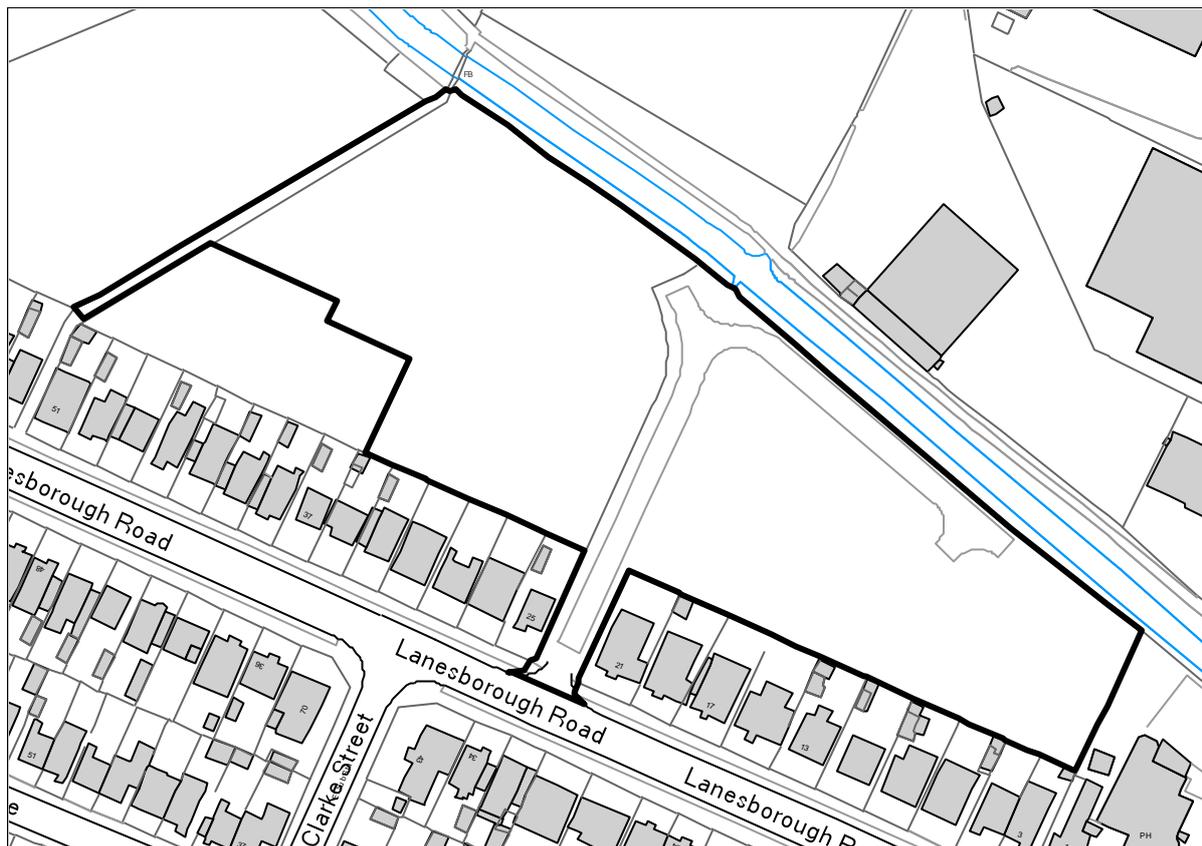


## COMMITTEE REPORT

<b>20200789</b>	<b>Lanesborough Road, Land at rear of Nos 3 - 53</b>	
Proposal:	Construction of 37 dwellings (12 x 1-bed; 9 x 2-bed; 12 x 3-bed; 4 x 4-bed); associated roads, drainage and landscaping (Class C3). (Amended plans).	
Applicant:	Leicester City Council	
App type:	City Council Regulation 3	
Status:	Smallscale Major Development	
Expiry Date:	31 August 2022	
LL	TEAM: PM	WARD: Rushey Mead



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### Summary

- This application is brought to Committee due to the number of objections received

- 190 objections have been received from 91-94 households (some objections do not include a full address) (all except one within the City) relating mainly to the principle of development, highway issues, flooding, amenity, public safety and ecology.
- The main issues are the principle of development, ecology, flood risk, living standards for occupants, impact on neighbours and highway safety.
- The application is recommended for APPROVAL subject to conditions.

## **The Site**

The site is a former allotment site accessed from between Nos 21 and 25 Lanesborough Road. It runs roughly north-west to south-east for about 225m between the rear of properties on Lanesborough Road and the Melton Brook. The site is wedge-shaped, with the east end being about 36m deep and the west end about 86m deep.

The allotments were closed some years ago and the site is now overgrown with largely self-set small trees and shrubs and so on. The entrance road from Lanesborough Road remains, and is usable, and leads to a perpendicular internal site road about 100m along the Brook. At this point the site is 98m deep including the access road, 68m excluding the access road.

There is no obvious trace of previous buildings on historic maps at the site.

The Melton Brook runs in a ditch along the north-east boundary of the site, and to the east runs behind the Owl and Pussycat pub which is on the corner of Lanesborough Road and Melton Road. The Brook to the north-west runs through a wooded area and then into the River Soar. To the north of the Brook is an industrial area.

The Melton Brook runs within a ditch that is banked. The top of the bank is roughly but not exactly along the site boundary, and there is a requirement from the Environment Agency that a buffer of 8m is kept clear from the top of the bank into the site. (This relates to maintenance access, not flood risk).

To the west of the site is a public footpath leading between Nos 51 and 53 Lanesborough Road, across the site, and then leading to a footbridge over the Brook and a path alongside the Brook on the north bank. This footpath is within the application site.

Nos 3 – 21 Lanesborough Road are detached bungalows dating from around the 1960s, variously altered and extended. Nos 25 – 53 are detached houses from the same period, again variously altered and extended. All have on-plot parking accessed from Lanesborough Road, with grass verges to the footway between the dropped kerbs. Lanesborough Road has a wide carriageway, about 9m, so cars are not usually parked on the verges.

To the west of the site is a green partly wooded area, with footpaths, leading across to the River Soar about 300m away. This is interrupted about 150m from the site by the Bath Lane Showman's Guild caravan site.

## **Background**

The site subject of this application forms part of a larger allocated site. Some plans submitted with this application show housing on the western part of this larger site, which is referred to as Phase 2, but Phase 2 is not part of this application and cannot be considered at this stage.

The site has been allocated for development for a long time, and some occasional applications have been submitted as listed below. There is no recent planning history although pre-application discussions were under way before this application was submitted.

## **Planning History**

**20060069** Outline application for residential development outline withdrawn 12/6/07. There was a holding objection from the Environment Agency (EA) as no flood risk assessment (FRA) had been carried out.

**20021358** Outline application for residential development, effectively a renewal of 19980855. Withdrawn 17/1/05. There was a holding objection from the EA but no FRA.

In respect of the applications in 2002 and 2006 which were withdrawn the flood risk situation was not established as the FRAs were not carried out.

**19980855** Outline permission for residential development granted 13 September 1999. Included a condition stating that Finished Floor Levels (FFLs) must be a minimum of 600mm higher than 51.85AOD. (On the 27/1/2000 the EA said that the flood level is 50.85m AOD (not 51.85m) so finished floor levels (FFLs) should be 51.45m.)

The committee report for application 19980855 stated that there was an initial objection from the EA however they then prepared new indicative flood risk maps, and much of the earlier information was updated. The EA had no objection after that, subject to conditions relating to a buffer along the watercourse and FFLs.

**19901002** Application for 20 flats for the elderly. Permission was granted in August 1990 subject to approximately the same FFL condition as on 19861046. (At this time the landfill gas issue was identified. This would require significant remedial measures, but the source could not be identified and the results from the survey were inconclusive which hampered proposals for remedial work so the scheme was abandoned.)

**19861046** Application for 28 warden assisted flats and 14 cottage flats, permission granted in 1986. This was to form Phase 1 of the scheme permitted below. Preliminary earthworks to raise ground levels were carried out and the access road was installed but no further work took place. There was a condition requiring that FFLs are no less than 150mm higher if solid and 450mm if suspended than the flood level of 51.93m AOD. It is understood that the access road was built on the site of No 23 Lanesborough Road in 1987.

**19851773** Renewal of 19820778 granted December 1985. A condition required that ground levels were to be made up to 51.51m at the western end of the site and 51.93m at the eastern end, and that FFLs are no less than 150mm higher if solid and 450mm if suspended than this level.

**19820778** Outline application was approved in November 1982 and expired in 1985. There was a FFL condition which is in feet and inches.

**19810175** – withdrawn.

**19801380** – withdrawn.

## **The Proposal**

The proposal brought before Members is to construct 37 dwellings, being 12 x 1-bed; 9 x 2-bed; 12 x 3-bed and 4 x 4-bed. Of these, 12 would be one-bedroom flats and two would be two-bedroom flats. The remainder would be houses except for one bungalow.

The entrance into the site would be at the existing site entrance between 21 and 25 Lanesborough Road. This would extend along the existing route for roughly 60m into the site, and then would T off to each side forming a main site road. This main site road would be parallel to Lanesborough Road.

Of the dwellings, fifteen would back onto Nos 3 – 35 Lanesborough Road; two would be side-ways on to Nos 21 and 25 Lanesborough Road at the head of the access road. The flats would be in three small two-storey blocks on the north side of the site road, and the other six houses would be towards the north-west of the site.

One dwelling, a wheel-chair accessible bungalow, would be detached; the remainder of the houses would be semi-detached. Ten of the houses would be in a corner-turner style.

As the site narrows to the east the proposal is to have a narrow block of flats alongside and a deeper block slightly to the west. Directly facing the access road would be an area of open space with several retained trees and a drainage attenuation feature. The third block of flats, and six houses, would be to the north of the site road and the west of this open space, forming a small square.

Beyond these units, at the west of the site alongside the existing public right of way, would be a second area of green space with a further drainage attenuation feature.

The far eastern section of the road, accommodating the turning head, would be a shared surface area.

There would be four private vehicular accesses, two to small parking courts for the flats, one serving four flats and two houses, and the other being a shared drive serving three of the houses.

Each of the dwellings would have one private car parking space, either on-plot or in a small parking court, and there would be parking laybys along the road to accommodate additional car parking.

