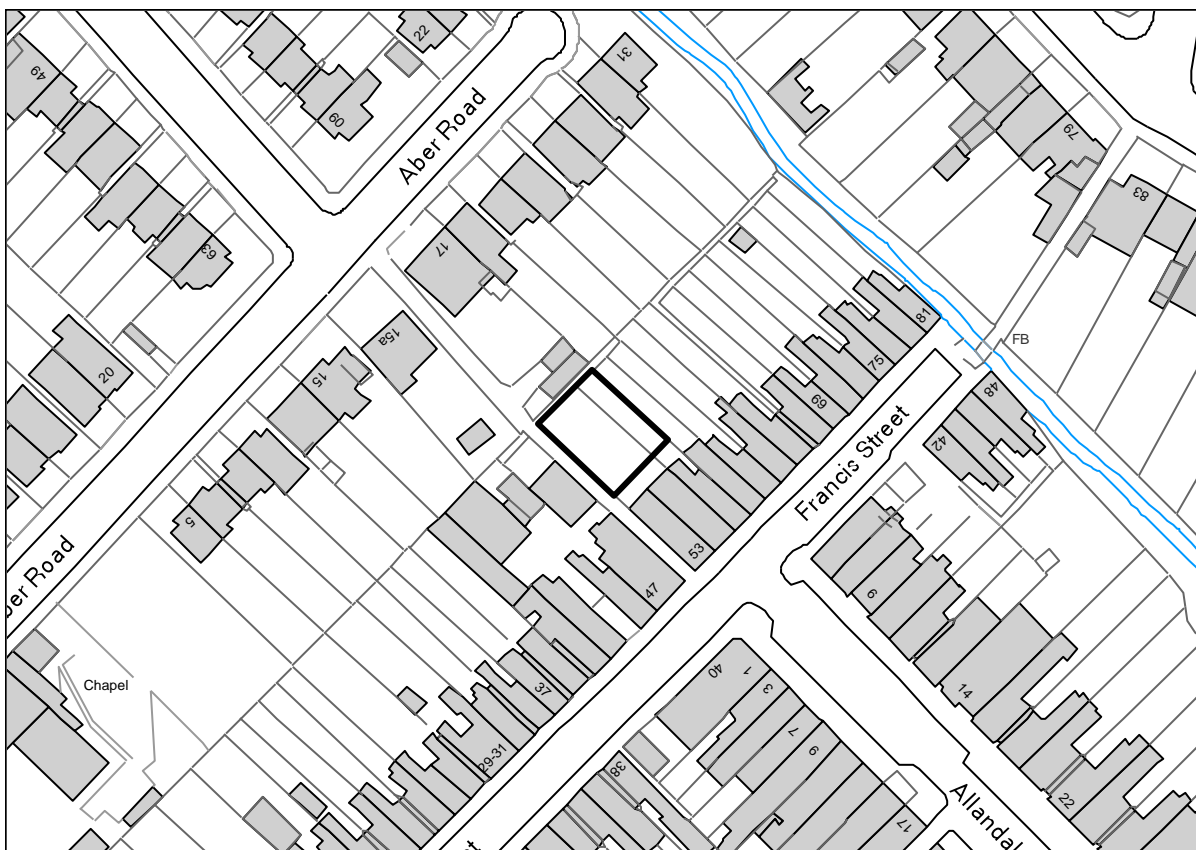


COMMITTEE REPORT

20221014	53 Francis Street, land to rear of	
Proposal:	Construction of two storey building to provide two flats (1 x 1 bed & 1 x 2 bed) (Class C3); installation of boundary fence, bin store and cycle stores (AMENDED PLANS RECEIVED 26/08/2022)	
Applicant:	Ms P Thaker	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	16 September 2022	
PB	TEAM: PD	WARD: Knighton



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Summary

- Reported to the Committee as 8 objections have been received from 7 City addresses.
- Objectors raise issues relating to pollution, loss of light and privacy, local character, parking, access, crime, wildlife, disruption during construction, alternative community use of the site and loss of property value.

- The main issues in this case are: the principle of development; the character and appearance of the area; designing out crime; the amenity of neighbouring occupiers; the living conditions of future occupiers; parking and access; and ecology and drainage.

The Site

This application relates to a 0.02 hectare site behind 53, 55 & 57 Francis Street. The site is vacant and at the time of site visit was somewhat overgrown.

The site has no direct road frontage but is bounded to the west by Aber Walk, a public footpath that links Aber Road to Francis Street and is observed to be well used. 53, 55 & 57 Francis Street all have commercial ground floor uses with first floors above. The ground floors have been enlarged by the addition of single storey extensions. The first floors have shallow outriggers with facing rear windows.

Beyond 57 is 59 Francis Street. This has a commercial ground floor use with first floor above. The rear garden of this property adjoins the application site.

On the other side of Aber Walk is 47 Francis Street. This also has commercial uses at ground floor level and at first floor above. Again, the ground floor has been extended and there are windows at first floor level in the facing flank elevation of the outrigger as well as in the rear elevations.

To the rear of 47 Francis Street is detached building with a conventional ground floor and accommodation at first floor level within its roofspace. This is 47b Francis Street and is believed to be occupied as a single dwellinghouse. The facing flank wall contains a number of secondary windows (the principal windows being on its front and rear elevations) and it is accessed via a gate onto Aber Walk.

