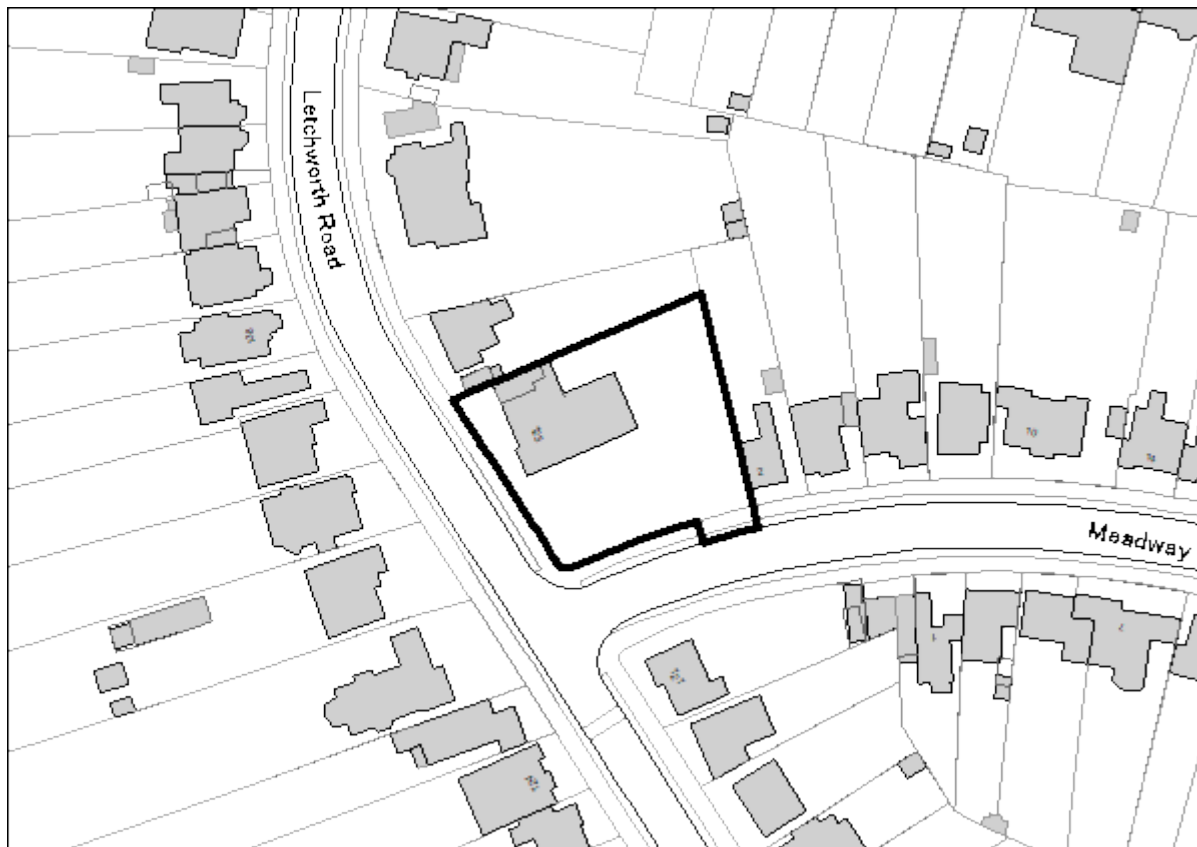


## COMMITTEE REPORT

<b>20231923</b>	<b>123 Letchworth Road</b>	
Proposal:	Construction of one detached two storey dwelling (1 x 2 bed); associated parking and landscaping (Class C3); installation of vehicular access; construction of boundary walls (Amendments received)	
Applicant:	Mr V Parmar	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	5 December 2024	
CY1	TEAM: PD	WARD: Western



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### Summary

The application has been brought to committee due to the number of objections received and also by the request of Councillor Vi Dempster.

