



Leicester
City Council

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

DATE: WEDNESDAY, 10 JANUARY 2018

TIME: 5:30 pm

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

Members of the Committee

Councillor Cassidy (Chair)

Councillor Aldred (Vice-Chair)

Councillors Dr Barton, Chohan, Dr Chowdhury, Cutkelvin, Govind, Grant, Khote,
Thalukdar and Westley

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

A. Thomas .

For Monitoring Officer

Officer contact:

Julie Harget, tel: 0116 454 6357 / Ayleena Thomas, tel: 0116 454 6369 / Elaine Baker, tel: 0116 454 6355

e-mail: julie.harget@leicester.gov.uk / ayleena.thomas@leicester.gov.uk / elaine.baker@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: **Julie Harget, tel: 0116 454 6357 or Ayleena Thomas, tel: 0116 454 6369 / Elaine Baker, tel: 0116 454 6355, Democratic Support Officers.** Alternatively, email julie.harget@leicester.gov.uk / ayleena.thomas@leicester.gov.uk / elaine.baker@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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<http://www.leicester.public-i.tv/core/portal/webcasts>

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

3. MINUTES OF THE PREVIOUS MEETING

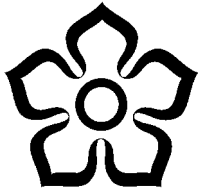
The minutes of the previous meeting, held on 20 December 2017, have been circulated and Members are asked to confirm them as a correct record.

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 to the reports.

- (i) 20171148 30-32 SHAFTESBURY AVENUE, 88 [A1](#)
NEWINGTON STREET**
- (ii) 20171563 25 EDGEHILL ROAD [A2](#)**
- (iii) 20171883 UNIVERSITY OF LEICESTER, [A3](#)
BROOKFIELD, 266 LONDON ROAD**
- (iv) 20171911 ST GEORGES CHURCH, RUTLAND [A4](#)
STREET**

5. ANY URGENT BUSINESS



Leicester
City Council

**Wards:
See individual reports.**

Planning & Development Control Committee

Date: 10th January 2018

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 2011 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

4 Equalities and personal circumstances

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

5 Crime and disorder

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

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.
- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of dealing with those impacts, such as increased demand for school places, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy Regulations 2010.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.
- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on-screen in the Customer Service Centre, Granby Street, and on line at

www.leicester.gov.uk/planning. Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

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

11 Report Author

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

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APPLICATION ORDER**

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38		20171911	ST GEORGES CHURCH, RUTLAND STREET	CA

Recommendation: Conditional approval	
20171148	30-32 SHAFTESBURY AVENUE, 88 NEWINGTON STREET
Proposal:	CONSTRUCTION OF TWO STOREY EXTENSION AND FIRST FLOOR EXTENSION AT SIDE; SINGLE STOREY EXTENSION AND DORMER EXTENSION AT REAR; ROOF LIGHTS AT FRONT AND REAR OF RESIDENTIAL CARE HOME (CLASS C2); ALTERATIONS (AMENDED PLANS RECEIVED ON 31/10/2017 AND 08/12/2017)
Applicant:	HEARTWELL RESIDENTIAL CARE HOME
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20171148
Expiry Date:	6 September 2017
AVB	WARD: Belgrave



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Summary

- The application is being reported to committee as more than 5 objections have been received;
- The objections are on the grounds of impact on amenity, impact on light and outlook, parking and character of the conservation area;

- The main issues are design, appearance, impact on neighbouring properties and parking;
- The application is recommended for approval.

Introduction

The application site consists of three properties – two on Shaftesbury Avenue (30 and 32) and one on Newington Street (88) operated as care home.

The application site is located within the area characterised as residential.

The properties on Shaftesbury Avenue are located within the Loughborough Road Conservation Area and are covered by an Article 4 Direction that removes permitted development rights from dwellinghouses.

Background

Most relevant history:

20030129 – 2m high wall at front of house was approved at 32 Shaftesbury Avenue.

20031501 - Change of use of 32 Shaftesbury Avenue and 88 Newington Street to residential care home (Class C2 - residential institutions) was approved in 2003 and implemented.

20100384 - Change of use from house at no. 30 (Class C3) to residential care home (Class C2); dormer window at rear was approved in 2010.

The Proposal

The proposal as amended is for construction of two storey and first floor extension at side, single storey extension at rear, dormer extension at rear and roof lights at front and rear of residential care home (Class C2) and alterations. The proposal would provide 4 additional bedrooms (16 bedrooms in total) and facilities for the care home:

Two storey and first floor extension would be at side of 32 Shaftesbury Avenue. The proposed extension would be in line with the existing front elevation of the care home on Shaftesbury Avenue. The proposed first extension would infill the existing gap between two properties i.e. 30 and 32 Shaftesbury Avenue. The proposed extension would have pitched roof which would measure 7.76m high.

Single storey extension at rear of 30 Shaftesbury Avenue would be 5.3m deep x 3.3m wide to form a bedroom with ensuite. The proposed mono-pitched roof would measure 3.85m high.

Dormer extension would be sited at rear of 30 Shaftesbury Avenue. The proposed dormer would have a flat roof measuring 2.42m high with a roof light.

Two rooflights are proposed at front of 30 Shaftesbury and 3 rooflights to the rear of 32 Shaftesbury Avenue.

The original proposal included a single storey front extension and a single storey extension at rear of 32 Shaftesbury.

Policy Considerations

National Planning Policy Framework

The National Planning Policy Framework has as one of its core planning principles the need to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Part 7 of the NPPF focuses on requiring good design. Paragraph 56 describes good design as a key aspect of sustainable development and paragraph 58 states that planning policies and decisions should use streetscapes and buildings to create attractive places and respond to local character and history reflecting the identity of local surroundings and materials. Planning Practice Guidance states that Local planning authorities should secure design quality through the policies adopted in their local plans.

Paragraph 17 of the NPPF describes how one of the core principles of planning is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 of the NPPF states that planning decisions should take into account whether opportunities for sustainable transport modes have been taken up, whether safe and suitable access can be achieved and whether improvements can be undertaken that limit the significant impacts of the development. Paragraph 32 adds that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 58 of the NPPF describes how in seeking to secure good design planning decisions should focus on, amongst other considerations, the importance of streetscapes in creating attractive places and on the long term impacts of development on the overall design quality of the area.

Para 131 – desirability to sustain & enhance significance of Heritage Assets

Para 134 – proposals of less than substantial harm to the significance of a designated Heritage Asset should be assessed against the wider public benefits of the proposal

Para 137 – LPA's should look for new development to preserve or enhance significance of Heritage Assets

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

SPD – Residential Amenity

SPG- Vehicle Parking Standards

Consultations

The Service Director of Environment Services (Pollution Team) – No objections
Local Highway Authority (LHA) – No objections subject to condition relating to no doors or gates shall open outwardly. However the applicant has amended the proposal and they have removed the front extension.

Representations

I have received 2 letters of objection and 1 petition with 9 signatures and the concerns are as follows:

- The proposal will have impact on light and outlook of 28 Shaftesbury Avenue;
- The proposed two storey extension and single storey front extension will have impact on the character and appearance of conservation area;
- Proposal would lead to increased problems of on street parking in the surrounding area.

Consideration

Principle

The application site is located within the area characterised as residential. The proposal for extension of existing care home is acceptable in principle, subject to design and conservation, residential amenity, living environment and parking.

Design and conservation

The Loughborough Road Conservation Area Character Appraisal states:

“The houses in Shaftesbury Avenue were constructed in the 1880s in the Domestic (or Vernacular) Revival style with big gables and prominent and simply decorated chimneys, tile-hanging, double height bay windows and decorative timberwork. Red brick is combined with roughcast render on upper storeys, and clay tiles for roofs. The houses are also linked together by a continuous red clay tiled canopy between the ground and first floors. In most cases, the original sliding sash windows and front doors remain intact. The side elevation of number 2 Shaftesbury Avenue is given further importance in keeping with its prominent site by the addition of more detailing in a mix of styles typical of the late Victorian era. In this case it takes the form of projecting brick string courses, a projecting chimney with a fine corbelled base and a ‘Romanesque’ style arch over the front door with ‘Early English’ style lancet windows on either side. House names are also important in this group and are provided as either carved lettering in stone lintels or in carving in the brick arch spandrels over the front doors.

Shaftesbury Avenue has its own particular identity, being a quiet enclave sheltered from the noise and busyness of Loughborough Road. It is also of particular townscape merit, being an attractive architectural set piece with matching terraces on either side of the road. Bay windows and their fenestration create regular vertical rhythms while a strong horizontal is formed by the canopy which connects all the houses in a continuous line. The first floor gables and chimneys add interest to the skyline and the mouldings on window frames, doors and canopy brackets provide visual interest at the smaller scale. The decorative pierced wrought iron screens above the passageway gates reinforce the patterns made by the fish-scale tiling and the mock half-timbering on the upper floors and gables.”

The two storey extension to the side would to infill the existing gap between properties 30 and 32 Shaftesbury Avenue. The proposed extension would be in line

with the existing two storey side extension at No. 32 Shaftesbury Avenue and 88 Newington Street. The height of the two storey extension would be lower than the existing 30 and 32 Shaftesbury Avenue. In addition the proposed timber windows would be similar in size and materials to the existing extension. Shaftesbury Avenue has architectural merits with bay windows and the first floor gables on either side, which adds to the character of the area.

The proposed extension would have external rendering to match in colour, texture and appearance to match No. 32 Shaftesbury Avenue. I consider that the proposed two storey extension due to its size, design and materials would be in keeping with the application properties, the overall street scene and the character and appearance of the conservation area.

The proposed roof lights due to its size and design will not have a significant adverse impact on the character and appearance of the conservation area.

The proposed single storey and dormer extension at rear due to its size and location will not be visible from the public realm and will not have impact on the character of the area.

I therefore consider that the amended proposal due to its size, design and location will not have a significant impact on the visual amenity and would preserve the character and appearance of the conservation area.

Residential Amenity of neighbours

To the north of the application site lies 90 Newington Street. This is a terraced property with a very large single storey extension to the rear covering majority of the garden area. This has windows to the side elevation facing the application site. However those windows are obscured glazed and seems to be serving non principal rooms.

The amended proposal has removed the single storey extension to the rear which would have been very close to the common boundary with No. 90. In addition the proposed two storey side extension as amended has deleted a bedroom window to the rear elevation facing No. 90.

The proposed bedroom 14 would have an existing window to the rear elevation facing No. 90 with three rooflights. Although the window will now serve a bedroom instead of bathroom, I consider that the given the position of window being in that location and given the nature of the application site as residential care home, I consider that it will not have significant detrimental impact on the residential amenity of the neighbouring property No. 90.

The proposed two storey extension would be set back by approximately 2.8 m from the common boundary with No. 90. I consider that the proposed two storey extension due to its size and location will not have a significant detrimental impact on the residential amenity of the neighbouring residential properties in terms of loss of light or outlook.

