential cycle storage within the rear garden. There is a width of 1 metre to one side and 0.8 metres to the other. This space is in line with what is provided in new housing developments.

A number of objections have been raised relating to vehicle access along Pendene Road including emergency access, highway safety and road surfacing. Pendene Road is a private road and thus it is not laid out with delineation as other streets are. The access road itself is narrow and there are some pinch points; however this is an

existing situation and it is a cul-de-sac with no through route. The level of traffic along the Road is limited in comparison to other streets and whilst I acknowledge that an additional dwelling may lead to an additional vehicle parking on the street and increased level of associated comings and goings, I do not consider this to be a significant factor leading to any severe detriment to highway safety. The proposed dwelling would be set further back than the existing garage and thus this would alleviate potential vehicle obstructions that is now experienced to the benefit of road user. Whilst I appreciate that it is not ideal that a front driveway is not provided for the proposed dwelling, the existing property already has no driveway. Given that the building on site would be set back further than the garage there is greater room for manoeuvring which will in itself improve highway safety.

The proposed development would demonstrate an acceptable parking arrangement and would comply with policy CS15 of the Core Strategy (2014) and with saved policies AM01 and AM02 of the Local Plan (2006).

### Drainage

The site is at low risk from flooding. A provisional drainage strategy has been submitted, however this is not detailed enough at this stage. SuDS and drainage conditions are recommended. Subject to these conditions, I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

### Nature conservation/Trees/landscaping

The revised ecological survey (Midlands Ecology, 2022) is satisfactory and no further surveys are required. No evidence of bats was recorded during the survey and the building that is to be demolished is considered to be of negligible value for roosting bats.

The revised landscaping plans now show some native plants; whilst the principle has been established, further details of planting and a rainwater garden as a SuDS feature will be required. The garden could be designed in a more sympathetic way providing seasonal change and value for biodiversity net gains. Given the size of the garden this is achievable. A condition is recommended that notwithstanding the soft landscaping scheme submitted, a full landscaping management scheme to include more native and deciduous plant species should be submitted. The existing site offers limited biodiversity value and so the landscaping scheme offers the potential for a net gain in biodiversity.

For net gain in biodiversity and to comply with Core Strategy (2014) policy CS17, a condition requiring bat and bird roosting features to be included within the elevations of the building, such as a bat brick/box and a bird box/brick is considered reasonable.

Subject to conditions I consider the proposal would be able to provide biodiversity net gains and a suitable landscaping scheme for the site in accordance with saved policy UD06 of the Local Plan and Core Strategy policy CS03.

### Other matters

Turning to matters not otherwise addressed within the above report.

Damage to and maintenance of the unadopted road as a result of both the construction works and the additional use of the road is not a material planning consideration. The proposal is minor, and I do not consider that construction works for this development would warrant control through the planning process.

The water pressure for the dwellings is not something which can be controlled through the planning process. Severn Trent Water are the water body in charge of the water pipes and issues with pressure.

For a proposal of this size for one dwelling the applicant would not be required to carry out public consultation. This application has been publicised in accordance with the Leicester City Statement of Community Involvement to allow residents to make representations.

Consideration of this application with the previously approved application ref. 20212871 for works to the annexe to the main house would only be possible if both applications were submitted as one; however this is not the case. The works to implement that planning permission have not yet commenced and thus I do not consider that the plans submitted with this application are incorrect when demonstrating the existing elevations without the approved alterations. Furthermore, there is no guarantee that those alterations would be carried out and there is no inter-dependency between the two proposals.

Property values are not a material planning consideration.

Photographs submitted with the objections will only show a snapshot of the situation on site at a particular time and any planning application must be assessed in accordance with planning policies and anticipated activity over normal usage expectations.

Concerns regarding the use of the ground floor study as a bedroom have been raised. The assessment of this, and any application must be made on the basis of the information provided as part of this application. Should the use of any particular room be changed in the future, this is not within planning control. It is common for the number or location of bedrooms to change in residential properties over time. For example garage and loft conversions can take place in many instances without planning permission. However this is not always the case and the planning assessment cannot take into consider all possible future change that may or may not take place.

## **Conclusion**

The proposal would make a small contribution to Leicester's housing need in a sustainable location in terms of access to services and amenities. The proposed dwelling would be of a modest size and scale and would result in a net gain in biodiversity as a result of a conditioned landscape plan. Policy compliant vehicle parking would be available on site and I consider the proposal would not result in a

significantly adverse effect on residential amenity. The proposal's design is considered appropriate and would preserve the character of the Conservation area.

As such when assessing the proposals against the development plan and other material considerations, it is considered acceptable subject to the conditions discussed in the report above. The planning balance is therefore tilted for approval.

I recommend the application is APPROVED subject to the following conditions:

## CONDITIONS

### 1. START WITHIN THREE YEARS

2. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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 in writing by the local planning authority. No property shall 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. Prior to any works above foundation level, the materials to be used on all external elevations and roofs shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3).

5. Notwithstanding the approved plans, prior to the commencement of any works above foundation level, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved 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 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).

6. The development shall not commence above ground level until details of the type and location of 2 x integrated bat bricks and 1 x sparrow terrace to be incorporated within the elevations of the proposed building have been submitted to and approved in writing by the local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and the agreed features retained thereafter. (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS 17 Biodiversity of the Core Strategy).

7. Prior to first occupation of the dwelling, details of arrangements for storage of bins and collection of waste have been submitted to and approved in writing by the local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with saved policies UD06 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)

8. Before the occupation of the proposed dwelling the dormer windows facing 3 and 5 Pendene 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 3 and 5 Pendene Road and in accordance with saved policy PS10 of the City of Leicester Local Plan).

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



11. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, all existing trees, shrubs or hedges to be retained on or adjacent to the site shall be protected by fencing in accordance with British Standard BS 5837:2012. The location of the protective fencing shall not be within the root protection area of all retained trees. The fencing shall be maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the local planning authority unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.

12. Should the development not commence within 24 months of the date of the last protected species survey (22/06/2022), then a further protected species survey shall be carried out of all buildings [trees and other features] by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing with the Local Planning Authority and any identified mitigation measures carried out in accordance with the approved details. Thereafter the survey should be repeated annually and any mitigation measures reviewed by the Local Planning Authority until the development commences. (In the interest of biodiversity and in accordance with Core Strategy policy CS17 and section 15 of the NPPF 2021).

13. Development shall be carried out in accordance with the following approved plans:  
DSA-19146-PL-PRO-02-210322, Proposed Site Plan and Street Scene, received 28/03/2022; and  
DSA-19146-PL-PRO-01-A-210322, Proposed Plans and Elevations, received 28/03/2022.  
(For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted or implied for any development (including any overhanging projection/s) outside the application site. The applicant may need to enter into a Party Wall Agreement.

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 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.

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 during previous applications.

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 2021 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_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 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.