To the rear of the site is a private alleyway, beyond which are the gardens of dwellings at 17 & 19 Aber Road. On the other side of Aber Walk is the garden of the dwelling at 15a Aber Walk.

The application site falls within the Allendale Road/Francis Street Local Centre, as defined on the Local Plan (2006) proposals map. It is also within a Critical Drainage Area. Aber Walk is a public right of way.

Background

Planning permission was refused in 2016 for the construction of a pair of semi-detached houses on the site (2 x 2 bedrooms) (20152303). The pair would have had a combined footprint of 102 square metres and a ridge height of 7 metres. They would have had a catslide roof with a projecting dormer each facing the Francis Street properties, and a conventional two storey height facing their rear gardens. The refusal reasons were as follows:

1. The proposal because of the confined site area lacks the provision of an adequate level of amenity space and separation distance between properties, contrary to policy PS10 of the City of Leicester Local Plan and CS03 of the

Core Strategy and the Supplementary Planning Document for Residential Amenity.

2. The proposal intersects the 45 degree line from properties on Francis Street, does not comply with the required distance between habitable room windows to protect privacy and outlook of adjoining neighbours especially those on Aber Road, it is thereby contrary to policy PS10 of the City of Leicester Local Plan and CS03 of the Core Strategy.
3. The proposed development is likely to result in a cramped form of development significantly reducing the light reaching to properties on Francis Street, resulting in a loss of outlook and has an overbearing impact upon the rear yards and flats at the rear of Francis Street thus resulting in a loss of amenity particularly to these residents contrary to policy PS10 of the City of Leicester Local Plan and CS03 of the Core Strategy.
4. The proposal because of its isolated location; lack of natural surveillance and dead frontage does not have a positive impact in terms of designing out crime, contrary to policy UD01 of the city of Leicester local plan.

Planning permission was granted in 2017 for the construction of a single detached dwellinghouse (3 bedrooms) (20161526). The approved scheme had a footprint of 76 square metres and a ridge height of 7.2 metres. As with the previously refused proposal, a catslide roof faced the Francis Street properties – albeit now without projecting dormers – and a conventional two storey height faced the dwelling's own garden. The garden area achieved amenity space for its future occupiers of 100 square metres. This scheme was not implemented and the permission has now lapsed.

Planning permission was refused in 2021 for the construction of a single and two storey detached dwellinghouse (3 bedrooms) (20211310). This was a more ambitious scheme, reorientated on the site having an 'L' shaped footprint totalling about 100 square metres. The two storey part would have reached a full conventional two storey height on all sides. The refusal reasons were as follows:

1. The proposed development, by virtue of its scale, design and siting does not have the ability to assimilate in the local area. The development would be cramped on site and inappropriate in terms of character, materiality and landscaping to the detriment of the street scene and character of the area contrary to National Planning Policy Framework (2021) paragraphs 124,130 and 134, Local Plan policy PS10, and Core Strategy policies CS03 and CS08.
2. The proposed development, by virtue of its design and siting of the two storey element would harmfully overshadow the public realm on Aber Walk and the access would create a secluded area off Aber Walk, contrary to National Planning Policy Framework (2021) paragraphs 92 and 130, and Core Strategy policy CS03.
3. The proposed dwelling, by reason of its siting, height and design, would result in significant overshadowing and loss of privacy of the gardens of 59 Francis Street, 61 Francis Street, and have an overbearing impact over the garden of 47b Francis Street and rear ground floor principal room window of 61 Francis

Street to the detriment of residential amenity contrary to National Planning Policy Framework (2021) paragraph 130, Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).

4. The proposed dwelling by reason of its design and siting would provide insufficient rear amenity space, and have an entrance within a secluded corner from an alley way resulting in unacceptable living conditions in terms of safety, contrary to National Planning Policy Framework (2021) paragraphs 92 and 130, Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).
5. The proposed development by reason of the inaccurate plans relating to the size of the rear amenity space is not adequate information for good decision-making. The proposal is contrary to National Planning Policy Framework (2021) paragraph 43.
6. Insufficient information has been submitted to demonstrate the proposed development would not adversely impact protected species or habitats and that a net gain in biodiversity could be achieved as a result of the proposal. The proposal is therefore contrary to paragraph 174 of the National Planning Policy Framework (2021) and Core Strategy Policy CS17.
7. Insufficient information has been submitted to demonstrate the proposed development would not result in significant levels of surface water runoff from the site and that acceptable SuDS features could be incorporated into the development. The proposal is therefore contrary to paragraphs 167, 168 and 169 of the National Planning Policy Framework (2021) and Core Strategy Policy CS02.

The subject application follows pre-application discussions (202190687P) and further dialogue has taken place during the course of the application with amendments to design details having been received.

The Proposal

Planning permission is now sought to construct a two-storey building to provide two flats (1 x 1 bedroom and 1 x 2 bedrooms) (Class C3). Specifically:

- The building would be 9.2 metres x 8.5 metres (78 square metres) and a ridge height of 7.7 metres. It would have a catslide roof facing the Francis Street properties and would have a 'one-and-a-half' storey height, with half-dormers punctuating the eaves, on the property's own garden elevation.
- The building would be sited 1 metre from the boundary with Aber Walk and 2.4 metres from the garden boundary of 59 Francis Street. The Aber Walk elevation would contain the buildings main entrance (serving both flats). No windows are proposed in the flank elevation facing the garden of 59.
- The elevation facing the Francis Street properties would contain bathroom and kitchen windows at ground floor level and rooflights (serving the stairwell and ground floor kitchen) within the catslide roof. These are marked on the drawings to be obscure glazed.

