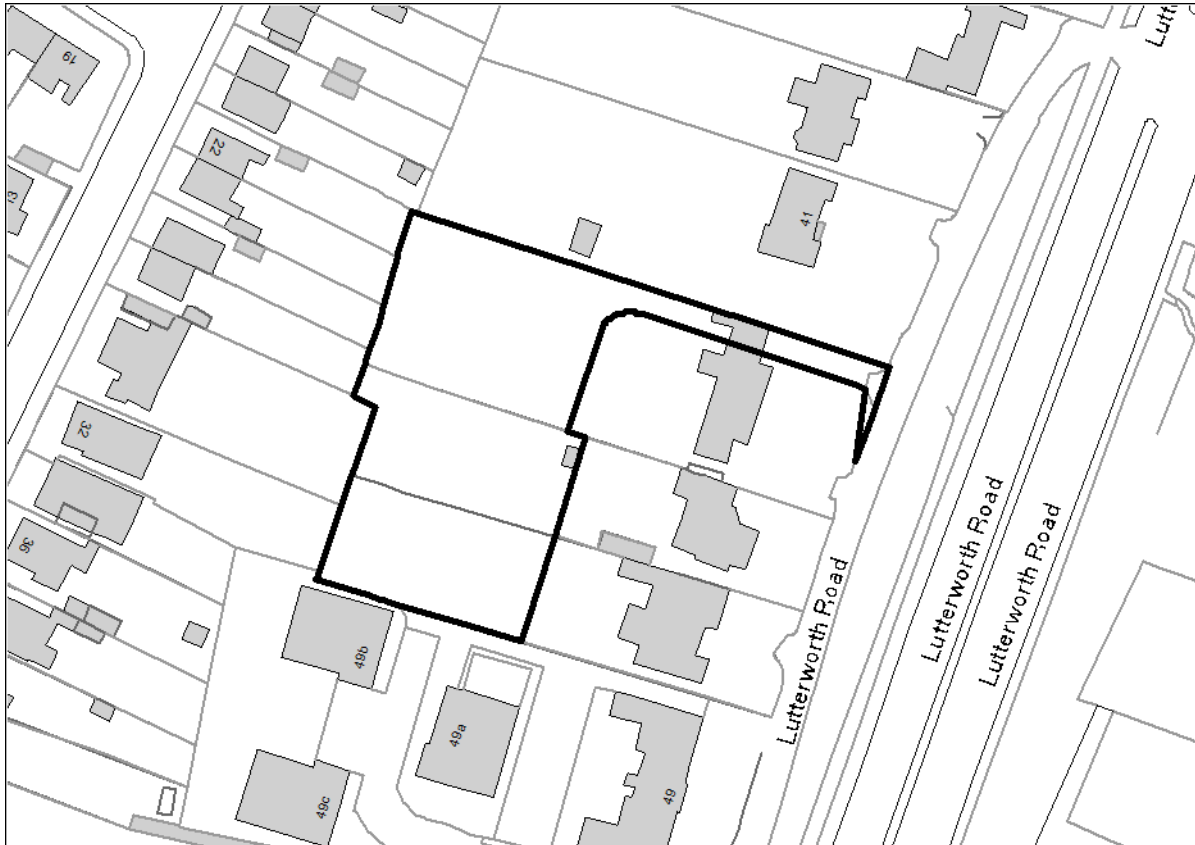


20200668	Land to rear of 43-47 Lutterworth Road	
Proposal:	Construction of four dwellings (3x4 bed & 1x3bed) (Class C3); landscaping and alterations (amended plans)	
Applicant:	Juniper Developments Ltd	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	3 September 2020	
TB	TEAM: PD	WARD: Aylestone



Summary

- Brought to committee as more than 6 objections received.
- 18 objections received making a number of points relating to the form of development, impact on environment, impact on residential amenity, access, traffic scale, layout and design
- The main considerations are housing supply, design, access, amenity, drainage, ecology and landscaping.
- Recommendation for conditional approval.

