

Recommendation: Conditional approval	
20192110	Land at rear of 51-57 Sanvey Lane
Proposal:	Construction of one bungalow (1x2 bed) (Class C3) (Amended plans received 20/05/2020)
Applicant:	Mr A Sibson
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20192110
Expiry Date:	26 June 2020
SSA	WARD: Aylestone



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Summary

- Requested for a committee decision by Councillor Porter on the basis of the impact of the development and the principle of such backland development.
- Four objections including from Councillor Porter on grounds that backland development is not in keeping with character with the area; the design will not enhance the visual amenity of the conservation area; the location of the proposed development will result in access /land rights issues and highway safety and construction problems.
- The main considerations are the principle of the development, design, and appearance of the conservation area, neighbouring amenity, living environment, sustainable drainage, ecology, access and highways issues.
- The application is recommended for conditional approval.

The Site

The site lies on the south/west side of Aylestone village, at the rear of the junction between Sanvey Lane and Narrow Lane. The application relates to a parcel of land located to the rear of semi-detached dwellings (51 - 57 Sanvey Lane) with a parking courtyard at the rear. The two storey semi-detached houses (51 - 57 Sanvey Lane) are later 20th century buildings with timber windows. There is a gated access provided to the site for the bungalow from the car parking area. The site was historically used as a builders' yard, and is enclosed by breezeblock walls and is currently vacant. The site is located within a predominantly residential area, surrounded by two storeys residential properties.

The application site is shown to also include the vehicle access off Sanvey Lane and a route across the existing shared car park.

The application site is within the Aylestone Conservation Area and the village core is recorded as Early Anglo Saxon to Late Medieval Historic settlement. However, the character of Sanvey Lane is predominantly early to mid and late 20th century with a small number of later 19th Century buildings.

The site is within the Environment Agency's Flood Risk Zone 1 and GDO Landfill 250m buffer.

Background

19941461 – In January 1995, planning permission was granted for six semi-detached houses fronting Sanvey Lane with a shared car park to the rear. This development was carried out.

20171168 - In 2017 application was withdrawn for construction of two storey dwellinghouse (1x 3bed) (Class C3) due to concerns over design, amenity and right of access.

The Proposal

The proposal is for the construction of a detached bungalow with associated access, parking and amenity space.

The site area for the dwelling and curtilage is approximately 240 sqm. The building footprint measures between 7.2 and 9.3 metres in depth and 4.2 to 7.8 metres in width.

The bungalow would have a dual pitched roof with a ridge height of 4.8 metres and eaves height of 2.4 metres. It would be constructed from brick and tile and face towards the front of the site. An open, pitched timber porch is proposed over the front door.

The property would maintain a separation of 5.6 metres from the front (south west), 0.7 to 1 metres from the south east common boundary with 37 Sanvey Lane; 4 metres from the south east common boundary with 30 Narrow Lane and 2.7m to 5.8m from the rear boundary with 35 Sanvey Lane. The L shape garden area would provide an amenity area of approximately 80 square metres.

The proposed dwelling will reuse the existing access and the site would be reached through the existing parking area. This access and the route through the car park are shown as part of the application site and the application ownership certificate declares that this land is all within the ownership of the applicant.

Two off street parking spaces with turning area would be provided within the front court, to the north-west corner of the plot. The existing boundary walls would enclose the site, whilst a new fence would separate the parking and garden areas. A storage area for waste and recycling bins has been provided next to the proposed garden gate, away from vehicular circulation areas.

The amended plan includes revised internal layout showing bedrooms to the front and kitchen and living area facing the rear boundary.

A Heritage, Design and Access Statement, drainage strategy, ecological appraisal report and tree survey have also been submitted with the application.

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 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 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.

Paragraph 180 requires decision makers to 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.

Paragraph 192 - Desirability to sustain & enhance significance of Heritage Assets.

Paragraph 193 - Great weight should be given to asset's conservation

Paragraph 200 - Local planning authorities should look for opportunities for new development within Conservation Areas to preserve or significance of Heritage Assets.

Development Plan policies

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

Appendix 01 - Parking Standards -The City of Leicester Local Plan (2006)

Supplementary Planning Documents (SPD): Residential Amenity SPD (2008)

Consultations

Conservation Advisory Panel (CAP): No objections

Traffic and Travel Planning – No objections, subject to condition.

Lead Local flood Authority (LLFA) – No objection, as long as remaining requirements are satisfied through use of the suggested conditions for Sustainable Urban Drainage Systems (SuDS) and drainage.

