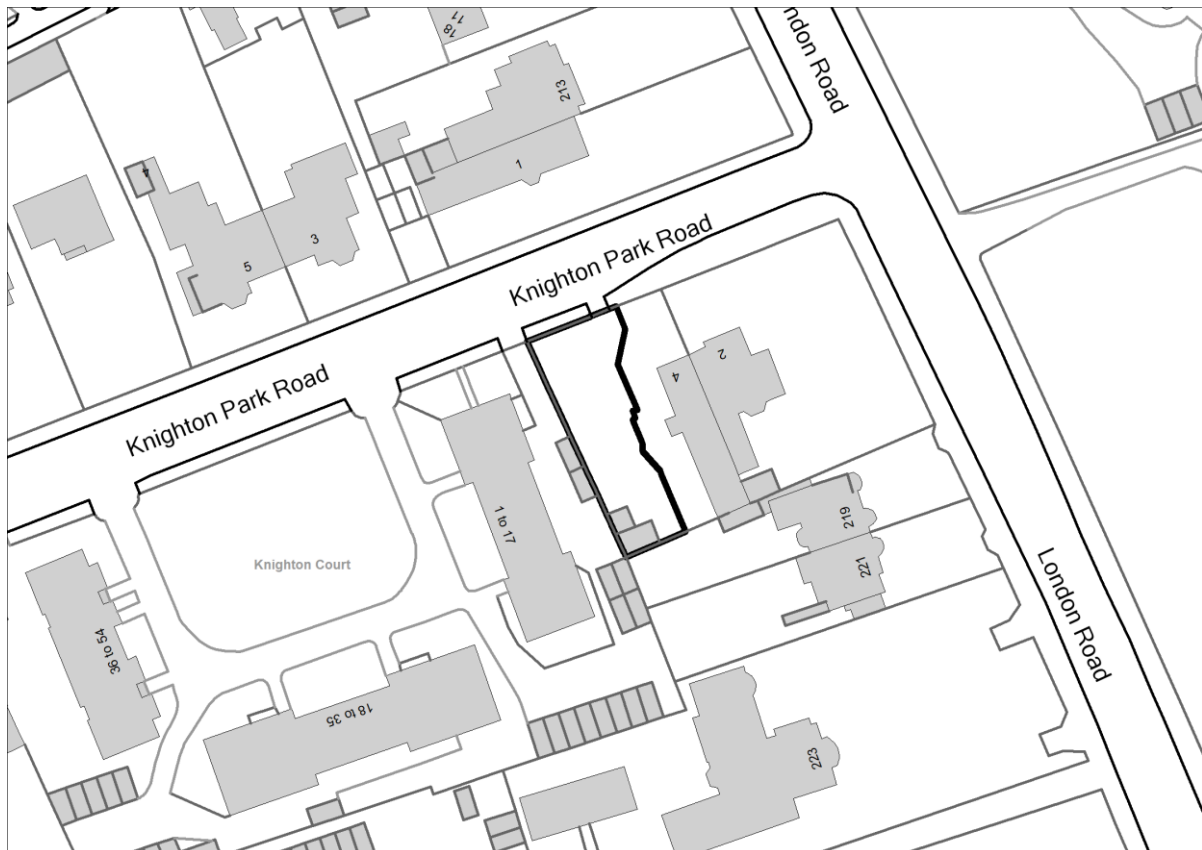


Recommendation: Conditional approval	
20191480	4 KNIGHTON PARK ROAD
Proposal:	DEMOLITION OF EXISTING GARAGE AND OUTBUILDING; CONSTRUCTION OF NEW DWELLING (1 X 2 BED) (CLASS C3); ALTERATIONS (AMENDED PLANS RECEIVED 21/05/2020)
Applicant:	MS C EVERT
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20191480
Expiry Date:	1 July 2020
PK	WARD: Castle



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Summary

- The application is before committee at the discretion of the Head of Planning having regard to the Conservation Advisory Panel (CAP) objection
- The issues raised by CAP relate to the principle of a residential dwelling in the Conservation Area and the quality of plans received in support of the application. No other representations have been received;
- The main issues are the principle of development, amenity and privacy, character of local area and Stoneygate Conservation Area, appearance, parking, trees, landscaping, ecology, and flood risk;
- Recommended for approval.

