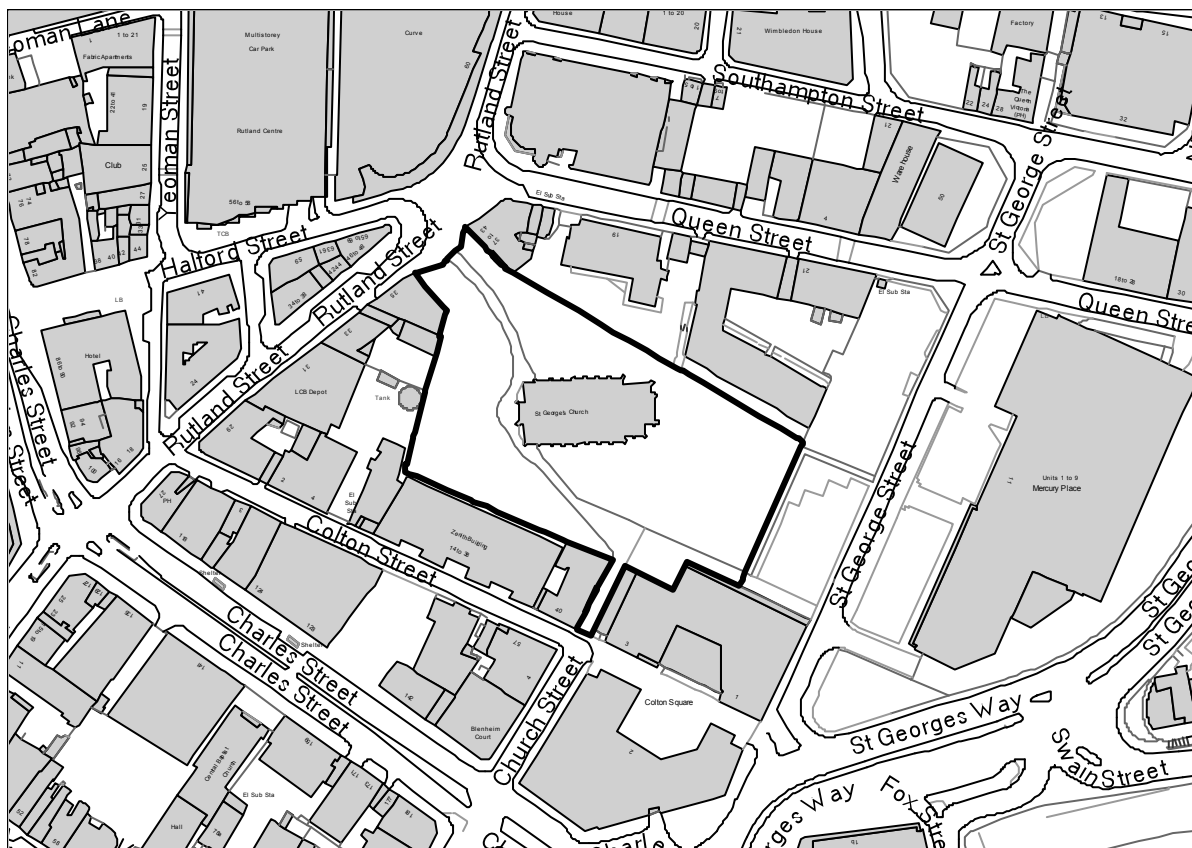


Recommendation: Conditional approval	
20171911	ST GEORGES CHURCH, RUTLAND STREET
Proposal:	LANDSCAPING; REMOVAL OF 21 TREES INCLUDING 2 PROTECTED BY TREE PRESERVATION ORDER; DEMOLITION OF WALL; PARTIAL REMOVAL AND RELOCATION OF RAILINGS; INSTALLATION OF GATE (AMENDED 07.12.17)
Applicant:	MRS GOOCH
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20171911
Expiry Date:	3 November 2017
TEI	WARD: Castle



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Summary

- The application is before committee as 49 separate objections and a letter of objection with 20 signatories have been received.
- Representations largely concern the impact of the loss of the trees on the character and appearance of the conservation area, the setting of the listed

building and the impact on air quality and ecology and the conservation impacts of the loss of the boundary wall.