Tree and Woodland Officer: No objection, subject to condition.

Pollution Control (Land contamination): No objection, subject to condition.

Representations

3 objections have been received raising the following concerns:

- The proposed development will have an adverse impact on their amenities, resulting in visual intrusion, noise nuisance and or a material loss of privacy.
- Enquired what is visible from their property and windows and where the property sits – its structure/plans;
- The proposed development will block access to their garage; land rights issues and highway safety problems;
- There would also be concerns for the building work being so close to the garage roof (may be asbestos);
- The access road leading to the development is marginally substandard as described in the planning, heritage, design and access statement; with an additional property this will even more problematic;
- Concerned with the trees over hanging the development;
- Although have no objection for a bungalow, it should be built with a hipped roof instead of a pitched roof to minimise loss of outlook from the adjacent house to north.

Councillor Nigel Porter has also objected that the proposed development is a cramped over development of the site; is not in character with the area; the design will not enhance the visual amenity of the conservation area; the location of the proposed development will result in access /land rights issues and highway safety problems.

Consideration

The main issues are the principle of the development, design and appearance of the conservation area, neighbouring amenity, living environment, sustainable drainage, ecology, access and highways issues.

Principle of development

The site is within a predominantly residential Area. 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 seeks to ensure that suburban areas continue to thrive and recognises that small scale infill sites can play a key role in the provision of new housing, but states that backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass. Policy CS08 goes on to resist development on garden land where it would have an unacceptable impact upon levels of biodiversity in the neighbourhood and states that, in areas of high architectural quality or significant local distinctiveness, the Council will seek to ensure that any new development is sympathetic to its specific location.

In the above policy context and having particular regard to the City's current housing supply position, the proposal is considered acceptable in principle as it provides housing on a suitable small site within an existing residential area.

Design /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.

Policy CS18 highlights that the Council will seek to protect or enhance historic quality areas within the city, including Conservation Areas. The Council will also support new development to create attractive places.

The site is situated within the Aylestone Conservation Area. The character of Sanvey Lane is predominantly early to mid and late 20th century with a small number of later 19th Century buildings to west side 51 - 57 Sanvey Lane are later 20th century buildings with timber windows and doors.

The proposed bungalow would relate well to the simple form of brick with tiled pitched roofs of the surrounding area. I consider the size and scale of development and appearance of the proposed bungalow would be compatible with the local area. The single storey element would be subservient to nearby buildings and will therefore have a neutral impact on the conservation area.

The form, design, and size proposed reflect the design of the existing area. I do not consider the proposal would result in a cramped form of development or contribute negatively to the character and appearance of the conservation area as it would not undermine the protected heritage assets or visual amenity of surrounding properties.

The application form and plans indicate that the external finish materials brick and UPVC window/doors. The walls are proposed to be built of red brick and the roof would be tiled. Although the principle of these external finishes is acceptable, I consider that the new bungalow should be fitted with timber windows and doors only to comply with the NPPF and core strategy policies CS03 and CS18, therefore recommend a condition in this respect requiring details of external material and samples of the external finishes.

A dwelling would have permitted development rights for extensions and alterations. The NPPF advises that removing permitted development rights by way of condition should be reasonable and justified. I consider it would be reasonable to remove permitted development rights for extensions, roof alterations and outbuildings due to limited separation distances and the constraints around the site.

I am satisfied that the development would not be too intensive or out of proportion to the surrounding area. The proposal would comply with Core Strategy Policies CS03

and CS18 and would not conflict with saved Local Plan Policy PS10 and is acceptable in terms of the character and appearance of the conservation area.

Living conditions (The proposal)

Policy CS03 of the Leicester Core Strategy (2014) 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.

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 2 bed bungalows to provide a garden area of 75 sqm.

Whilst this is a backland development and have limited separation distances to the adjacent boundaries, the proposed dwelling would provide a good size of residential accommodation. All principal rooms would have a window, and the proposed bedrooms at the front and living room at the rear that faces car park and the adjoined neighbouring gardens would have shorter separation distance between 5.8 to 7 metres to the boundaries but provides an adequate, privacy, ventilation and outlook. The L- shaped garden area provides an amenity area of approximately 80 square metres for future occupants which is reasonable in respect of the Residential Amenity SPD guidelines.

A storage area for waste and recycling bins has been provided next to the proposed garden gate, away from vehicular circulation areas.

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.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policies AM01, and PS10.

Impact on neighbouring amenity

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, privacy and overshadowing, and the ability of the area to assimilate development.