The Site

The site is part of the side garden to 4 Knighton Park Road which is sub-divided into flats and is a 2-storey brick structure with ashlar dressing. The application involves demolition of a detached garage/outbuilding which is situated to the south-western corner of the site.

The site is currently accessed off Knighton Park Rad serving a parking area to no.4

The site is located within the Stoneygate Conservation Area, covered by the Article 4 Direction. It is also located to the immediate north of the Grade II Listed No. 223 London Road and south-west from the Grade II Listed former Stoneygate School.

The site is within a Critical Drainage Area. Along the northern boundary of the site there are two TPOs on two Lime trees.

Background

There are a number of planning applications relating to the site but there are not relevant to this application as they relate to felling of trees. The main property on site is in use as flatted accommodation (4 flats). There are no planning records of this sub-division and Council Tax records confirm the use of the property as flats.

Application 20182457 for the conversion of existing garage/outbuilding and construction of part single part two storey front and side extensions to form new dwelling (1 x 2 bed) (class c3) was withdrawn.

The Proposal

The application is for the demolition of the brick garage and associated outbuildings and construction of a dwelling in a similar position.

The dwelling would be part single, part two storeys in height and would be set off the rear (south) boundary by 4 metres. The two storey element would have a total width of 7.1 metres and depth of 7.8 metres. It would have a total height of 7.8 metres.

To the rear the dwelling would have an orangery measuring 5.4 meters in width and 2 metres in its depth. The front there would be a single storey front element providing a living room. It would measure 3.3 metres in depth and 5.6 metres in width.

The dwelling has been designed to be of a modern appearance when compared to the host building adjacent. A mix of materials is proposed, brick, render and cladding.

The property would utilise the existing vehicular access off Knighton Park Road and parking for one car would be to side of the property. The access is currently constructed with gravel which wraps around the front and side of the host building (up to the garage) providing informal parking on site. It is intended that the proposed

dwelling would use this with no alterations. The access would remain in use for the existing building and the proposed new dwelling.

Amended plans have been submitted to provide greater detailing and depth to the elevations. Also consideration has been given to different external materials to be used. The applicant has also submitted 3-dimensional views in support of the latest revision of the proposal.

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

Stoneygate Conservation Area Character Appraisal (2015)

Other legal or policy context

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Consultations

Trees and Woodlands: No objection to the principle of development but require details of tree protection measures and location of where services would be directed from.

Conservation Advisory Panel (11th September 2019): The Panel noted the modest size of the site, and the awkward relationship of the dwelling proposed to the existing house. The design was criticised as being of inadequate quality for its location within a designated locality. The loss of the garden and crude subdivision of the existing plot was considered as harmful to the historic character of the Stoneygate Conservation Area. The principle of such a subdivision, creating a tighter urban grain was objected to, with the poor quality of architecture failing to help ameliorate the harm.

Following amendments, the scheme was taken back to CAP (11th December 2019): The Panel were critical of the limited visual information provided and suggested more 3d views showing the new building in context from the street would be helpful. They reiterated their concerns over the loss of garden space and the impact on the character of the Conservation Area from a new dwelling. They considered that the quality of the architecture was still poor and that the structure would fail to preserve or enhance the character of the Conservation Area.

The latest revisions have not been back to CAP. However the applicant has now supplied 3D views of the proposal in context from the front and further design work has been undertaken to improve the elevational detail.

Representations

None received

Consideration

The main issues in this case are: the principle of the proposed development; the amenity and privacy of neighbouring occupiers; the character and appearance of the Stoneygate Conservation Area; the quality of the proposed accommodation; the adequacy of parking provision and the access arrangements; trees, ecology and landscaping; and sustainable drainage.

