

Leicester
City Council

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

DATE: WEDNESDAY, 12 JULY 2023

TIME: 5:30 pm

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

Members of the Committee

Councillor Pantling (Chair)

Councillor Aldred (Vice-Chair)

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

One unallocated Liberal Democrat 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 / 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 21 June 2023 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](#)

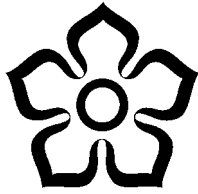
The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) **20220654 - 88 WOODGATE, CAR WASH ADJACENT** [Appendix A1](#)

(ii) **20220246 - WESTERNHAY ROAD, THE LEICESTERSHIRE TENNIS & SQUASH CLUB** [Appendix A2](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 12 July 2023

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

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

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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

20220654	88 Woodgate, Car Wash Adjacent	
Proposal:	Demolition of existing car wash (Sui Generis); Construction of a four storey and a part three and part four storey building comprising 39 flats (30 x 1bed, 9 x 2bed) (Class C3); associated parking and landscaping (amended plans)	
Applicant:	Mr D Murphy	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	2 December 2022	
PK	TEAM: PM	WARD: Fosse



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Summary

- Application is reported to committee at the request of Councillors Cassidy and Waddington
- This application has been deferred from the June committee following receipt of an additional representation from Councillor Waddington
- 6 letters of objection have been received

- The main issues are character and design; impact on residential amenity, living environment, highways, drainage and contamination
- Application is recommended for conditional approval.

The Site

The application site comprises a car wash premises located on Woodgate and Groby Road (A50) at the junction with Fosse Road North and Blackbird Road. The road junction in this location is also known as 'Fiveways'. Works are underway for highway improvements at this junction.

The site has vehicular access off Fosse Road North and Balfour Street as well as the corner of Woodgate and Groby Road. The site's boundary is shared with a flatted block at 6-8 Fosse Road North which is also under the applicant's ownership. It is intended that the car park for the proposed development will be shared with the occupiers of this building.

The site is largely within the Blackbird Road/Groby Road/Woodgate local centre as defined on the proposal map of the Local Plan. The southern part of the site is within a predominantly residential area. Balfour Street to the east of the site is a residential road with terraced dwellings. To the south of the site on Balfour Street is Fosse Primary School and also to the south but fronting Fosse Road North are residential dwellings. Beyond 6-8 Fosse Road North are allotments to the west. To the north along Groby Road, Blackbird Road and Woodgate are a number of commercial uses including shops and local services.

Due to the site's current use as a car wash, there is a large single storey building on site with a temporary covered area used for parking vehicles. The site is wholly hard surfaced with the site's frontage to Groby Road comprising of car wash signage.

With respect of constraints, the site is in an Air Quality Management Area, a Critical Drainage Area, within a 250m buffer of a known air pollutant source, and a final hotspot for surface water flooding. Part of the site is also in flood zone 2 and a surface water flooding area (1 in 1000 years). Previously there were four trees subject to tree preservation orders along the site's boundary with Balfour Street and Groby Road; however these were removed a number of years ago.

Background

Historically the site was used a fuel station with car and van sale and rental business in the 1970's. This use appears to have been ceased in the late 1990's with the subsequent planning history set out below.

19990250 – Change of use from car hire (no use class) to clothing alterations, collection of dry cleaning and film processing (class A1) Approved 19/04/1999

19991023 - Internally illuminated fascia sign; internally illuminated totem sign and illuminated freestanding sign – Approved 20/11/1999

20031987 – Change of use of shop (Class A1) to shop (Class A1) and Tanning/Beauty Shop (no use class) – Approved 20/11/2003

20181291 – Retrospective application for change of use of part of site from shop (Class A1) to tyre fitting service (no use class) – Approved 20/09/2018

The Proposal

The proposed development seeks to demolish the single storey building on site and construct two buildings to form 39 flats comprising 30x 1 bedroom units and 9x 2 bedroom units.

The first building and the largest, would have a frontage to the A50 and Balfour Street. The building would be of an 'L' shape with pedestrian accesses to both the A50 and Balfour Street, with its main vehicular access off the latter through an undercroft. To Balfour Street the building would have a width of 45.1m, eaves height of 10m and a maximum height of 11.9m. The fourth floor would have a mansard roof which would be clad, set-back and would have dormers. The bulk of the building at 1-3 storeys would be brick built and the elevation designed to reflect the pattern of terraced dwellings on the opposing side of Balfour Street. At ground floor the units would have direct access off the street.

The A50 frontage of the same building would follow a similar form but the fourth storey would be built in brick to increase the visual prominence of the building to the main route. The direct access for the ground floor units would be continued in this location. The main pedestrian access from this elevation would be recessed slightly and would be finished in an alternative brick for its entire height.

The smaller building of the two would also be four storey with a maximum height of 13m. The building would sit against 6-8 Fosse Road North which is also under the ownership of the applicant. This building would be roughly rectangular in shape with a footprint of approx. 16m by 7.5m. It would follow the building line of 6-8 Fosse Road North when it faces that street scene. It would have a slight stagger where the site bends around to the A50.

Both buildings have an internal bin store at ground floor with its own access. Each building would have a plant room and the larger of the two buildings would have a lift for access to the upper floors.

The courtyard area would offer 25 vehicle parking spaces with one disabled space. The cycle parking for 24 spaces would be located to the side of 6-8 Fosse Road North which is currently the vehicular access for this property but will be closed off as a result of this development.

The gap between the two buildings facing the A50 would be planted. In terms of amenity space for future occupiers, this would be in the form of projecting balconies to 15 units across the two buildings of the upper floors and at ground floor small front gardens with direct access from these units. The other upper floor units would have Juliette balconies.

The description of the proposed development as outline above reflects the amended scheme. The main alterations made to the originally submitted scheme are:

- Reduction of the height of the larger building from part 4 and 5 storeys to 4 storeys.
- Balfour Street facing units at ground floor amended to include doors to the street.
- Alterations to the access on Balfour Street to ensure adequate visibility splays for pedestrians.
- Internal car parking arrangement altered.
- Cycle parking provision relocated to the Fosse Road access and increase in provision.
- Altered layout for the smaller building to avoid privacy concerns.
- Provision of projecting balconies for some of the units.

Policy Considerations

National Planning Policy Framework NPPF (2021)

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

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

Section 15 – Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Development Plans Policies

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

Supplementary Planning Documents

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

Supplementary Planning Document – Affordable Housing

Supplementary Planning Document – Climate Change

Appendix 2 of the City of Leicester Local Plan – Vehicle Parking Standards

Other legal or policy context

Nationally Described Space Standards (NDSS)

National Design Guide (NDG)

National Planning Policy Guidance (NPPG)

Building for a Healthy Life

Habitat & Species Regs (2017) Wildlife & Countryside Act (1981) as amended
 Natural Environment & Rural Communities Act (2006) – Priority Habitats & Species
 Biodiversity and geological conservation: circular 06/2005.