- The elevation facing the property's own garden would contain French windows serving bedrooms and a kitchen/living room at ground floor level, and windows serving a kitchen/living room and bedroom at first floor level.
- The elevation facing Aber Walk would contain a ground floor level window to the stairs serving the first floor flat.
- The ground floor flat (Flat 1) would be a two-bedroom flat with a floor area of 61 square metres; the first floor flat (Flat 2) would be a one-bedroom flat with a floor area of 52 square metres.

The ground floor would be occupied by the proposed two bedroom flat. The first floor would be occupied by the proposed one bedroom flat. The garden area would be subdivided into areas of private amenity space (20 square metres for the two bedroom flat; 16 square metres for the one bedroom flat) including timber-enclosed cycle storage, and the remainder would form an ecology/rain garden. Provision would be made for timber-enclosed bin stores behind the building. There would be a 1 metre high boundary fence corresponding with the length of the building's frontage to Aber Walk. The remainder of the site would be enclosed by 2 metre high fencing and secured with gates.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

The presumption in favour of sustainable development

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development which means: (c) approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies (or the most important policies are out of date) granting permission unless NPPF policies that protect areas or assets of particular importance provide a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies as a whole.

Decision taking

Paragraph 38 encourages local planning authorities to approach decisions in a positive and creative way and states that they should work proactively with applicants. It goes on to state that decision makers should seek to approve applications for sustainable development where possible.

Paragraph 56 lays down the tests for planning conditions. They are that planning conditions must be: necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable.

Delivering a sufficient supply of new homes

Paragraph 69 states that local planning authorities should support the development of windfall sites through their planning decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Promoting healthy and safe communities

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which (b) are safe and accessible, so that crime and the fear of crime do not undermine quality of life or community cohesion.

Paragraph 100 states that planning decisions should protect and enhance public rights of way.

Promoting sustainable transport

Paragraph 110 states that, in assessing applications for development, it should be ensured that: (a) opportunities to promote sustainable transport have been taken up; and (b) safe and suitable access can be achieved.

Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Making effective use of land

Paragraph 120 states that planning decisions should (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purposes in plans, where this would help to meet identified development needs.

Achieving well-designed places

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 130 states that planning decisions should ensure developments: (a) will function well; (b) are visually attractive; (c) are sympathetic to local character and history; (d) establish or maintain a strong sense of place; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 131 notes that trees make an important contribution to the character and quality of urban environments and can also help mitigate climate change. It states that planning decisions should ensure that existing trees are retained wherever possible.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Meeting the challenge of climate change, flooding and coastal change

Paragraph 154 states that new development should be planned in ways that: (a) avoid increased vulnerability to the range of impacts arising from climate change; and (b) can help to reduce greenhouse gas emissions.

Conserving and enhancing the natural environment

Paragraph 174 states that planning decision should contribute to and enhance the natural and local environment by (d) minimising impacts on and providing net gains for biodiversity.

Paragraph 180 states that (a) if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Leicester Core Strategy (2014) and City of Leicester Local Plan (2006)

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

Supplementary Planning Documents and Guidance

Residential Amenity Supplementary Planning Document (SPD) (2008)

Consultations

Highway Authority: no objection subject to conditions to secure the provision of cycle parking and travel packs.

Lead Local Flood Authority: no objection subject to conditions to secure full sustainable system and drainage details.

Pollution Control Officer (noise): no objection.

Police (designing out crime): There should be separate enclosure between the 1m and 2m fenced garden areas. Security lighting, CCTV, alarms and gable end windows recommended. Detailed recommendations re: foliage, window and door locks and alarm systems also offered.

Waste Management Team: min. 2 x 140 litre bins for refuse and 1 x 240 litre bin for recycling.

Representations

Representations have been received from seven city addresses, raising the following issues:

- increased pollution (air, light, traffic, dust, noise/disturbance)
- overlooking/loss of privacy
- loss of light/overshadowing
- appearance of proposal & backland development out of character
- add to parking pressure in Francis Street and Aber Road
- no direct access/inadequate access for emergency vehicles
- crime & anti-social behaviour – secluded area fronting Aber Walk
- no provision for wildlife/question future maintenance of rain/ecology garden
- harm to wildlife especially hedgehogs, birds and bees
- disruption during construction – access, health and financial/loss of business issues
- land overgrown/not maintained; should be used as a green/community space
- loss of property value
- risk of pollution to Evington Brook

Following the receipt of amended plans I have carried-out a re-consultation by letter on 26/08/2022. This 14 days consultation expires on 09/09/2022. Details of any further representations received and consideration of any new issues raised will be included in the Addendum Report.

Consideration

The main issues in this case are: the principle of development; the character and appearance of the area; designing out crime; the amenity of neighbouring occupiers; the living conditions of future occupiers; parking and access; and ecology and drainage.