The Site

The application relates to the rear gardens of 43 – 47 Lutterworth Road within an area that is largely residential in character. There are residential properties to the north,

south and west. To the east is Lutterworth Road (classified) and beyond this are further residential properties. Trees to the rear of the property that were not protected by a Tree Preservation Order were recently cleared

Background

Application site: 20152016 - Demolition of garage; construction of four dwellings approved by the in July 2016, but not implemented and now expired.

49 Lutterworth Road: 20120046 - three two storey detached dwellings to the rear approved and implemented as 49A-C Lutterworth Road.

The Proposal

The application proposes the construction of four detached dwellings of two storeys with an additional storey within the roof space, with associated landscaping.

Landscaping includes the installation of boundary treatments between the proposed houses, as well as between the application site and the surrounding houses. It also includes hard surfacing to provide rear patio areas and a bin storage area adjacent to the proposed access drive.

To provide both vehicular and pedestrian access to the proposed houses, a private access drive is proposed from the existing unadopted road running parallel to Lutterworth Road which currently serves the existing neighbouring houses along this section of Lutterworth Road.

Alterations include the demolition of the existing garage to 43 Lutterworth Road.

A Preliminary Ecology Appraisal was also submitted with the application.

During the course of the application the applicant has provided an amended Tree Survey Report and Tree Protection Plan, amended Landscape and Ecological Management Plan, Bat Survey, Biodiversity Impact Assessment and Calculator, Hard and Soft Landscaping Specifications, amended Drainage Strategy, Brick Specifications, Bin Collection Area Layout Plan and Site Management and Waste Management and Collection Schedule.

Amended plans have been submitted during the course of the application which altered the site layout, orientation of some of the dwellings and technical design matters.

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. The NPPF is a material consideration in planning decisions

Paragraph 11 states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. 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
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Presently, Leicester City Council does not have a 5-year housing land supply.

Paragraphs 59 to 79 sets out the housing policies of the NPPF. Paragraph 59 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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 118 sets out criteria on land use flexibility. It requires planning policies and decisions to place substantial weight on the use of under-utilised land and buildings whilst also using sites more effectively.

Paragraph 122 places an emphasis on local planning authorities to support development that makes efficient use of land. It requires decision makers to take into account issues such as the need for different types of housing, including the availability of land suitable for accommodating; local market conditions and viability; the availability and capacity of infrastructure and services, including the potential for further improvement; the desirability of maintaining an area's prevailing character and setting (including residential gardens) and; the importance of securing well-designed, attractive and healthy places.

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).

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

It further requires local planning authorities to seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

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

Para 174 – 'To protect and enhance biodiversity and geodiversity, plans should: Identify, map and safeguard components of local wildlife-rich habitats and wider

ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity’

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

Para 178 – ‘Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)....and where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner’ (Para 179).

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

Development plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other context

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

Leicester Street Design Guide

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes:

Consultations

Air Quality

No comment.

Trees Advice

There are a number of trees on adjacent land close to the boundary, in particular to the side of the proposed access road. No objection to the proposal, subject to conditions. Recommends a condition for tree protection in accordance with details of the Tree Protection Plan (Appendix 3B) of the Tree Survey Report.

Recommends a condition for further details of a no dig access road and for the hard landscaping to the rear of the house proposed for plot one in the interests of preventing impingement to neighbouring trees.

A condition for pile foundations to the rear and side elevation of the house proposed on plot one to ensure no future impact from or to T7 and ground protection

Waste Management

Do not object. It is expected that bin collection will be kerbside at the entrance to the original property on Lutterworth Road.

Local Highway Authority

The shared driveway layout proposed would be reasonable for the proposed number of dwellings. There appears to be sufficient space for vehicles to turn around within the site to avoid the need to reverse into or out of the site.

Full pedestrian visibility splays at the main access to the site from the service road. is good practice where pedestrian flows are heavy. Pedestrian activity here is light. The access already exists with some limited pedestrian visibility but there is no indication of any historic safety concerns.