The adopted SPD states that a minimum of 11 metres will normally be required between any elevation containing principal room windows and any site boundary. For single storey dwellings, shorter distances may be acceptable in the case of bungalows depending on the arrangement of windows, orientation and massing of the proposed buildings.

There would not be an intersection of the 45° line from the nearest windows of the adjacent properties in particular no 26, 28 and 30 Narrow Lane. There is approx. 9.7m distance from the rear of the main house at 30 Narrow Lane. The bungalow would be sited approx. 13.7m from this two storey house and 10m from the rear wall of the single storey rear extension.

The principal rooms faces to the front and rear overlooks the approx. 2m high site boundary wall. Whilst the proposed bungalow contains no principal room windows in the northwest side elevation, there are two windows proposed, a bathroom and secondary habitable room's window that faces the southeast boundary wall. On the northwest boundary, there is currently an approximately 2m high boundary wall. I consider the proposed separation distance is acceptable in this instance for a single storey bungalow and any potential loss of privacy would be mitigated by the boundary wall.

The bungalow will have mixed hipped and low pitched roof profile. Whilst the bungalow will be sited to the south of no 28 and 30 Narrow Lane, I do not consider the proposed bungalow, due to its position, the design, and layout would have significant impact on the amenity of the existing occupiers of houses on Narrow Lane, in terms of loss privacy, the day or sun light or outlook, overbearing or overshadowing, contrary to the policy PS10 and adopted Residential Amenity - SPD.

Given the use of the existing access and parking area, it is unlikely that the proposal for a two bedroom bungalow would give rise to unreasonable noise.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Access and Parking

The existing shared private drive serves the parking court for the six properties 51 to 57 Sanvey Lane. A garage at the rear of 37 Sanvey Lane is also accessed via the parking court, and this is to be retained as part of the proposed development. There is a gated access provided to the site from this parking area.

The private drive's width is slightly below the current standard but there is no evidence indicating this has resulted in problems. One additional dwelling is therefore unlikely to result in severe harm to highway safety in this location, and it would be unreasonable to raise an objection to the proposal from a highway safety point of view. The proposal meets the vehicle parking standard of Appendix 01 Parking Standards as the proposed bungalow includes onsite parking space for two cars within which it is possible to turn around, avoiding the need to reverse either into or out of the parking court. Cycle storage arrangements are not shown on the layout plans, but secure cycle parking is generally expected to be provided within the site area.

The Local Highway Authority raises no objection providing a condition is attached requiring parking and service area to be retained. I recommend conditions to ensure that the proposal will be satisfactory with regards to highways and parking.

I conclude that the proposal would comply with policy CS15 of the Core Strategy (2014) and with saved policy AM12 of the Local Plan (2006) and is acceptable in terms of highways safety and parking.

Drainage

The development is located with Flood Zone 1 and does not reside within a flooding Hotspot or a Critical Drainage Area, subsequently is considered at low risk from fluvial and surface water flooding. However, the proposed development is on vegetated area currently helps in limiting run off from this site thus the proposal will

result in loss of permeable area thereby full range of suds options should be considered

Surface water would be managed via a combination of Sustainable Drainage Systems (SuDS), prior to controlled discharge into the public sewer. The applicant needs to provide an exceedance statement for the surface water flood flow routes and to provide a drainage plan that shows the location of the storage crates and any other flow control devices. Also, the applicant is required to submit the product specification and maintenance plans for the storage crates and any other SuDS proposed.

I recommend a condition for SuDS and drainage to ensure that the development is provided with a satisfactory means of drainage; to reduce discharge into the public drainage system, limit surface water volumes and discharge rates, reduce overall risk from surface water flooding, make sufficient allowances for climate change and minimise the risk of pollution. I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage, subject to the recommended conditions.

Nature conservation/Trees/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. Existing trees on or adjacent to the site have low amenity values. The Tree and Woodland Officer has no objection provided a condition is attached requiring tree protection in accordance with the detail supplied in the arboricultural report.

The ecology report provides details of the enhancements that could be provided on site to achieve net gain. Although the scope is very limited in this case insufficient landscape detail has been submitted to show how some biodiversity net gain might be achieved in the garden area. This information should be required prior to commencement of development.

All planting on the site should be planted with a native shrub planting mix that is beneficial to wildlife. The landscape planting should be designed to provide a net gain in biodiversity and additional benefits to green infrastructure through appropriate use of plants and structures.