To the west of the application site lies 28 Shaftesbury Avenue. 28 Shaftesbury Avenue has an existing single storey attached outbuilding to the rear. The proposed single storey extension to rear of 30 Shaftesbury Avenue would be set back by approximately by 1.9m from the common boundary with No. 28. There is an existing high boundary fence between 28 and 30. The proposed single storey extension will not intersect 45° line taken from the nearest principal room window to the rear of No, 28. I therefore consider that the proposed single storey rear extension will not have significant detrimental impact on the residential amenity of No. 28 in terms of loss of light and outlook. There are no principal room windows in the side elevation of the extension and therefore there will be no overlooking and loss of privacy to the detriment of amenity of occupiers of No 28.

The proposed dormer would not be visible from public realm. To the rear forming the boundary is a large factory wall, therefore there would be no loss of privacy. The dormer window would be positioned on the main rear slope of the existing roof and would have outlook to the rear of the property. I consider that the proposed dormer would be in keeping with the property and will have minimum impact on the residential amenity of the surrounding area.

I conclude that the proposal would comply with Policy CS03 and would not conflict with Policy PS10, in terms of the privacy and amenity of the neighbouring occupiers.

Living environment

The proposal would form 4 additional bedrooms one at ground floor level, two at first floor level and one in the roof space. Three bedrooms will have windows either to the front or rear elevation and the one in the roof space would be served by a roof light. I am satisfied it would have sufficient light and outlook to those principal rooms.

Parking

As with many other older areas of the city, with terraced housing, parking in the surrounding area is difficult as very few properties have off-street parking, and on street parking is used to capacity much of the time.

The site has no off-street car parking provision and is unable to provide any, and so all car parking associated by the existing use, takes place on the surrounding streets. The existing property has 12 bedrooms and the proposal would increase it to 16 bedrooms. However given the nature of the use it is unlikely that the addition 4 bedrooms would generate a significant increase in demand for parking. Whilst visitor numbers would increase, visits can occur at different times of the day and not necessarily all at the same time.

In addition the site is in the close proximity to public transport on Melton Road and Loughborough Road. I consider that the proposed development would not constitute a severe impact which is the critical test as defined by Paragraph 32 of the NPPF.

I consider it is unlikely that the proposal would have a significant impact upon the on street parking or give rise to traffic problems upon the surrounding highway network to warrant a refusal.

Conclusion

The proposal would have an acceptable relationship with the neighbouring dwellings and would have an acceptable impact upon the character and appearance of the conservation area. The proposal will not have an unacceptable impact on the parking and highway safety.

I 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. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. This consent shall relate solely to the amended plans nos. 1701-P-02C, -P-006B, -P-007B, -P-0017B, -P-011C, -P-021, -P-022C received by the City Council as local planning authority on 31/10/2017 and plan nos. 1701-P-008D, -P-009D, -P-010D, -P-0015C, -P-016D, and 1701-P-0019B received on 08/12/2017, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

Policies relating to this recommendation

- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 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_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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 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_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.

Recommendation: Conditional approval	
20171563	25 EDGEHILL ROAD
Proposal:	CONSTRUCTION OF 1ST AND 2ND FLOOR EXTENSION TO PROVIDE ANCILLARY OFFICE; KITCHEN AND DINING FACILITIES TO PLACE OF WORSHIP AND COMMUNITY HALL (CLASS D1); ALTERATION TO GROUND FLOOR (AMENDED PLANS REC'D 14/11/17)
Applicant:	RCCG, COVENANT OF GRACE PARISH
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20171563
Expiry Date:	12 January 2018
SSB	WARD: Troon



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Summary

- The application is for a first and second floor extension to a single storey building in community use.
- There is no provision for off street parking.
- The site has unrestricted use with no conditions.

- The application is before committed because there have been more than six objections.
- The recommendation is for approval subject to conditions.

Introduction

The application relates to a single storey detached building located within a primarily residential area. The building is currently used as a place of worship and a community centre. There is a rear garden with a large detached shed used for storage. The property is surrounded by residential properties to all sides and has been extended to the front. There is no provision for off street parking.

Background

The premises have been used as a community hall and more recently a prayer hall for many years. A small extension has been added to the front some time ago. There are no hours of use restrictions, nor any other existing planning conditions.

The Proposal

The proposal is for demolition of the front extension and construction of a two-story extension over the existing single storey structure. It would measure approximately 13.5m deep at first floor level and 11.5m at second floor and would be 7.3m wide at its widest point. The front of the building would have a pitched roof and the bulk of the rear would have a flat roof. Windows are proposed to the front and rear elevations.

The materials proposed are facing red bricks, concrete tiles, UPVC windows and doors and timber fencing to the side and rear. There would be an increase in floor space of approximately 85sq.m. The proposed hours of use are indicated as 0900 to 1800 daily with 1300 closing on Sundays.

The proposal has been amended by the removal of the single storey hall extension to the rear and a reduction in the depth of the upper floors of the proposal from 14.5m to 13.5m. It has also been moved away from the neighbouring house at No 23. Plans suggest that the “storage” building to the rear will be used as a second hall.

Policy Considerations

National Planning Policy Framework (NPPF) 2012:

- The presumption in favour of sustainable development;
- Paragraph 11: Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 12: further provides that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- Paragraph 14: contains a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.
- Paragraph 17: Secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Paragraph 32: Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 56: describes good design as a key aspect of sustainable development and
- Paragraph 58: states that planning policies and decisions should use streetscapes and buildings to create attractive places and respond to local character and history reflecting the identity of local surroundings and materials.

Paragraph 14 further provides that for decision taking this means proposals should be approved 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; or
- specific policies in the NPPF or the local plan indicate development should be restricted.

Vehicle Parking Standards & 6C Design Guide.

Residential Amenity – Supplementary Planning Document (SPD).

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

Consultations

Pollution and Noise Control - No comments.

Representations

- There have been two objection and two petitions with 27 signatures (some repeated) objecting to the proposal. The concerns expressed are:-
- This is a residential area;
- There is no dropping off point for users;
- The mosque (39 Edgehill Road) has resulted in increased traffic;
- This is a one-way street which means parking is limited;
- New houses being built in the street will increase traffic;
- Lack of parking provision means people stop in the middle of the street and
- Disturbance because of noise especially on Sundays

Consideration

I consider that the main issues in this case are: the principle of the development; impact upon the character & appearance of the area; amenity of neighbouring occupiers; access and parking.

Principle of Development

Policy CS08 of the Leicester Core Strategy (2014) states that the provision of new facilities will be supported where they meet the identified needs of local communities, and seeks to retain existing places of worship in order to ensure provision for a wide variety of religious groups active in the City.

It goes on to say that the Council will seek to retain existing places of worship in order to ensure provision for the wide variety of religious groups active in the City. In considering proposals for new places of worship the Council will take account of the demand for it within the local neighbourhood, the scale of activities for which it is likely to be used and the nature of the area around it.

The building is currently occupied by Redeemed Christian Church of God, Covenant of Grace. They say that the intention is not to cater for additional members but to provide better facilities for the existing congregation in the form of office space (second floor) and a kitchen and dining facilities (first floor). It will increase the number of employees from two to four. The prayer hall would not be increased in size and the increase in employees is negligible. Following the amendments I consider that the proposal is acceptable.

Character and Appearance

The current building is single storey structure and adds little to the character and appearance of the area being constructed of pre-fabricated concrete with a brick extension to the front. This would be replaced by a three story structure, of similar materials and similar in height to the adjoining houses with a pitched roof. It would have an appearance appropriate to a residential area.

I consider that the proposal is acceptable in terms of design, character and appearance.

Amenity

The original proposal was a much larger extension, and would have covered the much of the rear garden area. It would also have had a detrimental impact upon the outlook of the neighbouring properties. This has been amended to an acceptable size and the outlook of the neighbouring properties is no longer significantly affected. The rear part of the two-storey extension is set in line with the rear wall of the property at No 27 and therefore it has no significant impact upon their outlook or privacy. On the southern side (No 23) the proposal is deliberately set away from the neighbour so as to avoid breaching the 45° guidance. There are no side windows to the proposal it therefore has no significant implications for loss of privacy.

No issues regarding noise have been evident however with an increase in activities it may result in an increase in the level to the detriment of nearby residential properties. Therefore as a precaution I recommend an appropriate condition to keep any future noise levels to an acceptable level.

Access and Parking

The existing site has no off-street parking. The proposal includes the alteration of the existing access to provide 3 car parking spaces (1 disabled) on the frontage and cycle spaces could be provided to the rear of the site (conditioned). The highway authority has no concerns as long as there is no increase in additional worshippers or additional persons on site at any one time.

The church may not require parking provision late in the evening when the need for parking by residents is at its greatest. The proposal also allows for some form of a travel plan to be agreed with the organisation once implemented this would improve the existing situation for the benefit of all users. I therefore recommend a condition that a Travel Plan be agreed with the authority and implemented as such.

The property is close to public transport on Gipsy Lane and Barkby Road which facilitates the use of alternative modes of transport. NPPF Paragraph 32 states *...."Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"*.

I therefore do not consider that a refusal on highway grounds can be sustained.

Hours of Use

The existing premises have no restriction in hours of use. The applicant is prepared to accept limited hours of use which are from 0800 to 2000 hours daily, thus allowing an element of control over the use of the premises.

Conclusion

The proposal is for an extension to an existing community facility and place of worship which does not increase the size of the prayer hall. The proposal has been reduced in size so as to minimise the impact upon the neighbouring properties. The extension has the benefit of improving the appearance and character of the street.

Most of the traffic problems are existing and the provision of three parking spaces improves the current situation. It allows for a Travel Plan to be introduced in order to improve upon the current situation. The impact of the proposal can be mitigated by appropriate conditions. The proposal complies with the NPPF and local policies CS08 and PS10 and is therefore acceptable.