Principle of Development

Core Strategy (2014) Policy CS06 provides for small housing infill schemes to support the development of sustainable communities. Policy CS08 calls for neighbourhoods to be sustainable places where people choose to live and work, but recognises that backland development is a significant issue in the suburbs and requires that such development be compatible with the locality and neighbouring buildings and spaces. Saved Policy R03 of the Local Plan (2006) sets out criteria for retail development within local and district shopping centres but is silent on the provision of new residential development in these centres (and therefore not relevant to the consideration of this application).

The proposal would make a contribution of two new homes to the city's housing supply in the form of a modest infill residential development on a vacant backland site within a local centre. In these respects, I consider that the proposal would be broadly in accordance with Policies CS06 and CS08, subject to the detailed consideration (below) of the localised impacts associated with the development of this backland site. Furthermore, the development of this under-utilised windfall site, to make more effective use of this land within an already built-up part of the city, for residential purposes would be wholly consistent with the aims of paragraphs 69, 120 & 123 of the NPPF.

I note that the principle of developing this site has not been challenged in recent previous planning applications for the site.

I conclude that the proposal would comply with the relevant provisions of Policies CS06 and CS08 and that the principle of developing the subject site for residential use is acceptable.

Character and Appearance

Core Strategy (2014) Policy CS03 sets an expectation for high quality designs that contribute positively to the character and appearance of the local built environment. It states that development must respond positively to the surroundings and be appropriate to the local setting and context and take into account Leicester's history and heritage. The policy also requires proposals to protect and where appropriate enhance the historic environment, recognising its value as a place shaping tool.

Core Strategy Policy CS08 states that backland development should be compatible with the locality and any neighbouring buildings and spaces in terms of design, layout, scale and mass.

A Design & Access Statement has been submitted with the application (though some detailed aspects of the proposal's design have subsequently been amended). The Statement notes that the proposed building has sought to closely follow the vernacular of Stoneygate and that traditional red brick and slate roofing materials would be used. In broad terms I am satisfied that this demonstrates a proper regard in the design of the proposal to the local context, and that in terms of materials a finish appropriate to a pastiche (rather than a contemporary) building would be achieved.

The footprint and ridge height of the proposal would be broadly consistent with that of the previously approved (but now expired) scheme 20161526, and to address the relationship with the neighbouring Francis Street properties the proposal also deploys a catslide roof as per that of the previously approved scheme. Unlike the previous scheme which - by reason of its hipped roof design, rendered first floor and fenestration details - would have had a rather 1930s suburban appearance, the external design of the subject proposal draws its inspiration from the stable/coach house buildings of the late 19th and early 20th Centuries typical of the more historic parts of the Stoneygate area. To strengthen this approach, the proposal has been amended during the course of the application to secure improved the design of the fenestration and half-dormers on the garden elevation, to detail the brick arches and window sills, and to relieve the monotony of the flank elevations with blind windows.

In its amended form, I am satisfied that the proposed building would be appropriate to the setting and context provided by the built environment of the Allandale Road/Francis Street Local Centre and that it would not appear unduly dominant when viewed from Aber Walk or any other surrounding public vantage points. The catslide roof would help to maintain an appropriate degree of visual separation between the building and the neighbouring Francis Street properties at the upper level.

To successfully achieve the desired effect – of a late 19th/early 20th Century stable/coach house building – the execution of final details will be critical. In this regard I consider it necessary to control the final selection of external building materials and window details (including reveals) through conditions of planning permission.

The site is already enclosed by close-boarded fencing to a height of approximately 1.8-2.0 metres high, and the provision of replacement fencing to a similar height would not in my view have an unacceptable impact upon the visual quality of Aber Walk. The part of the Aber Walk boundary alongside the proposed building would be fenced to a height of only 1 metre, and I consider that this is the appropriate design response, ensuring that the building's presence and main entrance is clearly apparent within the public realm of Aber Walk whilst maintaining a strip of defensible space and avoiding a fortress-like effect that might result from hiding the building behind 2 metre fencing.

I conclude that the proposal would comply with the relevant provisions of Policies CS06 and CS08 and that the proposal would make a positive contribution to the character and appearance of the area.

Designing Out Crime

Core Strategy (2014) Policy CS03 calls for new development to be designed to reduce crime and the fear of crime, and to promote public safety. It also calls for the promotion of active frontages onto streets and a clear distinction between public and private spaces.

The proposed development would make a modest increase in the level of activity along Aber Walk via the general activity (visitors, deliveries & etc) associated with the occupation of two flats. I consider that the location of the main entrance to the flats, facing Aber Walk, is the appropriate design response as is the creation of an area of defensible private space delineated by 1 metre high fencing.

In its consultation response Leicestershire Police recommended the introduction of a window in the flank elevation facing Aber Walk, to enhance natural surveillance. The applicant has amended the plans in response to the Police's design points, to introduce a window to the flank elevation facing Aber Walk and to ensure the residents' communal area to the side/rear of the building would be secured by a gate

Other issues raised by the Police are detailed matters – window & door locks, CCTV, alarm systems & etc. – and I recommend a note to the applicant to draw attention to these.

I conclude that the proposal would comply with the relevant provisions of Policy CS03 and would be acceptable in terms of design and anti-social behaviour.