Principle of development

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, *inter alia*, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing. Policy CS08 recognises that small scale infill sites can play a key role in the provision of new housing but states that, in areas of high architectural quality or significant local distinctiveness such as the Stoneygate Conservation Area, the

Council will seek to ensure that the distinctive characteristics of existing properties are retained and that any new development is sympathetic to its specific location. The Council cannot currently identify a supply of specific, deliverable sites sufficient to provide five years' housing. The proposal would make a modest contribution to housing supply through the redevelopment of this small site within an established residential area. In these respects, the proposal would be consistent with Policy CS06.

There are no site specific designations or constraints to indicate that a residential development would be inappropriate or inherently harmful (the impact upon the setting of the neighbouring Stoneygate Conservation Area is considered below). In the above policy context and having particular regard to the City's current housing supply position, I conclude that the development of this site is acceptable in principle, subject to consideration of the impacts and qualities of the proposed development.

Character and Appearance of the Stoneygate Conservation Area

Policy CS18 of the Leicester Core Strategy (2014) commits the Council to protect and seek opportunities to enhance the historic environment, including the character and setting of designated heritage assets. The Policy goes on to support the sensitive reuse of high quality historic buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places, and encourage contemporary design rather than pastiche replicas.

The *Stoneygate Conservation Area Character Appraisal* includes a definition and assessment of the area's special interest. Paragraph 3.1 notes that Stoneygate is Leicester's best surviving Victorian suburb, containing a large number of late Victorian and Edwardian houses of importance in terms of their high quality construction. Paragraph 3.2 states that the special character and appearance of the area is also created by a consistency of scale and building materials. For townscape purposes, the Appraisal places Knighton Park Road within its North Stoneygate sub area and describes the townscape of the sub area as dominated by mainly 2-3 storey buildings with many detached houses on Knighton Park Road especially. The key feature of the street scene of Knighton Park Road is that it remains broad and spacious.

The original building on the site is typical of the Stoneygate Conservation Area in terms of its age (dating from the Victorian era) and scale and architectural style. Having regard to the Appraisal, I consider that it makes a positive contribution to the street scene of Knighton Park Road and London Road and the wider character and appearance of the Stoneygate Conservation Area. The existing garage/outbuilding is brick built partly finished in render with a part mono-pitched roof and flat roof. The roof material of the mono-pitch element is tiled.

The proposal is for the construction of a new dwelling site. The building would sit in between a three storey building with loft accommodation (4 Knighton Park Road) and a three storey flat roof building (1-17 Knighton Court) both of which are in residential use as flats. The proposed dwelling would be set back from the front building line of both the host building and the flatted block adjacent.

The proposal, as amended, would appear as a modest addition on site which would not appear overly dominating within its context. Whilst it would evidently appear as new built form on site, the dwelling would be nestled between two buildings which are more prominent in their siting and scale. The proposed dwelling would be of a different style, with a flat roof and more modern glazing than existing built form; however, it would have elevational detailing which positively reflects the host building. The amended plans show the windows and elevations having greater depth to reflect design features which are prominent in the immediate vicinity, which would ensure the proposed dwelling would be able to assimilate with existing built form.

The plans indicate that the surface treatment around the new property would be the same as the host dwelling. Whilst this is acceptable, this will need to be secured by a condition as the Stonegate Conservation Area Character Appraisal places great emphasis on the treatment of the fronts of dwellings. Further consideration is given to this in the landscaping section below.

The new dwelling would be larger than the garage and outbuildings which are to be demolished; however, it would not detract from the residential quality of the site and wider area. The site is on a prominent location and the proposal, by virtue of its height and siting to the rear of the plot would be largely screened by the mature landscaping. And boundary treatment of the site which is to remain unaltered by the proposal. This would further help the development be assimilated in the local context.