Other Guidance

‘Achieving Well Designed Homes’ – Leicester City Corporate Guidance

Leicester Street Design Guide (First Edition)

Consultations

Air Quality –

The Air Quality Assessment has been carried out according to approved methodology. It has identified that there is a risk of dust pollution during Construction Phase and a set of measures are recommended to be implemented listed in Table 19 of the report. Assuming the relevant mitigation measures outlined in Table 19 are implemented, the residual impacts from all dust generating activities is predicted to be not significant. Although the Assessment did not identify any risks to pollution during Operational Phase of this development nevertheless it is recommending that measures to reduce number of trips generated by the development and introduction of cycling options for residents to be implemented. It gives a set of examples of mitigating measures to be considered and implemented by the development:

- Travel Plan
- Secure Cycle Storage
- Ventilation Strategy
- Electric Vehicle Charging Infrastructure
- Using Green Infrastructure
- Contributing Funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development

These measures can be secured by way of condition.

Waste Management –

This property of 39 apartments with 48 bedrooms will require sufficient space for the storage of refuse bins and recycling bins for the property to accommodate a capacity of 3963.75 litres for refuse and 2265 litres for recycling: e.g. 4X 1100 litre refuse bins and 3X 1100 litre recycling bins. The bin areas shown appear to be large enough to accommodate the requirements of this. A condition is recommended to secure these spaces.

Better Buildings –

Initially concerns were raised as insufficient information was submitted. Following the submission of further information, the Sustainability Team raised no objection subject to conditions and offered the following comments:

Passive Solar Design

An assessment of daylighting levels within the proposed development has been provided.

Building Fabric and Airtightness

The proposed u-values for the fabric elements and air-permeability value for this development are in all cases the proposed u-values and airtightness improve upon the limiting parameters and either meet or improve upon the values for the notional building. As such, this demonstrates a good approach to the thermal efficiency.

Heating, Cooling, Ventilation and Lighting Energy Efficiency

It is proposed to utilise electric panel heaters for the apartments, and consideration has been given to the potential use of other low carbon heating options.

Renewable / Low Carbon Energy Supply

It is proposed to fit a 38.25kWp array of solar PV panels to this development and the location for this is indicated on the proposed plans.

Carbon Emissions

The Energy Statement sets out a 53.21% reduction in carbon emissions from the baseline.

Pollution (Land) –

Due to the historic use of the site, I recommend a condition for the requirement of a contamination survey.

Pollution (Noise) –

The recommendations and mitigation measures outlined in the acoustic report Martec Environmental Consultants Ltd (dated 15th December 2011, ref. 20211216 9158) is acceptable and the development should be carried out with these measures.

Details of mechanical ventilation have been submitted during the course of the application to demonstrate that windows of the flats can remain shut whilst also ensuring no overheating of the units. Technical specification for this has submitted showing that 4 air changes per hour in all habitable rooms is available. This is considered acceptable and a condition to secure this is recommended.

LCC Housing –

1. Mix & Type of Housing

Based on 39 residential dwellings a contribution of 8 units would meet the policy requirement of 20% affordable units on site.

In line with CS Policy 6, applicants are required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households within the City.

Policy 6 states that all new housing units should, where feasible, be designed to Lifetime Homes Standards with an appropriate proportion to wheelchair access standard.

Lifetime Homes standards are now obsolete but given the introduction of the Building Regs 2010 – access to and use of dwellings – Approved Document M Volume 1: 2015 edition; all new homes, where feasible, should now meet the national accessible and adaptable standard M4(2) and an appropriate proportion should be to the national wheelchair accessible standard M4 (3)(2)(b). Should this application be recommended for approval, please could a condition be included which would require the applicant to provide a copy of the certificate that the new build general needs dwellings are all M4(2) compliant and a copy of the certificate confirming that any units for affordable housing that are designated as wheelchair accessible fully meet M4(3)(2)(b) standard.

For many years, the City Council has sought minimum space standards in new affordable housing. Achieving at least NDSS standards is very important in helping to

ensure that new dwellings are fit for purpose. It is noted and welcomed that this application proposes that all dwellings will achieve or exceed NDSS.

2. Affordable Housing

Should the Planning Authority be minded to approve this application, the Housing Division would wish to see a robust Section 106 entered into which ensures the appropriate planning gain affordable housing of the number, mix, type and quality required can be secured, as appropriate. I've set out below the affordable housing requirements. Please note, the mix requirements below reflect the current housing needs evidence.

In terms of affordable housing needs, in line with Core Strategy Policy C7 and its supporting text, there is a requirement for a provision of 20% affordable housing which should be delivered on site without public subsidy. Based on the proposal to provide a total of 39 newbuild dwellings, the policy required affordable housing 20% equates to 8 dwellings.

In line with the Government's First Homes policy, 25% of the affordable housing contribution must be sought through this application as First Homes, if the tenure is for market sale.

The affordable housing sought at this site to include First Homes is:

25% of the total Planning Gain Affordable Housing should be **First Homes** of the following mix:

1 x 1 bedroom / 2 person flat (not studio) to National Accessible & Adaptable Standard M4(2);

1 x 2 bedroom / 4 person flat (not studio) to National Accessible & Adaptable Standard M4(2).

The **remaining 75%** of the total Planning Gain Affordable Housing should be:

Either:

i (i) HEDNA Mix (with Intermediate Affordable Housing): total 6 Units

Affordable Housing for Rent: 5 units (81%)

1 x 1 bed / 2 person flat to National Accessible & Adaptable Standard M4(2)

3 x 2 bed / 4 person flats to National Accessible & Adaptable Standard M4(2)

1 x 2 bed / 4 person flat to National Wheelchair Accessible Standard M4(3)(2)(b) to be located on the ground floor

Intermediate Affordable Housing: 1 units (19%)

1 x 1 bed / 2 person flat to National Accessible & Adaptable Standard M4(2)

Or:

i (ii) All Affordable Rent (without Intermediate Affordable Housing): total 6 units

2 x 1 bed / 2 person flats to National Accessible & Adaptable Standard M4(2)

3 x 2 bed / 4 person flats to National Accessible & Adaptable Standard M4(2)

1 x 2 bed / 4 person flat to National Wheelchair Accessible Standard M4(3)(2)(b) to be located on the ground floor

Open Space –

The proposed residential development, within the Fosse ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are limited and therefore we will be looking to make quality improvements to existing open space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD a contribution of £43,048.00 is required in response to this application.

The contribution will be used towards the following open space enhancements:

- for perimeter fencing works at Rally Park
- for improved play facilities at Vernon Street
- for fencing improvements at Groby Road allotments

Education –

The development site lies within the Primary North planning area.

The Primary Planning area containing this development faces a surplus of places.

Calculated demand from this development before offsetting against any surplus is 1 places.

As the surplus exceeds the calculated demand from this development the number of places is offset in total.

Primary contribution: £0.00

The Secondary Planning area faces a surplus of places.

Calculated demand from this development before offsetting against any surplus is 0 places.

As the surplus exceeds the calculated demand from this development the number of places is offset in total.

Secondary contribution: £0.00

Total Contribution requested: £0.00

Lead Local Flood Authority –

Following the submission of revised details, there are no objections to the proposed development. Conditions are recommended where further clarification is sought.