Amenity of neighbouring occupiers

Core Strategy (2014) Policy CS03 notes that good quality design is central to the creation of attractive, successful and sustainable places. As noted above, it states that development must respond positively to the surroundings and be appropriate to the local setting and context. As noted above, Core Strategy Policy CS08 states that backland development should be compatible with the locality and any neighbouring buildings and spaces in terms of design, layout, scale and mass. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (a) noise, light and air pollution, (b) the visual quality of the area, (d) privacy and overshadowing and (f) the ability of the area to assimilate development. Policy PS11 states that proposals which have the potential to pollute will not be permitted unless the health and amenity of users, neighbours and the wider environment can be assured.

The Residential Amenity Supplementary Planning Document (2008) (“the SPD”) provides local design guidance on amenity matters. For the purposes of the SPD, the site is situated within the Outer Area of the city to which Section 3 of the SPD applies. This recommends separations of no less than 15 metres between a principal room window and a blank wall and of no less than 21 metres between facing principal room windows.

In terms of the neighbouring Francis Street properties, I have no definitive evidence about whether the first floors are in commercial or residential use. However, as permitted development allows floorspace above commercial (Class E) premises to change to up two flats, I shall assess the application proposal on the basis that the first floors either are or have the potential to be residential flats.

The proposed building would be sited to the north west of 53, 55 & 57 Francis Street and its catslide roof design replicates (albeit with gable-ended rather than hipped roof) that of the dwelling previously approved under 20161526. The two-storey part of the building (contained within the catslide roof design) would be sited approximately 10.5 metres from the first floor outriggers of 53, 55 & 57 and approximately 13 metres from the main rear wall at first floor level of those neighbouring properties. Although below the relevant SPD recommended separation of 15 metres, I consider that the overall effect of the catslide roof design combined with the relatively modest ridge height of 7.7 metres is such that the impact on light to, and outlook from, the first floor rear windows at 53, 55 & 57 Francis Street would be acceptable. As no principal room windows are proposed in the elevation facing the Francis Street properties, I am satisfied that the overlooking relationship would be acceptable in this instance.

In view of my findings about impacts upon the first floors of the nearest neighbouring Francis Street properties, I am similarly satisfied that the impacts in terms of daylight, outlook and privacy of the first floors of 47 and 59 Francis Street would be acceptable.

The proposed building would be situated to the south-west of the gardens at 59 and 61 Francis Street and therefore has the potential to cause overshadowing during the

afternoon. However, the building would be sited 2.4 metres from the garden boundary with 59 and taking into account the catside roof design and relatively modest ridge height I consider that the extent of shadow cast would be insufficient to lead to a significant loss of sunlight to the neighbouring gardens. For the same reasons, I find that the proposed building would not appear unduly obtrusive or overbearing when viewed from the neighbouring Francis Street gardens. No windows are proposed in the facing flank elevation.

The proposed building would be situated alongside the backland house at 47b Francis Street and would have some impact on its facing flank windows. However, I believe these to be secondary windows and I am satisfied that principal room windows in the other elevations of this neighbouring house would not be unacceptably affected by the proposal. To respond to the Police's request the proposal has been amended to introduce a flank window facing Aber Walk; to provide a sense of natural surveillance to Aber Walk whilst avoiding overlooking from a first floor principal room window, the window has been introduced at ground floor level and would serve the stairwell to Flat 2. I am satisfied that this arrangement would not cause unacceptable loss of privacy to 47b Francis Street. The main entrance to the flats would face 47b but I do not consider that the additional activity generated by the proposed flats would give rise to unacceptable levels of noise and disturbance.

The main garden elevation of the proposed building would face the rear elevation of the dwelling at 17 Aber Road at a distance of 28.5 metres. This would exceed the minimum separation between facing principal room windows recommended in the SPD. A distance of approximately 8 metres would separate the proposed principal room windows from the rear garden boundary of 17. Although less than 11 metres' separation usually sought, this was accepted under previously approved application 20161526 having regard to a single storey outbuilding at the rear of 17 Aber Road. This increases the effective separation distance to approximately 11.5 metres and in the circumstances I am satisfied that there would be no unacceptable overlooking of 17 Aber Road. I find that there would be no unacceptable loss of outlook, daylight and privacy to any of the neighbouring Aber Road properties nor any unacceptable impact upon the visual setting of their gardens.

I note that representations received raise issues of increased pollution and the potential disruption during construction works. I do not consider that when the development is completed and in use as two flats that the likely pollution impacts to neighbouring properties would be significant or unacceptable. Conversely, I do acknowledge that some disruption and pollution during the construction phase is inevitable and that these effects can impact neighbours' enjoyment of property and quality of life, and that in this case access to the site for construction can only be achieved via Aber Walk. However, the scale of proposed development is relatively modest and the challenges posed by the Aber Walk access should be well within the capabilities of experienced development professionals. The temporary impacts of construction upon neighbours (including neighbouring businesses), although regrettable, would not in my view form a good reason to withhold planning permission in this case.

I conclude that the proposal would comply with the relevant provisions of Policies CS03, CS08, PS10 and PS11, and that the proposal would not have an unacceptable impact upon the amenity of neighbouring occupiers.