18 objections have been received from 9 addresses within the local authority boundary and 2 outside with the following concerns:

- 1) Impact on 2 Meadway
- 2) Overlooking and loss of privacy to other neighbouring properties
- 3) Increase in parking and subsequent effect on highways
- 4) Impact on character and appearance on area and locally listed building
- 5) Loss of biodiversity
- 6) Inaccuracies in plans and application

The main considerations are the impact on the design and impact on locally listed building, amenity, living conditions, parking, ecology, and drainage.

The application is recommended for approval subject to conditions listed at the end of this report.

## The Site

The application relates to a large corner plot on Letchworth and Meadway with a detached locally listed dwelling (LL ref LL/355). The property has a large 'L' shaped garden measuring over 900m<sup>2</sup> that includes a driveway. The rear part of the garden (between the house and property 2 Meadway) is sited approximately 1m higher land level than the house as Meadway is set on an incline.

121 and 128 Letchworth Road are also locally listed.

The site is in a critical drainage area; an area which is unlikely to flood but where the rapid runoff of water leads to flooding in the hotspots.

## Background

[19921130](#), two storey extension at side; single storey extensions to rear of dwellinghouse and garage (as amended by plans received 11/11/92), Granted conditional approval in 1992 with single storey extensions implemented.

[19920023](#), Two storey side and part two storey and single extensions at rear of dwellinghouse, refused in 1992.

[19740741](#), Erection of bungalow within curtilage of existing dwellinghouse and formation of new vehicular access (revised plans), Granted conditional approval but not implemented.

## The Proposal

The application is for the construction of a dwelling to the south-east of the site adjacent to 2 Meadway. The dwelling would mostly have a width of 7.6m, a main depth of 10.6m, a height to eaves of 4.9m and height to pitch of 8.1m.

The garage is set in 1.3m from the front. At the rear there would be a 2m deep and 3.5m wide single storey conservatory to facilitate the dining room.

At ground floor level the property would include a single garage and living room to the front, toilet space in the middle, and lastly with open plan kitchen and dining space to the rear. At first floor level the property would include two bedrooms, a family bathroom, and dressing room. The internal area of the property would measure 142.3m<sup>2</sup>.

The proposal would result in the removal of the existing 1.8m close board fencing currently on Meadway and would replace it with low level brick boundary treatment to the front of the proposed dwelling along with trees around the side of 123 Letchworth Road on Meadway. A low retaining wall is proposed between the dwelling and 2 Meadway and 1.8m brick wall between the side of the dwelling and 123 Letchworth Road is also proposed.

110m<sup>2</sup> of garden space is proposed at the rear. No cycle parking nor additional parking excluding the single garage is provided for the proposed dwelling.

#### Amendments:

The above description is an amended scheme. Throughout the course of the application the following amendments were received:

22 January 2024:

- Moving the property to the west to provide a larger gap between the dwelling and 2 Meadway Road.
- Increasing the depth slightly to mitigate the loss of width.
- Altering the roofscape.
- Setting in the garage.

11 July 2024

- Adding additional planting in line with the biodiversity report

17 October 2024

- Showing the existing tree on the grass verge to be removed

12 November 2024

- Omitting the proposed new tree location as this was an inadequate size and agreeing to details being received via a condition.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

Paragraph 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraph 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraph 96 (healthy, inclusive and safe places)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 136 (Trees)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 173 (Flood risk considerations and SuDS)

Paragraph 180 (Natural environment considerations)

Paragraph 186 (Biodiversity in planning decisions)

Paragraph 188 (Habitats site)  
Paragraph 189 (Land instability or contamination)  
Paragraph 195 (Heritage as an irreplaceable resource)  
Paragraph 200 (Heritage statement)  
Paragraph 201 (Considering impact on heritage assets)  
Paragraph 203 (Sustaining significance of heritage assets)  
Paragraph 209 (Non-designated heritage assets)  
Paragraph 212 (Positive contribution to heritage assets)

At present, the city does not have a five-year housing land supply.