The proposal as initially submitted had an almost identical road layout however there were no flats and the houses were arranged in a pattern without consideration given to the overall appearance of or relationship to the public realm. The houses facing onto the access road were closer to the existing housing, and the layout was more formalised. Almost all car parking was proposed on-plot, and there was very little consideration of on-street car parking. Following discussion with colleagues, and after detailed and extensive advice from the Urban Designer and the Senior Planner,

this was amended and following further minor amendments the scheme before you now was arrived at.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2021

Section 2 – achieving sustainable development.

Paragraph 11 – the presumption in favour of sustainable development, which includes the “tilted balance” setting out that where there is no 5-year housing land supply local plan policies should be considered out of date, and applications for housing approved, unless 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.

Paragraphs 39 – 42 the importance of pre-application engagement

Section 5 – Delivering a sufficient supply of homes

Paragraph 60 – “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

Paragraph 69 – “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”

Section 9 – Promoting sustainable transport

Paragraphs 124 – 125 – Achieving appropriate densities

Section 12 – Achieving well designed places, paragraphs:

130 (f) – create places that are safe, inclusive and accessible and which promote health and well-being

132 – Design quality considered throughout the evolution and assessment of individual proposals.

134 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Paragraph 179 – Biodiversity

Paragraph 185 – Contamination

Section 16 – Conserving and enhancing the historic environment

### Development Plan policies

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

The key policies are AM01, AM02, AM12, GE03, GE06, H01, H03, PS10, PS11, UD06, CS02, CS03, CS13 and CS17.

### Supplementary Planning Documents (SPD)

Residential Amenity SPD, 2008

Green Space SPD, 2011/2013

### Other legal or policy context

#### *Leicester Climate Emergency Strategy 2020*

This seeks to achieve as close to an in-use carbon-neutral standard as possible for development on land released by the council, based on the energy hierarchy, and also to achieve a reduced carbon footprint from construction materials.

Sustainable drainage, use of solar power and the use of low carbon heating such as heat pumps are encouraged.

#### *Leicester City Council Sustainable Drainage Guide (2015)*

#### *Leicester Street Design Guide (June 2020).*

This document sets out standards for parking and accesses.

#### *Corporate Guidance – Achieving Well Designed Homes (October 2019)*

This document, which is not adopted, sets out in more detail the matters to be considered when interpreting the city council's policies relating to the quality of proposed residential accommodation.

#### *National Design Guide (October 2019) (the NDG)*

This document forms part of the National Planning Practice Guidance. The following sections are of particular relevance:

*“...good design involves careful attention to other important components of places. These include:...the context for places and buildings...” (para 20).*

Paragraphs 120-123 stress the importance of homes that provide good quality internal and external environments, that are adequate in size, fit for purpose and adaptable.

The “Homes & buildings” section of the Guide is explicit about the need for a good standard and quality of internal space, taking into account “...room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.” (para 126).

The NDG seeks good design and supports modern methods of construction.

#### *Nationally Described Space Standard*

Leicester City Council does not have a policy requirement relating to space standards in homes so cannot use the NDSS formally to assess applications.

## **Consultations**

### Local Highway Authority (LHA)

No objection subject to conditions. (Comments incorporated into consideration below).

### Lead Local Flood Authority (LLFA)

No objection subject to conditions to secure a construction method statement for flood risk mitigation measures during construction and a written response to the swale gradient clarification. (Further comments incorporated into consideration below).

### Better Buildings (Sustainability)

Pleased to see that a number of measures are proposed to make this development highly energy efficient and minimise carbon emissions, with the potential for an 84.5% reduction on the building regulations baseline.

### Pollution Control – Land

Request contaminated land condition and landfill gas condition.

### Pollution Control – Noise

Further information requested. Survey does not include measurements made during rush hour.

The acoustic reports suggests that trickle vents will provide satisfactory ventilation should environmental noise levels require that windows are closed to achieve satisfactory internal levels. Four air changes per hour is required in all habitable rooms for thermal comfort. It is suspected that trickle vents will not achieve this. Should the final acoustic survey results demonstrate that occupiers must have the option of closing windows to exclude noise, details of ventilation arrangements that achieve four air changes per hour in habitable rooms would be required.

The Owl and the Pussycat is licensed to open, with live music, until 0200 on a Friday and Saturday. No complaints have been received about the pub despite houses being located closer to the pub than the proposed development. The current operation of the pub is unlikely to be detrimental to occupiers of the proposed Development.

### Air Quality Officer

An Air Quality assessment was carried out for this development. The report identified a set of measures that need to be implemented during a Construction Phase to control dust pollution. A table of those mitigating measures can be found in Appendix 1 of the document and it is recommended that the developer implement those.

The report has not identified any mitigating measures that need to be implemented for the Operational Phase, but it is recommended that a Travel Plan in form of

Travel Pack be implemented for each unit. Also the developer should consider implementing electric charging points in this development.

### Environment Agency (EA)

The EA is satisfied that any flood risk concerns in regard to the development have been fully considered and therefore have no objection to planning permission being granted. The EA recommends planning conditions to ensure that the proposals meet the requirements of the National Planning Policy Framework in relation to flood risk.

It is acknowledged that development (omitting the site access) has been configured to avoid areas of Flood Zone 2 within the red line boundary with finished levels set with freeboard above the 1 in 1000-year modelled event. Although the main access to the site has been assessed as being outside of both the design and sensitivity flood events the access is shown to be inundated by flooding within the 1 in 1000yr event. Typically, within this event depths are below 300mm however the residual risk of flooding remains. It is recommended that a flood management plan is prepared and that the site is registered for flood alerts and warnings for the Upper Soar catchment to ensure the safety of residents within the occurrence of more extreme events.

No objection subject to conditions relating to finished floor level and further information to show how contamination would be assessed and mitigated, and some notes to applicant.

### Trees and Woodlands

No objection. Arboricultural Impact Assessment and tree constraints/protection for retained trees should be made a condition.

### Parks and Open Spaces

Although the site would provide public open space, a contribution is sought towards other kinds of open space.

### Education and Children's Services

No contribution sought as there are available school places.

### **Representations**

One hundred and ninety objections have been received in total (as at 28/7/22). Several local households have sent more than one objection. The objections are from 91 city households, although three objections have been received without a street number so there could be up to 94 different households represented.

Of these objections about 53 were addressed in response to the Regulation 18 Local Plan site allocations consultation of 2021 however as the letters (mostly identical) relate directly to this application they are reported here. It is noted that

there were no public comments submitted in response to the Emerging Option, Sites, and Development Policies consultation in 2017 which included this site.

Comments have been received from a further five city addresses, and one objection from an address outside the city.

References in this section to “Arcadis” apparently refer to comments made by the planning agent. It is understood that some of these comments were made at a public meeting in the summer of 2020 attended by representatives of the applicant.

### First consultation – July 2020, and Local Plan consultation of October 2020

The comments relate to:

#### *Consultation*

- Initial consultation period was during the 2020 lockdown, the contact centre was not available for people to view the application
- This looks to be deliberately done to evade the local residents
- Unacceptable for the notice to be put up during covid pandemic, very [insensitive] of whoever made this decision
- People cannot get together to discuss the situation
- Short notice for comments
- Lack of consultation – certain properties not received direct notification
- Many elderly residents do not have internet
- Area was not informed of this
- Development is unjust

#### *Principle of new housing*

- Why plan new houses when there are empty flats and some being demolished in city centre
- Other brownfield sites that could be used
- This site is classed as non-strategic in the Local Plan, why would the council proceed with the destruction of what is now a wildlife habitat in a time when we need to preserve our natural space
- Why would the council consider spending our money on land which no private developer would consider building houses on
- With working from home office buildings and shops in the centre will be vacant so logical to renovate those properties
- There is plenty of industrial land that could be converted
- Many of the existing residents are pensioners
- Decrease in property value
- Area would become urbanised
- Overdevelopment of site should be a lower number

- Already over-populated area
- Unacceptable high density
- Inappropriate scale of development, overdevelopment
- Mostly bungalows backing on to development site
- Previous archaeological and geological surveys deemed the land not suitable to be built upon
- Land was unsuitable for development thirty years ago why is it suitable now
- Planning was previously denied to a private developer, it is [unacceptable] for the council to apply for the same [development] double standards is unacceptable
- Building of 17 one-bed houses would be a waste of space
- Funding should be used to develop existing council properties
- Area does not need more social housing
- Residents are mainly retired and many have lived here since the houses were built
- Retired residents who have contributed to the betterment of the city do not deserve to be subjected to an indescribable amount of disruption and noise
- Covid 19 is worse in places with a high concentration of people, adding more to an already populated area seems silly
- How can we practice social distancing if there is more development and increased crowds
- Lack of leisure spaces in this area considering the high population
- Smaller applications have been refused for little or no ground, this represents hypocrisy by the council
- Proposed 61 units over the two phases would be an overdevelopment of the land due to the limited single access road

#### *Design*

- Design of houses not in keeping with design of existing buildings
- Dwellings would be constructed using Structural Insulated Panels, they might not be intended to be of a design in keeping with the area
- Development is overbearing, out of scale or out of character in terms of appearance

#### *Neighbour amenity*

- Overlooking/lack of privacy, [particularly from residents who back on to the development site]
- [Proposed] house No 1 would overlook my rear and garden
- Houses behind 21 and 25 Lanesborough Road would block sunlight to these properties

- Report mentions raising site level, this might impinge on privacy of residents
- Part of the site is raised, this might affect privacy
- Beneficial effect of having green space behind houses, especially during Lockdown
- Overshadowing/loss of light to existing dwellings
- Increased noise for residents of the houses alongside the entrance road
- Existing bungalows are owned by elderly retired residents who are unlikely to adjust to this huge change
- No lighting assessment has been provided for the existing houses
- Noise pollution and nuisance for residents during construction
- Impact of noise on mental wellbeing
- Adding further to noise and visual pollution for residents
- Noise survey was for one day only and is not representative
- Lights from cars will shine into my windows as cars turn the corner into the site and additional noise from vehicles turning into the access road
- Increase in crowds
- People will walk past our house to get to the pub
- People bought houses on this side of Lanesborough Road so that they can enjoy a quiet life

#### *Highways and vehicle parking*

- Lanesborough road already used as a short cut / used for school drop off/pick up / used by learner drivers
- Traffic and noise going into/out of the development
- We live on corner of the access road, concern about increase in noise
- Traffic noise driving past our bedroom windows
- Object to pedestrian crossing in front of our window (No 19) will obstruct driveway access
- Increase in pedestrians will cause noise
- Increase in traffic, impact on residents on foot/cycle including elderly vulnerable residents and children playing
- Increase in traffic accidents
- Danger to children going to school
- No consideration given to additional traffic and overspill parking on other roads
- Traffic impact during development – highway safety
- More cars, more pollution
- Pointless to measure noise and pollution during lockdown