Local Highway Authority –

The site is located on the corner of Woodgate and Fosse Road North, on the busy signalised multi-lane junction known as the Five-Ways junction. Improvements works to the A50 as part of the Transforming Cities Fund (TCF) project have commenced. The works will affect Fosse Road North, the junction of Fosse Road North, A50 Groby Road, Blackbird Road, and Woodgate, and continue south along Woodgate onto Northgate Street towards the City centre. Construction of the highway scheme are currently forecast to take around 12 months. Therefore, along with works affecting the immediate frontage of the site (including the closure of the existing vehicle accesses), construction vehicle routing for the development site would also be affected.

Therefore, it is recommended the applicants should liaise with the Local Highway to ensure coordination of works.

Vehicle Access:

The access would be 5 metres as revised and would allow vehicles entering and exiting at the same time. Pedestrian visibility splays have been provided from the back of the footway and give way lines have been shown accurately on the amended plans.

The alteration of the proposed vehicle access and closure of the redundant footway crossing on Balfour Street will need to be undertaken by the applicant at their own expense. The applicant would need submit construction details and enter into a highway agreement to enable the works to be undertaken within the highway. Works to alter the existing accesses on Balfour Street will be required by condition.

Vehicle Parking:

The level of parking expected for new residential developments in this location is 55 spaces. The site is however in a very sustainable location, with a good choice of transport options available which would mean potential residents will not be reliant on owning a car to live at the site. This would be improved further by the proposed TCF scheme on site. Therefore, a reduction in the provision of on-site car parking is acceptable. The car parking would be provided as unallocated, to enable a flexible use of spaces available.

The proposal makes provision for 25 vehicle parking spaces. As amended the parking spaces are 5m by 2.4 metres which is not ideal as parking spaces with a length of 5.5m is desirable. Furthermore 0.5m additional width is sought where spaces are against the wall or in parking bays. Some of the spaces such as no. 7, 8, 9, 10, 11 and 21 may not all be useable- vehicle tracking has been provided which shows that if all of the spaces 7-11 are in use, then spaces 7 and 11 would not be useable. So in essence 23 vehicle parking spaces are proposed.

The parking aisles are generally shown at 6.0m wide which is acceptable. A space parallel to the proposed building to the north of the site creates a pinch point within the layout which would only allow one car through at a time, however there is space to enable vehicles to wait and pass should it be required.

Construction Traffic Management:

It is recommended that before any works commence on site a Construction Traffic Management Plan should be submitted for approval. The approved Statement should be adhered to throughout the construction period. This could be dealt with by condition.

Pedestrians & Cyclists:

A new pedestrian access is proposed off the footway fronting the site at the signal junction. This is welcomed and would provide a good connection to the proposed highway scheme. This has been altered slightly to comply with the TCF scheme which shows large signage boards near the previous access.

Cycle parking has been relocated to the closed access off Fosse Road north. This is acceptable and a condition to secure this.

Other Matters:

A wall is proposed at the back of the highway boundary. The wall should be constructed so that its foundations do not encroach into highway land. A plan showing a cross section of the foundation detail should be submitted to verify this would be the case. Alternatively, the wall should be offset from the highway boundary to accommodate its foundation within private land. The amended plans have noted this but a condition to secure this is also recommended.

Subject to conditions, the proposal is considered acceptable in highways terms.

Representations

A total of 4 letters of objection were received in respect of the original proposals. The objections included one letter from the Woodgate Residents Association. The objections raised the following concerns:

- Lack of parking for the proposed occupants where there is already a shortfall of parking in the surrounding area
- Supporting documentation for highways matters makes a lot of untested assumptions
- Plans are unclear where the car park entrance and exit would be
- Development proposals should be in line with the Fiveways junction improvements
- No secure moped or motorbike parking is available on site, nor is anything put forward for electric vehicle charging on site
- Height of the building would have block light to principal rooms to properties on Balfour Street and 6-8 Fosse Road North
- Overlooking from the residents of the building
- Traffic and congestion from new vehicle movements and,
- Overdevelopment of the site with 42 units proposed.

Councillors Cassidy & Waddington raised the following concerns:

- Height of the development is excessive for the context
- Insufficient parking
- Impact on parking
- Impact on traffic and congestion at the Fiveways junction

Following the submission of amended plans one further letter of objection as received from the Woodgate Residents Association raising the following issues:

- A reduction of three units is not sufficient to alleviate concerns of parking and congestion
- Concerns of overshadowing are not completely resolved by one storey less.

Councillor Waddington's additional objection raised a new concern surrounding the recent consultation carried out by the Local Highway Authority to move the immediate area towards a Residents Parking Zone and whether residents of this development would be eligible for applying for such permits.

Consideration

Principle of Development

National planning policy framework (NPPF, para. 60) states “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”. Leicester does not have a five-year housing land supply and the NPPF is clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (NPPF, para. 11(d)).

The site falls partly within a primarily residential area. Core Strategy (2014) policy CS06 ‘Housing Strategy’ states that housing requirements for the city can be met through a combination of ways including limited housing growth within established residential areas, small housing infill and conversion schemes to support the development of sustainable communities. Policy CS08 ‘Existing neighbourhoods’ states that new housing provision within the Inner Areas will mainly be on small scale industrial sites that are no longer appropriate for industrial use.

The remaining part of the site lies within the Blackbird Road/Groby Road/Woodgate local centre. Policy CS11 ‘Retail Hierarchy’ states that the Council will work with partners to protect and enhance retail centres as the most sustainable location for retail development and the retail character and function of the centres will be safeguarded by resisting development that would detract from their vitality and viability. As indicated in the sequential test submitted by the applicant, and our own retail centre surveys, there are vacant units in this local centre at 2-4 Blackbird Road and 78 Woodgate.

Whilst the applicant has not submitted a retail study, the current tyre fitting and car wash services on the site are non-conforming uses within the context of the local centre. Consequently, their loss would not be the loss of conforming uses and would therefore not serve to detract from the centre’s vitality and viability.

In light of the policy context, considering the city’s lack of a five-year housing land supply and that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, there are no policy objections to the principle of the residential redevelopment of the site.

Design

Scale: Height & Massing

The height of the taller element has been reduced from five to four storeys which is a vast improvement in townscape terms. The applicant submitted revised AVR’s in support of the amended plans which demonstrates the elevations to Balfour Street and the A50 are contextually responsive and would not appear overly dominant within each street scene. The height combined with the detailing of the larger building appears more comfortable in the street scene as a result of the amendments and is considered to make a positive contribution to the visual amenity of the area.

It is recognised that the smaller building would be built up to 6-8 Fosse Road North which is significantly taller in height. The two buildings side-by-side would appear awkward; however given the ‘L’ shaped of the larger building much of this would be

screened from the public realm. The front elevation to Fosse Road North would make evident the difference in the styles of the two buildings; however, I do not consider this would appear at odds. It is not uncommon for small scale developments to be representative of the time of their construction and this would only add to the variety of built form in this location.

Layout

Amended plans show the ground floor flats to Balfour Street having a small threshold space to their front and doors for access to this space. The upper floors follow the same rhythm in terms of openings with small recesses in the brickwork. This has helped reinforce the rhythm to the frontage of the site and breakdown the massing of this elevation.