The number and size of car parking spaces is satisfactory. The proposed development will generate some additional trips; however, these would be quite modest and unlikely to result in a severe impact on the local highway network.

The proposed bin collection point appears to be reasonable in that it is set back far enough along the proposed drive to allow cars to pass within the site but near enough to its entrance to facilitate collections.

The Highway Authority does not raise any objections to the proposal, subject to conditions

Noise Team

No objections to the proposals but suggest a construction management condition

Lead Local Flood Authority

The site is at low risk of flooding and no objection, subject to conditions for SUDS and Drainage.

Representations

Eleven objections from seven different City addresses were received to the original proposal:

- Detrimental impact on residential amenity by reason of noise, overlooking, smells, pollution and loss of privacy.
- Overcrowding and site density.
- Inappropriate layout
- Concerns of flooding that neighbouring properties experience and future subsidence.
- Traffic and parking
- Maintenance of the private road.
- Highway safety and access including for emergency services
- Adverse visual impact out of keeping with the area
- Nature conservation concerns.
- Impact on trees.
- Air quality impact
- Security.
- Arrangements for bin storage and access
- Local Amenities/accessibility

Following receipt of amended plans seven further objections were received repeating concerns already expressed and adding the following:

- Lack of lighting to the access road.
- No consideration of disabled access to the houses, roads and footpaths.
- Distance to the bin collection area from the houses.
- Lack of accessibility for disadvantaged residents.
- Loss of beautiful back gardens which offer sanctuary.
- Brownfield sites rather than garden grabbing/squeezing would be better to meet the city's housing targets.
- Two vehicle parking spaces insufficient for 4-bedroom homes proposed.
- Houses not suitable for disabled or elderly residents, aside from the garden with disabled friendly high beds.
- Car parking spaces are not eco-friendly as no electric car charging points have been made available.
- Primary schools are already full to capacity and health services already stretched.
- Local infrastructure is at its maximum.
- Unfair that area has already seen large housing developments be recently approved and under constructed at Franklyn Fields and 60 bed nursing homes.
- If approved, no works should be allowed between 9am-4pm.
- Fence doesn't provide adequate security or privacy.

Some objectors have also raised concerns about:

- Lack of publicity/public notices.
- Inaccurate Statements within the proposal.
- House devaluations.
- Out of date supporting documents.
- plans state 'Lutterworth Private Road' which suggests that it is part of Lutterworth Road).
- Insufficient pre-application consultation by the developer/applicant.
- Non-existent company on the Site Management, Waste Management and Collection Schedule.
- Objection to the way the Planning Department have managed the application through the practice of continually adding documents through the application process.

Consideration

Principle of development

The proposal would contribute towards Leicester's housing need with a mix of three and four-bedroom houses that would be suitable for family accommodation.

The land is not designated as green space. And I do not consider that four houses will have a significantly adverse impact on access to local amenities, infrastructure, schools and health services in the surrounding area.

Core Strategy policy CS08 *Existing Neighbourhoods* states that:

"Small scale infill sites can play a key role in the provision of new housing. However these should only be developed where damage can be avoided to the very qualities that make living in these neighbourhoods so desirable. Backland development is a significant issue in the suburbs, particularly in areas with larger gardens such as Aylestone, Evington, Knighton and Humberstone. The Council will therefore not permit development that does not respect the scale, location, character, form and function of the local area. Backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass. Development on garden land will not be permitted where it will have an unacceptable impact on levels of biodiversity in the neighbourhood."

In light of this policy context, I consider the proposal to be acceptable in principle, subject to the following considerations.

Design

The existing houses off the private road to which the application relates are detached, of individual designs and set within spacious plots.

I consider the proposal to be in-keeping with the scale of the two storey detached houses along this private road. The proposed houses would be set within reasonably sized plots, already below the expected densities of new development.