- Proposal could go against Leicester's Local Transport Plan as proposal would increase emissions and reduce safety
- Transport Statement assumes a lower impact of traffic than the reality would suggest
- Suggest traffic lights at site entrance
- Suggest another entrance into the site
- Current access road too narrow to permit the proposed traffic
- People might park on both sides of the access road, narrowing it further
- There would be no access if there was an accident on the site
- Level of traffic at roundabout junction already a problem
- Increase in risk of accidents at Berridge Road/Claremont St which is a blind double bend
- Bath Street, one of the access points, is narrow
- Traffic problem with school traffic, people park at the junctions
- Where will the cars park
- I cannot park outside my house a lot of the time
- Most houses are narrow
- Residents of the proposed site might park in front of the houses on Lanesborough Road
- One-bed houses would not require parking
- Common knowledge that all singletons have cars or multiple cars
- Each household will have 2-3 cars
- Cyclists will go on the pavement
- With new entrance, seems no need to maintain the public footpath between 21 and 25 Lanesborough Road which has been a venue for antisocial behaviour and illicit activities
- My daughters use the footpath often as a link to Watermead Park

#### *Flood risk and drainage*

- Similar planning applications rejected, what has changed
- Flood plain is too close
- Green land provides flood plain protection, helps mitigate flooding in the area
- If development proceeds council will be liable for damage to our house
- Flood risk being downplayed – global warming
- More concrete buildings will mean more flooding

- If the site floods there would be nowhere for the water to go other into the streets gardens and potentially properties, existing houses will be at more risk of being flooded
- Area has been listed as high risk for flood insurance, [some residents report unable to obtain flood insurance on their properties]
- Why construct dwellings in high flood risk areas, there are many old empty factories and houses where dwellings can be constructed
- In 1961 flooding occurred to the area due to marshland at the back
- Flood affected my garden and pumps had to be used to clear voids
- Took a walk by the brook on 24/12/2020 and it is full. The same time last year the brook had burst its banks and the footpath was flooded, this happens on an annual basis and with climate change will get [worse]
- Will the SuDS feature be enough to prevent flood waters for the entire development and prevent surface waters [from flooding] Lanesborough Road
- Unclear whether Arcadis or the council have consulted with the Environment Agency

#### *Natural environment, trees and landscape*

- Green space is habitat for several species including badgers, foxes, newts, water voles, owls, muntjac deer
- Loss of trees – impact on wildlife – loss of birds
- Arcadis have stated that all except four trees are of low value – for the residents they are of high value
- Variety of trees including apples and cherries
- Loss of trees and impact on views/character of area, impact on air quality
- Greenfield site connects to Watermead Country Parks
- Proposal will block path to Watermead Country Park
- We have regarded the rear of Lanesborough Road to be an extension of Watermead Park
- Loss of greenery that is accessible to local people
- Hardly any spaces left like this in Leicester
- Leicester claims to be a green [city] but it is destroying it's green spaces
- Disturbing the wildlife would lead to the animals migrating towards or into the houses
- Site is home to field rats and mice which could cause a rodent pest problem to residents of Lanesborough Road
- No wildlife survey provided
- Reduction in woodland for oxygen

#### *Local services*

- No space in schools
- Demand for services will increase
- Is there capacity in schools, health centre
- How did you arrive at school numbers

#### *Public safety*

- Increase in crime and anti social behaviour
- Crime rate already bad and will go up
- We have had low crime in this area this is likely to change with a council development
- Burglaries are increasing
- Will bring vandalism, drug dealers, robbery
- Area has a well-supported Neighbourhood Watch scheme
- Would be deemed more appropriate for the council to give preference to invest in and rectify [existing anti social/illegal substance issues]
- Impact of anti social behaviour and illegal substance issues on school children
- Most residents of the area are elderly disabled and vulnerable and will be afraid to leave the house if crime and traffic increase. The Equality Act 2010 has to protect them [social isolation and mental health]
- Will increase insurance prices on homes and cars
- Road is currently peaceful and quiet
- Existing anti-social behaviour by site entrance
- Disturbance from people hanging about
- If people state crime is an issue, build a police station on site

#### *Contamination*

- Health and safety risk to local community
- Potential gas leak
- Concern regarding contamination/landfill gas and impact on existing residents and new housing
- No mention as to risk of methane gas to existing properties

#### *Other comments*

- Effect on listed building and conservation area

#### Second consultation – November 2021

The following additional comments were made following the reconsultation in late 2021.

- There was a plan to build on this site about 30 years ago, 23 Lanesborough Road was eventually demolished and the access road created, why was nothing built and why do those reasons no longer apply
- Council tax is paid with the notion that services will be provided but waiting lists seem to get longer so questions rise who benefits from the development and who are the houses for?
- The land is a flood plain, the risk of flooding will increase, climate change should be taken into account
- When flood water can no longer be absorbed into the ground it will flow down the roadways of the site into Lanesborough Road
- Site flooded in early 1970s despite the presence of the culvert. Track between bridge over Melton Brook and River Soar has flooded many times as Melton Brook regularly overflows its banks
- Flood risks are being downplayed
- Loss of view from houses, could be harmful to mental health
- Possibility of red squirrels inhabiting these woodlands which are protected by law
- Once again the wildlife and safety of our planet has been disregarded and endangered.
- Concern about impact on Badgers
- A few weeks ago there was a huge issue with sewage and toxic waste being dumped in our seas and oceans and now turning green areas of Leicester into a concrete slab
- Construction will cause pollution of debris in an area classified as a country park including the lake in Watermead
- Lights from cars will shine into my windows as cars turn the corner into the site and additional noise from vehicles turning into the access road, would the council build a barrier to replace existing old fence
- Houses marked 1 and 2 should be replaced with a bungalow
- Traffic impact – reduction in car parking spaces at the Owl and Pussycat pub, pub [customers] park on Lanesborough Road, until use of this land is established the Traffic Report cannot be relied on
- Driveways blocked with school traffic
- Similar proposals in other areas that were granted permission appear to significantly impacted the existing local residents.
- Noise, dust and vibration will have negative impact on physical and mental health
- Plans to reduce the space for traffic – introduction of a bus lane will add to congestion, increase vehicle emissions and degrade air quality
- Concerned about additional footfall along the public footpath

- COP26 conference was about climate change & sustainability - what will be the impact on the environment. Is the planned development eco-friendly? Using renewable energy - sustainable?
- It is not acceptable to create plans that state "biodiversity", plant a few trees to get past red tape and call it "environmentally friendly". The bottom line is that this proposed housing development will be consuming and producing pollution all at a time where by we are facing major climate issues.
- Greenery protects residents from industrial eyesore [on the north side of Melton Brook]
- Is it more economical to adapt existing properties instead of build new ones?
- Given the statistics of an aging population part M of the building regulations has to be considered, access & facilities of buildings.

## **Consideration**

### Principle of development

In terms of the development plan currently in force, the site is included as a housing commitment in the 2006 Local Plan and is shown on the accompanying proposals map as such. The 2014 Leicester Core Strategy incorporates all saved Local Plan allocations within its projection of future housing supply. The site was similarly included as a commitment (and shown on accompanying proposals maps) for the 1994 city-wide Local Plan and the 1985 North-East Leicester Local Plan.

The 1956 City of Leicester development plan refers to the land as statutory allotment however it also shows the land as part of a longer term (1961-1972) residential development allocation.

The 1952 City of Leicester development plan refers to the land as permanent allotment.

The council currently has an acknowledged shortage of deliverable sites for housing and it is expected that existing allocated sites should be developed for residential use to help meet this need. Policy is clear that residential development should be maximised where possible both to meet the council's housing requirements and to meet its sustainability agenda.

The site as a whole (including the area shown as phase 2) is allocated in the saved Local Plan with an indicative figure of 80 dwellings. Policy H03 sets out that residential density on sites in this area should be 30 dwellings per hectare. The site currently applied for has an area of about 1.4ha, so using the density requirement in policy would lead to a target of 42 dwellings. The site is very constrained so it would not necessarily be expected that 42 dwellings could be accommodated unless there was a higher number of small flats, but this proposal aims to contribute towards meeting identified housing need including a mix of dwelling sizes. Neighbour objections relating to high density cannot be supported.

Adopted core strategy policy CS07 states that "New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing". The policy goes on to set specific requirements within Leicester, and within the area where the site is located there is

requirement for 20% affordable housing provision. The applicant is proposing all of the units being affordable, this position is supported by policy which highlights the important role played by sites which deliver 100% affordable housing in meeting the council's historic shortage of affordable housing provision.

Some objectors have made comments about converting other buildings to housing, use of brownfield sites and upgrading existing housing. All of these are part of providing good quality housing but the Local Plan process takes all of the methods of providing homes into account and if sites were not required to meet need then they would not be allocated.

Some objectors have referred to the area being overcrowded. This is unlikely to be the case as most of the nearby houses are detached, and there is no visual evidence of overcrowding. If this comment refers to overcrowding of individual properties then the provision of more homes would help to address this.

Some objections have been received relating to local leisure spaces and connections to Watermead Park. There would still be a connection, in fact it would be safer as paths would be overlooked from houses. It is unclear to what extent the site is used for leisure purposes at the moment, as it is overgrown and difficult to move around, however there are open spaces along the river which would be easily accessible for existing and new residents and there would be informal public open spaces within the development itself.

The site has never been a part of Watermead Park.

Although many neighbours have objected to the proposal it is important to be aware that the site has been allocated for residential development for nearly seventy years, and has been re-allocated at each local plan process over the last few decades. Many of the objections to this proposal were received via the current local plan site allocations process but only at the second consultation; no objections were received at the first round of local plan consultation. The "non-strategic" allocation referred to by one of the objectors does not mean that the site is unimportant, it just means that it is not a very large site.

Objectors have commented on the site having been deemed unsuitable for development in the past. This is incorrect. As can be seen above several applications have been received and in some cases permission was granted subject to conditions. In other cases necessary information was never provided and so applications did not proceed. It has not been determined that the site is unsuitable for development; if that was the case the site would not have been repeatedly allocated for development.

Objections have been made about other vacant residential sites in the city but the city's need for housing is unlikely to be met even if all possible sites are developed/retained.