The 3-dimensional views show the proposal in context with some detailing of brick work and cladding, the latter around the openings. This is considered acceptable and in line with the aims of providing a modern dwelling which takes material notes from the immediate area. I consider it appropriate to attach a condition requiring the submission of material samples on site, including a sample panel. Further details of window and joinery details will also be required and can be adequately secured by way of condition.

I consider the proposed scheme as amended would make a positive impact on the character and appearance of the Conservation Area and wider street scene. I acknowledge that the proposed new dwelling would be of a modern design which is supported by the Conservation Area Appraisal. The amended proposals would enhance the character and of the Conservation Area. The proposed development is considered to comply with paragraphs 127, 192 and 200 of the National Planning Policy Framework and Core strategy policies CS03 and CS18.

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.

The dwelling has been designed with first floor principal room windows being located along the northern side of the property facing Knighton Park Road. The relatively small height and narrow design of the building maintains an adequate separation distance from principal room windows at the host building on site 4 Knighton Park Road and the adjacent flatted block at Knighton Court. As such I consider the proposal would not have an unacceptable impact on the residential amenity of the occupants of neighbouring properties in terms of privacy and overlooking. Additionally I consider the narrow width of the plot and building would not result in harmful overshadowing and overbearing impact on the occupiers of the adjacent buildings.

I consider that the proposed building would intersect a 45 degree line from side facing ground floor windows of the main building; however having regards to the separation distance between the building and the orientation of both, I consider the proposed building would not significantly harm daylight to, and outlook from principal room windows.

By virtue of the siting of the proposed building, I consider that there would not be any significant harm to the residential amenity of other properties adjoining the site.

No details of the appearance of the proposed bin store have been submitted; however as a proposal for only one new dwelling I consider that the requirements for bin storage would not be so significant to harm the character and appearance of the site and bins could be adequately kept in the rear garden.

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.

Residential Quality

Policy CS03 of the Leicester Core Strategy (2010) states that new development should achieve the highest standards of accessibility and inclusion, whilst 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.

The proposed dwelling would provide a good size of living accommodation. The internal layout of the site would have principal rooms at first floor to the north and ground floor to have outlook to the front and rear. The ground floor has been arranged as partly open plan and would also be served by roof lanterns to increase light into the space. I consider that individual room sizes would be sufficient to accommodate the reasonable furniture requirements of future occupiers whilst maintaining satisfactory circulation space.

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 calls for two bedroom properties to provide between 75 and 100 square metres of amenity area. The site would provide in excess of this and therefore there are no concerns in this respect. There would be a private area to the rear of the property and a more open amenity space to the front which is considered reasonable.

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.

Parking and Access

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 car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to the parking standards in the local plan which suggest two parking spaces for such a dwelling.

The proposed development includes provision of one vehicle parking space on site and a second tandem space could be accommodated. Parking on site is currently arranged informally with no spaces drawn out; however, it is apparent that parking is mainly to the front of the property due to the wrap-around surfacing. With parking proposed to the side of the proposed dwelling I consider there would be sufficient space on site to accommodate the new property in this respect. On street parking is controlled on Knighton Park Road and the adjacent London Road. There is no indication of cycle parking, but I consider this could be sufficiently provided on site. The site is situated along the London Road A6 which is well served by public transport. I consider that the proposal would provide adequate vehicle parking and would be within a sustainable location in terms of access to public transport and local amenities. I conclude that the proposal would comply with Core Strategy Policy CS15 and saved Local Plan Policies AM02 and AM12, and that any residual cumulative transport impacts of the development would not be likely to be severe.

Trees and Landscaping

Saved Policy UD06 of the Local Plan (2006) requires new development to include planting proposals and resists development that would impinge upon landscape features of amenity value. 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.

The applicant has submitted a bat survey of the buildings to be demolished which indicates that there are no features suitable for bat foraging. Therefore, the loss of the buildings would not have an adverse impact on protected species of bats. The survey and report include a number of recommendations which can be secured by way of condition.