I recommend a landscaping condition/notes to ensure that the trees, shrubs and a wildflower lawn mix planting will be locally native species, as well as larger species to have greater positive impact for visual amenity and biodiversity. The recommended condition also includes requirement for details of a bat box, hedgehog box and 2 bird boxes suitable for small garden nesting birds within the rear garden to achieve potential biodiversity of the site, to enhance and/or strengthen connections for wildlife. I conclude that the proposal would comply with Core Strategy policy CS17 Biodiversity and saved policy UD06 Landscape Design of The City of Leicester Local Plan (2006).

Other matters

The concern about the principle of development, character, amenity and highway raised by the councillor and occupier of neighbouring properties have been adequately addressed in the above relevant sections.

The concerns raised about a right of access to the garage adjacent to the site associated with 37 Sanvey Lane are a civil matter. The applicant states that the proposed parking layout with bin storage set away from this circulation space would ensure the access to this garage is maintained and no conflict will therefore occur between the existing garage and proposed dwelling.

Conclusion

The proposed development is acceptable in principle and would create an acceptable living environment for future occupants whilst also having an adequate impact on the residential amenity of adjacent properties. The design of the proposed scheme is considered acceptable and would have minimal impact on the character and appearance of the conservation area. Biodiversity, landscaping, sustainable drainage and parking measures could be secured by way of condition.

I therefore recommend APPROVAL subject to the following condition

CONDITIONS

1. START WITHIN THREE YEARS
2. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policies CS03 and CS18. 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 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 by the local planning authority. The dwelling shall not be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)
4. Prior to the commencement of development details of foul drainage shall be submitted to and approved by the local planning authority. The development shall be occupied until the drainage has been installed in 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).
5. Before the occupation of the dwelling, the parking area as shown on the approved plan shall be provided and shall be retained and kept available for that use thereafter. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)

6. 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 the dwelling or provision of any outbuilding of types specified in Part 1, Classes A, B, C 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, unacceptably reduce amenity space on site 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).

7. 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 CS6)

8. Before the development is begun, all existing trees to be retained on the site shall be protected by fences erected not within the root protection area in accordance with British Standard BS 5837:2012 and in accordance with the detail in the supplied arboricultural report dated 16 December 2019. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

9. Before the development authorised by this permission is begun, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon and achieve a biodiversity net gain shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the current biodiversity on the site pre-commencement and any areas to be retained, enhanced or created using the Defra Metric and calculated in accordance with Defra guidelines to clearly show a biodiversity net gain. The approved LEMP shall contain details on the aftercare and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than 25 years from the date of planting, the applicant or owners of the land shall maintain all planted material to optimise its value for biodiversity In accordance with policy NPPF (2019), Core Strategy CS 17 Biodiversity, CS3 Urban Design, and UD06 of the City of Leicester Local Plan.)

10. A mitigation scheme to minimise disturbance to reptiles, hedgehogs and other wildlife as recommended in the Ecology report completed by Ramm Sandersons dated April 2020 Paragraph 5.4.8 (page 21/40) should be implemented prior to commencement of works. This includes removal of all rubble and brash piles by hand and careful strimming back of vegetation. If evidence of any protected species is found during this process all works should cease and any mitigation measures reviewed by the ecology consultant and agreed with the LPA. (To comply with Core Strategy policy CS17.)

11. The development shall not commence until details of the type and location of bat and bird boxes to be incorporated within the elevations of the proposed building along with the location of a hedgehog box and measures to facilitate access by hedgehogs to neighbouring gardens have been submitted to and agreed in writing with the City Council as local planning authority. The development shall be carried out in accordance with the details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).

12. Before the development is begun a detailed design plan of lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted and approved in writing by the local planning authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained thereafter. No additional lighting should be installed without prior agreement from the Local Planning Authority (In the interests of protecting wildlife habitats and in accordance with saved policy BE22 and Core Strategy policy CS17)

13. This consent shall relate solely to the revised plans ref. no. 19-76.2 -Rev E, and 19-76.3-Rev E received by the City Council as local planning authority on 20/05/2020, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material 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.

2. Condition above refers to alterations/extensions that you are normally allowed to carry out to houses without planning permission. In this case the City Council wants to be able to control any alterations and extensions to preserve the appearance of the property or protect the amenities of neighbouring properties. You

should contact the City Council (telephone (0116) 454 1000) if you are considering such works.

3. To meet condition above, 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.

4. Development on the site should avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 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 and during the nesting season to damage or destroy an active nest or eggs during that time.

Policies relating to this recommendation

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

2006_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_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.

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

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

2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014_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_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_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.