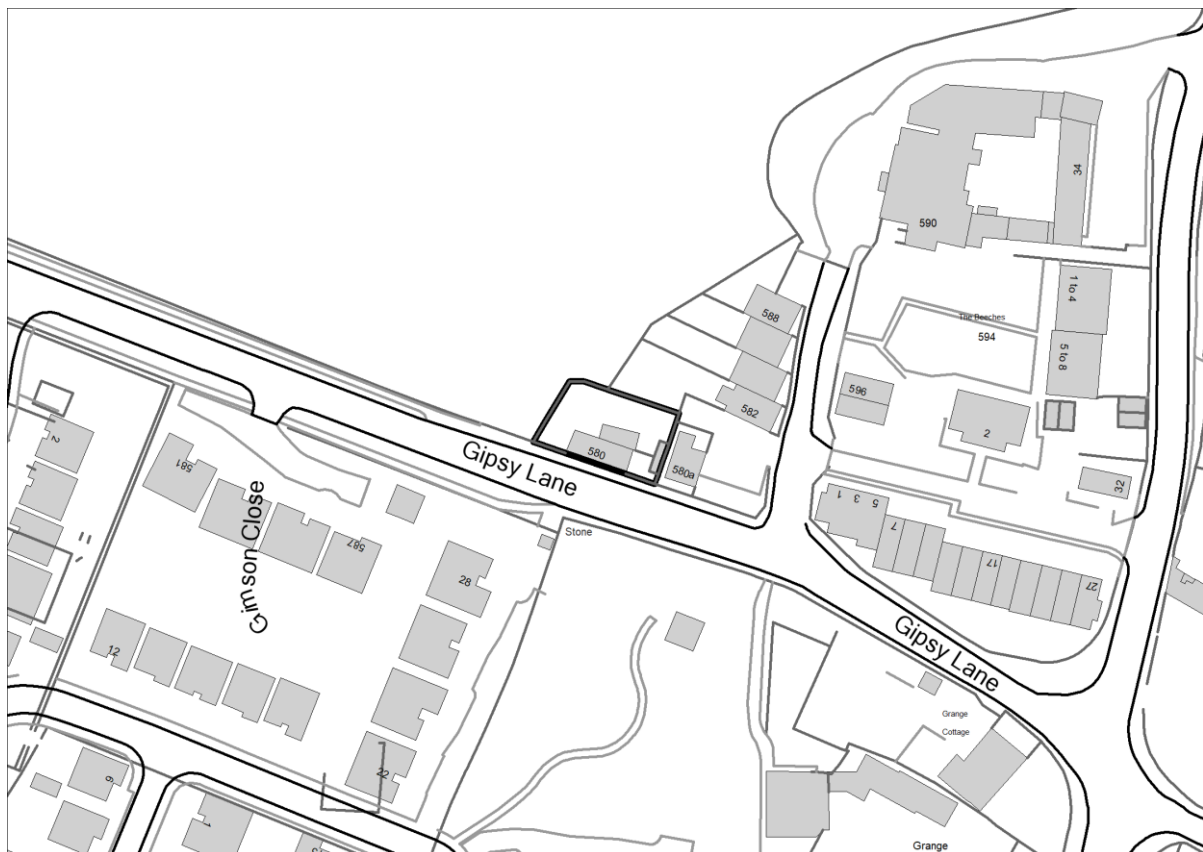


<b>Recommendation: Conditional approval</b>	
<b>20191465</b>	<b>580 GIPSY LANE</b>
Proposal:	DEMOLITION OF EXISTING DWELLING; CONSTRUCTION OF TWO DETACHED DWELLINGS (2X 4BED) (CLASS C3); ASSOCIATED PARKING (AMENDED PLANS RECEIVED 28/04/2020 AND 20/05/2020)
Applicant:	RS DEVELOPMENTS (LEICESTER) LTD
View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



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## Summary

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

- Application recommended for APPROVAL.

## **The Site**

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

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

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

## **Background**

201900890 – Demolition of existing dwelling house and construction of two detached dwellings was withdrawn.

## **The Proposal**

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

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

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

Plot B and Plot C:

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

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

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

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

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

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

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

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

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

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

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

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

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

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

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

#### Development Plan policies

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

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

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

Old Humberstone Conservation Area Character Appraisal (2015)

### **Consultations**

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

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

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

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

Trees: No objections subject to conditions

Ecology – No objection subject to conditions

Pollution (Noise Team) – No objections

## Representations

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

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

## Consideration

### Principle of Development

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

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

### Residential amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

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

#### 580A Gipsy Lane

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

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

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

#### 582 Gipsy Lane

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

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

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

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

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

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

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

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

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

#### Character and Appearance

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area.



Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Highways and Parking

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Ecology, Trees and Landscaping

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

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

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

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

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

### Drainage

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

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

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

### Representations

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

### Conclusion

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

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

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

I conclude that the proposed development is sustainable development.

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

## CONDITIONS

### 1. START WITHIN THREE YEARS

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

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

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

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

4. No part of the development shall be occupied until the following works have been carried out in full accordance with details shown on the approved plans: (a) footway crossing(s) at each vehicular access; (b) alterations to footway crossing(s); (c) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

5. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied/the use shall not commence until the system has been implemented in full. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other

arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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

7. Before the development is begun, a scheme shall be submitted to and approved by the City Council as local planning authority indicating details of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts to be adopted during building operations and shall be implemented. (To ensure the satisfactory development of the site, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

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

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

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

11. ONE PARKING SPACE TO BE PROVIDED

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

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

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

14. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)

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

#### NOTES FOR APPLICANT

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

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

As the existing building to be demolished abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the demolition works to be undertaken will require a licence. This should be applied for by emailing [Licensing@leicester.gov.uk](mailto:Licensing@leicester.gov.uk).

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



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

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

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

4. To meet condition 14 All those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

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

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

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

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

2006\_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006\_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.