The proposal is also of an individual design, in keeping with the established individuality of the existing houses along the private road. The proposed houses themselves will be of a consistent design within the site.

The proposed houses do take cues from the existing houses along the private road, such as the projecting gables to the front and the steep dual pitched roofs that allow for roof lights and second storey living space. The projecting gables to the front will be clad to add detail and variety to the front elevations.

I have no concerns regarding the height of the proposal. The projecting gable at plot 4 has been reduced to a one storey eaves height, which should minimise the amenity impact on the houses at 49A and 49B Lutterworth Road.

Layout

A consistent front building line and east facing orientation is proposed, with the garage fronts of buildings 1 and 2 aligning with the principal front elevations of plots 3 and 4.

The improvements to the pedestrian access around the turning head are also welcomed. All homes have pedestrian access from parking spaces to the front door.

Two options were suggested for brick choice for the homes, with the Terca-Northgate Blend being the better-quality option, with better facing texture relative to the sand creased brick originally proposed and colour variation to prevent monotony. This brick has now been proposed, with specification detail provided.

Brick detailing is proposed to the front and rear elevations, to add interest and variety to the elevations.

Cladding is proposed to the front elevation of the projecting gables to the front, which I consider would add interest in contrast to the brick, subject to satisfactory additional details of the cladding for which I recommend a condition.

The removal of the closed border fencing towards to the front of the access to the site, as per the amended plans, is more appropriate. This combined with an increase in soft landscaping on the frontages, has benefitted the amended proposal both on the layout plan and the street elevations.

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 character and appearance of the area.

Living conditions

The proposed houses will provide a good amount of internal floor space.

All rear gardens spaces will be 100 square metres, in accordance with the private amenity space standards of the Residential Amenity SPD. The houses will have a reasonable outlook.

The houses would provide satisfactory access to the street and amenity space and the main entrances are sufficiently sited to prevent safety and security concerns.

The house at 49B Lutterworth Road was approved with obscure glazed windows to its north side facing elevation and therefore will not cause a significant loss of privacy to the rear garden space of proposed plot four house.

No street lighting is proposed for the access road. Motion sensor lighting is proposed above the front door of each house. I do not consider these would have a significant impact on the neighbouring properties due to the small scale of the domestic lighting and the distances from neighbouring properties. There will be natural surveillance of the access road to the immediate front of the proposed houses as well as from the front of the existing house at 43 Lutterworth Road. In the interests of safety and security, I recommend a condition for a lighting scheme to be submitted and approved prior to occupation of the approved houses in the form of low-level lighting.

I recommend a condition that the dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement'.

Residential amenity (*neighbouring properties*)

Close boarded fencing is proposed to the boundaries, with the landscape plan stating that it will not exceed 2m in height. In the interests of screening, acoustic buffering, privacy and security, I recommend a condition that the boundary treatment shall be 2m in height.

Hedges are also proposed to the boundaries which would provide further security to the rear gardens of neighbouring properties from the proposed access road. The existing service road from which the site would be accessed has barriered access. No boundary treatment is proposed to the front section of the proposed access road to the site, but this section of the access road is already in use as an open driveway for the existing house at 43 Lutterworth Road. 41 Lutterworth Road already has a boundary hedge and high/dense soft landscaping thereafter to the boundary with this section of the proposed access road. There is already a significant amount of high/dense soft landscaping to the remainder of the boundary with 41 Lutterworth Road and existing boundary fencing between the two properties. Subject to the recommended conditions, I do not consider that the proposal would result in a significant loss of security to neighbouring properties.

As the proposal is for back land development via a single private service road within a primarily residential area. I therefore recommend a condition to restrict the hours of construction time and a condition for a construction management plan in the interests of minimising noise, general disturbance, environment health and traffic/parking issues to nearby residents.