#### Development Plan policies

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

#### Other documents

Residential Amenity SPD (2008)  
Appendix 01 Parking Standards – City of Leicester Local Plan (2006)  
Residential Car Parking Research for Leicester (2011)  
Leicester Street Design Guide (2020)  
Housing and Economic needs Assessment (HEDNA) Main Report (2017)  
Nationally Described Space Standards (2021)  
Waste Management Guidance (2015)  
Leicester City Council's Strategic Flood Risk Assessment (2020)  
Flood Risk and Coastal Change Government Guidance  
Planning (Listed Building and Conservation Areas) Act (1990)  
Planning (Listed Building and Conservation Areas) Regulations (1990)

## Consultations

Local Highways Authority – no objections subject to conditions.

Lead Local Flood Authority (LLFA) – no objections subject to conditions.

Trees – concerns the installation of the dropped kerb would have a harmful impact on the existing street tree. Note option for applicant to pay to remove the tree and replace with two street trees as close to the site as possible.

## Representations

18 objections have been received from 9 addresses within the local authority boundary and 2 outside with the following concerns:

- Property is sited too close to 2 Meadway and would have the following impacts:
  - Loss of light to property, particularly four side windows
  - Overlooking and loss of oral and visual privacy
  - Difficulty maintaining side gable
  - Loss of visual amenity
  - Damage to property and foundations
  - Will need to invoke party wall act

- Lower house price
- Cause mental health issues
- No information on ventilation
- Overlooking and loss of privacy to other neighbouring properties
- Parking and highways
  - Insufficient parking will exacerbate existing situation caused by nearby school
  - Garage insufficient size and too close to highway
  - Visibility splays are unclear
- Design and heritage
  - Infilling would degrade open character of the area, large gardens, greenery, and streetscene
  - Inappropriate in this area, cramped design
  - Comes forward of building line
  - Pastiche design not of architectural merit
  - Negative impact on listed building
  - Quotes CS08 - *the council will seek to ensure that the distinctive characteristics of existing properties are retained and that any new development should only take place where damage can be avoided to the very qualities that make living in these areas so desirable*
  - Makes reference to residential amenity SPD and its position on infill development
- Ecology / biodiversity
  - Substantial negative impact on local environment, open space
  - Considers existing space is a haven for wildlife
  - Cannot view LEMP
  - Notes bats in the vicinity on flight path between 2 Meadway Road and the application site.
- Invalidity
  - Incorrect red line boundary
  - Incorrect notice served to highways
- Considers study could be used as a third bedroom (the study was omitted in amended plans)
- Questions if garden space is adequate for three bedroomed property when excluding biodiversity spaces (the study was omitted in amended plans)
- Position of the soakaway is unclear
- Considers emerging policy should be taken into account
  - Quotes DQP05 Backland, Tandem and Infill Development and DQP06 Residential Amenity
- Other
  - Fence has no planning permission
  - Development is solely for financial gain
  - Lack of re-publicity when amended plans were received

The application was also called to committee by Councillor Vi Dempster regarding concerns about the impact of the dwelling on the side windows at 2 Meadway.

## Consideration

The HEDNA identifies the need for 2- and 3-bedroom family dwellings. The plans show the dwelling house being 2 bedrooms. The proposal would create a much-needed small family dwelling in a residential location. The application is therefore considered acceptable in principle subject to the following considerations.

### Heritage, Character & Design

Policy CS06 of the Leicester Core Strategy (2014) states that new housing should be provided in accordance with the sustainable development and design principles set out in policy CS03 in order to protect residential amenity and provide quality development.

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high-quality architecture.

Saved policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

Policy CS08 of the Leicester Core Strategy (2014), referenced by one objector, states in areas of high architectural quality or significant local distinctiveness (particularly Conservation Areas), the Council will seek to ensure that the distinctive characteristics of existing properties are retained and that any new development is sympathetic to its specific location.

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

Residential Amenity Guide Appendix G references infilling between gaps between residential buildings can cause harm on the street.

The application site is part of the garden of 123 Letchworth Road which is a local heritage asset. It is also within the setting of 121 & 128 Letchworth Road which are also local heritage assets. These three houses define the attractive junction of Letchworth Road and Meadway.

