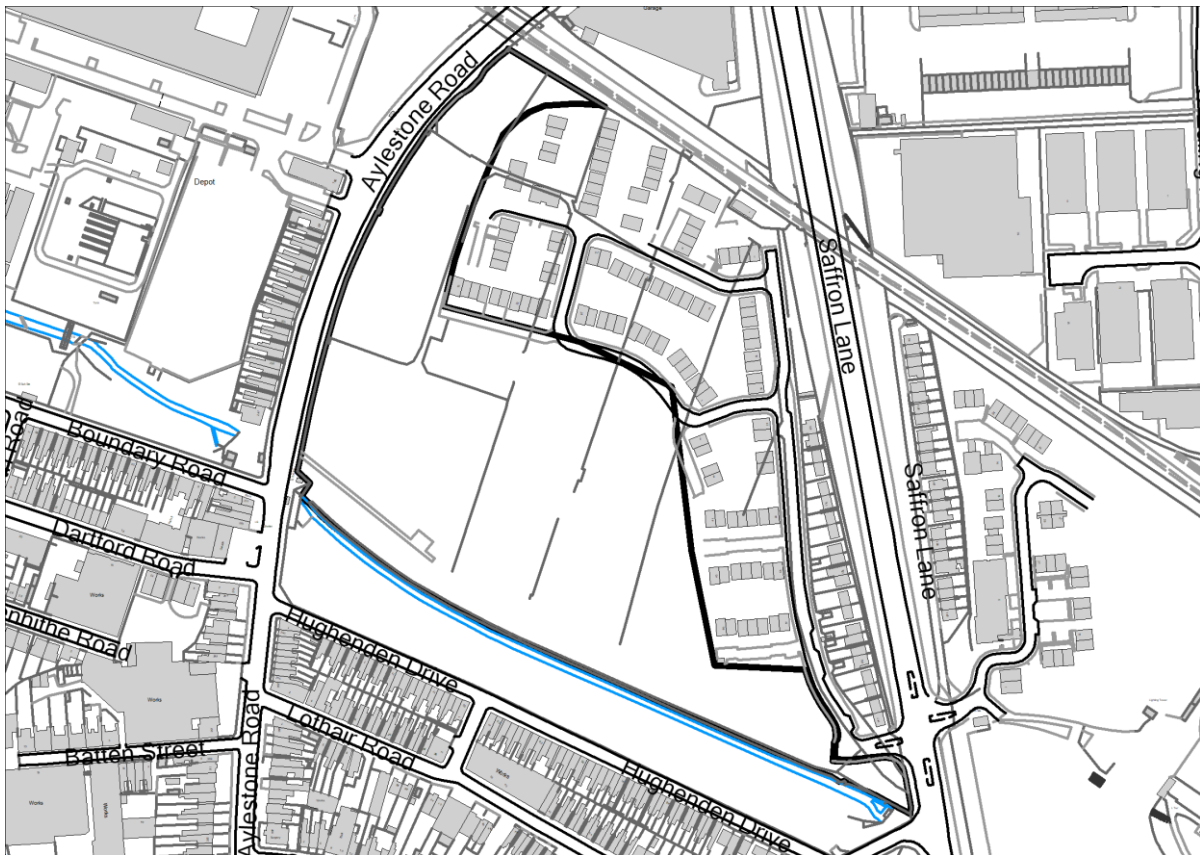


Recommendation:	
20182179	Former St Marys Allotments, Saffron Lane/Aylestone Road
Proposal:	Change of use from former allotments to create public open space, play areas and protected natural areas, community orchard, access paths, replacement and refurbished fencing (Sui Generis)
Applicant:	Leicester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



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Summary

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

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

The Site

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

Background

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

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

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

The Proposal

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

Policy Considerations

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

National Planning Policy Framework (NPPF)

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

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

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

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

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

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

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

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

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

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

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

Development Plan policies

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

Supplementary Planning Documents (SPD)

Biodiversity in Leicester SPG (2003)

Climate Change SPD (2011)

Green Space SPD (2011 Revised 2013)

Consultations

Environment Agency

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

Network Rail

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

Representations

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

The reasons for objection included the following comments:

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

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

Two Letters of support received:

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

Consideration

Principle of development

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

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

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

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

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

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

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

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

Aylestone Road green corridor

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

Community orchard and tarmac path

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

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

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

Woodland block (west) near Aylestone Road

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

Woodland block in the central area and tarmac path

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

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

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

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

Woodland block (east) near residential area

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

Woodland glade along Saffron Brook and grass reinforcement

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

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

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

Play areas

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

Spring Meadow

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

Fencing

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

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

Swales /green space boundary and mill waste path

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

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

Park furniture

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

Other ecological improvements

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

Lighting

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

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

Drainage

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

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

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

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

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

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

Residential Amenity

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

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

Conclusion

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

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

I recommend that this application is APPROVED subject to the following conditions

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Within one year of work commencing on site to implement the approved plans, details of the play equipment to be provided and a timescale for the provision of the equipment shall be submitted to the local planning authority and approved in writing. The equipment shall be installed in accordance with the approved details. (In the

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

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

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

(For the avoidance of doubt.)

NOTES FOR APPLICANT

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

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

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

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

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

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

3. If any further clearance works are required they should be done in accordance with agreements and methodology previously agreed and with an appended note provided to the LPA.
4. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received, and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

Policies relating to this recommendation

- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006_GE02 Permission not normally granted if development adversely affects Sites of Importance for Nature Conservation, Local Nature Reserves and the Regionally Important Geological Sites.
- 2006_GE03 Development on a Biodiversity Enhancement Site will be permitted if the strategic nature conservation value is maintained or enhanced.
- 2006_GE20 Criteria for the development of St Mary's Policy Area.

2006_GE09 Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.