The layout of the smaller building that would face Fosse Road North is acceptable given it's siting and orientation. It would follow the building line of Fosse Road North and the small set-back would allow the ground floor unit to have amenity space to the front.

The courtyard arrangement appears cramped and does not provide much space for soft landscaping for use as amenity space for future occupiers. Thus, it will be vital to ensure that detailed landscaping plans should be submitted to ensure the courtyard is enhanced. A condition is recommended in this respect.

Amended plans now show private spaces to the front of the ground floor units and some projecting balconies to the upper floor units. This is considered acceptable in adding activity to the street scene whilst also improving the amenity for future occupiers.

Character

The reduced height of the building combined with the choice of materials is considered appropriate for the site. The development as amended would be contextually responsive and the detailing along the Balfour Street elevation especially would relate well to the terraced dwellings on the opposing side of the street.

Appearance: Details & Materials

The applicant has submitted a sample drawing with the materials proposed included on the same plan. The details are acceptable and demonstrate a high-quality development can be achieved on site with appropriate use of materials. The sample panel drawing is recommended to be included in the list of approved plans and a sample panel should be constructed on site in line with these approved details.

During the course of the application a revised Building for a Health Life assessment has been submitted which is acceptable.

The proposal as amended demonstrates that the development would be contextually responsive and of an appropriate height and scale for the site. The loss of the car wash would remove a non-confirming use whilst also ensuring a high-quality residential development that would make a positive contribution to the immediate area. I consider subject to conditions the proposal would comply with Core Strategy policy CS03, chapter 12 of the NPPF and the National Design Guide.

Living Environment

The proposed units would be of a reasonable internal size complying the Nationally Designated Space Standards. The plans include indicative furniture layouts which demonstrate that each unit would offer a reasonable living environment for future occupiers. The units are generally single aspect with every principal room having at least one window for outlook. This is acceptable.

I recognise that the units facing the courtyard to the rear especially on the first floor may achieve a slightly lower level of daylight; however, the site is relative constrained by the siting of 6-8 Fosse Road North. Those units to the courtyard have been provided with projecting balconies instead of juliette balconies to allow occupiers to be able to sit out which I consider an acceptable solution.

As noted in the design section of this report, the ground floor units would have external amenity space to the street frontage. Direct access is available on the amended plans with doors off the street which is considered acceptable. The upper floor units have a mix of projecting balconies and juliette balconies. I consider this arrangement to be reasonable. The external courtyard and incidental green spaces are not useable for use as private amenity by the occupiers; however, given the site's location adjacent to Stokes Wood Park and proximity to Abbey Park I consider this not to be unreasonable.

The applicant has submitted acceptable details with respect of noise and ventilation which would secure an acceptable living environment. A condition requiring the development to be carried out in accordance with these details is considered suitable.

Cycle and vehicle parking would also be available on site for future occupiers. The bin stores for each building would be located at the ground floor in a communal area which is the same as all flatted accommodation. The larger of the two buildings would have a lift to ensure accessible access which is considered reasonable.

Overall I consider the proposed development responds well to the constraints on site and its context. The proposed accommodation would be provide an acceptable living environment for future occupiers in accordance with saved policy H07 of the Local plan and policy CS03 of the Core Strategy.

Residential Amenity

6-8 Fosse Road North

This flatted block essentially would share its car park with the proposed development and occupies the same 'junction' as the development site. This property is also under the ownership of the application.

The vehicular access for the site would be altered for this site from Balfour Street and Fosse Road North to only Balfour Street. This is considered acceptable given the highway improvements being carried out. The siting of cycle parking on the closed off access drive is considered acceptable and unlikely to give rise to any harm in terms of noise and privacy. Likewise the reduction of car parking for use by the occupiers is also considered acceptable given the works being undertaken.

As existing cars park up against the rear elevation of the building where principal rooms and amenity space for the ground floor units are located. The proposal would reduce this to only one space which is considered acceptable. The remainder of the car parking and courtyard would not be significantly different than the existing situation. The loss of the car wash would likely reduce the amount of noise and disturbance currently experienced by occupiers.

The siting of built form will have some impact in terms of overshadowing and outlook. The removal of a single storey building and replacement with four storey residential block will alter the outlook for the rear facing units; however, the new buildings would be located to the north and east of the site. As such I consider any impacts of daylight and overshadowing would not be so significant to warrant refusal for this reason alone. The units to the lower levels would experience some loss of light in the early hours of the day but due to the orientation of the building I consider those units would continue to receive daylight into principal rooms for the majority of the day.

It is recognised that the separation distance between the buildings are limited but 15 metres is achieved at oblique angles which I consider reasonable in this setting. The north elevation of 6-8 Fosse Road North has what appears to be principal room windows. The cycle parking has been removed from this location and the arrangement of windows to the smaller building has been altered to ensure no overlooking. There is parking space outside one of these units; however this is not significantly different to the existing situation.

Balfour Street

The application site is located to the opposing side of the street from the terraced dwellings. I recognise that the outlook would be altered from car wash and car parking to a four storey building on site. I appreciate this will be quite a change; however, I do not consider a change in outlook is completely unreasonable. Nor do I consider the appearance of the proposed building would result in visual harm.

Objectors have raised concerns regarding daylight and overshadowing to principal room windows to these properties. The distance between the front elevation of the existing terraces to the proposed building fronting Balfour Street is approximately 14 metres. The terraced dwellings are located to the east of the site and thus I consider, the amended scheme would result in some loss of light to the terraces towards the latter part of the day. Whilst I appreciate that this is not an ideal situation, any built development would result in a change in outlook and daylight to principal rooms. The proposed building has its fourth floor set-back which goes some way in minimising the impact. The height to eaves is 10m which is approximately 2 metres higher than the terraced dwellings. The scheme has been amended which has reduced the height to this elevation. I appreciate that there would be some impact on daylight and overshadowing even with these amendments; however, I do not consider that the proposal would be so harmful that would warrant refusal for this reason alone, especially when considering the separation distances between the buildings and the fourth floor set-back.

In terms of noise, I consider the proposal would much improve levels of noise and disturbance with the removal of the car wash. I also consider the proposal would be of a sufficient distance to avoid any harmful levels of overlooking and impacts on privacy

between the terraces and the flats. The separation distance across the road is larger than nearby terraced streets and I consider acceptable given the height of the proposed building.

There are no other residential properties that would be affected by the proposed development. I consider on balance the proposed development, as amended, would not result in a significantly adverse impact on neighbours to justify withholding consent when balanced against the scheme's benefits to housing supply shortfall. I consider the proposal would comply with saved policy PS10 of the Local plan and policy CS03 of the Core Strategy.

Highways

There are currently multiple vehicle access points into the site. Three vehicles access points are taken off Balfour Street, one of these being adjacent to the junction entrance to Balfour Street from Woodgate which is not ideal as it conflicts with pedestrian crossing movements. A footway crossing is provided to the western side of the site off Fosse Road north. This currently serves a parking area for the adjacent 19 flats.

The remaining vehicle access is within the extents of the Five-Ways junction, which again is not ideal. However the proposed development would reduce vehicle access points down to one access off Balfour Street, and closure of the other accesses which is welcomed and is a highway benefit which should be given weight in this case. Given that there are extensive footway alterations fronting the site as part of the TCF scheme, the works to close off the access points can be undertaken as part of the highway works.