Living conditions of future occupiers

Core Strategy (2014) Policy CS03 notes that good quality design is central to the creation of attractive, successful and sustainable place and states that new development should create buildings and spaces that are fit for purpose. Policy CS06 states that all new housing units should, where feasible, be designed to lifetime homes standards. Saved Policies PS10 and PS11 of the Local Plan (2006) apply to the amenity of future as well as existing neighbouring residents. Saved Policy H07 sets out criteria for the consideration of proposals for new build flats, including the creation of a satisfactory living environment, the arrangements for bin storage and the provision where practicable of garden space.

The Nationally Described Space Standards (NDSS) are not yet adopted in Leicester. Nevertheless, the adequacy of internal space is part of the creation of a satisfactory living environment for future occupiers and as such remains a material consideration.

The ground floor flat (Flat 1), which would be a 2 bedroom/3 person flat, would have a floor area of 61 square metres. In this and other respects (bedroom sizes/widths, floor to ceiling height and the provision of built-in storage), Flat 1 would comply with the NDSS.

The first floor flat (Flat 2), which would be a 1 bedroom/2 person flat, would have a floor area of 52 square metres. Although partially contained within the roofslope of the building, the application drawings demonstrate that 81% of the floor area would achieve or exceed the minimum floor to ceiling height of 2.3 metres. In these and other respects (bedroom sizes/widths and the provision of built-in storage), Flat 2 would comply with the NDSS.

The principal rooms to both flats would be served by windows on the (north-east facing) garden elevation, providing daylight, outlook and opportunity for natural ventilation. The principal room windows of Flat 1 would face the boundary line of the proposed rain/ecology garden at a distance of 1.5 metres. To ensure the outlook from these ground floor windows is not unreasonably curtailed, I recommend a condition to ensure that the separating fence is installed and retained to a height not exceeding 1 metre.

As a development of two modest flats the level of internally generated noise is likely to be minimal, and I note that the internal layout achieves broad alignment in terms of the vertical stacking of bedroom and kitchen/living spaces. The principal rooms are orientated away from the neighbouring Francis Street properties and this, I consider, should help to minimise the risk of disturbance in the event of any future changes of the Francis Street properties to more noisy uses. In this regard I note that the Council's Pollution Control team has raised no objection, and that the local planning authority would be in a position to exercise control over the installation of any external ventilation/extract equipment to the rear of the Francis Street properties. The Council's Pollution Control Officer has advised that he has no concern about the impact of

existing air conditioning units at the rear of the Francis Street properties upon the living conditions of the future occupiers of the proposed development.

Appendix E of the SPD recommends amenity space provision for flatted developments of 1.5 square metres per one bedroom flat and of 2 square metres per two bedroom flat. The proposal makes provision of 20 square metres for Flat 1 and of 16 square metres for Flat 2. Although the spaces include timber enclosed cycle storage, the remaining open amenity space still exceeds the SPD minimum expectations. I am satisfied that the quality of the proposed spaces would be reasonable in terms of daylight/sunlight and general useability for the future occupiers.

As regards lifetime homes standards, the standards have been replaced by optional Building Regulation Standard M4(2). In view of Policy CS06, I recommend that this matter could be covered as a condition.

The proposal makes provision for the storage on site of 2 x 140 litre waste bins and 2 x 140 litre recycling bins. This exceeds the minimum capacity requirement of the Waste Management team and ensures that each householder would be responsible for their own waste and recycling bins. At around 20 metres, the distance for wheeling the bins to the Francis Street kerbside for collection is further than the 10 metres recommended by the Waste Management team to be eligible for an assisted collection. However the site and Aber Walk are relatively level meaning that wheeling the bins to the kerbside would not be unduly strenuous for most people; I assume that a similar arrangement already exists in respect of the backland house at 47b Francis Street. To avoid the problems that would be associated with bins being left indiscriminately at the kerbside or on Aber Walk, I recommend a condition to ensure that the bins are stored on the site except for collection day (and the night before).

I conclude that the proposal would comply with the relevant provisions of Policies CS03, CS06, PS10, PS11 and H07, and that the development provide acceptable living conditions to its future occupiers.

Parking and Access

Policy CS14 of the Core Strategy (2014) calls for development to be accessible by alternative means of travel to the car, promoting sustainable modes of transport. Policy CS15 states that parking for residential development should be appropriate for the type of dwelling and its location and take account of the available off-street and on-street parking and public transport. It also seeks to ensure the provision of high quality cycle parking to encourage a modal shift away from the car. Saved Policy AM02 of the Local Plan (2006) states that planning permission for development will only be granted where the needs of cyclists have been successfully incorporated into the design, and calls for safe and secure facilities in accordance with Appendix 01 of the Plan. Saved Policy AM12 states that levels of car parking will be determined in accordance with the standards at Appendix 01 and sets out considerations for allowing reductions below the standards.

The Appendix 01 standard for car parking is 1 space per 1 bedroom dwelling and 2 spaces per 2 bedroom dwelling, and for cycle parking is 1 space per two bedspaces

plus one for visitors. Notionally, therefore, the proposal generates a standard requirement for 3 car parking spaces and for 4 cycle parking spaces.

The proposed development would occupy a backland site with no opportunity for vehicle access, and consequently no car parking can be provided. However, the site occupies a sustainable location being within the Allandale Road/Francis Street Local Centre and within a reasonable walking distance of London Road for local bus services to the city centre. I note that the local Highway Authority raises no objection to the lack of on-site car parking and that previous applications have not been refused for this reason. I am satisfied, in the circumstances, that any increased demand for on-street car parking that may result from this development of two modest flats is likely to be low and therefore that the proposal is unlikely to cause any unacceptable harm to highway safety.