123 Letchworth Road is an attractive and distinctive house which has two decorative facades, the side elevation fronting Letchworth Road and the principal façade which addressed Meadway across a front lawn. The front lawn has historically been heavily

planted and has a high close-boarded fence along the highway boundary which has largely screened the house from this street.

The plot of land, while part of the garden of the host property has a neutral impact on its setting, partly because of the high fence and lack of landscaping, but also due to the western flank wall of 2 Meadway which runs along the common boundary and is an unattractive feature. While in many cases it would not be possible to build a new dwelling to the front on a historically significant property without causing harm, in this case I consider it would be possible given the space available, distance from the host property and the opportunity to screen the gable of 2 Meadway.

The design of the new dwelling is appropriate to its setting and draws inspiration from many features typical of interwar houses with a double-height bay window and brindle-mix red and blue bricks set in a Flemish bond.

The revised scheme would be narrower than existing and lower in scale, which is welcomed. The proposed design revisions have addressed concerns over the original application with the garage projection removed and the roof form altered to create a gradual change between 2 Meadway and 123 Letchworth Road.

I am satisfied that the revised form of the building, along with the detailing shown mean that the proposed dwelling would sit comfortably within its context and would not cause harm to the setting of host property at 123 Letchworth Road nor the setting of 121 and 126 Letchworth Road.

The detailing of this property will be important and as such a condition is recommended for all materials to be agreed, including the proposed brick bonding before works begin.

Many objectors have regarded the proposal as a cramped design in a fairly open area, and have concerns it would degrade the character of the area. I note that, as existing 123 Letchworth Road is around 1330m<sup>2</sup> in size including a side and rear garden over 900m<sup>2</sup>, the proposed dwelling would fit comfortably on the site without jeopardising the openness of 123 Letchworth Road. I also note that the urban grain up Meadway along with a large majority of Letchworth Road has a relatively tight urban grain with around 2m between each property. The amendments have opened the gap between 2 Meadway to a more similar size to the gaps between the other properties on Meadway. I consider the dwelling would tie in well with the existing urban grain of Meadway and not have a dominant impact on the streetscene or neighbouring dwellings.

I am mindful of the permitted development rights under Classes A, B, and C of Part 1 of the General Permitted Development Order that allow generous extensions to the resultant dwelling. In order to prevent any harm to the locally listed building, and ensure the preservation of the character of the streetscene I recommend these rights are removed via condition to allow the Local Planning Authority assess the design implications of any additional alterations to the property in the future.

I conclude that the proposal would comply with policy CS03 and CS18 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), and NPPF chapters 12

and 16 and is acceptable in terms of the character and appearance of the area including the non-designated heritage assets.

Residential amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context.

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

Concerns have been raised regarding the development having an impact, light, privacy, and overlooking and subsequently its impact on the mental health of neighbouring occupants.

123 Letchworth Road:

123 Letchworth Road is sited to the north-west of the dwelling. It is a large corner dwelling with a large games' room/ reception area to the rear close to the proposed dwelling. The room is triple aspect with windows to the north, east, and south. The proposed dwelling would be sited to the south-east of the dwelling and breach a 45-degree line from one of the five windows to this room. Given the large levels of light and outlook to this room, I do not consider the dwelling would unacceptably harm the enjoyment of this room.

The dwelling would still have a large private amenity space to the rear along with the large garden space to the corner of Letchworth Road and Meadway.

It is also noted that the development would remove the current overlooking from the existing four, side, clear-glazed windows at 2 Meadway Road. A side window is proposed on the new dwelling facing this property. On plans it is proposed to be obscure glazed. I recommend a condition ensuring this.

2 Meadway:

2 Meadway is sited to the east of the dwelling, the property is on a higher land level and currently has four small clear glazed windows that overlook west-south-west onto the garden of 123 Letchworth Road. The windows are all secondary windows and belong to the rear bedroom, front bedroom, rear main lounge, and front lounge respectively. Each of these rooms has a larger window either to the front or rear of the dwelling which are considered to be the main window to that room and benefit from good levels of outlook and natural light which would not be detrimentally impacted by the proposed dwelling.