I recommend APPROVAL subject the following conditions:-

CONDITIONS

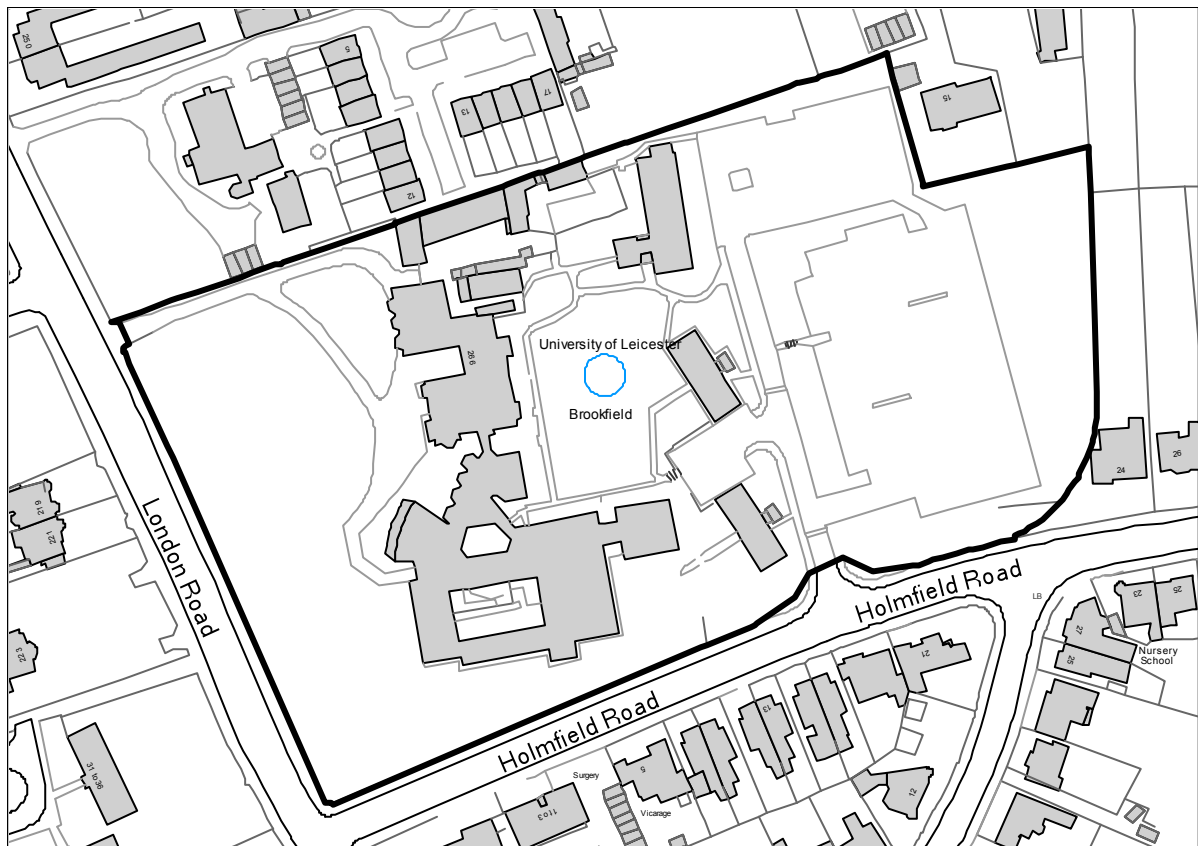
1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use of the 1st and 2nd floor and the detached building to the rear of the premises shall be restricted to an ancillary use to the main use of the ground floor of the premises as a community and prayer hall. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. The use of the site shall not be carried on outside the hours of 0800 to 2100 hours daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with the approved plans submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy(ies) AM11 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. No part of the development shall be occupied until a Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

7. No part of the development shall be occupied until the following works have been carried out in accordance with the written details approved in advance by the City Council as local planning authority: (a) alterations to footway crossing have been carried out to the satisfaction of the local highway authority. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
8. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
9. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
10. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 14/11/17, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

Policies relating to this recommendation

- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 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'.

Recommendation: Conditional approval	
20171883	UNIVERSITY OF LEICESTER, BROOKFIELD, 266 LONDON ROAD
Proposal:	DEMOLITION OF PARTS OF BUILDINGS; CONSTRUCTION OF SINGLE STOREY AND THREE STOREY EXTENSIONS TO SIDE; PEDESTRIAN ACCESS; ASSOCIATED LANDSCAPING; REMOVAL OF TWELVE TREES (CLASS D1) (AMENDED 29.11.17)
Applicant:	THE UNIVERSITY OF LEICESTER
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20171883
Expiry Date:	7 December 2017
TEI	WARD: Stoneygate



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Summary

- The application has been referred to committee by Cllr Lucy Chaplin because of the wider significance of the development.
- Four representations have also been received concerning the aesthetic quality of the boundary along Holmfield Road, the quality of the proposed facilities

and the impacts of the proposal on highways and the implications of the flow of students between campuses.

- The main issues are the impact on the character and appearance of the Stoneygate Conservation area, the ecological implications of the proposal and the impact of the proposal on highways.
- The recommendation is for approval.

Introduction

The application relates to a site with a longstanding educational use. The site is in the Stoneygate Conservation Area facing London Road to the west with the primary vehicular access including to the car park off Holmfield Road directly to the south. The site is in a critical drainage area. Towards the centre of the site is Brookfield House.

Background

The site was formally the Charles Frears Nursing and Midwifery Campus. The University of Leicester acquired the site in 2013 for use as its Postgraduate Teaching Centre. This use is focused on the single storey extension to the south and the three later twentieth century buildings to the rear of the site.

The educational use of the site from the mid twentieth century onwards has resulted in extensive development, including the erection of residential buildings to provide nursing staff accommodation, alterations to the former stable block and the erection of classrooms and other educational accommodation.

The Proposal

The proposal as amended is for the demolition of the northern wing (dating from the mid twentieth century and extended in the second half of the twentieth century) of the main building, the demolition of the boiler house (also dating from the second half of the twentieth century) to the southern side of the courtyard, the construction of a three storey extension and a single storey extension to the north of Brookfield House, alterations to the stable block, a new pedestrian access, associated landscaping primarily along the western boundary and new fencing along the western boundary.

The works are to support the use of the campus as the University of Leicester's Business School. Paragraph 5.94 of the Planning Statement submitted with the application describes how it is anticipated that up to 750 students and 210 staff will use the site at any one time.

Proposed extensions:

The three storey extension will occupy much of the footprint of the demolished northern wing and boiler house. However, it will be set further back than the existing northern wing. It will have a footprint of 21 metres in depth by 13 metres in width and will be a three gabled building at 12 metres in height with the gables facing towards London Road. The first and second floors will project front of the ground floor. The

front and rear elevations will be brickwork with approximately two thirds glazing on the ground floor and mesh and two double storey recessed windows on the first and second floors. The side (north) elevation will be copper clad with some full height glazing and an entrance lobby on the ground floor and six side facing windows on the first and second floors. This extension will contain two seminar rooms and shared space on the ground floor and offices and shared space on the first and second floors. There will also be an access link between this extension and Brookfield House.

The single storey extension will be to the rear of the three storey extension and will consist of an oval shaped lecture theatre 5 metres in height and with its axes at 20 metres and 13 metres. It will have five windows and a door facing towards the rear garden, a terrace accessed via the first floor of the three storey extension and will be finished in part patterned and part plain brickwork.

Courtyard area:

The alterations to the stable block include two replacement doors to the south elevation facing the courtyard, the replacement of the windows facing the courtyard with slatted timber screens and the insertion of two ventilation louvres above the two most central windows.

The courtyard area will be primarily laid in resin bound surfacing with peripheral areas and one larger area of the existing tumbled granite setts to be restored. Two planters and three hardwood benches will be laid in this area. Steps and a ramp will lead from the lobby of the proposed three storey extension to the courtyard area.

Landscaping:

The proposal includes an extensive landscaping plan covering the land to the front of the main buildings, to the rear of the main buildings, in the courtyard area between the proposed three storey and single storey extensions and the renovated stable block, and the internal courtyard within the southern wing of the site. 12 trees will be removed and 13 new trees replanted across the site. The vehicular route into the site from London Road will be re-laid in resin bound surfacing and a new pedestrian route will be laid leading from Brookfield House to a new access from London Road adjacent to the controlled crossing. Smaller ancillary paths will be laid in concrete sett paving including diagonally north east to south west to and around the main pond at the rear. The area around this pond and the area in front of Brookfield House and the three storey extension will be laid in York stone.

There will be a number of areas of herbaceous and ornamental planting in particular at the rear of the main buildings and some areas of native bulb planting. There will also be a new pond at the far east of the site to compensate for the smaller pond lost under the footprint of the lecture theatre.

A more detailed landscaping plan for the London Road boundary has been received to show four points for enhanced views of Brookfield House once the existing close board fencing has been removed.

Parking and cycle and bin storage:

There are two areas of proposed bin storage and cycle storage for 192 cycles to the rear of the site. This will require the loss of 13 parking spaces. The only other alterations to existing parking arrangements will be the conversion of the western most spaces to disabled parking spaces and the provision of a crossing point with hazard paving between the car park and the main part of the campus.

Policy Considerations

Chapter 7 of the National Planning Policy Framework focuses on requiring high quality design for all development including individual buildings and public spaces. It describes how developments should function well and add to the overall quality of the area, respond to local character and history and be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 61 cautions that high quality and inclusive design also entails suitable connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 32 of the National Planning Policy Framework describes how planning decisions should take account of whether sustainable transport modes have been taken up and safe and suitable access can be achieved. It adds that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 states that development should be designed to accommodate the efficient delivery of goods and supplies and give priority to and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Paragraph 9 of the National Planning Policy Framework describes how pursuing sustainable development includes moving from a net loss of bio-diversity to achieving net gains for the future and improving the conditions in which people live and travel. Paragraph 109 states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Paragraph 95 states that to support the move to a low carbon future local planning authorities should actively support energy efficiency improvements to existing buildings. Paragraph 103 states that development should only be considered where it is appropriate to the flooding risk of an area and where it can be demonstrated that development is appropriately flood resilient and resistant.

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

Stoneygate Conservation Area Character Appraisal

Consultations

Historic England: - the buildings to be demolished are of a lesser quality than the principal buildings on site. Historic England are not opposed in principle to the removal of these buildings. However, there is some concern that the proposed architectural design does not respond successfully to its immediate context. In

particular there is concern that the massing of the first and second floors into a single, large mass creates an elevation that appears bulky, top heavy and at odds with the general scale of the neighbouring buildings, particularly on the eastern elevation.

Conservation Advisory Panel (CAP): - supportive of the proposal. The panel considered that the new proposed extensions were successful solutions but suggested that the restoration of the chimneys on the main house would significantly restore lost historic character and improve the relationship between the old and new buildings. They considered that it is important to secure appropriate brick and roof cladding material.

Severn Trent: - No comments

Lead Local Flooding Authority (LLFA): - there is no requirement for a Flood Risk Assessment. However, the site is in a critical drainage area and a condition recommended requiring details of a sustainable urban drainage system to be implemented. The submitted drainage strategy does not show where connections to the Severn Trent Water public sewer will be and further details will be required. This can be reserved by condition.

Trees Advice (LCC): - the Tree Protection Plan is generally satisfactory with the tree loss acceptable and with appropriate measures taken to protect the retained trees. The development is sympathetic to the trees and uses the wooded environment to enhance the development. The new footpath will go through the root protection area of trees with high amenity value and will need to be constructed with a porous surface and load bearing, no-dig construction. Conditions recommended to require that the works be carried out in a way that ensures their protection and that details are secured for the trees to replace the twelve trees to be removed.