However, the local Highway Authority has advised that the development would be suitable for travel packs, to encourage future occupiers to exploit the opportunities available for sustainable travel. In line with the Authority's advice I recommend a condition to secure the provision of a travel pack to future occupiers.

Each flat would have its own timber-enclosed cycle store, details of which have been provided and these would be sufficient to park (with an appropriate level of security and weather protection) 2 bicycles each. No separate provision for visitors is made, but there would be communal fenced & gated areas to the side and rear of the building that could reasonably be used for this purpose. I am satisfied that the proposal would make acceptable cycle parking provision and recommend a condition to secure it.

I note that representations received raise issues of access to the site for construction (and the potential implication of this for local businesses and residents), and about access to the development for emergency vehicles. As I have already noted, the scale of proposed development is relatively modest and the challenges posed by the Aber Walk access should be well within the capabilities of experienced development professionals, and whilst I am sympathetic to the impacts of construction upon surrounding businesses and residents, these impacts should be temporary and would not justify withholding permission. As regards access for emergency services, development with no direct road frontage is not uncommon (for example, houses on estates that face a green or a footpath) and I do not consider that the proposed development would be beyond the reach of ambulance crews or fire hoses.

I conclude that the proposal would comply with the relevant provisions of Policies CS14, CS15, AM02 and AM12, and that the proposal would not have an unacceptable impact upon highway safety and access.

Ecology and Drainage

Policy CS02 of the Core Strategy (2014) states that all development should aim to limit surface water run-off by attenuation within the site, giving priority to the use of sustainable drainage techniques. Policy CS17 states that the Council will expect development to maintain, enhance and/or strengthen connections for wildlife, and that ecological surveys and assessments will be required. Saved Policy BE22 of the Local Plan (2006) calls for adequate mitigation of flood risk from development.

A Preliminary Ecological Appraisal (dated 9th February) has been submitted with the application and this identifies that the site, in its existing condition, has the potential to provide supporting habitat for nesting birds, hedgehogs and bats. The Appraisal makes recommendations with regards to: wildlife friendly lighting; bird & bat boxes; bee bricks; use of plant species of value to wildlife; and removal of buddleia (invasive species).

The application proposes the provision of a rain/ecology garden within the site, and a rain garden specification has been submitted. The specification lists the range of plants that may be used and highlights the need for successful management and maintenance to ensure successful establishment of the garden.

Details of bird bricks (3 to be installed), bat bricks (2 to be installed) and bee hives (2 to be installed) have also been submitted with the application, and a note on the drawing confirms that hedgehog holes would be provided in each fence panel.

The submitted Preliminary Ecological Appraisal and rain garden specification are both acceptable. I recommend conditions to ensure that the proposed bird & bat bricks, bee hives and hedgehog holes are installed; to secure a detailed landscape and ecological management plan; and to secure a biodiversity improvement plan.

The proposed rain garden and use of permeable materials for the areas of proposed hardsurfacing within the site offer potential benefits in terms sustainable drainage and water quality. Having regard to the advice of the Lead Local Flood Authority, and subject to conditions recommended by the Authority to secure full details of the sustainable drainage system and other drainage arrangements, I am satisfied that the proposal would have an acceptable impact in terms of drainage and water quality within this Critical Drainage Area.

I conclude that the proposal would comply with the relevant provisions of Policies CS02, CS17 and BE20, and that the proposal would not have an unacceptable impact upon ecology and drainage.

Other Matters

Turning to matters raised in representations and not otherwise addressed in the main report above:

- land overgrown/not maintained; should be used as a green/community space – the Council does not have an ownership interest in this piece of land and the local planning authority must determine the proposal for the site submitted by the landowner on its own merits.
- loss of property value: this is not a material planning consideration and therefore cannot be taken into account when making a decision about the application.

The Planning Balance

As noted above, paragraph 11 of the NPPF establishes a presumption in favour of sustainable development and sets out an explanation of what that means for decision taking. Footnote 8 to the paragraph further explains that out-of-date policies includes situations where the local planning authority cannot demonstrate a five years' supply of deliverable housing sites (with the appropriate buffer).

The City Council cannot currently demonstrate a five years' supply of deliverable housing sites and as this planning application involves the provision of dwellings the so-called 'tilted balance' under paragraph 11 of the NPPF would be engaged if the application is considered for refusal.

In this case, however, the proposal is recommended for approval and would make a modest but nevertheless welcome contribution to the city's housing supply. In view of this, there is no need to consider the planning balance further.

Conclusions

The proposed building would occupy broadly the same building envelope as that previously approved (but now expired) under planning permission 20161526. The applicant has worked positively with Council officers at pre-application stage and during the course of the application to improve the external design of the building, drawing inspiration from the local Victorian and Edwardian vernacular, to show that the development can deliver appropriate biodiversity enhancement within the site, and to address a number of detailed matters.