The application has not been submitted with a tree survey as the proposal does not directly impact any significant trees with no changes to access arrangements or the boundary around the site. It is considered reasonable and necessary to attach a condition for a tree protection plan to be submitted and approved prior to the commencement of development. It is also considered reasonable to require the submission of a plan showing the treatment of all unbuilt land within the site to ensure that the green leafy character of the site is retained as far as possible. This would also require details of any boundaries proposed within the site, to ensure there is no conflict between users on site.

I conclude that subject to conditions the proposal would comply with Core Strategy Policies CS03 and CS17 and saved Local Plan Policy UD06 and is acceptable in terms of its impacts upon trees and landscaping.

Flooding and Sustainable 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 application site falls within a Critical Drainage Area. Although sustainable urban drainage details have not been provided, it is considered that this could be adequately secured by way of condition to mitigate any increase in surface water run-off.

I conclude that the proposal would comply with Core Strategy Policy CS02 and is acceptable in terms of flooding and drainage.

Conclusion

The amended scheme would secure a good quality development which would not result in an adverse impact in terms of residential amenity, living environment, highways and flood risk. Conditions can be used effectively to secure a high quality development that would make a positive contribution to the character of the Conservation Area and also ensure the leafy landscaped character of the site is not altered.

I consider the proposed dwelling would make a modest yet positive contribution to the City Council's housing land supply in line with the NPPF. The proposal represents a sustainable form of development that would comply with national and local plan policies.

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

CONDITIONS

1. START WITHIN THREE YEARS

2. All trees on and adjacent to the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with details to be submitted prior to the commencement of development and approved in writing by the City Council as local planning authority. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. Notwithstanding any materials outlined on the approved plans, prior to the commencement of any works above slab/foundation level on site a materials sample panel for all external finishes, including but not limited to, windows, doors and cladding shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be delivered in accordance with the approved materials. (In the interests of visual amenity and in the interests of preserving and enhancing the character and appearance of the conservation area, and in accordance with Core Strategy policies CS03 and CS18).

4. Prior to commencement of any works above slab/foundation level on site, full joinery details including horizontal and vertical cross sections of all windows and doors (scale 1:2 / 1:5 as appropriate) shall be submitted to and approved in writing by the City Council as local planning authority, and the works carried out in accordance with the approved details. (In the interests of preserving and enhancing the character and appearance of the conservation area, and in accordance with Core Strategy policy CS18 Historic Environment).

5. Notwithstanding any landscaping details on the approved plans, prior to the commencement of any works above slab/foundation level on site, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out in full 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 CS03. 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 any works above slab/foundation level on site full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the system has been implemented in full. It shall thereafter be

managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

7. Before the occupation of the proposed extension new windows facing 4 Knighton Park Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 4 Knighton Park Road and in accordance with policy PS10 of the City of Leicester Local Plan).

8. The development shall be carried out in full accordance with the precautionary mitigation and enhancements as recommended in Section 7 of the Protected Species Report: Bat presence and absence surveys (Brindle and Green, September 2019). Where necessary a suitably qualified ecologist should be present on site to supervise works and actions taken to minimise risk of injury or disturbance to species and their habitats and evidence provided in writing to the City Council as Local Planning Authority. Any necessary mitigation shall be retained thereafter. (In the interests of existing ecology and in accordance with Core Strategy policy CS17)

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

10. The vehicular access to the site shall be retained and kept available for that use by the host building (4 Knighton Park Road) and the proposed dwelling. (To ensure that vehicular access is retained and also to ensure a second access is not proposed in the future to protect the character of the Area and secure highway safety; and in accordance with policies AM12 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS18.)

11. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 21/05/2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site.

2. To meet condition 9 All those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2

M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

3. Development on the site shall avoid the bird nesting season (March to September), but if 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. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process and pre-application.

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

Policies relating to this recommendation

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.

2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.

- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_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.