Objections have been made referring to council tax and the length of waiting lists. It is not clear which waiting lists are referred to, but council tax is intended to contribute to the revenue costs of services rather than to the capital cost of building homes and other facilities. Waiting lists for council houses, if that is what is referred to, can primarily be addressed by the provision of additional council housing which is the purpose of this proposal.

Some objectors have mentioned green belt, but this site is not green belt. There is a green wedge policy designation to the north-east, including the River Soar corridor and associated green space, but policy GE06 primarily controls development within Green Wedges not next to them. A site would not normally be allocated as Green Wedge and as a Housing site as the two allocations would conflict, and the site under consideration is allocated for Housing. I do not consider that there is any conflict with Green Wedge policy.

Comments have been made regarding the possible eventual total of 61 dwellings across this and future phases. As already mentioned, Phase 2 is not under consideration as part of this application.

Although the emerging Local Plan at this stage has very little weight, the process has identified the site as suitable for re-allocation. Issues such as ecology and flood risk have been taken into account.

As the site is, and has for a long time been, allocated for residential use, refusal on principle could not be supported. Subject to consideration of matters as set out below, housing development on the site is acceptable in principle.

### Design – Layout

As the site is long and shallow, and runs effectively parallel to Lanesborough Road, the site would be laid out with a long central road running parallel to Lanesborough Road. Most of the houses would back on to the existing housing, and others would be to the north of the central road.

The layout has been amended since initial submission and the distribution of open space has been considered so as to allow the retention of the green view from Lanesborough Road up the entrance road and across the site.

The houses that are shown backing onto Lanesborough Road are of four different designs. There would be “corner-turner” type houses at the T junction into the site, addressing both roads and the corner itself. These would provide a symmetrical, formal, open feel to the main entry into the site and would also ensure natural surveillance of the junction and an efficient use of land.

Eight of the houses would be of a wider design, with one car parking space to the front with space for a planted area to avoid the parking dominating the frontage. These houses would have stepped frontages with a gable facing the street.

Four of the houses would be deeper, with parking to the side. These would also have a planted area of front garden, and would be accessed from the shared surface part of the road. The single bungalow would be at the far east end of the road.

To the north of the road the layout would be less formal. The northern strip of the site forms a triangle and there is not enough space for houses with gardens at the narrower end. Two small blocks of flats have been designed that would sit within the site in a pavilion style, looking out in all directions, with a parking court to the side of each. The open space around these blocks would be left open, with landscaping forming a separation to the street.

At the wider end of the site there would be six corner turner houses arranged in a block, with one quadrant of the block taken up with four flats. There would be a private drive to each side of this block.

The layout has been designed to balance efficiency of land use, provision of space for biodiversity and SuDS, creating a safe place for people to move about, minimising the impact of car parking while providing enough safe places to park cars, allowing a road that can be used by all necessary vehicles without looking like an over-engineered layout, and also providing outside space for residents and visitors.

Access through the site to the public footpath and to Watermead Park would be retained, but would be safer than at present as the footpath would be improved and the route would be overlooked from the houses.

Given the substantial constraints of the site I consider that the layout as now proposed is acceptable.

### Design – Buildings

The houses are designed to be built using modern methods which can be more efficient in terms of construction time, use of materials, and energy use as the houses can be more reliably insulated. The use of Structural Insulated Panels is one such modern method, and there is no objection to this in principle.

The houses are designed in a plain, neat style, with pitched roofs and gables. Windows would be generous and well-balanced on most of the façades, with a slight unevenness to the front elevation of House Type G which the applicant has explained and which I do not consider would warrant refusal.

The bungalow would have a very steeply pitched roof, to the extent that although the ground floor height is only 2.7m to eaves level the overall dwelling height is 7.6m. The reason for this is not entirely clear however as the design is not actively harmful, and the bungalow is in a corner of the site and would not be readily visible from the public realm, I do not consider that this needs to be further addressed.

External materials proposed are brick slips in a pale colour, wood cladding to some elements of the façades, a roof tile system, and triple-glazed uPVC-framed windows. Use of brick slips is increasingly proposed as they can be easier to use with modern methods of construction. It is noted however that the longevity of this material is not yet established and they can be more difficult to detail acceptably. The long-term quality of the material can only be assessed by using it, and this site would be a good opportunity to monitor the use over a long period. As some of the materials proposed are less common, such as the timber cladding, I consider that a sample panel would be required in order that the detailing and junctions of the materials can be assessed prior to the dwellings being built.

The blocks of flats would have flat roofs to allow for the use of solar panels and heating plant.

Objections have been received saying that the design will not be in keeping with the local area. The proposed buildings would be clad variously with brick-effect and timber cladding, mostly with tiled pitched roofs. Although this is not the same as the closest existing dwellings, the new development is large enough to establish it's own

character and I do not consider that a difference in design would be a reason to resist the proposal or to ask for changes. Styles and technologies in house building change over time, and this is accepted. The general character – of low-rise, low-density housing – would be the same as in the surrounding area, and the details are satisfactory. It is worth noting that even in the immediate area the housing styles vary, with housing on Wavertree Drive being of a different style to that on Lanesborough Road.

I consider that the design of the houses is acceptable.

### Living conditions

Policy PS10 sets out the criteria to be considered in respect of residential amenity, and the requirements of Policy CS06 are also relevant. It is necessary to consider the National Design Guide.

#### *Privacy*

All of the houses would have windows to the street and to the private gardens, providing the usual balance between a relationship with the street and privacy for occupiers. Where a ground floor front window would be only one or two metres from the street, which is the case on some of the corner-turners, these windows would be to non-habitable spaces such as hall, stairs and WC.

Some of the ground floor flats would have living room windows close to the street but this is a common relationship, the living rooms would typically have a second window to the open space at the side, and the more sensitive bedroom windows would be away from the footway.

Separation distances to existing houses would be a minimum of 21 metres. There would be some separation distances below this between the new houses themselves, for example between units 28 and 31, but this is not being imposed on existing residents and the minimum distance between facing habitable room windows would be 19m.

House type D would have a secondary side facing bedroom window on the front section, and in some cases these would face other windows at about 15m (for example between units 8 and 9). As these windows would give residents a view over their own car parking space, which can be beneficial in terms of natural surveillance, and no overlooking would be imposed on existing residents, I do not consider that these need to be obscure glazed.

I consider this acceptable.

#### *Daylight and sunlight*

All of the dwellings would have adequate daylight provision. The design of the dwellings includes secondary windows to several of the deeper rooms, and the spaces between dwellings are such as to avoid light being unduly blocked by other buildings.

Most of the dwellings would have a living room window facing south-west, to provide direct sunlight. Some would face north-east/south-west, which also allows for sunlight to get to the windows.

Four of the flats, on the north side of Block B, would have living rooms facing either north-east or south-west, and would also have bay windows to maximise light into the dwelling. Two of these four flats would have generous roof terraces (as the first floor of this block is smaller than the ground floor).

The single bungalow on the site, having a very deep plan, would have secondary side windows to the kitchen and living room, and a sunpipe to the hall.

I consider this acceptable.

#### *Accessibility*

Policy CS6 requires that all dwellings are built to meet the Lifetime Homes standard. That standard is no longer in force, and the Building Regulations Part M is used instead.

The development would include one wheelchair-accessible bungalow built to standard M4(3), and the other dwellings would be constructed to M4(2) (Accessible and adaptable) standard. The upper floor flats would not have lift access but this is allowed for in the standard provided that a suitable stair is provided. The plans show that the requirements of the standard have been incorporated into the design as far as would be shown on a plan at this stage – for instance, sanitary provision and doorways, and space to move around the rooms. I recommend a condition to require that all aspects of the standards are incorporated into the development.

#### *Amenity space*

All of the houses would have a private garden. These would mostly be over 100 sq m, which is the usual requirement for a family home, however some of the corner-turner houses would have gardens of 50 sq m. The Residential Amenity SPD sets out that all semi-detached houses would be expected to have 100 sq m of private garden but the breakdown of house types in the Guide is not fully representative and it is increasingly recognised that good quality accommodation can be provided with smaller private gardens. When recommending that levels of amenity space below that expected in the SPD are accepted it is important to explain why the quality of the space is such that a lower quantity can be accepted.

In this case, the smaller gardens would all have a patio for sitting out and space for bins and cycles. All of the houses would have a sideway and gate for easy access to the rear garden. The layout has been arranged so that all of the rear gardens would benefit from direct sunlight at some point during the day all year round. The spaces between the pairs of semi-detached houses are such that direct sunlight would pass through to the rear gardens, even those gardens that would be described as facing north. In addition, all of the houses would be close to the shared open spaces.

The flats would not have private gardens. Four of the flats would have shared gardens at the rear, and the two two-bedroom flats would each have a generous private terrace. One-bedroom flats should have either private or shared amenity space, however the outside space available to occupiers of these flats would effectively form part of the wider open space within the site. In a different environment such as the city centre this lack of private outside space might not be acceptable, but not all occupants of flats want to have private outside space requiring personal maintenance; the flats would all have very close access to open space; residents would be able to open windows and look out at greenery and have

fresh air; the flats would be well spaced. I consider in this case that the lack of private amenity space is acceptable.

On balance, taking into account the high quality design and the attention paid to detail, and the importance of providing affordable housing, I consider that the provision of amenity space would be acceptable.

### *Noise*

There is a pub at the far east end of the site and some industrial development on the north side of the Brook. A noise report was submitted with the application and reviewed by Pollution Control, who noted that the noise survey did not include results taken during rush hour and asked that further survey work take place after lockdown (the survey was carried out in on the 13 March 2020, just before lockdown was implemented).

This additional survey was requested in order to establish what level of mitigation would be required, and to determine whether mechanical ventilation would be required to enable windows to be kept closed to mitigate noise.

It is understood that the pub at the end of Lanesborough Road can be open until 0200 Fridays and Saturdays. There was no record of complaints before lockdown since about 2015, although one complaint about music was made to the Noise Team in July this year, and none of the neighbours has commented on noise from the pub as an issue despite comments being received from all of the households at the eastern section of Lanesborough Road. It is not possible to impose retrospective controls on the pub, and Agent of Change requirements are such that impact of noise from the pub, based on what they could lawfully do, would have to be allowed for by the applicant/developer.

The dwellings are proposed to have mechanical ventilation, which provided that it allows for four air changes per hour would enable windows to be kept closed if there is local noise. I recommend a condition to secure this.