I am mindful of the permitted development rights under Classes A, B, and E of Part 1 of the General Permitted Development Order that allow generous extensions to the resultant dwelling. In order to safeguard the amenity of the adjacent neighbours I



recommend these are removed via condition to allow the Local Planning Authority assess the implications of any additional alterations to the property in the future.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), and paragraph 135 of the NPPF, and is acceptable in terms of amenity to neighbouring properties.

### Living Conditions

All principal rooms would have adequate natural light, privacy, and outlook, along with ample amenity space to the rear. I note there were concerns regarding the size of the amenity space and I note that even with excluding areas for biodiversity, the garden would exceed the minimum requirements for a three-bedroomed dwelling. The internal space of the dwelling is also considered to be acceptable and the access via Meadway would allow for natural surveillance from the streetscene which is welcomed.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 and H07 of the Local Plan (2006), and paragraph 135 of the NPPF, and is acceptable in terms of living conditions for the existing and proposed occupiers.

### Highways and Parking

Core Strategy Policy CS14 states development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel.

Saved Policy AM12 states level of parking for residential development shall be determined in accordance with Appendix 01 referenced above.

One parking space is proposed on site which is a shortfall of the recommended 2 parking spaces for family dwellings. I also note concerns were raised from objectors regarding a lack of parking and congestion from the nearby school. Nevertheless, I note there are no on-street parking restrictions and the increase of one on-street parking space would not result in a detrimental highway impact.

The proposed off-street parking space would be situated within a garage that meets the recommended minimum internal dimensions for a modern car. The distance however between the garage door and public highway however would not meet the recommended depth of 5.5m and so there is potential for the temporary overhanging to the highway would occur when the occupant is coming and going from the property. I note though that this would be infrequent and could be further mitigated with a roller shutter garage door and so I recommend this is secured as a condition.

It is also noted that the dropped kerb should be a minimum of 3.7m wide, I consider the installation of the dropped kerb is acceptable and the specific size can be determined when the applicant applies directly to the highway authority.

Concerns have been raised regarding the plans for the proposed new building not making clear the visibility splays to the new drive and garage. The proposed boundary wall would be low in height, and given the large street tree would be relocated I consider that the visibility to and from the site would be acceptable.

With this condition, I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM12 of the Local Plan (2006), and is acceptable in terms of highway impact and parking.

#### Drainage

A SuDS Strategy report has been provided, which proposes the use of permeable paving and a connection into the public sewer. However, references are made to the use of soakaways and the proposed plans show a soakaway and water butt on the key. Clarifications and further details (bullet pointed below) are required which can be secured via condition.

- Confirmation of the proposed Surface Water Drainage Strategy
- Clarify the permeable paving area shown on the SuDS Layout Plan
- Detailed drainage calculations
- Further SuDS Recommendations
- If applicable, written justification confirming why further SuDS are not to be integrated
- If any further SuDS are proposed: Product Specification and/or Design Details
- Clarify SuDS Maintenance plan

With this condition, I conclude that the proposal would comply with policy CS02 of the Core Strategy (2014), and paragraph 173 of the NPPF, and is acceptable in terms of drainage and flood risk.

#### Waste

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area including potential litter problems.

Waste storage is shown on plans at the front of the dwelling behind the proposed hedging. I consider there is ample space for the storage of these bins, and I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of waste storage and management.

#### Nature conservation/Trees/landscaping

Saved Policy UD06 states that *'planning permission will not be granted for any development that impinges directly or indirectly, upon landscape features that have amenity value including areas of woodland, trees, planting or site topography whether they are within or outside the site unless: a) the removal of the landscape feature would be in the interests of good landscape maintenance; or b) the desirability of the proposed development outweighs the amenity value of the landscape feature'*.