The proposed boundary fencing and soft landscaping will also provide acoustic buffering to noise from the access road. 41 Lutterworth Road has an extensive garden at a length of approximately 54 metres and the main house is set away from the access road by approximately 12 metres. The rearmost elevation of 45 Lutterworth Road

would be located approx. 17m from the access road, whilst the rearmost elevation of 47 Lutterworth Road would be approx. 12m from the access road. 45 and 47 Lutterworth Road have garden lengths of approx. 18m. The rear elevation of 49A Lutterworth Road would be 13m from the access road. It also has an L-shaped rear garden that will be partially set away from the access road. I therefore consider that the occupants of these neighbouring properties are unlikely to be significantly adversely affected by activity along the access road. The application site is owned by the same owner as 43 Lutterworth Road, which will be left with a garden length of 19 metres in depth. Given the generous garden lengths of the existing low-density residential area, the acoustic buffering from the boundary treatments and soft landscaping and the benefit of the proposal of in providing needed housing, I do not consider that any harm to amenity as a result of the access road would be outweighed by the benefits of the proposal.

No street/flood lighting is proposed to the access road. I do not consider that the minor development with proposed boundary treatments of fencing and soft landscaping at considerable distances from the rear neighbouring houses and immediate rear garden areas would create a significant amount of car fumes or light pollution.

The Residential Amenity SPD advises a distance of 11m between principal room windows and neighbouring gardens to retain sufficient privacy. 11 metres will be retained or greater for the distance between all principal room windows and facing rear gardens. Whilst the houses and rear gardens along Franklyn Road are set at a lower land level than the proposed houses, these neighbouring houses along Franklyn Road have very long rear gardens ranging from approx. 34m length to 28m length. I therefore consider the 11m distance between the rear elevation of the proposed houses and the rear boundaries of the gardens along Franklyn Road to be sufficient.

The rear garden of 41 Lutterworth Road is set at a lower ground level than the northern side wall of proposed plot 1 house. In the interests of the privacy of the rear garden of 41 Lutterworth Road, I recommend a condition that the side facing windows shall be obscure glazed and retained as such with the exception of a top opener. These side facing windows are non-principal room windows and therefore acceptable with regards to outlook and living conditions.

The Residential Amenity SPD (2008) also guides a distance of 21m between facing principal room windows and 18m between non-direct facing windows in the interests of privacy. The proposed principal room windows will retain this distance from neighbouring principal room windows or greater.

The Residential Amenity SPD further guides a distance of 15m between principal room windows and facing walls in order to retain sufficient outlook. The proposal would exceed this distance. Even with the lower land levels of houses along Franklyn Road, I consider due to the large distances between the existing and proposed houses that the proposal would not have a significant impact on the light and outlook to windows of these neighbouring properties.

The rear garden of 41 Lutterworth Road is located to the north of proposed plot 1 house and set at a lower land level. However, due to the very large size of the rear garden of 41 Lutterworth Road at approximately 1500 square metres, I do not consider

that the proposed house plot 1 will have a significant impact on light and outlook for this neighbouring garden.

The proposed garage to the front of plot 4 house would intersect a 45-degree angle taken from the centre of the ground floor bay window to the front of the house at 49B Lutterworth Road. I do not consider the impact on the light and outlook to 49B Lutterworth Road would be significant given that the proposed house plot 4 will be set at a lower ground level. There will be a distance of approximately 11m before the garage intersects the 45-degree line and proposed house plot 4 is located to the north of 49B Lutterworth Road.

The existing house at 43 Lutterworth Road to which the land relates will retain sufficient rear garden space. Part of the land to the south once formed part of a large rear garden space to the bungalow at number 47 Lutterworth Road. 47 Lutterworth Road would also retain sufficient rear garden space, both exceeding the minimum private amenity space requirement of Appendix E of the Residential Amenity SPD (2008).

Subject to the recommended conditions, 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). It is acceptable in terms of the privacy and amenity of the neighbouring occupiers and future occupiers of the proposed houses.

Waste storage and collection

There would be adequate space to the waste storage areas to the side of the proposed houses, and the waste collection area on the access road, for a 360-litre bin and orange recycling bag for each house proposed.