The proposed development of this vacant site, sustainably situated within a local centre, is acceptable in principle and would make a modest but welcome contribution to the city's housing supply. As amended, the proposal would make a positive contribution to the character and appearance of the area and would not lead to unacceptable consequences in terms of crime and anti-social behaviour. I am satisfied that the impacts of the proposed development upon the amenity and privacy of neighbouring occupiers would be no greater than those of the scheme previously approved (but now expired) under planning permission 20161526 and that these remain acceptable. The proposal would secure acceptable living conditions for its future occupiers and would not give rise to unacceptable highways safety or access conditions. The development can be carried out so as to minimise its impact on ecology and to enhance the biodiversity value of the site whilst also achieving sustainable drainage. I conclude that the proposed development would comply with the relevant provisions of Policies CS02, CS03, CS06, CS08, CS14, CS15 and CS17 of the Leicester Core Strategy (2014) and saved Policies AM02, AM12, BE20, H07, PS10 and PS11 of the City of Leicester Local Plan (2006).

I recommend that this application for planning permission be APPROVED subject to the following 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. Construction of the building hereby approved shall not progress beyond damp proof course level until the materials to be used in the finish of the external walls (including the window arches and sills), roof and window frames, and details of the reveal of the windows (including the blind windows), have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the details so approved. (To ensure that the finished development makes a positive contribution to the character and visual quality of the area, in accordance with Policy CS03 of the Leicester Core Strategy (2014)).

3. The height of the fence separating the amenity space of Flat 1 (the ground floor flat) from the rain garden shall not exceed 1 metre, unless otherwise approved in writing by the local planning authority. (To ensure an acceptable quality of outlook from the principal room windows of Flat 1, in the interests of the amenity of the occupiers of the development and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).

4. The development shall be constructed in accordance with Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Policy CS06 of the Leicester Core Strategy (2014)).

5. The waste and recycling bins shall be retained on the site in the position marked for this purpose on the approved plans except on the day of collection and on the day prior to collection. (To ensure that the visual quality of the area is not diminished by indiscriminate storage of bins and to prevent avoidable obstruction to pedestrians, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).

6. No part of the development shall be occupied until the cycle parking has been provided in accordance with the approved details. The cycle parking so provided shall thereafter be retained. (To ensure that the development meets the needs of cyclists and encourages more sustainable travel choices, in accordance with Policies CS14 and CS15 of the Leicester Core Strategy (2014) and saved Policy AM02 of the City of Leicester Local Plan (2006)).

7. The development shall not be occupied until a Travel Pack for new residents has been submitted to, and approved in writing by, the local planning authority. The Travel Pack shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. The occupiers of each of the flats shall be provided with a copy of the approved Travel Pack upon their first occupation. (To ensure that the development encourages more sustainable travel choices, in accordance with Policies CS14 and CS15 of the Leicester Core Strategy (2014)).

8. The development shall be constructed to incorporate bird and bat bricks, bee hives and hedgehog holes in accordance with the details shown on the approved

plans. The bird and bat bricks, bee hives and hedgehog holes shall thereafter be retained and kept free of obstruction. (To ensure that connections for wildlife on the site are maintained, and in the interest of biodiversity enhancement, in accordance with Policy CS17 of the Leicester Core Strategy (2014)).

9. The development hereby approved shall not commence until a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon has been submitted to and approved in writing by the local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site such as the rainwater garden including a management scheme to protect habitat during site preparation and post-construction. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than 10 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 and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the local planning authority. (In the interests of the visual quality and biodiversity of the area, in accordance with Policies CS03 and CS17 of the Leicester Core Strategy (2014). To ensure that the details are approved in time to inform the construction phase of the development hereby approved, this is a PRE COMMENCEMENT condition).

10. The development hereby approved shall not commence until full details of the Sustainable Drainage System (SuDS) including implementation, long term maintenance and management of the system, has been submitted to and approved in writing by the local planning authority. No flat shall be occupied until the approved system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with Policy CS02 of the Leicester Core Strategy (2014). To ensure that the details are approved in time to inform the construction phase of the development hereby approved, this is a PRE COMMENCEMENT condition).

11. The development hereby approved shall not commence until details of drainage have been submitted to and approved in writing by the local planning authority. No flat shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure

appropriate drainage is installed in accordance with Policy CS02 of the Leicester Core Strategy (2014). To ensure that the details are approved in time to inform the construction phase of the development hereby approved, this is a PRE COMMENCEMENT condition).

12. Development shall be carried out in accordance with the following approved plans: 2022/02/28/E Page 1 of 8 (Ground Floor Plan (1:200)); 2022/02/28/E Page 2 of 8 (Ground Floor Plan (1:100)); 2022/02/28/E Page 3 of 8 (First Floor Plan and Roof Plan); 2022/02/28/E Page 4 of 8 (Elevations B & D); 2022/02/28/E Page 5 of 8 (Elevations A & C); 2022/02/28/E Page 6 of 8 (Fence, Bat Brick, Bird Brick and Beehive Details); 2022/02/28/E Page 7 of 8 (Bin and Cycle Store Details); 2022/02/28/E Page 8 of 8 (Site Location Plan and Proposed Site Plan) - all rec'd 26/08/2022. (For the avoidance of doubt).

Notes for Applicant

1. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

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

As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

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

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

3. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact highwaysdc@leicester.gov.uk for advice.

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

Policies relating to this recommendation

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

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

2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

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.

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

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

2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.

2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.

2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

2014_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.