Policy CS17 of the 2014 Core Strategy states that development shall maintain, enhance, and/or strengthen connections for wildlife, by creation of new habitats, both within and beyond the identified biodiversity network. In considering the potential impact of development on wildlife, the Council will require ecological surveys and assessments of the site to be undertaken where appropriate to establish the presence or absence of protected species or habitats of particular value prior to any development taking place.

Since the application was submitted, all new applications must now provide a 10% increase in Biodiversity Net Gain (BNG) unless exempt. As this application was submitted before April 2024 it does not need to provide a 10% net gain, but simply seek opportunities for securing measurable net gains for biodiversity as per paragraphs 180 and 186 of National Planning Policy Framework (2023).

The Applicant has provided Biodiversity Net Gain Assessment Report (Arbtech - June 2024) with associated DEFRA metrics and Landscaping plans (DT Designs Ltd - Rev 3 - 27/06/2024) which supersedes the Landscape and Ecological Mitigation Assessment initially submitted with the application. Despite not needing to comply with mandatory BNG, the proposed landscaping scheme following recommendations within the BNG Assessment Report will deliver a Biodiversity Net Gain of +10.91%.

It is noted that the dropped kerb to the front of the property will result in the need to remove one of the existing street trees (the location of which is marked out on the proposed plans), and that has not been accounted for in the current design and BNG calculations meaning the figure of 10% is likely to be lower. Regardless the development would still result in an onsite increase in BNG, and as per Trees and Woodlands Guidance, compensatory planting of two trees will be required to offset the loss of the single street tree. I recommend that the details regarding the size, species, and position of the proposed two trees, along with the schedule for the loss of the existing lime tree and further replanting can be submitted to and approved by the Local Planning Authority in consultation with the Trees and Woodlands Team via condition. With this in mind the development will still result in an increase in BNG onsite and offsite.

To secure this increase, a Landscape and Ecological Management Plan (LEMP) based upon the latest proposed landscaping plan and recommendations within the BNG Assessment Report will be required. This should include details of how compensation habitat will be created and managed over a period of 30 years.

Further to this, the LPA would welcome a development design that provides features that add value to local ecological networks and support local Biodiversity Action Plan (BAP) species. Therefore, it is requested that the following features are also included:

- i) Hedgehog 'highway' holes in fencing.
- ii) Nest boxes to include 2 x Bat and 2 x Bird (Swift recommended). These should be located under the direction of a suitably experienced ecologist and the designs of boxes used and proposed locations must be included on an elevated plan or within the LEMP.

As current presented information provides sufficient comfort that BNG will be achievable with this scheme, the LEMP may be conditioned.

As the proposed development will include some site clearance, a note to applicant is recommended advising the applicant to avoid bird nesting season. I note concerns have been raised regarding the proposed impact on bats. The site is cleared to an extent that bats are not considered to be roosting on the premises. Moreover, the proposal will provide roosting potential through the installation of bat roosting boxes.

With both these conditions, I conclude that the proposal would comply saved policy UD06 of the Local Plan (2006), and 2014 Core Strategy policy CS17, and is acceptable in terms of the tree protection and biodiversity.

#### Other matters

Concerns have been raised regarding the existing fence on site not having planning permission. This concern has been raised with the enforcement team but appears to have been in situ for over 4 years and therefore would be immune from action. The proposal would result in the removal of this fencing which would be welcomed.

An objector has stated that the development is solely for financial gain. The personal motivation for the development is not a planning matter. Nevertheless, the development would result in a much-needed small family dwelling which would be a planning benefit.

Any damage to private land including properties and their foundations, or loss of access across neighbouring land to maintain a property would be a civil matter. The party wall act is a separate matter from the planning system.

Impact on house prices is not a material consideration.

An objector has considered emerging policy should be taken into account, particularly proposed policies DQP05: Backland, Tandem and Infill Development and DQP06: Residential Amenity. Whilst the Local Plan has been submitted, it is in its stage of review by the Planning Inspectorate. As such the Local Planning Authority do not consider these can be given any significant weight at present.