Local Highway Authority (LCC): - the proposal will result in a reduction by 13 spaces of the existing 246 to 233 spaces though it is noted that this is due to a staff swap between campuses and to discourage commuting. The site is in a sustainable location close to public and university specific bus services and 2kilometres from Leicester station and the city centre. London Road is also a well-established and well used cycle route. The new pedestrian footpath adjacent to the controlled crossing 40 metres north of Holmfield Road will encourage students to cross more safely. Conditions recommended requiring details of the meeting point of the proposed pedestrian footpath with London Road, securing 192 cycle spaces and supporting shower facilities on site and that no part of the development be occupied until the University's Phase 2 Travel Plan has been submitted to and agreed by the City Council.

Better Buildings (LCC): - the submission describes how the building will be a sustainable building achieving a BREEAM "excellent" standard and EPC "A" rating, as well as a number of other environmental sustainability objectives including water conservation features, flexibility of design for future adaptability and a target of 20% energy use from renewable energy sources. No objection subject to a condition that a BREEAM "excellent" building will be achieved.

Environmental Health (land contamination) (LCC): - no objections.

Environmental Health (noise) (LCC): - no comments.

Representations

As well as referring the application to committee Cllr Chaplin also raises concerns that the proposal would be detrimental to the amenity of the local area in terms of transport, parking and additional traffic.

Three other representations have been received, one from a local resident and two from the Leicester University and Colleges Union (UCU). The representation from the local resident opposes any alterations to the boundary along Holmfield Road that separates the residential area from the campus. It also adds that though the car park barrier is in a sensible location the illumination of the barrier is unnecessary and at odds with the residential aesthetic of Holmfield Road.

The representations from the UCU primarily focus on a perceived inadequacy of the teaching facilities that will have a detrimental impact on the delivery of the courses, the student learning experience and academic working conditions. They question the anticipated number of students on site estimating that there would be between 1,500 and 2,500 students and up to 386 staff and research students using the site at any one time.

The UCU also raise concerns over the traffic of students between the main campus, Brookfield and the Freeman's Common campus. Concerns in this respect include potential disturbance to neighbouring residents, limited parking on site for the estimated number of students and competition with residents for on street parking, and concerns for the safety of students crossing Victoria Park particularly in the darker winter months.

The UCU also question the lack of an Equality Impact Assessment and express frustration that students have not been fully consulted on the plans.

Material from the 'Not Brookfield' campaign has also been attached to one of the representations from UCU raising the same concerns as above.

Consideration

Principle:

Core Strategy Policy CS01 supports development by the University of Leicester where they are in the interests of education, skills, enterprise or economic growth. The proposal is in the interest of education and skills development and the principle of the development is in line with the objectives of the Core Strategy.

Design and heritage (policy):

Core Strategy Policy CS03 describes how good quality design is central to the creation of attractive, successful and sustainable places and how the council expects

high quality well-designed developments that respond positively to its surroundings, appropriate to the local historic and natural setting. It gives a number of design objectives including appropriate scale, massing and materials, legibility by using landmarks and views within, into and out of new development and the creation of buildings and spaces that are fit for purpose. In terms of connectivity and access the policy supports layouts that prioritise safe, well-connected pedestrian and cycle routes and in terms of the public realm and open space it asks for full consideration to be given to the relationship between buildings and associated land landscaping.

Saved policy UD06 adds that planting proposals should form part of an integrated design approach which includes overall layout, access routes, fencing, and hard landscaping and that the maintenance of existing and new landscaping will be required for the first ten years.

The Stoneygate Character Appraisal notes how the suburb contains a large number of Victorian and Edwardian houses in the Vernacular Revival style including those by some of the city's best known architects such as Goddard. Brookfield House is such a property. In describing the key characteristic features of the conservation area it notes the visual interest at skyline level including its gables, turrets, dormers and chimney stacks. It also notes its large areas of private open space with the application site noted in particular and its large number of trees with its cedars such as those on site described as spectacular. It adds that London Road remains particularly green and one of the most attractive routes in to the city providing many of the best views of Stoneygate's main landmarks and buildings.

Design and heritage (demolition):

The larger building to be demolished, though showing some architectural ambition, sits uncomfortably against the main house and harms its setting through its design and forward location. Aside from its chimney the other building to be demolished is anonymous within the plot. I do not consider that either of these two buildings are of any real historic or architectural significance and their loss is acceptable. However, the proposal intends to build a brick chimney in a position close to that of the existing chimney. The intention is that the chimney would serve as an extract for the modern air handling system. It would draw inspiration from some of the older chimneys on site and would re-use a number of bricks from the existing chimney. I consider that this approach would need to be well executed in order to be effective and given that no details have been provided on the final design this would need to be secured by condition.

Given the level differences across the site between the main house and the stable block I do not consider it would be possible to retain the single storey row of outbuildings adjacent to the boiler house without either substantially compromising their integrity or compromising the design of the new structure. As such, in this instance I consider the loss of these buildings can be justified aside the wider benefits of the scheme.

Design and heritage (proposed extensions):

The proposed three storey extension would be set broadly on the same line as the front elevation of Brookfield House, further back than the building to be demolished.

As such it would be less imposing of and better reveal views of that elevation from the north-west corner of the site (the principal entrance from London Road). The scale of the proposed three storey building, though substantial, remains subservient to Brookfield House ensuring that this building remains the primary visual focus and landmark of the site. The large amounts of glazing at the front elevation will result in a lighter appearance thereby furthering this sense of subservience. The massing of the first and second floors has been designed so that it appears stepped giving the building itself a clear sense of articulation. The use of the three gables makes reference to the prominent gables of Brookfield House providing a contemporary nod to this distinctive feature of the main building. It also continues the visual interest at skyline level which is characteristic of the Stoneygate Conservation Area. The single storey lecture theatre will provide a contrasting geometry to the building at the rear and as such provide a clear distinction between it and the proposed three storey extension. I consider that this approach together with the use of patterned brick along much of its exterior wall will add visual interest to the rear part of the site whilst also sitting subservient to the main Brookfield House building.

Design and heritage (courtyard area):

The restoration of the stables buildings at the north side of the courtyard will also help to visually lift this space whilst ensuring that the stable block is fit for its intended purpose. Nevertheless, in order to ensure that the alterations to the front elevation of this building are in keeping with the building I consider it appropriate to attach a condition requiring details of the new windows and doors to be submitted and agreed. The northern elevation of the three storey extension provides a bold contrast to the stable block with the juxtaposition resulting in a clear contrast between old and new. The plans and discussions with the architects suggest that the copper finish will provide enough texture so as to avoid this elevation appearing as a blank wall. However, in order to ensure that this is the case I consider it appropriate to attach a condition requiring details of this finish to be first submitted and agreed. For the same reason I consider it appropriate to attach conditions requiring the same for all external elevations and surfaces.

Design and heritage (landscaping):

The proposal would result in an enhancement of the landscaping across the wider site and would retain the mature specimen trees and the existing circular pond. I consider that the comprehensive approach to the landscaping will help to provide a sense of spatial unity across the campus and will also retain the large open space and well-treed characteristic of the conservation area. The removal of the fencing along the public highway would help to open up views from London Road of one of Stoneygate's main landmarks. The landscaping to the courtyard would represent a bold and modern approach that will allow for a fresh interpretation and opportunities for better use of this space, whilst the retention of the peripheral areas of the existing, albeit restored, tumbled granite setts will retain a reference to what the previous surfacing had been. The submission notes that the gate piers at the western end of

this courtyard will be restored and I consider it appropriate to attach a condition requiring details of these works to be submitted and agreed.

The trees to be lost are of no particular amenity value and the development is broadly sympathetic to the other trees onsite using the wooded environment to enhance the development. The Tree Protection Plan is generally satisfactory. However, I consider it appropriate to attach conditions requiring details of the construction of the proposed pedestrian footpath so that the trees along this line are well protected and requiring that the other works be carried out in accordance with the Tree Protection Plan. I also consider it appropriate to secure a condition requiring details to be agreed of the twenty four replacement trees.

With the conditions recommended attached I consider that the proposal will meet the design objectives of Core Strategy policy CS03, will be in keeping with the character and appearance of the conservation area and will bring a long-empty heritage asset into a viable long-term use.

Archaeology:

It is likely that the alignment of the Via Devana (a Roman road connecting Colchester to Chester) ran some 300 metres to the north of the site. Though archaeological finds within the wider landscape are sparse they include Roman coins from Holmfield Road and Victoria Park and an Anglo-Saxon brooch 150 metres southeast of the site. Within the site a flint arrowhead (either Neolithic or Bronze Age) was found. As such there is low to moderate potential for discovering archaeological remains or artefacts within the site boundary and as such I consider it appropriate to attach a condition requiring a watching a programme of archaeological work to be first submitted and agreed.

Ecology:

Core Strategy policy CS17 describes how the Council expects development to maintain, enhance or strengthen connections for wildlife both within and beyond the identified biodiversity network and that connected sites will be assessed for their biodiversity value.

Though the site has no formal designation for biodiversity or wildlife it has intrinsic ecological value as the buildings are of sufficient age to hold value to roosting or nesting species, the grounds have a mix of habitats suitable for supporting a range of species and the trees bordering London Road in particular hold value for commuting and foraging species.

The landscaping plan includes the replacement of lost trees with a good range of species that will support local birds and insects, herbaceous, ornamental and bulb planting that will provide a good mix of nectar sources for a range of invertebrates and the relocation of the pond that will be lost due to the footprint of the single storey extension. The submission also refers to the provision of 6 mounted bird boxes and bat boxes and access tiles and the single storey extension will also provide a green roof. These aspects of the scheme are all welcomed. Nevertheless I consider it appropriate to attach a condition requiring a Landscape and Ecology Maintenance

Plan to be submitted and agreed so that these ecological enhancements can be safeguarded going forward.

An initial bat survey was carried out in January 2017 and during the consideration of the application further nocturnal bat surveys were carried out during peak bat activity season in November. During the November surveys pipistrelle roosts were confirmed in the west of the stables buildings, the outbuilding to the east of the stable block, in the rear part of Brookfield House and in Heron House. Of these four buildings works will only be carried out in the stables buildings and Brookfield House. A Bat Low Impact Class Licence will need to be obtained for works to these two buildings and the access points currently used by roosting pipistrelles should be recreated when the buildings are re-roofed. Any lighting of the campus should avoid direct illumination of any bat roosts or bat roost access points, including any bat foraging over the circular pond at the rear. I consider that the works to the two buildings and necessary license and can be secured and any detrimental impact on bat foraging by way of inappropriate lighting can be avoided by conditions.

The trees and shrubs provide habitat for nesting birds and I therefore consider it prudent to attach a note to applicant advising that any clearance should take place out of the bird nesting season.

With these conditions and note to applicant attached I consider that the proposal will enhance connections for wildlife beyond the identified biodiversity network and in accordance with Core Strategy policy CS17.

Flood Risk and Sustainable Urban Drainage:

Core Strategy policy CS02 states that all development should aim to limit surface water run-off by attenuation within the site giving priority to sustainable urban drainage techniques. The site is in a critical drainage area and I consider that the proposed development would limit surface water run-off with the implementation of a sustainable urban drainage system. Such a system could be secured by condition.