The proposed vehicle access into the site is in approximately the same location as the southernmost existing footway crossing on Balfour Street. The vehicle access is proposed at 5 metres in width which is less than the standard 6m width usually sought. However, given that Balfour Street is one way, the smaller access is considered acceptable.

The vehicle parking spaces on site are considered acceptable. Whilst the spaces would be shared between the site and 6-8 Fosse Road North, the site is under the ownership of the applicant and would allow management arrangements to be put in place should that prove desirable. The site will also offer cycle parking and will be in a sustainable location in terms of good access to frequent public transport services, which will be improved with the TCF scheme.

The Highway Authority has also consulted on a potential Residents Parking Zone, covering the streets between Bonchurch Street and Woodgate, following concerns raised about parking issues by residents in the area. Most of these concerns relate to difficulties finding parking spaces close to their home. The responses to the consultation are currently being reviewed and will be reported to Councillors before a decision is made on whether a scheme should go ahead and in what form. The application site is currently not included in the proposed zone and therefore on this basis future residents would not have access to permits.

Conditions are recommended to require the submission of a Construction Management Statement, construction details for the boundary wall to the A50, cycle storage and alterations to the dropped kerb to Balfour Street.

Waste storage and collection

A separate bin store has been shown on the plans for each building. These spaces appear to be large enough to accommodate the required number of bins. There is suitable access to both bin stores. I recommend a waste management condition to be submitted to ensure other matters such as the access to these spaces and the general maintenance is secured prior to first occupation.

Heritage

Built Heritage

The application site is located 30 metres away from and on the opposite side of Fosse Road to the Groby Road Tram Shelter, which is a local heritage asset. The proposed redevelopment of this land would be visible in context of the tram shelter, but it is not considered it would cause any harm to its significance given the scale of the proposed development and the separation between the sites. As such there are no heritage objections to the proposal.

Archaeology

The application site is located to the south of the northern Roman and medieval route out of Leicester, properties are recorded on maps dating from the mid-18th century along the northern side of Woodgate, the general area of the site itself seemingly devoid of structures. The 1880s and later OS maps show the site itself to have been partially occupied by a hosiery factory and terraced housing, with the northwest corner remaining open ground.

Looking at the planning history for the site, this shows that a petrol filling station was constructed on site, which included three (3) underground petrol storage tanks, with a total capacity of 13,000 gallons. I also note from the submitted documentation there are plans to install new foul and clean water services and an attenuation tank.

The applicant was advised to submit a heritage assessment during the application. The assessment confirms that there is potential for archaeological remains to be found within the site; Roman and early medieval. On the basis of this, it is recommended that an archaeological field evaluation is carried out to assess the presence/absence of archaeological deposits and features, and also to inform any further recommendations for additional excavation following re-consultation with results of the fieldwork made available to the local planning authority.

The applicant has requested this to be conditioned and I consider this to be reasonable. The condition will have a pre-commencement trigger to ensure adequate time is available for the field evaluation to take place.

Nature Conservation & Landscaping

The ecology report is satisfactory and it is accepted that the building has negligible potential to support roosting bats and nesting birds. No further ecology surveys are required and the findings are valid for a period of 24 months.

It is accepted that a satisfactory level of BNG can be achieved on site without the need for a Biodiversity Impact Assessment.

In line with NPPF, 2021 the Local Planning Authority would find the proposed development acceptable if opportunities for securing measurable net gains for biodiversity are identified and pursued. The BNG requirement is for habitat creation and green roofs across the city centre collectively provide this provision. Green/Brown roofs can vary in terms of scope and design but would need to include habitats of value for invertebrates and birds along with increasing connectivity for foraging bats.

The provision of at least x4 bat boxes/bricks and x8 Swift boxes/bricks are also required in the interests of local BAP species.

Whilst no landscaping strategy has been submitted it is accepted that there are opportunities to provide soft landscaped areas within the site. The provision of green and/or brown roofs could also take place on the roof of the buildings or on the cycle shelter. A condition for a LEMP is considered reasonable in this respect.

I consider conditions would be reasonable to secure the mitigation measures in accordance with saved policy UD06 of the Local Plan and Core Strategy policies CS03 and CS17.

Flood Risk

The majority of the site is in flood zone 1, however the north, north-west and north-east of the site is in flood zone 2; therefore, the site is considered at a medium risk to fluvial flooding. The site is also in a Critical Drainage Area (CDA) in terms of pluvial flood risk.

The site is wholly hardstanding at present and there will be some areas of soft landscaping and impermeable surfacing as a result of this development.

A Flood Risk Assessment has been submitted which following some revisions is considered acceptable. An emergency Flood Plan has also been provided which is considered acceptable as a starting point, but some additional points of clarification are required. These matters can be resolved by way of condition. A water quality assessment table has been received which is also considered acceptable.

The applicant has submitted some Drainage details that are acceptable with SuDS features to be included on site. However, details of the SuDS maintenance are not complete and a condition is required to secure this information.

In light of the comments from the LLFA, I considered the outstanding matters in the form of an updated emergency Flood Plan and SuDS maintenance plan can be reasonably secured by way of conditions.

Sustainability

Following the submission of a revised energy statement and amended plans, the applicant has confirmed the energy efficiency measures to be installed on site. I consider it reasonable to attach a condition to secure the final details of the measures to be installed including evidence of their installation.

Land Pollution

The site has historically been used as a fuelling station and subsequent for storage and more recently as a car wash. Due to the previous use of the site the Land Pollution Team have requested a contamination survey to be carried out which I consider reasonable and necessary.

Developer Contributions

Developer contributions have been requested by Open Space colleagues. Due to the scale of development an affordable housing contribution has also been requested.

The applicant has submitted a viability assessment in support of the application as on site provision of the above cannot be provided. Based on the figures in the assessment, build cost and analysis of the recent and current market, the proposal would not be able to support a financial contribution in terms of Section 106 for the contributions required. There would be no surplus available for the contributions requested. In light of this, and the benefit of the redevelopment of this site for residential development, it would be unreasonable to withhold consent or require the applicant to enter into a legal agreement for Section 106 contributions.

Conclusion

The proposal, as amended, represents an acceptable scale and form of residential development that would not adversely impact the character of the site and local area, nor would it adversely affect nearby heritage assets and the amenity of nearby residents.

The potential contribution to housing delivery in the context of the council's lack of a five-year housing supply is a significant factor to weigh in the planning balance.

The applicant has worked positively with the local authority to improve aspects of the proposal and respond to comments made by consultees and this has improved the proposal and addressed relevant policies. Technical matters can be addressed through the use of conditions to secure an acceptable residential scheme.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. A) Prior to the commencement of development, including demolition, an appropriate programme of archaeological work, including implementation, to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI), shall be submitted to and approved in writing by the local planning authority. The scheme must include an assessment of significance, research questions, and:
 - (1) the programme and methodology of site investigation and recording;
 - (2) the programme for post-investigation assessment;

- (3) provision to be made for analysis of the site investigation and recording;
- (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (5) provision to be made for archive deposition of the analysis and records of the site investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

C) No part of the development shall 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 (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. 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 demolition, shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors 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).