Some objectors have commented that the noise survey is not representative, but as the mechanical ventilation would provide adequate mitigation for likely local noise levels I do not consider that further noise survey work is required.

### Residential amenity (existing residents)

Policy PS10 also applies when considering impact on the amenity of existing residents.

### *Separation/overlooking*

The site is to the north of a row of existing houses on Lanesborough Road. The existing houses have rear gardens with a boundary to the site; this boundary stretches along 16 rear gardens. Many of the existing houses and bungalows have been extended, and the applicant has surveyed the properties and shown the extensions. The separation distances between rear windows in the new houses and those in the existing houses would vary, but would be a minimum of 21m. This is in accordance with guidance in the Residential Amenity SPD and with usual practice which seeks a separation distance of 21m where windows to habitable rooms face each other.

There are some instances where the separation distance between facing walls would be less than 21m but in those cases the wall in the new development would have no habitable room windows so the distance can be less.

It should be acknowledged that windows to these blank walls could be created later as Permitted Development, but in that case the General Permitted Development Order requires that any upper-floor windows to side walls are obscure glazed and non-opening to a height of 1.7m above floor level. This would ensure protection of neighbour amenity.

The occupiers of No 21 Lanesborough Road have commented that the new house immediately behind their property would be too close. The separation distance would be more than 17m, and the side wall of the proposed new house, which would face No 21, would have only a bathroom window upstairs. The usual minimum separation distance between a blank wall and a habitable room window in a different property is 13-15m, and this distance can be acceptable when one of the walls does not have windows that could lead to overlooking. I recommend a condition to secure those side windows as obscure glazed and non-opening apart from a top light. In addition, as the new houses would be to the north, there would be no concern regarding shading. I consider this relationship acceptable and within the normal parameters.

An objection has been received relating to overlooking from the public footpath into a neighbouring property. The case officer visited the site to check and could not see where this might occur. Boundary fences appear to be mainly 1.8m. Boundary treatments are included in a condition.

Objections have been received relating to an area of raised ground on the site, and expressing concern that this might result in overlooking. The levels on the site will be re-ordered as shown on the layout plan. The levels differences proposed have been taken into account.

#### *Daylight and sunlight*

Some objectors have commented that the new houses would block light to the existing houses but none of them has provided any technical analysis.

The new houses would be roughly north-east of the existing houses. Considering the proposed new houses immediately behind No 21 as an example, the new house directly behind, unit 1, would be at 20 degrees bearing (due north is zero degrees). In midsummer at Leicester's latitude the sun rises at about 50 degrees solar azimuth. This means that from the point of view of a person standing at the rear of No 21 the sun would rise behind Unit 3 on the proposed layout. Unit 3 would be 37m away and 7.8m tall, the next houses along (units 4-6) would be the same height, which means that the sun would rise above the ridge of these houses at about 5.30am GMT. (This assumes that the land is level which is not quite the case, but the difference would not be material.) The existing trees are likely to cause shading, so it is possible that some of the existing bungalows are more shaded as things are than they would be if the trees were removed and the houses constructed.

At equinox the sun would of course be seen to rise directly to the east, and it would rise above the (uninterrupted) horizon at about 6am. Using the rear of No 21 as an example again, the new houses directly east would be about 50m away, and with

the lower solar elevation the sun would be seen above the new houses at about 7am.

In midwinter the sun rises at about 130 degrees azimuth. Somebody to the rear of No 21 would see the sun rising over the tops of the existing houses and the proposed new buildings would have no effect.

In the evenings, there would be almost no impact in terms of direct shading from the new houses.

In terms of daylight the proposed houses are unlikely to have a significant impact, as the separation distances are sufficient to allow plenty of light to get to the windows at the back of the existing houses.

### *Noise*

Neighbours at No 21 have objected on the grounds of noise, during construction and after occupation.

Some noise during construction is inevitable, but a construction method statement would have to be agreed prior to commencement and the developer would be expected to take appropriate precautions.

There is no reason to suppose that noise following occupation would be unusual for a suburban area. The proposed dwellings would be well spaced out, with plenty of space for people to sit out or play out and space for people safely to move around. There is no reason why new residents should congregate in any particular place on the footways, and if they do it is probably more likely to take place within the development where neighbours might encounter each other informally rather than at the site entrance. It should also be borne in mind that people talking to each other on the street is both normal and contributes to community cohesion.

Development cannot be refused because there might be some noise, it can only be refused on the grounds of noise if that noise would be unacceptable in planning terms. The development of housing alongside existing housing is, in terms of noise, acceptable in planning terms.

### *Impact of traffic*

Some neighbours at No 21 have commented that the traffic entering and leaving the site would cause them disturbance, and they have commented also on vehicle headlights affecting them. They have requested a boundary treatment to be installed as part of the development. This dwelling has been recently extended and the plans approved in 2016 show a 2m brick wall along the boundary to the application site driveway; this wall had not been built as at 29/7/22. Of course the neighbour is under no obligation to build the wall, but it does indicate that they considered it necessary before this development was proposed.

I consider that replacement boundary treatments would be needed along each side of the access road. It is possible that the applicant would have to agree this with the neighbouring landowners so I recommend a condition requiring that details are submitted and approved, and the boundary treatments in place, prior to occupation of the development.

It would not be appropriate for a 2m wall to extend right round the front garden at the neighbour's property, as this would have a harmful effect on the streetscene. Car headlights are normally angled downwards rather than parallel to the road and car

headlights are rarely more than 1m above the ground level. This means that a 1m wall at the front garden should be sufficient to block direct light from car headlights. There is already a wall of about that height outside the dwelling in question, on the corner of the access road.

### *Crime and anti-social behaviour*

Several objectors have objected on the grounds of crime and anti-social behaviour generally and some have either implied or said directly that the occupation of the site by council tenants is likely to lead to an increase in crime and anti-social behaviour. There is no reason to suppose that the addition of the proposed dwellings would have any significantly harmful effect on neighbours in terms of crime or anti-social behaviour (ASB). Residential development including decent affordable housing is wholly appropriate in planning terms in or adjacent to residential areas subject to meeting appropriate design considerations to reduce crime and anti-social behaviour, while still providing appropriate levels of open space.

The increase in activity and the increase in natural surveillance of the green space and the footpaths could improve the situation including at the site entrance as the area would be in regular use and more overlooked.

I do not consider that the proposal would have any significant harmful impact on crime and public safety.

### Sustainability

The site is in a sustainable location, being well-related to services and facilities including buses to the city centre. There are safe walking and cycling routes to shops, schools, open spaces and the Belgrave District Centre.

The proposal is designed to achieve a high standard of energy efficiency, achieving a substantial improvement over Building Regulations. An improvement of over 70% is being worked to, potentially over 80% for some units, which is excellent. The energy statement proposes use of air-source heat pumps with smart controls to provide heating to all units, and low energy lighting. Mechanical ventilation with heat recovery would be used which would be energy efficient.

All of the dwellings would be provided with photo voltaic panels on the roofs. This is supported.

There is also a consideration around fuel poverty, which this high level of energy efficiency will help to address. The use of electric heating equipment means that the houses would not need to have a gas supply, this would also help to address fuel poverty as there would not be two standing charges for residents to pay.

The proposed u-values for development meet or exceed the value for the notional building (Building Regulations standard) in all cases and represent a good approach to fabric efficiency. This includes enhanced standards proposed for the windows, roof and air permeability.

A daylight and sunlight modelling assessment has been provided showing that all units have been designed to receive sufficient daylighting, which shows good use of passive solar design. The balance between solar gain in winter (which is good as it provides useful heat in cold weather), and excessive solar gain in summer (which can contribute to overheating), has been considered. The dwellings would all be

dual-aspect which enables cross ventilation, and brise soleil would be fitted outside the south-facing living room windows to aid in shading during mid-summer. It is likely that over the lifetime of the dwellings overheating in summer would become more frequent but this could be further mitigated with the use of additional external shading which could be retrofitted later. Use of mechanical ventilation also means that residents could, in very hot weather, ventilate the house overnight to take advantage of cooler air without having to have the windows open which could be a security risk.

The houses would be fitted with low-use water fittings and with water butts but large scale rainwater harvesting is not proposed.

The possibility of using district heating has been considered by the applicant but is not proposed at this stage. The site is not within range of the existing district heating scheme in Leicester.

I recommend a condition to secure implementation of the energy efficiency measures prior to occupation.

I consider that in terms of sustainability and energy efficiency the proposal is not just acceptable but designed to a very high standard.

#### Waste storage and collection

Each of the dwellings would be provided with a bin store area. For the houses this would be in the rear garden, all houses would have a side gate to allow movement of bins and cycles. Collection would take place from the street.

The blocks of flats are proposed with bin stores close to but outside of the block. Again, collection would take place from the street, and the highway layout allows turning heads which could accommodate refuse collection vehicles.

I consider this acceptable. I recommend a condition to secure the necessary facilities prior to the occupation of any individual dwelling.

#### Highway safety

The details of the highway layout have been discussed with the LHA and the proposal amended accordingly.

There would be footways from the existing Lanesborough Road footway into the site, and traffic along the entrance road would be calmed by a small parking layby. The footways would continue along each side of the road to the shared surface area at the east end. At the west end the footway to the south side of the road would simply stop; at the north side of the road the footway would continue as a path across the public open space to link with the public right of way.

Car parking would be provided on-street in laybys which would also provide access to the on-plot car parking spaces. Dimensions and details of layout have been optimised, although final details will be agreed with the LHA at technical approval stage.

Visibility splays are shown on the layout plan to each of the vehicle access points. I recommend a condition to ensure that these are kept clear.

The main entrance to the site would be altered to provide 6m radii, which would allow entrance of large vehicles. The swept path analyses for refuse, fire tender and pantechnicon vehicles show that vehicles would be able to turn around within the site within the Highway. Although large vehicles would encroach into opposite lanes vehicle flows would be very light so this would be infrequent and large vehicles would be able to wait for other vehicles to pass.

Large vehicles should be able to use the private drive at the west end of the site to turn. If the construction of the private drive does not allow the refuse collection vehicle to go up the drive then collection could take place from the street.

The applicant has stated that the development roads would be subject to a 20mph speed limit, and a speed table is proposed at the T junction within the site. The surface materials would change to maintain low speeds. A junction table is also proposed at the site entrance although details are not shown. Detailed design work around the physical works, signing and lining would take place after planning stage as technical approval from the LHA would be required. Conditions are recommended to secure these details and implementation prior to occupation.