Building Efficiency:

Core Strategy policy CS02 also states that development where possible should help contribute where possible to the reduction in carbon emissions. Saved policy BE16 cautions that permission will only be granted for major developments that realise their potential for meeting their energy requirements from renewable sources.

The objectives stated within the Design and Access and Energy Statements of achieving a BREEAM “excellent” standard and EPC “A” rated building are welcomed, as are the other stated environmental sustainability objectives including water conservation features, flexibility of design for future adaptability and the target of 20% energy use from renewable energy sources. I consider that the demands of Core Strategy CS02 and saved policy BE16 can be met by attaching conditions requiring the submission of further details regarding the stated building efficiency objectives.

Highways, parking, cycling, pedestrian flow:

Core Strategy policy CS14 states that development should be made easily accessible including by alternative means of travel to the car and that sustainable modes of transport should be promoted. Saved policy AM01 adds that permission will only be granted where the needs of pedestrians and people with disabilities have been successfully incorporated into the design and that pedestrian routes should link as directly as possible with existing routes to lead to key destinations. Saved policy AM02 requires that the needs of cyclists be incorporated into design and that safe and secure cycle parking facilities will be required.

The proposal will retain the car parking space to the rear with little alterations save the loss of thirteen spaces to make way for secure and covered cycling storage for 192 cycles, the conversion of the western most spaces to disabled parking spaces and the provision of a clear crossing point from the car park to the main part of the campus. The reduction in spaces is partly due to a staff swap resulting in a reduction of staff numbers but also to discourage vehicular commuting. A permit scheme is also in place and will be managed with the barrier at the Holmfield Road entrance. The parking provision is in line with the University of Leicester's Travel Plan (launched in 2010 with Phase 2 for 2015-2020 now in place). The monitoring element of this plan suggests progress is being made on reducing the reliance of vehicular commuting and promoting cycling and walking. I consider that the parking provision is suitable to the site and in accordance with the broad objectives of the Phase 2 Travel Plan. The crossing from the car park to the main part of the campus is also welcomed and the position of the disabled parking spaces supports the accessibility objectives of saved policy AM01. However, I recommend a condition that the Travel Plan be updated to account for the particular proposed development and be submitted to and agreed by the City Council. I do not consider that the proposal will have a detrimental impact on the capacity of the local residential parking network.

The site is well connected by bus services including the 31 service (to Oadby) and the X3 and X7 services between the city centre and Market Harborough and Northampton. There are also services on Queens Road which is ten minutes' walk from the site. This includes the 80 and 80A services that cater for the main University Road campus and the principal student residential areas including Oadby. The site is directly served by National Cycle Network Route 63 and is 2km (20 minutes' walk) away from the station and the city centre. The main campus and Freeman's Common are comparable distances away from the site. I consider that the campus is in a sustainable location sufficiently close to the main University Road and the Freeman's Common campuses and the city centre and well served by bus and cycle routes to principle student residential areas. The provision of the cycle storage supports the needs of cyclists in accordance with the objectives of saved policy AM02. However, I consider it appropriate to attach a condition requiring that these spaces be provided prior to the occupation of the site and that on site facilities are also required.

The proposed pedestrian route from London Road to Brookfield House is well positioned adjacent to the existing controlled crossing. The entrance to this new route from London Road has been designed so that it appears as a clear entrance and I consider that this element of the proposal will encourage students and other users crossing London Road to do so at a safe and controlled position.

Concerns have been raised over the pedestrian flow of students through Stoneygate and particularly over Victoria Park to move between the main campus and the Brookfield site. As this movement will primarily be for academic purposes and therefore primarily during day time or earlier evening academic hours I do not consider that it will have an unacceptable impact on the residential amenity of Stoneygate properties. Whilst I acknowledge that, particularly during the winter months much of this movement may be done in the darker hours the increased passage of students between the main campus and Brookfield and thereby increased footfall over Victoria Park may enhance feelings of safety over the park. Furthermore it will not be dissimilar to students returning at the end of the study day from the main campus to residences in the Clarendon Park area. In addition there are alternative, albeit longer routes between the main campus and Brookfield for example along University Road and south down London Road. I do not consider that the passage of students between the University Road and Freeman's Common campuses will pose a risk to student safety. In any case it would be for the university to encourage students to be mindful of their welfare and to advise appropriately.

Conclusion:

I consider that the proposal will not result in the unacceptable loss of any historic assets and that with the recommended conditions it will result in a well-designed complimentary scheme that enhances the siting and views of Brookfield House within the Stoneygate Conservation Area.

With the recommended conditions I also consider that it will result in enhancements to biodiversity, will not have an unacceptable impact on the proper functioning of the local highway network or local parking capacity and will encourage a safer crossing for students over London Road.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before the chimney to the north of the lecture theatre is constructed details of the chimney at a recognised scale of 1:10 shall be submitted to and agreed by the City Council as local planning authority. The submission should include details of the final design, location, materials and construction method of the chimney. (To ensure that the development hereby approved preserves the character and appearance of the Stoneygate Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
3. The works to the stable block at the north of the site shall not commence until drawings at a scale of 1:10 or 1:20 of the proposed windows and doors to the stable block have been submitted to and agreed by the City Council as Local Planning Authority. The works shall be carried out in accordance with these agreed details. (To ensure that the development hereby approved preserves

-
- the character and appearance of the Stoneygate Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
4. All external elevations and surfaces of the development shall be carried out in accordance with details including samples that have been submitted to and agreed by the City Council as Local Planning Authority prior to their being used. (To ensure that the development hereby approved preserves the character and appearance of the Stoneygate Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
 5. Before the works to the gate piers at the western entrance of the courtyard are carried out constructed details of these works including a methodology for the works shall be submitted to and agreed by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (To ensure that the development hereby approved preserves the character and appearance of the Stoneygate Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
 6. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
 7. The works shall be carried out in accordance with the measures set out in the tree protection plan submitted on 05.09.17. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
 8. Prior to the construction of the new footpath to London Road details of the materials to be used and the method of construction should be submitted to and agreed by the City Council as local planning authority. The footpath shall be constructed in accordance with these details. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
 9. Within three months of the date of the planning permission details of the location and species of twenty four replacement trees shall be submitted to the City Council as Local Planning Authority for their agreement. The agreed species shall be planted in the agreed locations by the end of the first planting season of 2019. (In the interests of amenity and biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS17).
 10. Prior to the commencement of development a programme of archaeological work including a Written Scheme of Investigation in respect of a watching brief (including a requirement for further excavation if necessary) shall be submitted to and agreed in writing by the City Council as local planning authority. The scheme shall include an assessment of significance and 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;
 - (6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.
- (B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.
- (C) The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced and in accordance with Core Strategy policy CS18).

11. Before the development authorised by this permission is begun, a detailed landscape and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site such as pond creation, design and planting including a management scheme to protect habitat during site preparation and post-construction. ix) details of planting design and maintenance of green roof; x) details of 6 X (2FN Schweglar Bat Box) and (3 x 1B Schweglar Nest Box, 2 x 3S Schweglar Starling Nest box and 1 x No. 5 Schweglar Owl Box) to be erected on buildings under the guidance and supervision of a qualified ecologist.

The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme (In the interests of amenity, and in accordance with City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17).

12. The following works relating to the removal of tiles, soffits and other roof features together with disturbance to internal loft spaces of the buildings identified as having a bat roost present on the Buildings Work Plan in the Bats Survey received by the City Council as local planning authority on 13.11.17 shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead and appropriate mitigation to include the creation of a bat roost in the loft space of the proposed building and to be carried out in accordance with requirements stipulated; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence. (In the interests of protecting wildlife habitats and in accordance with City of Leicester Local Plan policy BE22 and Core Strategy policy CS17)
13. Where ecological surveys have identified the presence of roosting bats, no activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated operations) shall be carried out between the dates of 1st May and 1st September in any year. Should the development not commence by May 2019, the ecological measures secured by Conditions 11 and 12 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) and the Habitat & Species Regulations 2010 and in accordance with Core Strategy policy CS17).
14. Before the installation of any external floodlighting a detailed design plan of the lighting to be used, showing the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted to and agreed by the City Council as local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. Any lighting shall be installed and maintained in accordance with these agreed detailed. (In the interests of protecting wildlife habitats and in accordance with City of Leicester Local Plan policy BE22 and Core Strategy policy CS17).
15. Prior to the occupation of the development details of a Sustainable Drainage System (SuDS) shall be submitted to and agreed by the City Council as local

- planning authority. The system shall be implemented in accordance with the agreed details prior to the commencement of the use and shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).
16. No development shall take place until design details of how the development will provide a renewable energy system and energy efficiency measures have been submitted to and agreed by the City Council as local planning authority. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme including on-site installation has been submitted to and agreed by the City Council as local planning authority. (In the interests of securing energy efficiency in accordance with Core Strategy policy CS02).
17. The development shall not be occupied until the University of Leicester Phase 2 Travel Plan has been updated, submitted to and agreed by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the City Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with City of Leicester Local Plan policies AM01, AM02, and AM11 and Core Strategy policies CS14 and CS15).
18. The development shall not be occupied until the proposed 192 secure and covered cycle parking and on site shower facilities have been provided. (In the interests of the satisfactory development of the site and in accordance with City of Leicester Local Plan policies AM02 and H07).
19. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 29.11.17, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