4. No development, including demolition 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 provide for:

- a.) the parking provision of vehicles for site operatives and visitors. Measures should be included to prevent parking on the adjacent roads.

- b.) the loading and unloading of plant and materials to and from the site including any time constraints (limited to off peak periods)
- c.) measures to ensure that construction vehicles do not stack on the adjacent roads to gain access to the site.
- d.) measures to ensure vehicles can manoeuvre within the site and re-join the highway without reversing.
- e.) the erection and maintenance of security hoarding (including decorative displays and facilities for public viewing). The erection of hoarding etc in the highway will need the approval/consent of Leicester City Council, as the Highway Authority.
- f.) wheel washing facilities, measures to prevent mud and detritus falling on the highway, and measures to ensure the highway is kept clean.
- g.) measures to control the emission of dust and dirt during demolition.
- h.) access and egress arrangements to the site including temporary traffic management measures and signing. Consideration should be given to the safety of pedestrians and cyclists and measures to improve the visibility at the boundary.
- i.) banksmen/traffic marshals should have the appropriate training to work in the highway.

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

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

6. Prior to the commencement of development details of the type and location of x4 bat bricks/tiles/box; x8 Swift bricks/boxes to be incorporated within the elevations of the proposed buildings have been submitted to and approved in writing with the local planning authority. The locations should be determined by an ecologist who shall also supervise their installation. The development shall be carried out in accordance with the agreed details and retained thereafter. (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS17 Biodiversity of the Core Strategy).

7. Prior to the commencement of development a detailed section plan of any wall or boundary treatment to the site's frontage to Groby Road shall be submitted to and approved in writing by the local planning authority. (In the interests of (In the interests of the satisfactory development of the site and in accordance with saved policy AM01 of the City of Leicester Local Plan).

8. Prior to the commencement of development full specification details of the proposed green [brown] roof including construction, planting details and maintenance strategy shall be submitted to and approved in writing by the local planning authority. The green [brown] roof shall be provided and maintained thereafter in accordance with those details. (To ensure sustainable construction and adaptation and mitigation of climate change in accordance with NPPF (2021), policy CS17 of the Leicester City Core Strategy).

9. Prior to the occupation of development, an Emergency Flood Plan shall be submitted to and approved in writing by the local planning authority. The Emergency Flood Plan details shall include:

(a) Details of the flood risk posed to the site and the reasoning for an Emergency Flood Plan.

(b) Safe access and egress routes from the property and site and the return period to which this will remain 'safe' - describing the safety of the access and egress route using the Hierarchy [13.3] and the UK flood hazard rating [13.7], in accordance with the appropriate approach [13.4] as outlined in Environment Agency's Flood Risk Assessment Guidance for New Development (FD2320) [Section 13; Requirements for Safe Access and Exits].

(c) Define the areas of safe refuge for residents and/or users of the development to use if safe access and egress is not possible.

(d) Define how Flood Resilience Measures incorporated into the development are to be managed and maintained throughout their lifespan, as well as how they are to be operated in the event of a flood and the person/organisation responsible for their operation.

(e) Location of utility meters and stop taps and procedure for turning off [electricity, gas and water].

(f) Define how any vehicles on site are to be relocated to areas of lower risk in the event of a flood, so as not to cause a hazard to surrounding infrastructure.

(g) Include provision for the signing up to the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service – where available for the site.

(h) The evacuation procedure, including activation and call off.

(i) Assembly points (if applicable) – position of assembly points on layout plan, colour and image of sign.

(j) The procedure for starting and stopping the emergency flood plan.

(k) Outline how the site will be reoccupied and made safe after a flood event.

(l) Responsible person/organisation for implementing flood plan (Risk Owner).

(m) How the emergency flood plan will be stored, how it can be accessed by residents, employees or suitable 3rd party's (Local Authorities, Emergency Services etc.) and how it can be obtained (downloaded or physical copy).

(n) Testing of the Emergency Flood Plan – overview of testing procedure, frequency and training required.

(o) Procedure for updating emergency flood plan – review period, amendment and version control.

(p) Emergency contact details – emergency services (999), utility providers (gas, electricity and water) etc.

The development shall be managed in accordance with these details thereafter. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

10. Prior to the commencement of development full design details of energy efficiency measures, including heating systems and carbon emissions figures, shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the site, evidence demonstrating satisfactory operation of the approved scheme, including on-site installation, shall be submitted to and approved in writing by the Local Planning Authority. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).

11. Prior to the commencement of the development, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the local planning authority. This scheme shall include details of: (i) new tree and shrub planting, including plant type, size, quantities and locations; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) other surface treatments; (iv) fencing and boundary treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots), (vii) a detailed plan of the biodiversity enhancements on the site; (viii) details of the make and type of 8 x integrated swift bricks and 4 x bat boxes/tiles/bricks to be erected on buildings under the guidance and supervision of a qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

12. Prior to the construction of any work above foundation level, the sample panels on approved drawing DSA-22002-PL-012 Rev B shall be constructed on site, showing all external materials, including brick, brick bond and mortar colour 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 character and appearance of the area and in accordance with Core Strategy policy CS03).

13. No part of the development shall be occupied until the footway crossing(s) have been altered in accordance with the approved plans for Balfour Street and details first submitted to and approved in writing for Fosse Road North and Groby Road/Woodgate. The approved works shall be carried out prior to occupation and they shall be retained as such thereafter. (To achieve satisfactory means of access to the highway, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. Prior to the first occupation of each unit, the occupiers of each of the dwellings shall be provided with a 'Residents Travel Pack', details of which shall be submitted to and approved in writing by the local planning authority in advance. The contents of

the Travel Pack shall consist of: 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).

15. Prior to any work above foundation level, details of how the 2 metre by 2 metre pedestrian visibility splay on each side of the vehicular access will be kept clear of any obstruction shall be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the approved measures have been installed in full, and they shall be retained thereafter. (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.)

16. No part of the development shall be occupied until (a) secure cycle parking for: (i) 24 cycles has been provided in details that shall be first submitted to and approved in writing by the local planning authority, and (b) a scheme for monitoring of the cycle parking use including details to increase provision have been submitted to and approved in writing by the Local Planning Authority. 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 policies AM02 and H07 of the City of Leicester Local Plan).

17. 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 residents 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 saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).

18. The development shall be carried out in accordance with the technical specification for noise insulation contained in the Martec Environmental Consultants Ltd Acoustic Report (dated 15th December 2011, ref. 20211216 9158). (In the interests of residential amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

19. Prior to first occupation of the site, all habitable rooms shall be fitted with Sentinel Kinetic Mechanical Ventilation in accordance with the manufacturers specification received by the local planning authority on 14.12.2022, and shall be retained as such thereafter. (In the interests of residential amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

20. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 82327-02/ Rev E, dated 22/02/2023) and the following mitigation measures detailed within the FRA:

- Flood resistance and resilience measures
- Finished floor levels (FFL)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme. (To minimise any flood risk in accordance with policy CS02 of the Core Strategy).