- The main issues are the heritage, ecological and air quality impacts of the proposed removal of 21 trees, the broader ecological implications of the proposal, the heritage impacts of the removal of the boundary wall to Orton Square, the accessibility of the churchyard and the impacts on residential amenity.
- The recommendation is for approval.

Introduction

The application relates to St George's churchyard. The churchyard is a closed churchyard with St George's Church being a Grade II* listed building and purportedly the first church built in Leicestershire since the Reformation. It is a Commissioners' Church built predominantly in the decorated style between 1823 and 1827 to designs by William Parsons, though the chancel was added in the late nineteenth century to designs by Sir Arthur Blomfield and the nave rebuilt in the early twentieth century to designs by W. D. Caröe. Originally a Church of England Church it now hosts a Serbian Orthodox congregation. It is recorded as Category C on the local Heritage at Risk Register. A category C listing means that the church has been assessed as being in slow decay with no agreed solution. The site is in the St George's Conservation Area and also contains the Grade II listed war memorial erected in 1921 to the designs again by W. D. Caröe. On site there are six trees protected by individual tree preservation orders and ten trees along the southern side of the site protected as part of a group tree protection order.

Background

Conditional approval (20030310) was granted on 15.04.03 for a 2.3 metres high wall and railings to the Rutland Street entrance of the churchyard (now the Orton Square entrance). Since then the planning history has largely related to applications for the felling of or works to the trees in the churchyard and for minor works to the listed church. The Churchyard is within the curtilage of the listed Church, but Listed Building Consent is not required for the development.

The Proposal

The proposal as amended is for the redevelopment of the western part of the churchyard with smaller scale works to the eastern part of the churchyard. The churchyard is currently largely inaccessible to the public other than the pedestrian route through north west to the south. The works will provide greater access to the western part of the churchyard and improve the pedestrian route through the site.

Removal of trees:

The works will involve the removal of 21 trees including the tree protected by tree preservation order ref. 436(T1) and the eastern most of the ten trees protected by group tree preservation order ref. 349(G1). The removed trees will primarily be those that sit adjacent to the northern part of the path that runs on a south east to north west axis past the west end of the church though two trees close to the courtyard at

the rear of the LCB Depot will be removed as will three trees close to the south west corner and one close to the south east corner of the church and three close to the cobblestoned triangle to the south west of the war memorial.

Additional information has been submitted stating that replacement trees will be provided in the city on a 2:1 ratio and that all planting will be carried out in accordance with British Standard 8545. Eight of these will be semi mature trees planted on site in locations shown on the landscape proposals (six to the south and two to the west of the site). Three will be at the Leicester Print Workshop, six on St Matthews Way and four as part of the London Road highways scheme. The statement adds that the location of the other twenty one replacement trees has yet to be determined.

Removal of headstones, wall and railings:

49 gravestones will also be relocated from current positions predominantly to the west of the site to positions at the north and south of the site leaving the western part clear.

The proposal will also involve the removal of the boundary wall permitted under application 20030310 from the Orton Square entrance and the removal of the railings along the western side of the northern part of the south east to north-west axis. The railings on the eastern side of this axis will be temporarily removed and renovated and returned to their original position.

Landscaping features:

Stone paving to match Orton Square will be laid at the north west of the site with five benches and a litter bin provided and with steel studs laid to mark the line of the existing churchyard wall. The space outside the west end of the church will be broadened with a path laid to lead to the rear courtyard of the LCB Depot.

A new gate will be provided at point where this path meets the depot courtyard and two benches and a litter bin will be provided in the broadened space outside the west end of the church. The existing path and the broadened space outside the west end of the church will be re-laid in resin bonded gravel.

The western and far eastern parts of the churchyard will be made good as open amenity grassland. Two areas of wildflower planting will be provided, one to the north and one to the south west and the path around the church will be levelled and made safe to better accommodate Easter and other liturgical processions.

Lighting:

The proposal also includes flood lighting for the church. This has been amended to include seven floodlights around the church including three to the north and three to the south sides of the church and one to the east end of the church. The lighting to the west end has been removed. The lighting plan also shows the lux levels around the seven street lamps to be between 0.5 lx and 1 lx.