The inclusion of a junction table at the T junction, with areas of wide pavement, could result in pavement parking so I recommend a condition to secure bollards at this point to keep cars off the footway.

The private access drives would comply with the required dimensions, materials of the various elements of the highway have been considered to minimise maintenance issues, and the layout of tree pits has been considered to enable manoeuvring.

Plots 1 and 32 require retaining walls at the front to provide a level access ramp from the footway to the front door. The foundations for these walls would have to be kept clear of the highway. The applicant is aware of this and I recommend securing details in a condition.

Several objections have been made relating to traffic and car parking at school times. This is unlikely to increase as a result of the proposal as children living in the development and attending the nearby schools would be close enough to walk or cycle to school.

Some residents have referred to a double blind bend at Berridge Lane/Claremont Street but this is more than half a kilometre away so is unlikely to have any effect on, or be affected by, the proposed development. Objectors have also commented that Bath Street is narrow which is subjectively true but it is not clear why this would be a concern as there is no vehicular through route to a main road (other than for cycles) via Bath Street.

Subject to compliance with the conditions I consider that the proposal is acceptable.

### Cycle parking

Each of the houses would be provided with a side gate and a shed, which would provide adequate facilities for the parking of cycles.

The site plan shows that each of the blocks of flats would have an external cycle shelter. I recommend a condition to secure further details and installation of the cycle parking before occupation of the flats.

Subject to the condition being satisfactorily addressed, I consider these arrangements acceptable.

### Car parking

Each of the dwellings would be provided with at least one car parking space. For the houses and the bungalow this would be on-plot; for the flats this would be in small off-street communal areas.

Using the DCLG car parking assessment methodology, which takes into account car ownership rates and the level of allocation, the identified requirement for car parking spaces across the development is a maximum of 70. The proposal does provide 70 car parking spaces if the entire length of each layby is included. Access to some of the on-plot car parking spaces would be across the laybys, but this would not completely sterilise those sections of the layby. People visiting would be able to park across driveways, vehicles staying for a few minutes only such as delivery vans would be able to park across driveways, and of course if the occupants have two vehicles they would be able to park across their own driveway.

Use of parking laybys has many advantages. It directs car parking to a safe and dedicated space, it prevents cars being parked on the footway and causing an obstruction, and it enables flexible use of space. Unallocated car parking is more efficient in terms of land use than is allocated car parking, so this proposal includes an element of unallocated car parking spaces although each dwelling does have at least one space off-street. Allocation of the spaces within the parking areas to the flat blocks would be for the landlord to manage, for example if the accessible spaces need to be allocated to a particular tenant.

Neighbours have expressed concerns about parking, mainly on Lanesborough Road. As explained above, the development would provide parking to meet the expected requirements. There is no reason to suppose that residents would need to use Lanesborough Road for overspill car parking, and even if they did choose to park there it is a public highway where people can park provided they do so safely and there are no controls in place.

Objectors have made reference to the subdivision of the car park at the pub on the corner of Melton Road. I do not consider this to be a significant issue in relation to the application provision which I consider acceptable.

Objectors have made comments relating to car ownership but I consider the DCLG method of assessing car parking requirements, being based on census data, provides a robust and evidenced method of establishing likely requirements.

I recommend a condition to secure provision of the private car parking before each dwelling is occupied.

Subject to the condition being complied with, I consider the proposed car parking arrangements to be acceptable.

### Electric vehicle charging points

As well as being supported by Planning Policy, the installation of electric vehicle (EV) charging points is now covered by the Building Regulations. Given the length

of time that this proposal has been under discussion the location of charging points has not been discussed in detail. Policy and expectations in respect of EV charging points have moved swiftly on during the assessment of this proposal, and so I do not consider that it would be reasonable to require charging points by planning condition as they were not discussed earlier on in the application process. However as the applicant might wish to install them, and might be required to under the Building Regulations, I recommend a condition applicable to the flats only to secure details of electric car charging points prior to their installation.

Charging points to the houses and the bungalow which would each have a private driveway could be provided within the curtilage and would probably necessitate only a suitable socket fitment on the front or side elevation. I do not consider that this would need to be controlled by condition but I recommend a note to the applicant.

### Drainage and flood risk

Part of the site as it runs directly along the watercourse is in Flood Zone 3b (which is functional flood plan), and Flood Zone 3a extends into a small part of the site at the north. There is no housing proposed on that area.

A larger part of the site is within Flood Zone 2 and most of the site is within Flood Zone 1. Flood Zone 2 can be suitable for housing development, and planning policy requires that where sites are not allocated a sequential test should be carried out. This site is allocated, and Flood Risk has been assessed through the city council's Strategic Flood Risk Assessment.

An exception test, which is usually the next step after a sequential test is passed, should demonstrate that the sustainability benefits of a proposal outweigh the flood risk, and that the development will be safe for its lifetime without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The council's Strategic Flood Risk Assessment (SFRA), prepared to support the emerging Local Plan, supports the allocation of sites for various uses. The SFRA also identifies the sustainability benefits of developing this site for housing. These are, briefly, that the site performs well in terms of access to services, heritage and air quality; and that residential development here helps to meet local housing need. I consider that this does meet the requirement for a development to show sustainability benefits.

In addition, in order to pass the exception test, a development must be safe from flooding for its lifetime and not increase the flood risk elsewhere.

The applicant has provided a Flood Risk Assessment (FRA) and Drainage Strategy.

The FRA adequately evaluates risk from all sources and presents mitigation measures including raising finished floor levels to no lower than 51.83m AOD. This figure is required by the Environment Agency.

In case of exceedance, water would flow along the streets and to Lanesborough Road. This is unlikely but has to be considered.

Surface water arising from a developed site should, as far as is practicable, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Opportunities to reduce the flood risk to the site itself and elsewhere, taking climate change into account, should be investigated.

The drainage proposals within this strategy have been prepared to meet planning policy requirements and the applicant has taken city council guidance into account.

At present, a section of road within the site drains to the main public sewer. Following development, a small section of the site would drain the same way. The remainder of the site would drain to Melton Brook but would be attenuated through drainage features which would hold the water back and discharge it at a controlled rate as well as improving water quality. Following development the peak rate of discharge into the Brook would be slightly below the present peak rate, which would improve the situation in extreme events.

The proposal includes attenuation basins to hold rainwater when there is a lot of rain, at other times these basins would form part of the open space and would be open for people to walk or play on the area. In addition, some areas of permeable paving are proposed with underground attenuation crates.

The larger attenuation feature would have stepped sides making the detention basin a multi-use SuDS with the first tier retaining surface water in all events up to 1 in 30 year events and acting as a pond/permanently wetted feature. The second tier would only be needed to retain water in an extreme event and so could act as an informal play space during normal conditions. A maintenance access has been proposed to enable access from the road into the area where the detention basin is located.

Drainage calculations show that the drainage system is designed to manage all storm events up to and including 1 in 100-year rainfall event with a 40% climate change allowance. In addition, the calculations have included a 10% allowance for urban creep.

The designs of the attenuation basins are based on engineering drawings, and it should be possible to design basins that are more organic in appearance with shallower sides. Some alterations would be required before these features would be formally adopted by the Council (albeit the land is already in City Council ownership) and those changes can be secured by condition. I recommend as well a condition to secure management and maintenance information for the drainage system.

Some objectors have referred to the site as flood plain. This is incorrect. Flood Zone 3b is classified as "functional flood plain" but this only applies to a small part of the site.

Some objectors have commented that they are unable to get flood insurance for their houses, but it is noted that there are some areas outside the site that are also in Flood Zone 2. The insurance status of other people in the area is not a material consideration.

Some objectors have commented that building on the site would increase flood risk elsewhere. The plans show attenuation features to hold water back in a safe place and slow the rate at which it enters the watercourse and drainage system, to reduce the risk of flooding.

One of the objectors has provided recent photographs to support their objection on flood risk grounds, however these photographs do not show any substantive flooding. They show the brook at a higher level than perhaps usual but within its banks, which would be expected in winter. There is a photograph showing large puddles on the footpath, but it is not possible to tell whether this is the effect of the

brook overflowing or surface water falling on the footpath and ponding on the surface.

A photograph has also been provided of flooding on the site about 50 years ago, but this is not a reason to over-ride the advice of the Environment Agency and the Lead Local Flood Authority which is based on the current situation.

Subject to conditions being complied with I consider that the proposal is acceptable in respect of flood risk and drainage.

### Nature conservation

The southern section of the site is considered as a Biodiversity Enhancement Site, and the northern section a locally designated wildlife site. Policy requires that the proposal demonstrates that harm to biodiversity is avoided and/or mitigated and that biodiversity overall is enhanced.

Since the closure of the allotments the site has become overgrown and inevitably the biodiversity of the site has benefited from it being left undeveloped. However, this was taken into account when the site was last allocated, and also taken into account as the emerging allocation is being considered.

The biodiversity constraints on the site are significant, and it is apparent that much consideration and survey work has been undertaken so as to avoid and reduce impacts on biodiversity as a whole, following the mitigation hierarchy. The principle of achieving Biodiversity Net Gain (BNG) on-site and measures to ensure the long-term welfare of existing established badger populations on-site are acknowledged by the applicant.

Off site mitigation will be required, and a suitable piece of land has been identified. This is a section of Green Wedge to the west of the land identified as the potential Phase 2, which would enable mitigation to be provided in the same area, as part of the same ecology network, and convenient for any wildlife populations to be moved to. As the land is Green Wedge it is not allocated for development, it is directly related to the application site and borders the Brook. The applicant has confirmed that in principle they would be content to use this land, which is in city council ownership, but that if this land is not available then an alternative, equally suitable site would be found. I therefore consider that a condition requiring a combination of on-site and off-site mitigation would be appropriate.

### Trees and Landscaping

Many of the existing trees are self-set or left over from the allotment use. There is no objection to removal of many of the trees, however some will be retained and information is required as to the protection of those trees during construction. As there would be only four trees retained I recommend including the tree protection within the Construction Method Statement.

The applicant has provided a landscaping scheme which is broadly acceptable. It includes about 50 new trees, although details are yet to be finalised by condition. There is a query about whether the tree pits should be surfaced with a permeable resin material, and as there is also an outstanding point regarding boundary treatments I recommend a condition to secure final details of the scheme. This

should include details of the swale and the attenuation basin, to demonstrate that these features will be integrated with the open space and usable by local people when not holding water.