21. Should the development not commence within 24 months of the date of the last protected species survey (March 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 by the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated biennially and any mitigation measures reviewed and approved in writing by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and CS 17 of the Core Strategy)

22. The development shall be carried out in accordance with the mitigation measures as set out in Table 19 of the Air Quality Assessment (ref. P5233 R1-V1). (In the interests of the amenities of nearby occupiers, and in accordance with saved policy PS10 of the City of Leicester Local Plan.)

23. At least 1 car parking spaces for the use of disabled people shall be provided before the development is occupied in accordance with the approved plans and shall be retained and kept available for use by disabled people. (To ensure adequate provision for the needs of disabled people, and in accordance with saved policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.)

24. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

25. No gates shall be installed at the vehicular access off Balfour Street. (To achieve satisfactory means of access to the highway, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

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

Proposed Ground Floor plan; DSA-22002-PL-L01-001 Rev J, received on 20/03/2023

Proposed First Floor plan; DSA-22002-PL-L02-002 Rev D, received on 23/01/2023

Proposed Second Floor plan; DSA-22002-PL-L03-003 Rev D, received on 23/01/2023

Proposed Third Floor plan; DSA-22002-PL-L04-004 Rev D, received on 23/01/2023

Proposed West Elevations & Courtyard East & North; DSA-22002-PL-E01-006 Rev B, received on 25/10/2022

Proposed East & North Elevations; DSA-22002-PL-E02-007 Rev C, received on 27/01/2023

Proposed Courtyard West & South; DSA-22002-PL-E03-008 Rev B, received on 25/10/2022

Proposed Roof Plan; DSA-22002-PL-L05-005 Rev D, received on 23/01/2023

Sample Panel; DSA-22002-PL-012 Rev B, received on 15/02/2023

Detail Section; DSA-22002-PL-013 Rev B, received on 15/02/2023.

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at: <https://www.leicester.gov.uk/your-council/city-mayor-petersoulsby/key-strategy-documents/>

As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

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

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

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

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

3. In association with the Construction Method Statement (condition 4), the applicant may need to produce a Traffic Management Plan which will need to be agreed with the Highway Authority as part of the Construction Method Statement. Any temporary signing on the highway will need consent from the Highway Authority and

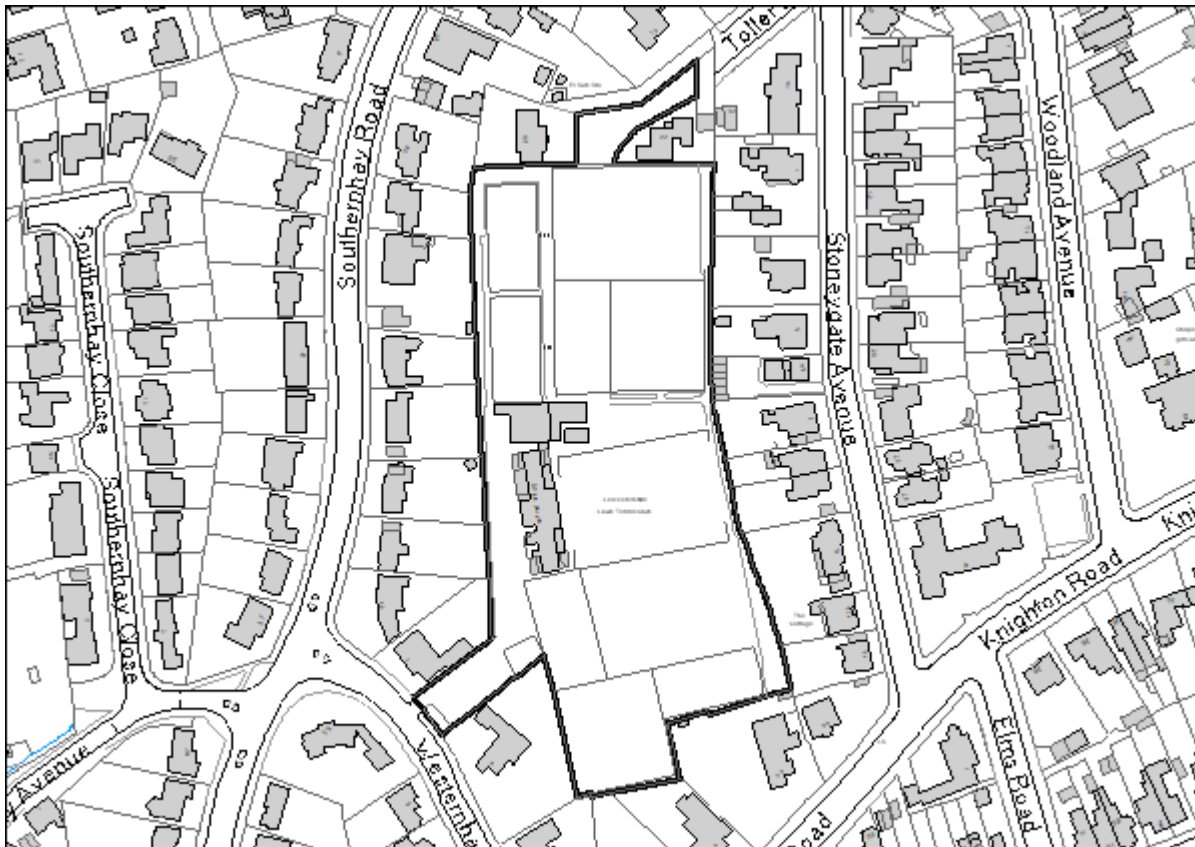
such details should be included in the details submitted for the approval of this condition.

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_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria. |
| 2014_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_CS11 | The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development. |
| 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. |

COMMITTEE REPORT

20220246	Westernhay Road, The Leicestershire Tennis & Squash Club	
Proposal:	Installation of 12x7m high columns with floodlights to outdoor tennis courts and installation of fencing (Class F2)	
Applicant:	Mr Michael Piper	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	31 March 2022	
BL	TEAM: PD	WARD: Knighton



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Summary

- Brought to committee at the request of Councillor March
- 4 objections received on grounds of light pollution, residential amenity, time of operation.
- The main issues are the impact on amenity, ecology and drainage.
- Recommendation is for approval.

The Site

The proposal relates to the Leicestershire Lawn Tennis and Squash Club located within a predominately residential area in the Knighton ward.

The application site is fully enclosed by a mix of detached residential properties, the closest being no. 22 and 23 Toller Road directly north of courts 16-18.

The application site is also within a critical drainage area and is at risk of surface water flooding (1 in 1000 years.)

Background

20110459 – Variation of conditions attached to permissions 19911483 (court 13 - 'buckler court'), permission 19911792 (courts 1, 2 & 14), 19921782 (courts 4 & 5), 20090029 (courts 3, 6 & 15) to allow all existing floodlit courts to be used from 0800-2200 Monday to Saturday and 0800-2000 on Sundays. (Implemented.)

Condition no.2 of the permission required:

The lights shall not be switched on outside the hours of 0800 to 2200 Mondays to Saturdays and 0800 to 2000 on Sundays. (In the interests of the amenities of nearby occupiers in accordance with policies PS10, PS11 and BE22 of the City of Leicester Local Plan.)