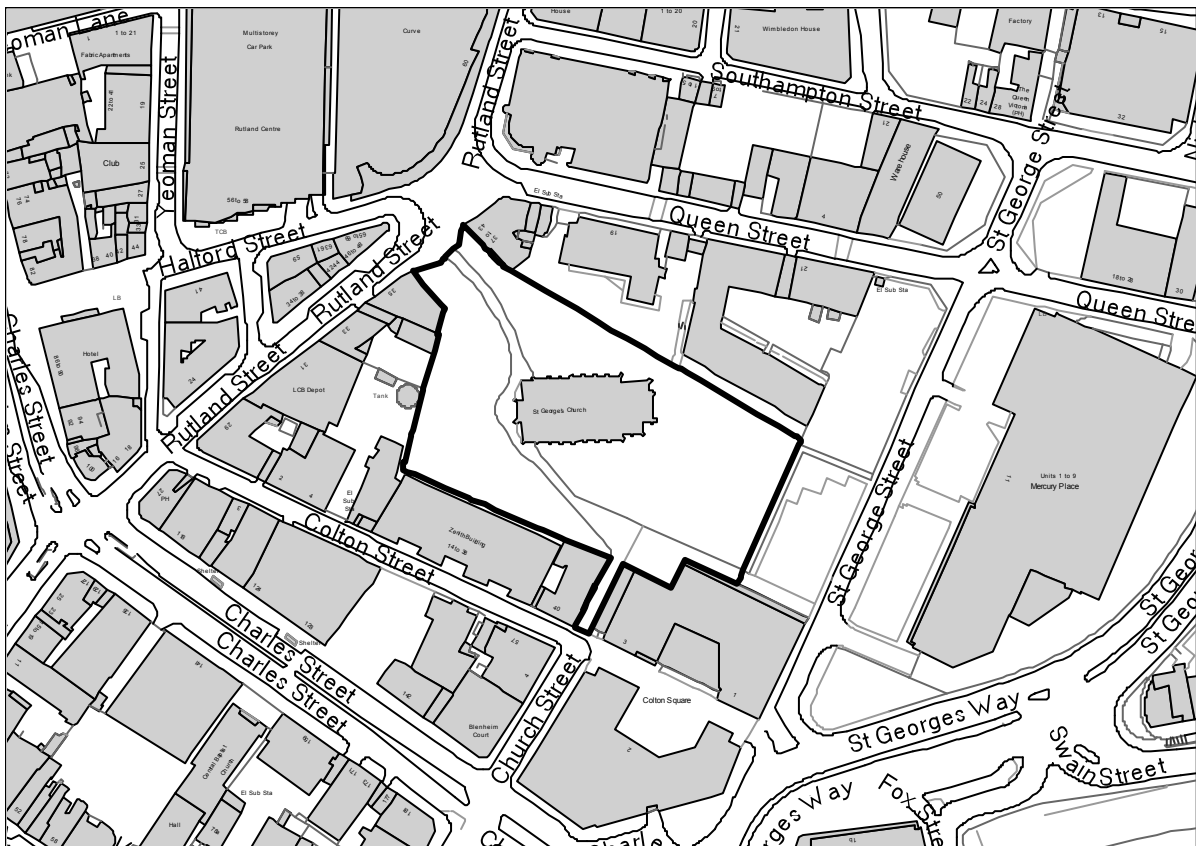
1. With reference to Condition 8 the applicant is advised that the footpath should be constructed with a porous surface and with a load bearing, no-dig construction to reduce damage to roots.
2. Works to trees and shrubs on the site should avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the City Council as local planning authority. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.
All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_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_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.

Recommendation: Conditional approval	
20171911	ST GEORGES CHURCH, RUTLAND STREET
Proposal:	LANDSCAPING; REMOVAL OF 21 TREES INCLUDING 2 PROTECTED BY TREE PRESERVATION ORDER; DEMOLITION OF WALL; PARTIAL REMOVAL AND RELOCATION OF RAILINGS; INSTALLATION OF GATE (AMENDED 07.12.17)
Applicant:	MRS GOOCH
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20171911
Expiry Date:	3 November 2017
TEI	WARD: Castle



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Summary

- The application is before committee as 49 separate objections and a letter of objection with 20 signatories have been received.
- Representations largely concern the impact of the loss of the trees on the character and appearance of the conservation area, the setting of the listed

building and the impact on air quality and ecology and the conservation impacts of the loss of the boundary wall.

- The main issues are the heritage, ecological and air quality impacts of the proposed removal of 21 trees, the broader ecological implications of the proposal, the heritage impacts of the removal of the boundary wall to Orton Square, the accessibility of the churchyard and the impacts on residential amenity.
- The recommendation is for approval.

Introduction

The application relates to St George's churchyard. The churchyard is a closed churchyard with St George's Church being a Grade II* listed building and purportedly the first church built in Leicestershire since the Reformation. It is a Commissioners' Church built predominantly in the decorated style between 1823 and 1827 to designs by William Parsons, though the chancel was added in the late nineteenth century to designs by Sir Arthur Blomfield and the nave rebuilt in the early twentieth century to designs by W. D. Caröe. Originally a Church of England Church it now hosts a Serbian Orthodox congregation. It is recorded as Category C on the local Heritage at Risk Register. A category C listing means that the church has been assessed as being in slow decay with no agreed solution. The site is in the St George's Conservation Area and also contains the Grade II listed war memorial erected in 1921 to the designs again by W. D. Caröe. On site there are six trees protected by individual tree preservation orders and ten trees along the southern side of the site protected as part of a group tree protection order.

Background

Conditional approval (20030310) was granted on 15.04.03 for a 2.3 metres high wall and railings to the Rutland Street entrance of the churchyard (now the Orton Square entrance). Since then the planning history has largely related to applications for the felling of or works to the trees in the churchyard and for minor works to the listed church. The Churchyard is within the curtilage of the listed Church, but Listed Building Consent is not required for the development.

The Proposal

The proposal as amended is for the redevelopment of the western part of the churchyard with smaller scale works to the eastern part of the churchyard. The churchyard is currently largely inaccessible to the public other than the pedestrian route through north west to the south. The works will provide greater access to the western part of the churchyard and improve the pedestrian route through the site.

Removal of trees:

The works will involve the removal of 21 trees including the tree protected by tree preservation order ref. 436(T1) and the eastern most of the ten trees protected by group tree preservation order ref. 349(G1). The removed trees will primarily be those that sit adjacent to the northern part of the path that runs on a south east to north west axis past the west end of the church though two trees close to the courtyard at

the rear of the LCB Depot will be removed as will three trees close to the south west corner and one close to the south east corner of the church and three close to the cobblestoned triangle to the south west of the war memorial.

Additional information has been submitted stating that replacement trees will be provided in the city on a 2:1 ratio and that all planting will be carried out in accordance with British Standard 8545. Eight of these will be semi mature trees planted on site in locations shown on the landscape proposals (six to the south and two to the west of the site). Three will be at the Leicester Print Workshop, six on St Matthews Way and four as part of the London Road highways scheme. The statement adds that the location of the other twenty one replacement trees has yet to be determined.

Removal of headstones, wall and railings:

49 gravestones will also be relocated from current positions predominantly to the west of the site to positions at the north and south of the site leaving the western part clear.

The proposal will also involve the removal of the boundary wall permitted under application 20030310 from the Orton Square entrance and the removal of the railings along the western side of the northern part of the south east to north-west axis. The railings on the eastern side of this axis will be temporarily removed and renovated and returned to their original position.

Landscaping features:

Stone paving to match Orton Square will be laid at the north west of the site with five benches and a litter bin provided and with steel studs laid to mark the line of the existing churchyard wall. The space outside the west end of the church will be broadened with a path laid to lead to the rear courtyard of the LCB Depot.

A new gate will be provided at point where this path meets the depot courtyard and two benches and a litter bin will be provided in the broadened space outside the west end of the church. The existing path and the broadened space outside the west end of the church will be re-laid in resin bonded gravel.

The western and far eastern parts of the churchyard will be made good as open amenity grassland. Two areas of wildflower planting will be provided, one to the north and one to the south west and the path around the church will be levelled and made safe to better accommodate Easter and other liturgical processions.

Lighting:

The proposal also includes flood lighting for the church. This has been amended to include seven floodlights around the church including three to the north and three to the south sides of the church and one to the east end of the church. The lighting to the west end has been removed. The lighting plan also shows the lux levels around the seven street lamps to be between 0.5 lx and 1 lx.

Policy Considerations

Chapter 7 of the National Planning Policy Framework focuses on requiring high quality design for all development including individual buildings and public spaces. It describes how developments should function well and add to the overall quality of the area, respond to local character and history and be visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 57 of the National Planning Policy Framework emphasises the importance of planning positively for high quality and inclusive design for all development including public spaces. Paragraph 61 adds that securing high quality design goes beyond aesthetic considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 9 of the National Planning Policy Framework describes how pursuing sustainable development includes moving from a net loss of bio-diversity to achieving net gains for the future and improving the conditions in which people live and travel. Paragraph 109 states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Paragraph 109 also adds that the planning system should contribute to preventing new and existing development from contributing to unacceptable levels of pollution including air pollution.

Para 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. It adds that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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

St George's Conservation Area Character Statement

St George's Conservation Area Character Appraisal Addendum

Climate Change (Supplementary Planning Document)

Biodiversity (Supplementary Planning Guidance)

Leicester Air Quality Management Plan

Consultations

Historic England: - supportive of the objective to make the church more visible from Orton Square to increase its prominence and its appreciation. However, Historic England has a number of concerns. In particular the loss of boundary wall and proposed pavement would blur the historic churchyard boundary and result in the loss of historic fabric and a positive feature of the church's setting. Though acknowledging that some of the gravestones have been moved previously Historic England also have concerns regarding the proposed relocation as they provide a reflection of the history of the churchyard and that the recording exercise would

replace an experiential space with a sterile record. Historic England also note that stump grinding could have implications for the burials which should be considered.

Conservation Advisory Panel (CAP): - the majority of the panel supported the proposal considering that the works would enhance the setting of the Grade II* listed church. They considered that the removal of some trees from within the courtyard would open up views of the church, improving its visual appreciation and making it more of a visual reference point from Orton Square. The re-use of existing railings was welcomed. It was recommended that the headstones be repositioned ad hoc rather than in formal rows.

Local Lead Flooding Authority (LLFA): - the site is in Flood Zone 1 and therefore at low risk of fluvial and pluvial flooding. The increased amount of hard landscaping together with the removal of the trees will reduce the level of water attenuation on site and this should be mitigated. No objections subject to a condition requiring details of a sustainable urban drainage system be agreed.

Trees Advice (LCC): - question the removal of trees T35 and T59 as these two trees are of high amenity value.

Air Quality (LCC): - Given the nature of air quality the issue needs to be considered across wider areas. The Council's Air Quality Action Plan has sixteen actions designed to work together to improve air quality across the whole city. The use of trees and other plants to help improve air quality is one of these actions. The representation notes that the scheme includes a mitigation plan for replacement trees with eight on site and 34 others across the city centre the wider city centre. They have provided further comments in respect of the monitoring data presented by Friends of the Earth, noting that it has only been collected for one month. In contrast the City Council's data is provided for whole years. The diffusion tubes used would need to be set in triplicate to provide more reliable data.

The Friends of the Earth data therefore does not represent robust air quality measurement and cannot be compared directly to the EU target level. The comment that the removal of trees will increase pollution levels by $8\mu\text{g}/\text{m}^3$ is therefore not considered to be a robust position.

Representations

53 separate representations have been received, 3 in favour of the proposals, 49 making representation against the proposals and one expressing a hope that the security of the LCB Depot will be taken into consideration. A joint letter of objection with 20 signatories has also been received.

The representations in favour of the proposals note that the improvements are needed given the antisocial behaviour in the area and that it will provide a shared space in the heart of the Cultural Quarter with a better link to the LCB Depot and better links to the railway station with the potential for increasing inward investment in the area. They observe that the increase in footfall will help to make the area safer

and more secure. They add that the removal of the trees will better reveal a heritage asset and help to reduce the cost of the upkeep of the church.

Objections include those from Cllrs Nigel Porter and Cllr Patrick Kitterick, from the Leicester Civic Society, the Evington Footpath Conservation Area Society, Friends of the Earth Leicester, The Leicestershire and Rutland Wildlife Trust and a joint letter signed by twenty residents from a neighbouring block of flats.