Regarding ownership queries: Notice has now been served on the city council highways team. A Land registry title plan has been received showing the red line boundary is within the applicants' ownership. A note to applicant is recommended to state no development shall overhang onto the neighbouring sites however any land dispute would remain a civil matter not a planning matter.

Regarding ventilation, the site is not within a noisy area or air quality management area where windows are expected to remain closed, as such a ventilation scheme is not required in this instance.

Regarding lack of re-publicity, as the objector noted it is for the local planning authority as to whether re-publicity is necessary, in this case the amendments were

not considered to be so significant to warrant re-publicity. All objectors will have an opportunity to speak about the development at the committee meeting.

All new dwellings are expected to meet M(4)2 standards for accessible and adaptable dwellings. I consider it appropriate to attach a condition ensuring the scheme is built out to M4(2) standards.

## Conclusion

I therefore recommend that the application 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. Prior to any works above ground level, details of the materials to be used on all external elevations and roof shall be submitted to and approved by the City Council as local planning authority. For the brick walls this shall also include the spacing and bonding. The development shall be carried out in accordance with these details and retained as such. (In the interests of visual amenity, and to preserve the character of the non-designated heritage asset, and in accordance with Core Strategy policies CS03 and CS18)
3. Before the occupation of the proposed extension new windows facing 123 Letchworth Road shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 123 Letchworth Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Prior to the occupation of the proposed dwelling, the garage shall be fitted with a roller shutter door and retained as such. (To ensure adequate distance between the garage and in the interests of saved policy AM01 of the 2006 Local Plan).
5. Notwithstanding the approved plans, the dropped kerb shall have a width of 3.7m and be installed prior to the occupation of the proposed dwelling and retained as such. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
6. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall

include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes A, B, D and E of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable, result in harm to the locally listed building adjacent, or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy Policies CS03 and CS18).
9. Prior to the works above ground level a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of:
  - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
  - (ii) new tree and shrub planting on the application site, 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 and location of retaining walls;
  - (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 meadow creation and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction.
  - ix) details of planting design and maintenance of green wall;
  - x) details of the make and type of [2]x bird boxes/tiles/bricks and [2] x bat boxes/tiles/bricks to be erected on buildings under the guidance and

supervision of a qualified ecologist. 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 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

10. Prior to the installation of the dropped kerb, details regarding the removal of the existing lime tree and planting of two replacement trees shall be submitted to and approved by the Local Planning Authority in writing, in consultation with the City Council's Trees and Woodlands Team. The details shall include the size, species, and position of the proposed two trees, along with the schedule for the loss of the existing lime tree and further replanting. The removal and replanting shall be carried out in accordance with these details. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).
11. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)
12. Development shall be carried out in accordance with the following approved plans:  
2023/07/176 /E, pages 1-6, received 12 November 2024  
(For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use. All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time. Further information on birds

and the law can be found here: Wild birds: protection and licences - GOV.UK (www.gov.uk)

2. In relation to condition 10 the applicant is advised that:
  - 1) The Lime tree removal would be subject to section 115 of the environment act – duty to consult on felling of street trees. This is a 28-day public consultation, with a 28 day response time. 56 days in total.
  - 2) The customer would have to bear the costs for tree removal and tree replacement. For an estimated cost and payment arrangements, the applicant is recommended to contact the Trees and Woodlands team.
3. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

The application was submitted prior to the mandatory 10% biodiversity net gain condition being implemented.

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 2023 is considered to be a positive outcome of these discussions.
5. Condition 8 refers to alterations/extensions that you are normally allowed to carry out to houses without planning permission. In this case the City Council wants to be able to control any alterations and extensions to preserve the appearance of the property or protect the amenities of neighbouring properties. You should submit a pre-application on the Council's website here: <https://www.leicester.gov.uk/planning-and-building/planning-applications/apply-for-pre-application-advice/> if you are considering such works.
6. To meet condition 11, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be Category 2 M4(2) requirements. Any application to discharge this condition



will only be considered if accompanied by a building regulations completion certificate/s as stated above.

### **Policies relating to this recommendation**

- 2006\_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014\_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.