20150170 – Conditional approval for the installation of six x 6.8-metre-high columns with floodlights to court number 7 at tennis club. (Implemented.)

Condition 2 of the permission required:

The floodlights hereby permitted shall not be switched on outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2000 Saturday and Sunday. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10, PS11 and BE22 of the City of Leicester Local Plan.)

The Proposal

The proposal is for the Installation of 12 columns with flood lights to outdoor tennis courts 16-18.

The columns would each measure 7m in height and be finished in green paint. Proposed hours of use would be up to 22:00 during weekdays and 20:00 on weekends.

Alterations also include the installation of a replacement 3.6m high chain-link fence directly north of courts 16-18.

A bat survey accompanies the application.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Section 2: applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11 (Presumption in favour of sustainable development)

Paragraphs 38-47 (Decision making and accurate information)

Paragraphs 130 and 134 (Good design and amenity)

Paragraph 167 (Flooding and Drainage)

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity supplementary planning document (2008).

Other legal or policy context

Institute of Lighting Professionals (ILP) *Professional Lighting Guide 05 the Brightness of Illuminated Advertisements* (2015)

Consultations

Noise and Pollution Control – No objections to planning permission being granted provided the design criteria as stated in the light assessment is implemented and maintained. The applicant shall ensure the approved scheme shall have regard to the “Guidance Notes for the Reduction of Obtrusive Light GN01:2011” produced by the Institution of Lighting Professionals.

Representations

Four objections from 4 City addresses were received on the following grounds:

- Impact of light pollution and spillage on neighbouring dwellings
- Time of operation
- The impact of the height of the flood lights and fencing on outlook

Consideration

Principle of development

Courts 1-7 and 13-15 are already lit by floodlights, this is to provide visibility for users during low-light conditions. Promotion of the use of sports facilities with associated health and social benefits is an objective of local and national planning policy. Given the existence of existing floodlights, the principle of additional columns is acceptable subject to careful consideration of amenity, ecology and drainage considerations.

Visual amenity

I consider the scale and size of the floodlights are proportionate to the existing floodlights and would have a minimal impact with regard to visual clutter in the area. There are currently 12 existing flood lights on the adjacent tennis courts, with near identical design.

The site topography indicates the proposed new floodlight columns and fittings would be partly visible from Toller Road through land to the north of the application site. However this plot of land is 45 metres in length and separates the courts from the adjacent highway and I do not consider this to be an overly intrusive factor.

There are no concerns regarding the installation of the chain link fencing. This is largely replacing the existing and would be of a similar design, size and function. I consider this would not be harmful to the appearance of the courts and surrounding area.

Therefore, I consider the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) in this respect and is acceptable in terms of design within the surrounding area.

Residential amenity

The floodlights would be installed to the northern courts numbered 16-18. The columns with fittings would have an overall height of 7m metres. The northern boundary of the application site is 3 metres away from the closest adjacent properties at no. 22 and 23 Toller Road, and it is recognised that existing and proposed floodlights would be visible from the front and rear of these properties.

The Lux level spillage plotting diagrams submitted with the proposal indicates that no adjacent domestic properties will be adversely affected by the new floodlights in terms of obtrusive levels of light to an unacceptable degree. These diagrams show that the luminance levels of the floodlights would not exceed 600cd and would be directed downwards and towards the courts.

Therefore, I do not consider there would be an undue loss of residential amenity to local residents, and the proposal would not conflict with Local Plan policies PS10 and PS11.

Nevertheless, in order for this impact to remain acceptable, I consider it appropriate to attach a condition requiring the lights to be maintained and operated in accordance with the information submitted and operated only during the hours of 08:00 to 22:00 (weekdays) and 08:00 to 20:00 (weekends), in accordance with Condition 2 of planning application 2011045 and to also control the light level to not exceed 600candelas.

Nature Conservation

The site predominantly consists of the tennis court surfaces with little greenery. However, given the sites location there are suburban gardens nearby containing mature trees. There has been a record of bat activity in the area with the trees having the potential to provide suitable roosting/foraging potential. A bat survey was required. The survey concluded that the site has low potential for bat activity due to the presence

of existing floodlights. There are no trees along the northern boundary and the western boundary has limited ornamental shrub coverage with limited potential for bat foraging and roosting. Whilst the site has low potential for bat activity mainly due to its floodlighting it does recommend some mitigation that could be incorporated as part of the scheme. I consider a condition to secure appropriate mitigation to be justifiable.

Drainage

The application site is within a critical drainage area and is at risk of surface water flooding (1 in 1000 years.) However, given the scale and nature of the development I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Conclusion

The lights would allow for further courts to be used for longer and therefore enhancing the facilities on offer and promoting sports activity in line with health and well being policy. The lights would be visible from nearby residential properties; however, they have been designed and positioned so as not to cause loss to residential amenity. Conditions will be attached to ensure they are operated in accordance with details accompanying the application and to seek ecological mitigation. Operating hours will also be controlled by condition. I consider there would be minimal impact upon drainage.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policies PS10 and PS11 of the Local Plan (2006.)

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The maximum illumination levels of the floodlights shall not exceed the Lux levels shown on the Lux level spillage plotting diagrams at Pages 9-12 of the "S.F.P.D Limited Outdoor Lighting Design" specifications received by the local planning authority on 03.02.22. (In the interests of visual amenity, residential amenity and in accordance with Core Strategy policies CS03, and Local Plan policies PS10 and PS11).

3. The new floodlights shall be operated in accordance with the details set out in the application form and the “S.F.P.D Limited Outdoor Lighting Design” specifications received by the local planning authority on 03.02.22 received by the local planning authority on 03.02.22. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03, and Local Plan policies PS10 and PS11.)
4. The use of the new floodlights shall not be carried on outside the hours of 08:00 to 22:00 during weekdays and 08:00 to 20:00 during weekends. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 and PS11 of the City of Leicester Local Plan.)
5. The new floodlights shall not be operated until a scheme of ecological enhancement has been submitted to and agreed in writing with the City Council and shall be implemented in accordance with the approved details and retained as such. (In the interests of nature conservation in accordance with Policy CS03 of the 2014 Core Strategy)
6. Development shall be carried out in accordance with the following approved plans:
 Location plan -2021 CAS 062 010 – Received on 03/02/2022
 Site Plan -2021 CAS 062 011 – Received on 03/02/2022
 Existing Floor Plans -2021 CAS 062 012 – Received on 03/02/2022
 Proposed Floor Plans -2021 CAS 062 013 – Received on 03/02/2022
 Elevation (Front) – Existing -2021 CAS 062 014 – Received on 03/02/2022
 Elevation (Front) – Proposed -2021 CAS 062 015 – Received on 03/02/2022
 Existing 3d View 1 -2021 CAS 062 020 – Received on 03/02/2022
 Existing 3d View 2 -2021 CAS 062 021 – Received on 03/02/2022
 Proposed 3d View 1 -2021 CAS 062 022 – Received on 03/02/2022
 Proposed 3d View 2 -2021 CAS 062 023 – Received on 03/02/2022
 (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 planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021.

Policies relating to this recommendation

- | | |
|-----------|--|
| 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'. |
| 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.