Councillor Kitterick raised concerns regarding the amount of space within the churchyard still left inaccessible to the public.

Councillor Porter raised concerns that the proposal would significantly harm the church and its setting and have a detrimental impact on biodiversity and air quality. He also pointed to figures provided by the Leicestershire Police map for the period January to August 2017 where though 10829 reports of crime and anti-social behaviour were recorded within a mile radius of the city centre none of these were in the churchyard.

The Civic Society consider the trees and the sense of enclosure provided by the church yard as central features of the Conservation Area and that the proposal represents an excessive loss of trees contrary also to the Council's biodiversity action plan. They also feel that the otherwise welcomed introduction of benches and flower beds would exacerbate anti-social behaviour and that a time closed solution such as that which exists for Castle Gardens would be a better solution to this issue. They also raise concern that the proposal has not fully responded to matters raised at the Economic Development, Transport and Tourism Scrutiny Commission in October 2016.

The Evington Footpath Society reject the argument that anti-social behaviour necessitates the removal of trees and ask that other drivers behind the project are made explicit.

The Wildlife Trust submitted a holding objection pending further survey work to assess the site's importance for pipistrelle bats. They agree with the recommendations made that bat surveys are done between May and September before final plans are made concerning the lighting scheme and ask that the effects on bats of the tree removal be fully considered.

Friends of the Earth raise concerns about air pollution resulting from the removal of the trees. On the basis of measurements made in 2016 they found that air quality was below legal limits in the churchyard but fear that the proposal may result in air quality being pushed over these limits. They also make a case that an Environmental Impact Assessment may have been necessary for the application. They point to a lack of evidence for claims that the trees are damaging the church arguing that blocked gutters are not grounds enough to remove trees. They also dispute that anti-social behaviour necessitates the removal of trees and point to evidence that suggests contrary and suggest that better lighting could satisfy this objective. They also question whether consent has been gained from the Church's Commissioners for the relocation of the gravestones. They query the choice of architects.

The joint letter from the neighbouring block of flats raise concerns that the proposal would result in a loss of privacy and overlooking in a loss of the softer tree-filled aspect they currently enjoy. Concerns are also raised about disturbance by way of noise due to both a higher anticipated footfall and the reduction in the muffling effect

of the trees. They consider that functional lockable gates would be a better solution to anti-social behaviour. The letter states that the proposal will harm the setting of the Grade II* listed building and the character, in particular the historic character, of the conservation area. It adds that the proposal appears contrary to the Council's Biodiversity Action Plan and Biodiversity SPG.

Other objections raise similar concerns as those above and again dispute that anti-social behaviour necessitates the removal of trees and that a better solution to anti-social behaviour would be to lock the gates at night. One objection suggested that the anti-social behaviour justification is overblown and that in any case a better solution would be to consult those using the churchyard as to why they are using it and where they could go. The objection also suggested that particularly in the context of a church there should be consideration of how the vulnerable and excluded can be helped rather than moved on. Other objectors felt that the proposal would increase noise and disturbance, anti-social behaviour and littering in the churchyard.

Objectors also felt that the removal of the trees was not the appropriate solution to the state of the Church and that this could be better achieved by volunteers or a Council post created for the role.

One objection was received from a local business asking for the specific removal of tree ref. no. T55 from the western side of the site to allow for greater light to the building. Another objection was received feeling that not enough trees were being removed and this is against the objective of openness for the churchyard.

Consideration

The consideration of the planning application is on the basis of the formal submission of details on 08.09.17 and the amended plans received on 07.12.17. As such it would not be appropriate for this report to consider concerns expressed regarding the Scrutiny Commission's meeting, the choice of architect and covenants on the necessary consents from the Church Commissioners for the relocation of the headstones. On a procedural note, it is confirmed that the Council is satisfied that the development does not fall within the Environmental Impact Assessment Regulations and so an EIA is not required.

Trees:

Published government guidance details what a local planning authority may take into account when assessing the amenity value of trees, including the respective tree or tree group's visibility from a public place and its individual, collective and wider impact with reference to characteristics such as size and form, future potential, rarity, cultural or historic value, contribution to and relationship with the landscape and to the character and appearance of a conservation area. The guidance also notes that other factors can be taken into account in assessing the amenity value of trees such as importance to nature conservation or response to climate change. However, the guidance cautions that these factors alone would not warrant making a preservation order. It is in this context of "amenity value" that the proposed removal of trees would need to be considered.

With the exception of the sixteen trees that have tree preservation orders, the other trees within the churchyard have protected status in that they are within a

conservation area not at the time of the application protected by tree preservation orders.

Trees (Character and appearance of St George's conservation area):

The churchyard is referred to in some detail in the Character Appraisal which notes that it is the main area of open space within the conservation area. It describes how it is largely hidden away behind the adjacent industrial buildings with the limited frontage to its Rutland Street entrance intensifying this sense of enclosure. However, it is described as a relatively well used pedestrian route between Rutland Street, Colton Street and St George Street.

It also notes how despite the conservation area having very few trees there are over fifty mature lime trees in the church yard as well as other species too. It adds that there are many fine specimen trees covered by tree preservation orders. It describes how the mature trees on site give a feeling of maturity and scale that greatly enhances the setting of the church though it adds the birches and cherry trees are less valuable in this respect. It adds that it may be possible to achieve tree planting as part of landscaping schemes attached to development proposals, though it concedes there is little space available.

The 2010 addendum to the appraisal reports that the presence of many trees in the churchyard has led to complaints from the areas new residents in terms of the effect on light levels and from the church in terms of the potential effect on the fabric of the building. It adds that the trees are important to the character of the churchyard and help to soften the otherwise hard urban environment of the conservation area concluding that their wholesale removal would not therefore be appropriate but that it would be useful to investigate how these issues could be addressed.

The proposed removal of the trees (with the exception of the two close to the courtyard of the LCB Depot, and the four to the south of the church) will primarily be those along the south east to north west axis past the west end of the church. The churchyard will remain tree coverage with the remaining 41 trees and eight semi-mature trees to be planted. This coverage will be particularly along its peripheries and the eastern end of the churchyard and as such remain well treed and green and a soft area within the urban landscape. The removal of the trees along this axis will also better reveal the tower of the Grade II* listed church from Orton Square. Though the character of the churchyard will be altered by the removal of this line of trees I consider that the proposal will mean that the essential well-treed and green character of the churchyard will be retained whilst the landmark tower will be better revealed and brought into views from within the conservation area. In this respect I consider that the character and appearance of the conservation area will be enhanced.

Trees (impact on St George's Church):

The church is graded Category C on the Leicester Heritage at Risk Register meaning that it has been assessed as being in slow decay with no agreed solution. The reason for this level of risk is identified as blocked and missing guttering and a lack of management of the churchyard trees, resulting in localised areas of water ingress. The register describes how this is an ongoing maintenance problem with guttering regularly blocked due to guttering being blocked. Whilst I acknowledge that there are possible other solutions that could be found to this issue the removal of the trees

close enough to the church for their falling leaves to obstruct the churches guttering would also alleviate this problem.

The relevant listing for the church describes the external elevations in detail including its three stage western tower with four spire like pinnacles, its corner buttresses and parapets, tall pointed arch windows and its west door with intricate gothic tracery. The proposed removal of the trees along both sides of the northern part of the path through the site will bring these details into view from Orton Square, in particular the west tower and west door. I consider that the removal of these trees will provide a view that brings the west end of the church into wider view with the retained trees to the north contrasting with the elaborate stone work and complimenting this view and the retained trees to the south provided something of a peeping backdrop. I consider that the removal of the trees will enhance the setting of the Grade II* listed building described in the character appraisal as the architectural centrepiece of the area. Though there are four trees to be removed within a 30 metres radius of the Grade II listed War Memorial the fuller foliage within close proximity to the memorial will be retained and the setting of the memorial will not be significantly altered.

Trees (Climate Change and Air Quality):

Core Strategy policy CS02 states that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy also makes reference to the Climate Change Supplementary Planning Document. This document notes that mature trees and green spaces have greater benefit than newly planted trees and that these should be preserved where possible. Saved policy PS11 adds that proposals which occur within or which would significantly affect Air Quality Management Areas will be scrutinised closely.

The site is not in an Air Quality Management Area. However, the Council's Air Quality Action Plan "Healthier Air for Leicester" has sixteen actions designed to work together to improve air quality across the whole city with the use of trees and other plants to help improve air quality is one of these actions. Though the proposal results in the loss of twenty one existing trees it also has a mitigation plan for replacement trees including eight on site and thirty four others across the wider city centre.

A mitigation plan that includes the replacement of trees on a two for one basis could present an opportunity for the replacement trees to be strategically sited within the city centre to support the 16th objective 'using trees and plants to reduce air pollution' of the Air Quality Management Plan. I therefore consider it appropriate to attach a condition requiring details of the siting and species of replacement trees to be agreed prior to their replanting so that the potential benefits of the mitigation plan can be realised.

Trees (anti-social behaviour):

Many of the concerns raised by the objections relate to the relationship between the trees and anti-social behaviour. As the proposed removal of the trees is considered only in the context of amenity value this relationship does not have a direct bearing on the determination of the application.

Landscaping and biodiversity:

Core Strategy Policy CS03 describes how good quality design is central to the creation of attractive, successful and sustainable places and how the council expects high quality well-designed developments that respond positively to its surroundings, appropriate to the local historic and natural setting. It gives a number of design objectives including appropriate materials and legibility by using landmarks and views within, into and out of new development.

Saved policy UD06 adds that planting proposals should form part of an integrated design approach which includes overall layout, access routes, fencing, and hard landscaping and that the maintenance of existing and new landscaping will be required for the first ten years.

Core Strategy policy CS17 describes how the Council expects development to maintain, enhance or strengthen connections for wildlife both within and beyond the identified biodiversity network and that connected sites will be assessed for their biodiversity value.

New planting:

The proposed wildflower planting areas at the north and the south west of the site are both set away from areas that would be habitually accessible to the public or used recreationally. This will ensure that the more delicate nature of the wildflowers and the wildlife they support would have the potential to sustain itself undisturbed and that there would be no conflict between the different types of management that wildflower meadow and more recreational amenity grassland require. The submission has been amended so that the mix of species has been left undecided allowing ecologists to develop a mix that would be appropriate to the locale. I recommend that a condition be attached to ensure that details of the species to be used be first agreed prior to planting. With this condition attached I consider that the wildflower planting can provide ecological enhancement.

Habitats:

The removal of the trees will result in the loss of potential bird nesting habitats and foraging corridors for a range of insects. However, this can be offset with the planting of pollinator friendly shrubs on site. A suitable position for this would be along the boundary wall to the north as this will ensure that the shrub planting will be along existing foraging corridors. Ecological enhancement can also be achieved through the use of invertebrate boxes and bird and bat boxes. This will provide further habitat for solitary bees and insects that will be encouraged by the wildflower meadow and shrub planting as well as for birds and bats. I consider that these enhancements can be secured by condition.