It is not considered necessary to enclose the waste storage area due to the minor scale of the proposal and in the interests of minimising street clutter and minimising impact to the soft landscaping within the front garden of 41 Lutterworth Road. Ensuring the waste collection area remains clear would be the responsibility of future occupiers.

There is already a precedent for bin collection along the service road. A waste management company collect the bins from the service road by walking them out to the waste collection vehicle. Future residents will be responsible for waste management at the site.

The proposed bin collection area would be located approximately 11m from the side house at 41 Lutterworth Road. Furthermore, it is only intended to be for storage during collection days and the remainder of the time waste is proposed to be stored within the rear gardens of the respective houses. The bin collection area would also be separated from the front garden/driveway of 41 Lutterworth Road by a boundary hedge, albeit cut back where on the land of the application site. I do not consider that the proposed bin collection area would cause a significant problem for the residents of 41 Lutterworth Road.

Highways and Parking

Having regard to Appendix 01 vehicle parking standards, I consider that the level of vehicle parking provision proposed is acceptable. The parking spaces meet the required dimensions. Cycle parking can be accommodated within the garage or a shed to the rear garden if desired.

The service road is unadopted highway and as such is not maintained at public expense. Road markings and signing have been provided at the entrance to the service road to reinforce this to drivers.

The proposed access road would be 5m width, which is sufficient. A visibility splay is proposed to the south of the access road at 25m. The developer has no control of land at 41 Lutterworth Road to create an additional visibility splay to the norther side of the access. It is acknowledged that vehicle flows are low along the service road, and generally most of the traffic approaches the site from the south. The line of vision from the access road is considered to be acceptable.

I do not consider that 2m by 2m visibility splays to each side of the parking spaces is required given that this would reduce the amount of landscaping that could be accommodated on the site, and is not necessary for the low amount of traffic that would occur on the access road.

The number of vehicles using the existing service road would increase as a result of the development of additional dwellings. I do not consider, however, that the amount of vehicles using the access road would result in additional congestion or traffic to the detriment of highway safety given the low number of new dwellings proposed. The access road is considered an acceptable width, allowing emergency vehicles to use it.

The development is situated more than 45m from the highway. A turning facility has been provided so that emergency vehicles and any other vehicles such as delivery vehicles should not have to reverse considerable distances.

No separate provision has been made for pedestrians and the drive would therefore operate as a shared surface. This is acceptable as the drive would only serve four dwellings and as such would only have low levels of traffic. Due to the low levels of traffic, additional street lighting is also not considered to be necessary.

Whilst Lutterworth Road itself is an air quality management area (AQMA), the service road and the proposed application site are not within an AQMA. The service road is separated from Lutterworth Road by tall and dense vegetative screening, whilst the application site itself is also set back from Lutterworth Road by the large surrounding gardens.

Subject to the recommended conditions, 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 parking.

Drainage

Permeable paving is proposed. A landscaping scheme is proposed to compensate for the loss of existing vegetation on site. Subject to the recommend conditions for an updated Sustainable Urban Drainage Strategy and Drainage Strategy to secure Lead Local Flood Authority requirements regarding an exceedance statement, drainage and

water quality control assessment, I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage and preventing subsidence and/or flooding to neighbouring properties.

Nature conservation/Trees/landscaping

Objectors have noted that former trees and vegetation on the site have been removed. These trees were not protected through the planning system and therefore were able to be removed without planning consent. There were also formerly two ponds on the site, which have since been infilled.

The site comprises of hard and soft landscaping made up of pathways, a small garage and mature rear gardens.

During the course of the application, an amended Tree Survey Report and Protection Plan, amended Landscape and Ecological Management Plan, Bat Survey, Biodiversity Impact Assessment and Calculator and Hard and Soft Landscaping Specifications have been submitted.