### Heritage Assets

This site is a relatively short distance, c.100m, from the Roman road connecting Leicester with Lincoln, and not far from where a Roman milestone was found (c. 250m northeast of the site's eastern boundary). The location of this milestone is instructive as it indicates not only distances but potentially other activity in this area dating to this period. To the west of the site the location of a mud-walled house was identified, as well as the medieval northern limit of Belgrave.

Geotechnical investigations have taken place on the site and it is stated there is a considerable depth of made ground. This is a challenging site to assess in terms of archaeological potential and it will depend on the nature of the engineering works associated with the site's development. As it is not yet clear what form of piling would be used, I recommend a condition to secure a supervised watching brief for all groundworks.

One neighbour has objected to the proposal on the grounds of effect on listed building and conservation areas, but they have not explained which listed buildings or conservation areas they are concerned about. The nearest locally listed building is 600m away, the nearest nationally listed building is Belgrave Hall over 500m away, and the nearest conservation area is Belgrave Hall CA which is over 400m away. I do not consider that the proposed development would cause any harm to those heritage assets.

### Viability and Developer Contributions

As this is a city council application an agreement under s106 of the Town and Country Planning Act cannot be entered into. As there is a contribution of £49,237 due towards off-site Public Open Space a Memorandum of Understanding will be completed between the applicant (Housing team) and the council as LPA.

Objectors have commented on the capacity of local medical facilities. A consultation was sent to the Clinical Commissioning Group but no response was received.

Objectors have commented about a lack of school places, but the council's Education team has not requested a contribution as there is a surplus in both primary and secondary school places within the relevant area.

### Contamination

The site is constrained as it is within a landfill buffer. Part of the site has in the past been used for inert landfill and has been affected by methane. The applicant has submitted a Geo-Environmental report as well as a Ground Gas report. The Geo-Environmental report identifies some low and moderate risks to future site users from ground contamination. The Ground Gas report concludes that investigation did not identify large volumes of materials that are likely to generate large volumes of gas, but the monitoring identified elevated ground gases with low flow rates.

The Geo-Environmental report considers the risk to neighbouring properties and concludes that the risk is low. There is some moderate risk identified to the watercourse and further sampling is recommended. Risk to site users is low to moderate and some suggestions for mitigation are included in the report.

Further investigation, remediation and mitigation is required and should be secured by condition. I recommend not only the standard contamination condition but also a condition specifically intended to deal with the risks from landfill gas.

Subject to the conditions being suitably addressed the risk should be minimised and remain within acceptable parameters according to the council's Pollution Control Officers.

### Other matters

Air quality is not a major concern on this site however measures to control dust should be included in the Construction Method Statement, and Travel Packs are recommended as well to encourage non-car travel.

One objector has mentioned the Equality Act however it is not clear how a housing development on an allocated housing site would breach this Act. The objector considers that an increase in traffic and crime would make older people less willing to leave their homes but as already explained it is not considered that there would be any materially harmful increase in traffic, and it cannot be assumed that there would be an increase in crime. An Equality Impact Assessment was carried out as part of the Local Plan process.

Some objectors have referred to the initial consultation having been carried out during (what we know now was the first) lockdown in 2020. At that time the council's customer service centre was closed and so people could not visit there to look at plans. The application was submitted in May 2020 when the LPA was adjusting to remote working. Consultation took place in July 2020 and although the case officer was available at this time, and the site notices provided the case officer's telephone number in case of people having difficulty viewing the application, this facility was not taken advantage of. The timing of the submission was based on the progress of the of the design process and funding timetable, and was not related to lockdown. Subsequent consultation followed in November 2021.

Some objectors have commented on the local population and made references to there being a high number of elderly people in the area. This cannot be given significant weight in the context of the housing demands facing the city. The development is likely to include households with children which would help to rebalance the local demography.

References to the implications of the development for Covid-19 are not considered to be substantive or material.

### Conclusion

- The site is allocated for residential use, and the proposed dwellings will make a valuable contribution to meeting housing need

- The design, accessibility and sustainability of the proposed dwellings would meet or exceed policy requirements
- Requirements relating to drainage, biodiversity and highway safety would be addressed
- The applicant would make a contribution towards meeting local open space needs
- The proposal complies with relevant local and national 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 until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:
  - (a) arrangements for the parking of vehicles of site operatives and visitors;
  - (b) arrangements for the loading and unloading of plant and materials;
  - (c) arrangements for the storage of plant and materials used in constructing the development;
  - (d) details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (e) details of wheel washing facilities;
  - (f) details of works to be carried out in the Highway and arrangements to facilitate those works;
  - (g) measures to control the emission of dust and dirt during construction;
  - (h) measures to control the impact of noise on existing residents;
  - (i) a scheme of working hours;
  - (j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (k) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public;
  - (l) procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works;
  - (m) procedures to ensure pollution and sedimentation is minimised to the adjacent watercourse and the procedure to be used in case of a pollution incident;
  - (n) measures to ensure that the structure of the adjacent watercourse is not affected by the proposed development;
  - (o) a scheme of tree protection for retained trees.

(To ensure the satisfactory development of the site, and in accordance with saved policies AM01, UD06 and PS11 of the City of Leicester Local Plan and Core Strategy policies CS02 and CS03. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. No development, including groundworks, shall take place until a programme of archaeological work and a Written Scheme of Investigation in respect of an archaeological evaluation have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- (a) the programme and methodology of site investigation and recording;
- (b) the programme for post-investigation assessment;
- (c) provision to be made for analysis of the site investigation and recording;
- (d) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (e) provision to be made for archive deposition of the analysis and records of the site investigation;
- (f) nomination of a competent person or persons or organisation to undertake the works set out within the Written Scheme of Investigation.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 3 above.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18).

5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with the local planning authority.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18.).

6. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority. The strategy shall include the following details:

1. A preliminary risk assessment which has identified:
  - (a) all previous uses;
  - (b) potential contaminants associated with those uses;
  - (c) a conceptual model of the site indicating sources, pathways and receptors;
  - (d) potentially unacceptable risks arising from contamination at the site :
2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy

giving full details of the remediation measures required and how they are to be undertaken;

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.

(In the interests of ensuring that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution and in accordance with saved policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework. In order to ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

7. No part of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. (To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete and in accordance with saved policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework.)

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved. (To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and in accordance with saved Policy PS11 of the City of Leicester Local Plan and paragraph 170 of the National Planning Policy Framework.)

9. Before any development takes place details of a scheme of mitigation, as well as a timetable for the implementation of the scheme, to mitigate the risks to human health arising from the landfill gas identified in report reference "10033776-ARC-XX-XX-RP-ZZ-0003-01-Lanesborough\_Rd\_Gas" shall be submitted to and approved in writing by the local planning authority. All approved mitigation measures shall be included in the development and shall be in place prior to occupation, and shall be retained thereafter. No occupation shall take place until a verification report has been submitted to and approved in writing by the local planning authority. (The site is in the vicinity of a landfill site known to have accepted wastes and it is considered that there is a perceptible risk of landfill gas adversely affecting it and in accordance with saved policy PS11 of the City of Leicester Local Plan. To ensure that the details

are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

10. A. Notwithstanding the approved plans, before any development takes place a materials sample panel drawing (at a scale of 1:20) and materials schedule for the development shall be submitted to and approved in writing by the local planning authority. The materials shall be in broad accordance with the specifications submitted as part of the application.

B. Before any above ground works take place a sample panel shall be constructed on site in accordance with the details approved under A above showing all external materials including:

(a) brick slip cladding system including method of installation, brick, bond and mortar colour and showing the treatment of cills, lintels, doorways, corners and junction with timber cladding;

(b) timber cladding;

(c) window frames, cills and lintels;

(d) door frames; and

(e) roofing,

for inspection and approval in writing by the local planning authority.

The development shall be constructed in accordance with the approved sample panel and materials.

(In the interest of visual amenity and the character and appearance of the area and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

11. Before any development takes place a scheme of on-site and off-site biodiversity mitigation including habitat for Badger and informed by the findings and recommendations of the following reports:

Badger Monitoring Report ref 10047095-ARC-XX-XX-RP-EC-0001-01-Badger Monitoring Report revision 01 dated August 2022

Biodiversity Metric Report 2022 ref 10047095-ARC-XX-XX-RP-EC-0001-02-BNG Lanesborough Road revision dated June 2022

Preliminary Ecological Appraisal Report ref 10033776-ARC-XX-XX-RP-EC-0003-05-Lanesborough Road PEA version 05 dated September 2021

shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation and details of long term management and maintenance over a period of a minimum of thirty years. The scheme shall thereafter be implemented in accordance with the approved timetable.

(In the interests of protecting and securing gains to biodiversity, mitigating harm to protected species and in accordance with Core Strategy policy CS17 and relevant provisions of the NPPF in particular paragraph 180).

12. A. Prior to any work taking place on the Sustainable Drainage System (SuDS) for the site details of the attenuation basin and the swale, including sections, layout plans and drainage calculations, shall be submitted to and approved in writing by the Local Planning Authority.

B. No part of the development shall be occupied until the Sustainable Drainage System (SuDS) for the site has been completed in accordance with the approved details contained within the Phase 1 Drainage Strategy reference

10033776-ARC-XX-XX-RP-CE-0001 version 4.0 dated June 2022, as modified under part A above, and is operational. The Sustainable Drainage System shall be retained thereafter.

(To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

13. Prior to the commencement of any construction above ground level details of the heating and ventilation systems shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

The development shall be carried out so as to achieve at least the minimum standards set out in sections 3.2 and 3.4 of the Sustainable Design and Construction Statement version 02 dated September 2021. The mechanical ventilation shall be capable of providing four air changes per hour on demand.

(In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy).

14. Before any above-ground work takes place details of a design for the site access shall be submitted to the local planning authority for approval in writing. The alterations shall be completed prior to occupation of the development. All street works shall be constructed in accordance with the Leicester Street Design Guide, June 2020. The details shall include:

- (a) alterations to the existing bell-mouth junction and kerbed radii;
- (b) provision of tactile paving and dropped kerb pedestrian crossing points;
- (c) provision of a junction table on Lanesborough Road;
- (d) alterations to existing highway drainage as required;
- (e) provision of highway signing and lining as required;
- (f) diversions of any statutory undertakers' equipment as required.

(To achieve a satisfactory form of development in respect of Highway safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

15. Before any of the flat blocks is occupied, and notwithstanding the approved plans, that block shall be provided with cycle parking in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking shall be contained within structures that are lockable, secure and weatherproof, and occupants of each flat shall be provided with access to the cycle shelters on occupation of the flat.