Nevertheless, as the existing trees provide habitat for nesting birds I consider it prudent to attach a note to applicant advising that any clearance should take place out of the bird nesting season unless under the supervision of a qualified ecologist.

In accordance with the objectives of saved policy UD06 in ensuring that the benefits of the landscaping and ecological enhancements of the scheme are safeguarded going forward I consider it appropriate to attach a condition requiring a Landscape and Ecology Maintenance Plan to be submitted and agreed.

With these conditions and note attached I consider that the ecological impacts of the loss of trees will be offset and that the proposal will enhance connections for wildlife beyond the identified biodiversity network and in accordance with Core Strategy policy CS17.

Bats and lighting:

The Arcadis Bat and Bird Survey Report (September 2017) concludes that there is no evidence of roosting bats. During the tree survey only two features potentially suitable for roosting bats were identified. These two features relate to trees to be retained. No features were identified during the church survey. However, I consider it prudent that the scheme follows a precautionary approach to allow for a sensitive lighting scheme which minimises potential impact on bats in the future.

The amendment to the scheme to remove the floodlighting from the western side of the church and to ensure that the level of lighting from the seven streetlamps along the pedestrian route through the churchyard is kept to between 0.5 lx and 1 lux supports this precautionary approach and will safeguard bat roost features (in particular the tower at the west end of the church) against light spillage keeping them suitable for supporting roosting bats in the future.

Church, setting and heritage:

The character appraisal describes the church as a prominent landmark and a key feature of views into and within the conservation area. It also notes the table tomb, obelisk and footed sarcophagus and the large collection of slate, limestone and sandstone headstones of both historic and visual value. However, the areas tarmac footway surfaces are described as visually poor making no positive contribution to the quality of the area.

The primary aesthetic effect of the scheme is the better revealing of the prominent landmark of St George's Church bringing it prominently into views within the conservation area. I consider that this is achieved whilst still maintaining the well-treed and green character of the churchyard and that in this respect it responds positively to its local heritage and natural setting.

I consider that the stated objective of the use of a softer resin bound surfacing will result in a more visually pleasing route through the churchyard than that presented by the existing tarmac recognised as visually poor. The use of stone to match the stone of Orton Square for a depth of approximately 12 metres into the churchyard from the Rutland Street entrance will help to unify the two spaces by helping to lead the eye beyond the Rutland Street frontage and towards the church and churchyard. However, in order to ensure that the materials to be used for this link to and for the path through the churchyard are of the appropriate quality consider it necessary to attach a condition requiring details of the materials to be first submitted to and agreed.

The table tomb, obelisk and footed sarcophagus will be retained in situ and there is evidence of previous relocations of the headstones. As such I consider that the relocation of 49 headstones will not have a significant impact on the historic significance of the churchyard and two of the larger memorials will be brought into the public realm where they can be more readily appreciated by users of the space.

Access, Equalities, removal of boundary wall, railings and boundary treatment:

In respect of connectivity and access Core Strategy policy CS03 also supports layouts that prioritise safe, well-connected pedestrian routes. The character appraisal notes that the characteristic pattern of development in the conservation area means that there are few examples of boundary walls or railings and the walls flanking the entrance to the churchyard off Rutland Street are one of two exceptions to this pattern. The boundary wall along with the railings discussed below, are elements of the existing structure of the locale.

The provision of widened level paved pedestrian routes, installation of benches and removal of railings to give more open unobstructed access will all contribute positively to inclusive design objectives.

The demolition of this boundary wall appears to involve work to a curtilage listed structure. However, as the existing wall was constructed in 2003, albeit to a standard that reflected the scale, design and quality of the wall it replaced, it falls outside of listed building consent controls and is not an integral feature to the historic fabric of the listed building. Nevertheless, the removal of the wall will result in the loss of boundary wall of comparable design and quality of its predecessor and in the loss of a historic boundary that provided structure to the street form and legibility to the distinction between consecrated and temporal space. This distinction contributes to the current setting of the church and to the character and appearance of the conservation area.

What I consider to be the landscaping qualities in the visual unifying of the two spaces of Orton Square and the churchyard are mentioned above, in particular with reference to the materials used for this encroachment of Orton Square into the north west corner of the site. I also consider that this approach and its inherent removal of the existing boundary wall will also help to meet the connectivity and access objectives of Core Strategy policy CS03 in that it will encourage greater footfall to this area enhancing the connectivity of the north west to south east pedestrian route through the site. This will be further enhanced by the provision of five benches at the north western corner and two benches outside the broadened hard surfaced space at the west end of the church that will encourage these two points of the site to be used recreationally.

As such, I consider that this enhanced pedestrian connectivity, the anticipated increase in footfall to the churchyard and the subsequent wider enjoyment of the heritage assets of the church and the churchyard to outweigh the loss of heritage caused by the wall's removal. Nevertheless, given the historic significance of the site I consider that some reference to the former delineation of space be retained. The plans have been amended to include steel studs marking the existing boundary and on balance I therefore consider the scheme to be acceptable in this respect.

Whilst it is unclear as to the historic or architectural interest of the existing railings (and the three retained gates) that run on either side of the path through the churchyard the landscaping proposals describe how these will be lifted, repaired, repainted and in the context to the removal of the railings to the west side of the northern part of the path, relocated to the south to be used along the southern side of the new path towards the rear of the LCB Depot. This cautious approach to ensuring that railings and gates of historic and/or architectural value are restored and reused is welcomed. However, I consider it necessary to attach a condition that the

renovation and relocation works to the railings are carried out under a watching brief from conservation officers to ensure that those elements of historic or architectural interest are retained. Similarly I consider it appropriate in the interests of the character and appearance of the conservation area and the setting of the listed church and listed war memorial to secure by condition the details of the four new proposed gates including that to the rear of the LCB Depot courtyard.

Archaeology:

Ground works and excavation of tree-pits have the potential to reveal human remains and the appropriate archaeological investigation of where these works are to take place will be required. This investigations need to adhere to the 2017 guidance on 'Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England'. As such I consider it appropriate to attach a condition requiring a watching brief and a programme of archaeological work to be first submitted and agreed. The watching brief would cover all work that could disrupt the ground including the stump grinding to the removed trees and the planting of shrubs.

Drainage:

The site is in Flood Zone 1 and therefore at low risk of fluvial and pluvial flooding. However, it is in a critical drainage area. Core Strategy policy CS02 states that all development should aim to limit surface water run-off by attenuation within the site giving priority to sustainable urban drainage techniques. The increased amount of hard landscaping together with the removal of the trees will reduce the level of water attenuation on site. However, I consider that this can be mitigated by securing a sustainable urban drainage system and channels and gullies to the hardstanding to discharge water into sewers and recommend a condition to this effect.

Noise, residential amenity and anti-social behaviour:

Though much of the churchyard will remain inaccessible to the public the proposals will result in a substantial part of the western side of the churchyard becoming accessible and there is a public benefit gain in this sense. The provision of benches will encourage users to spend more time in the churchyard and I do not consider that their provision in themselves will encourage anti-social behaviour. The hoped for greater use of the western side of the churchyard and the pedestrian route through the churchyard may result in higher levels of noise. However, this level of noise would be similar to that of other urban public spaces and I do not consider this to be an unacceptable level of noise in the urban area. Furthermore the retention of the trees along the peripheries of the site and those closest to the surrounding residential properties will continue to provide some screening from noise generated by the greater footfall and from overlooking and loss of privacy.

Conclusion:

I consider that the proposal will enhance the character and appearance of the conservation and the setting of the Grade II* listed church by bringing the west end of this landmark better into views from Orton Square and by providing greater access and public enjoyment of this space. There is some heritage loss with the loss of the

boundary wall. However, I consider this to be outweighed by the bettered access to and through the site which will extend the potential appreciation and enjoyment of the church and churchyard. The existing position of the wall and former delineation between Orton Square and the churchyard will be referenced by the surface treatment. A mitigation plan including replacement trees on a two for one basis could provide an opportunity for strategic replanting of trees to support the objectives of the Air Quality Management Plan.

With the recommended conditions attached I consider that the ecological impacts of the proposal can be mitigated and ecological enhancements provided. I also consider that with the retention of the trees around the peripheries of the site that the residential amenity of neighbouring properties will be preserved to an acceptable level.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before work commences on the hard-surfacing of the areas at the north-west corner of the site facing Orton Square and the area in front of the west end of the church, and before work commences on the resurfacing of the footpath through the site details of the materials to be used for the hard surfacing and full details of the benches and bins to be installed should be submitted to and agreed in writing by the City Council as local planning authority. (To ensure that the development hereby approved preserves the character and appearance of the St George's Conservation Area and the setting of the Grade II* listed church, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
3. No development shall commence until details of a watching brief in respect of the removal and relocation of the railings has been submitted to and approved in writing by the City Council as local planning authority. (To ensure that the development hereby approved preserves the character and appearance of the St George's Conservation Area and the setting of the Grade II* listed church, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
4. No new gates shall be installed until drawings at a scale of 1:10 or 1:20 of the proposed gates and details of the materials to be used have been submitted to and agreed in writing by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (To ensure that the development hereby approved preserves the character and appearance of the St George's Conservation Area and the setting of the Grade II* listed church, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
5. (A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation in respect of a watching brief

(including a requirement for further excavation if necessary) has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall include an assessment of significance and 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;

(6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

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

(C) 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, unless agreed in writing with City Council as local planning authority. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced and in accordance with Core Strategy policy CS18).

6. No development shall commence until details of the location and species of forty two replacement trees shall be submitted to the City Council as Local Planning Authority for their agreement. The agreed species shall be planted in the agreed locations by the end of the first planting season of 2019. (In the interests of amenity and biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS17).
7. No development shall commence until a detailed landscape and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unsurfaced shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site such as the species mix and areas for wildflower planting and including a management scheme to protect habitat during site preparation and post-construction; (ix) details of 6 x Improved Crevice Bat Boxes and 12 x 1B Schwegler Nest Boxes and 3 x insect boxes to be erected within the site under the guidance and supervision of a qualified ecologist.

The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme (In the interests of amenity, and in accordance with City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17).

8. The lux levels stated in the amended lighting details received by the City Council as local planning authority on 08.12.17 shall be adhered to throughout the lifetime of the development. (In the interests of protecting wildlife habitats and in accordance with City of Leicester Local Plan policy BE22 and Core Strategy policy CS17).
9. No development shall commence until details of a Sustainable Drainage System (SuDS) shall be submitted to and agreed by the City Council as local planning authority. The details shall include channels and gullies within the proposed hardsurfacing. The system shall be provided in accordance with the agreed details and shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).
10. This consent shall relate solely to the amended plans received by the City Council as local planning authority on ##, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. Works to trees and shrubs on the site should avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the City Council as local planning authority. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.
All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

Policies relating to this recommendation

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| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |

- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_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.