The Biodiversity Impact Assessment quantified the loss of recent vegetation cleared as well as any further loss because of the proposal. The applicant's ecologist has put forward a rational case to support the viability of the proposed habitats within the site and I am assured that the proposal has demonstratable benefit. The habitat mitigation proposals are reasonable. I am also satisfied that the applicant's ecologist has reasonably accounted for habitat losses.

Great crested newts are unlikely to use the site and no further surveys are required for this species. A desk-top study found no evidence of badgers or grass snakes. The Bat Activity Survey is satisfactory and no further ecological surveys are required. A single bat emergence survey was undertaken in June 2020 as a result of a preliminary bat roost assessment which concluded that the garage structure that is proposed to be demolished was of low bat roosting potential. No bats were observed emerging from the structure during the survey and it was determined that the demolition of the garage would have a negligible impact on roosting bats.

The procedure put forward for what must be done in the event of finding bats during works, is accepted. I recommend a condition to this effect.

The proposed landscaping scheme has been enhanced by amendment during the application process and is now acceptable. Additional information has been submitted to clarify and confirm the management and maintenance of the proposed landscaping. A plant schedule including the size and species of the trees has been submitted. Trees are now proposed to the front gardens in addition to the rear gardens. The landscape plan now references to hedgehog gaps in fences and an amended tree pit detail has been submitted with mulch layer to help with establishment.

The tree survey has been revised for accuracy purposes and to state that temporary ground protection in the form of heavy-duty ground guards over semi-permeable geotextile for the construction phase will be installed to minimise harm to the tree T7 during construction works.

The roof protection area of T7 is within one metre of the corner of proposed plot one house, but the roots of the tree will extend further. I recommend a pre-commencement condition for details of pile foundations for the proposed plot 1 house.

In the interests of protecting neighbouring trees, I recommend a condition for the access road to be installed with a 'no dig' method, pile foundations for proposed plot 1 house and ground protection within the Root Protection Area of T7.

Other matters

Regarding other objections received, matters regarding access to and maintenance and repair of the private road are a private matter for the site owners. Matters relating to restrictive covenants are private matters. Devaluation of house prices is not a material planning consideration. The application has been publicised in accordance with statutory requirements.

Removal of Permitted Development Rights

The properties are large and set within their own plots; however I consider that additional alterations including extensions and outbuildings may be detrimental to visual and residential amenity whilst also impacting local ecology. On this basis, I recommend a condition is attached that removes permitted development rights for extensions and outbuildings

Conclusion

Leicester city Council does not currently have a 5-year housing land supply. The proposal would make a contribution to Leicester's housing need with four good quality houses. This benefit would not be significantly or demonstrably outweighed by any adverse impacts of the proposal when assessed against policies in the NPPF taken as a whole, as well as local policies.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with policies AM01,

AM02, UD06, PS10 and PS11 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS15. 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 together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the City Council as local planning authority. No property shall 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. Prior to the commencement of development details of drainage shall be submitted to and approved in writing by the City Council as local planning authority. No property 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

5. Prior to commencement of development, detailed plans and particulars of a no dig system to be used for the construction of the proposed access road 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. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, 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).

6. Before the development commences 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 City Council as local planning authority and the approved lighting implemented and retained thereafter. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. (In the interests of safety and security of existing and future residents in accordance with saved policy PS10 of The City of Leicester Local Plan (2006). 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, the materials to be used for the cladding to the front elevations shall be submitted to and approved in writing by the City Council as local planning authority and the development implemented in 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).

8. No construction work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless a methodology has been submitted to and approved in writing by the City Council as Local Planning Authority. Leicester City Council's Local Planning Authority shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan).