Policy Considerations

Chapter 7 of the National Planning Policy Framework focuses on requiring high quality design for all development including individual buildings and public spaces. It describes how developments should function well and add to the overall quality of the area, respond to local character and history and be visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 57 of the National Planning Policy Framework emphasises the importance of planning positively for high quality and inclusive design for all development including public spaces. Paragraph 61 adds that securing high quality design goes beyond aesthetic considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 9 of the National Planning Policy Framework describes how pursuing sustainable development includes moving from a net loss of bio-diversity to achieving net gains for the future and improving the conditions in which people live and travel. Paragraph 109 states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Paragraph 109 also adds that the planning system should contribute to preventing new and existing development from contributing to unacceptable levels of pollution including air pollution.

Para 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. It adds that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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

St George's Conservation Area Character Statement

St George's Conservation Area Character Appraisal Addendum

Climate Change (Supplementary Planning Document)

Biodiversity (Supplementary Planning Guidance)

Leicester Air Quality Management Plan

Consultations

Historic England: - supportive of the objective to make the church more visible from Orton Square to increase its prominence and its appreciation. However, Historic England has a number of concerns. In particular the loss of boundary wall and proposed pavement would blur the historic churchyard boundary and result in the loss of historic fabric and a positive feature of the church's setting. Though acknowledging that some of the gravestones have been moved previously Historic England also have concerns regarding the proposed relocation as they provide a reflection of the history of the churchyard and that the recording exercise would

replace an experiential space with a sterile record. Historic England also note that stump grinding could have implications for the burials which should be considered.

Conservation Advisory Panel (CAP): - the majority of the panel supported the proposal considering that the works would enhance the setting of the Grade II* listed church. They considered that the removal of some trees from within the courtyard would open up views of the church, improving its visual appreciation and making it more of a visual reference point from Orton Square. The re-use of existing railings was welcomed. It was recommended that the headstones be repositioned ad hoc rather than in formal rows.

Local Lead Flooding Authority (LLFA): - the site is in Flood Zone 1 and therefore at low risk of fluvial and pluvial flooding. The increased amount of hard landscaping together with the removal of the trees will reduce the level of water attenuation on site and this should be mitigated. No objections subject to a condition requiring details of a sustainable urban drainage system be agreed.

Trees Advice (LCC): - question the removal of trees T35 and T59 as these two trees are of high amenity value.

Air Quality (LCC): - Given the nature of air quality the issue needs to be considered across wider areas. The Council's Air Quality Action Plan has sixteen actions designed to work together to improve air quality across the whole city. The use of trees and other plants to help improve air quality is one of these actions. The representation notes that the scheme includes a mitigation plan for replacement trees with eight on site and 34 others across the city centre the wider city centre. They have provided further comments in respect of the monitoring data presented by Friends of the Earth, noting that it has only been collected for one month. In contrast the City Council's data is provided for whole years. The diffusion tubes used would need to be set in triplicate to provide more reliable data.

The Friends of the Earth data therefore does not represent robust air quality measurement and cannot be compared directly to the EU target level. The comment that the removal of trees will increase pollution levels by 8µg/m³ is therefore not considered to be a robust position.

Representations

53 separate representations have been received, 3 in favour of the proposals, 49 making representation against the proposals and one expressing a hope that the security of the LCB Depot will be taken into consideration. A joint letter of objection with 20 signatories has also been received.

The representations in favour of the proposals note that the improvements are needed given the antisocial behaviour in the area and that it will provide a shared space in the heart of the Cultural Quarter with a better link to the LCB Depot and better links to the railway station with the potential for increasing inward investment in the area. They observe that the increase in footfall will help to make the area safer

and more secure. They add that the removal of the trees will better reveal a heritage asset and help to reduce the cost of the upkeep of the church.

Objections include those from Cllrs Nigel Porter and Cllr Patrick Kitterick, from the Leicester Civic Society, the Evington Footpath Conservation Area Society, Friends of the Earth Leicester, The Leicestershire and Rutland Wildlife Trust and a joint letter signed by twenty residents from a neighbouring block of flats.