The cycle parking shall be retained thereafter for use in connection with occupation of the approved development. (In the interests of the satisfactory development of the site and to encourage sustainable travel in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).

(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)

16. Before the development authorised by this permission is occupied, and notwithstanding the approved plans, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the City Council as local planning authority. This scheme

shall be in broad accordance with Landscape Strategy Plan 2377\_PL\_01\_REV H and shall include details of:

- (a) the position and spread of all existing trees, shrubs and hedges to be retained;
- (b) new tree, shrub and other planting, including plant type, size, quantities and locations and including defensive planting to exposed rear boundaries;
- (c) means of planting, staking, and tying of trees, including tree guards and surfacing of tree pits;
- (d) other surface treatments including paths within the public open space, patios, driveways and refuse bin areas;
- (e) works to the existing public footpath;
- (f) fencing and boundary treatments including boundary treatments along the entrance drive between 21 and 25 Lanesborough Road, along the south-west and south-east site boundaries and means of controlling vehicular access to the open spaces;
- (g) retaining structures including sections showing foundations clear of the Highway;
- (h) pedestrian visibility splays to driveways and parking spaces;
- (i) any changes in levels;
- (j) the position and depth of service and/or drainage runs (which may affect tree roots);
- (k) street furniture and similar items to be placed in the public open space and within the highway;
- (l) landscaping of the swale and attenuation basin including sections and demonstrating integration with and usability as public open space;
- (m) consideration of biodiversity enhancements including hedgehog holes in boundary walls and fences;
- (n) a landscape and ecology management plan covering aftercare/maintenance of planting and open spaces.

The approved landscaping scheme shall be carried out prior to occupation for hard landscaping, and within one year of occupation of the development for soft landscaping. 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 biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17.)

(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)

17. Prior to the installation of the solar photo voltaic systems details of the systems shall be submitted to and approved in writing by the local planning authority. Evidence demonstrating satisfactory installation and operation of the approved scheme prior to occupation shall be submitted to the local planning authority within three months of the system becoming operational. (In the interests of securing energy efficiency in accordance with Core Strategy policy CS02).

18. No part of the development shall be occupied until details of a long term maintenance and management scheme for the Sustainable Drainage System (SuDS) as approved and as modified under condition 12 above has been submitted to and approved in writing by the local planning authority. The details shall include 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. The Sustainable Drainage System shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

19. Before, or at the time of, the first occupation of each dwelling, the occupiers of that dwelling shall be provided with a 'Residents Travel Pack', details of which shall have previously been submitted to and approved in writing by the local planning authority. The contents of the Travel Pack shall consist of paper and/or electronic information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with saved policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)

20. The dwelling on Plot 11 as shown on the approved plans and its associated parking and approach shall be constructed in accordance with "Category 3: Wheelchair accessible dwellings M4 (3)" Optional Requirement of the Building Regulations. All other dwellings and their associated parking and approaches shall be constructed in accordance with "Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement" of the Building Regulations. On completion of the scheme and prior to the occupation of any dwelling a completion certificate for that dwelling signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs and to meet the need for accessible housing in accordance with Core Strategy policy CS06).

21. No part of the development shall be occupied until dropped kerbs and ramps, suitable for wheelchairs and prams, have been provided in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings, in accordance with details that have previously been submitted to and approved in writing by the local planning authority. Notwithstanding the approved plans, the details shall include the provision of bollards at the footway radii at the internal priority junction, such bollards to be provided prior to any occupation of the development and retained thereafter. (For the safety and convenience of pedestrians including disabled people and pram and wheelchair users; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

(For the avoidance of doubt, the details approved as part of this planning permission are not sufficient to address this condition.)

22. No dwelling shall be occupied until the visibility splays to each side of each vehicular access to that dwelling, or to the parking area for the block in which the dwelling is contained, have been provided as shown on the approved plans. The visibility splays shall be retained thereafter free of any obstruction over 600mm in height. (In the interests of the safety of pedestrians and other road users, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

23. No dwelling shall be occupied until the approved facilities for the storage and collection of refuse including storage areas and bins, collection point and access for collection operatives, as shown on drawing G70-005 revision P4, are complete and ready for use. The approved facilities shall be retained thereafter for use in connection with the approved use of the development and all refuse bins shall be kept within the designated area other than on refuse collection day. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).

24. Before the occupation of each dwelling the parking space(s) to serve that dwelling as shown on the approved plans shall be provided. The on-plot spaces shall be retained thereafter for the parking of vehicles in connection with the approved use of the dwelling. The spaces within the Highway shall be retained thereafter. (To secure adequate parking provision, and in accordance with saved policies AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)

25. The development shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment reference: 10033776-ARC-XX-XX-RP-CW-001-01 dated October 2021 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 51.83 metres above Ordnance Datum (AOD).

This measure shall be implemented and maintained thereafter throughout the lifetime of the development and shall be applied to any extensions constructed to any of the dwellings. (To minimise the risk of damage in times of flooding, and in accordance with Core Strategy policy CS02).

26. Should the development not commence within twelve months of the date of the last protected species survey then a further protected species survey shall be carried out by a suitably qualified ecologist and submitted, including details of any revised or additional mitigation, to the local planning authority prior to the commencement of development. Development shall not commence until the local planning authority has approved the details in writing, and development shall be carried out in accordance with any approved mitigation. (In the interests of protecting and securing gains to biodiversity and in accordance with Core Strategy policy CS17 and relevant provisions of the NPPF in particular paragraph 180).

27. Before any charging points for electric vehicles are installed (other than those which are entirely contained within the private curtilage of a house) details shall be submitted to and approved in writing by the local planning authority. The charging points shall be installed in accordance with the approved details. (In the interests of

energy efficiency and sustainable travel and in accordance with Core Strategy policy CS02).

28. Before the occupation of any "House Type B" the side windows above ground floor level shall be fitted with obscure glazing to a minimum of Level Five on the Pilkington scale, and shall be fixed shut (with the exception of a top opening light at least 1.7m above internal floor level). The windows shall be retained as such thereafter. (In the interests of the amenity of occupiers of neighbouring dwellings and in accordance with policy PS10 of the City of Leicester Local Plan).

29. Development shall be carried out in accordance with the following approved plans:

G70-005 revision P4, Site layout as proposed, received 2/8/2022

A-G20-009 revision P4, plans and elevations house type B, received 18/11/2021

A-G20-004 revision P8, plans and elevations house type D, received 4/7/2022

A-G20-006 revision P10, plans and elevations house type E, received 4/7/2022

A-G20-008 revision P5, plans and elevations house type G, received 4/7/2022

G-20-010 revision P6, plans and elevations house type F, received 4/7/2022

A-G20-011 revision P5, plans and elevations apartment block A, received 4/7/2022

A-G20-012 revision P5, plans and elevations apartment block B, received 4/7/2022

A-G20-013 revision P5, plans and elevations apartment block C, received 4/7/2022

(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 (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

2. The Environment Agency has advised that the proposed surface water drainage outfall to the Melton Brook will require the necessary discharge consents to be agreed and that any works within 8 metres of an EA main river will require a permit.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the EA's National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the EA advises consultation at the earliest opportunity.

### 3. Access and egress from Lanesborough Rd (extreme event) - advice to the applicant from the Environment Agency

Although the main access to the site has been assessed as being outside of both the design and sensitivity flood events i.e. the 1 in 100yr 30% CC event and 1 in 100yr 50% CC event, the access is shown to be inundated by flooding within the 1 in 1000yr event. Typically, within this event depths are below 300mm however the residual risk of flooding remains. The EA recommends that a flood management plan is prepared and that the site is registered for flood alerts and warnings for the Upper Soar catchment to ensure the safety of residents within the occurrence of more extreme events.

4. The site known as Lanesborough Road, Leicester located at NGR SK 598 076 lies directly beneath the proposed development and is known to have accepted brick and concrete fragments, wood, ash/tarmac, old vegetation, plastics and clays. Any operations at this site would have ceased prior to the implementation of licensing under the Control of Pollution Act 1974 and as such the Environment Agency has only limited details. However, gas monitoring carried out between 1990 and 1993 detected significant quantities of landfill gas in one of six boreholes put down at the site. The potential for further gas generation at this site must therefore be assumed, however further investigations would be needed to confirm the current status of the site.

The site known as Off Bath Street, Leicester lies adjacent to the proposed development and is known to have accepted waste from the construction industry. It is assumed that this site was operational prior to the implementation of licensing under the Control of Pollution Act 1974, as a site licence was never issued. The Environment Agency has no records of waste types deposited at this site. A storage compound now occupies the area. The Agency is not aware of any gas monitoring being carried out at this location.

The site known as Bath Street, Leicester located at NGR SK 597 078 lies adjacent to the proposed development and is known to have accepted canal and watercourse silt dredgings. The site is currently operational and tipping is controlled

under Waste Disposal Licence reference 85. The Environment Agency is not aware of any gas monitoring being carried out at this site.

5. Further to condition 11 above, it is understood that land within the applicant's ownership to the west of the site would be suitable for off-site biodiversity mitigation. In the event that this land is unavailable or unsuitable then an alternative site capable of providing an acceptable level of mitigation would be required to be provided for the off-site mitigation, within close proximity to the site and within the existing ecological/Green Infrastructure network.

6. Further to condition 12 above, it is expected that the gradients of the attenuation features will be reduced in order to improve the amenity use of the features. As the gradients are adjusted this might affect the volume of the water that can be stored, hence the requirement for drainage calculations. It is recognised that further discussions might need to be held with officers in the council's Parks team in order to achieve a design that can be adopted as open space and which also meets drainage, amenity and biodiversity requirements.

7. The applicant is advised that although there is no planning condition regarding the installation of Electric Vehicle charging points to the houses and bungalow these can be installed as part of the development provided they would have only a minor impact on the external appearance of the buildings.

### **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_GE03	Development on a Biodiversity Enhancement Site will be permitted if the strategic nature conservation value is maintained or enhanced.
2006_GE06	Sets out the criteria for assessing proposed development within, and adjacent to, green wedges.
2006_H01	Sites shown as Housing Development Proposals on the Proposals Map will be safeguarded for housing and will not be given planning permission for alternative uses.
2006_H03	Provides guidance on minimum net densities to be sought for residential development sites according to location.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
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\_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 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\_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 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.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.