9. Prior to the commencement of development to proposed plot one house, detailed plans and particulars of pile foundations to be used along the rear and northern side elevation of the house and a no dig system to be used to install the slabs/patio to the rear of proposed plot one house shall be submitted to and approved in writing by the City Council as local planning authority and the development carried out in accordance with the approved details. (To secure the satisfactory development of the site and to protect neighbouring trees from future felling risk in accordance with saved policy UD06 of The City of Leicester Local Plan (2006) and Core Strategy (2014) policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

10. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, protective fencing and temporary ground protection in accordance with British Standard BS 5837:2012 and Section 6 and the Proposed Tree Protection Plan of the Tree Survey Report shall be implemented and maintained thereafter until all equipment, machinery and any surplus materials have been removed from the site with the exception of the removal of the temporary ground protection required to install the rear patio to proposed plot one house. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the City Council as local planning authority unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.

11. Prior to the commencement of any other development, the garage shall be demolished and the access road constructed in accordance with the approved details and plans (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

12. 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 dwellings 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 dwellings are adaptable enough to match lifetime's changing needs in accordance with Policies CS03 and CS06 of the Leicester Core Strategy (2014)).

13. No part of the development shall be occupied until the following works have been carried out in accordance with details shown on the approved plans: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

14. Before the occupation of the development the outdoor parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)

15. No part of the development shall be occupied until 2 metre by 2 metre sight lines on the southern side of the site's proposed access road has 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.)

16. There shall be no obstruction for at least two metres west of the line where the proposed vehicle access road to the site meets the existing service road. (In the interests of highways safety in accordance with saved policies AM01 and AM02 of The City of Leicester Local Plan (2006)).

17. Before occupation of the proposed house at plot 1, the new windows facing 41 Lutterworth 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 41 Lutterworth Road and in accordance with policy PS10 of the City of Leicester Local Plan).

18. The proposed boundary fencing shall be 2 metres in height from ground level. (In the interests of the privacy, amenity and security of neighbouring properties and in accordance with saved policy PS10 of The City of Leicester Local Plan (2006)).

19. 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.)

20. Notwithstanding the provisions of Classes A, B, E and F, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any subsequent re-enactment with or without modification), no enlargements, alterations or improvements or shall be undertaken without the prior permission of the City

Council as local planning authority. (The City Council as local planning authority would wish to give special consideration to enlargements and alterations falling within those classes and their impact on residential amenity in accordance with policy PS10 of the City of Leicester Local Plan.)

21. This consent shall relate solely to Section 6 (with the exception of the need for a further bat survey) and the specifications of page 22 of the submitted Preliminary Ecological Appraisal received by the City Council as local planning authority on 09/06/2020; the amended plans ref no. 24:20-HBA-101 and 24:20-HBA-102 and the submitted plan ref. no. 24:20-HBA-103 received by the City Council as local planning authority on 02/09/2020; the Landscape Softwork Specifications and Landscape Hardwork Specifications and amended plans ref no. 24:20-HBA-011 Rev J, 24:20-HBA-12 Rev B, 24:20-HBA-13 Rev A, 24:20-HBA-014 Rev B and KGA-003-05 received by the City Council as local planning authority on 30/09/2020; Section 3 of the Biodiversity Impact Assessment received by the City Council as local planning authority on 07/10/2020; Section 5 and Appendix 1 of the Follow-up Bat Emergence and Activity Survey and the Brick Specification received by the city council as local planning authority on 28/01/2021; the amended plan ref no. KGA-003-02-Rev D received by the City Council as local planning authority on 01/02/2021; the amended Landscape and Ecological Management Plan received by the City Council as local planning authority on 24/02/2021; the Site Management, Waste Management and Collection Schedule received by the City Council as local planning authority on 08/04/2021 and Section 6 and the Proposed Tree Protection Plan (Appendix 3B) of the amended Tree Survey Report received by the City Council as local planning authority on 16/04/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. Regarding condition 8, it is unlikely that any construction or demolition work will be agreed outside of the hours detailed above unless the Local Planning Authority is satisfied that:

- a) the work will not be detrimental to occupiers of neighbouring properties
- or
- b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

2. The Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It will apply to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

The document will be subject to a review after 12 months. During the review period we invite comment from users to assist us in further developing the guide.

3. 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_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_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_CS14 | The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads. |
| 2014_CS17 | The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network. |