Councillor Kitterick raised concerns regarding the amount of space within the churchyard still left inaccessible to the public.

Councillor Porter raised concerns that the proposal would significantly harm the church and its setting and have a detrimental impact on biodiversity and air quality. He also pointed to figures provided by the Leicestershire Police map for the period January to August 2017 where though 10829 reports of crime and anti-social behaviour were recorded within a mile radius of the city centre none of these were in the churchyard.

The Civic Society consider the trees and the sense of enclosure provided by the church yard as central features of the Conservation Area and that the proposal represents an excessive loss of trees contrary also to the Council's biodiversity action plan. They also feel that the otherwise welcomed introduction of benches and flower beds would exacerbate anti-social behaviour and that a time closed solution such as that which exists for Castle Gardens would be a better solution to this issue. They also raise concern that the proposal has not fully responded to matters raised at the Economic Development, Transport and Tourism Scrutiny Commission in October 2016.

The Evington Footpath Society reject the argument that anti-social behaviour necessitates the removal of trees and ask that other drivers behind the project are made explicit.

The Wildlife Trust submitted a holding objection pending further survey work to assess the site's importance for pipistrelle bats. They agree with the recommendations made that bat surveys are done between May and September before final plans are made concerning the lighting scheme and ask that the effects on bats of the tree removal be fully considered.

Friends of the Earth raise concerns about air pollution resulting from the removal of the trees. On the basis of measurements made in 2016 they found that air quality was below legal limits in the churchyard but fear that the proposal may result in air quality being pushed over these limits. They also make a case that an Environmental Impact Assessment may have been necessary for the application. They point to a lack of evidence for claims that the trees are damaging the church arguing that blocked gutters are not grounds enough to remove trees. They also dispute that anti-social behaviour necessitates the removal of trees and point to evidence that suggests contrary and suggest that better lighting could satisfy this objective. They also question whether consent has been gained from the Church's Commissioners for the relocation of the gravestones. They query the choice of architects.

The joint letter from the neighbouring block of flats raise concerns that the proposal would result in a loss of privacy and overlooking in a loss of the softer tree-filled aspect they currently enjoy. Concerns are also raised about disturbance by way of noise due to both a higher anticipated footfall and the reduction in the muffling effect

of the trees. They consider that functional lockable gates would be a better solution to anti-social behaviour. The letter states that the proposal will harm the setting of the Grade II* listed building and the character, in particular the historic character, of the conservation area. It adds that the proposal appears contrary to the Council's Biodiversity Action Plan and Biodiversity SPG.

Other objections raise similar concerns as those above and again dispute that anti-social behaviour necessitates the removal of trees and that a better solution to anti-social behaviour would be to lock the gates at night. One objection suggested that the anti-social behaviour justification is overblown and that in any case a better solution would be to consult those using the churchyard as to why they are using it and where they could go. The objection also suggested that particularly in the context of a church there should be consideration of how the vulnerable and excluded can be helped rather than moved on. Other objectors felt that the proposal would increase noise and disturbance, anti-social behaviour and littering in the churchyard.

Objectors also felt that the removal of the trees was not the appropriate solution to the state of the Church and that this could be better achieved by volunteers or a Council post created for the role.

One objection was received from a local business asking for the specific removal of tree ref. no. T55 from the western side of the site to allow for greater light to the building. Another objection was received feeling that not enough trees were being removed and this is against the objective of openness for the churchyard.

Consideration

The consideration of the planning application is on the basis of the formal submission of details on 08.09.17 and the amended plans received on 07.12.17. As such it would not be appropriate for this report to consider concerns expressed regarding the Scrutiny Commission's meeting, the choice of architect and covenants on the necessary consents from the Church Commissioners for the relocation of the headstones. On a procedural note, it is confirmed that the Council is satisfied that the development does not fall within the Environmental Impact Assessment Regulations and so an EIA is not required.

Trees:

Published government guidance details what a local planning authority may take into account when assessing the amenity value of trees, including the respective tree or tree group's visibility from a public place and its individual, collective and wider impact with reference to characteristics such as size and form, future potential, rarity, cultural or historic value, contribution to and relationship with the landscape and to the character and appearance of a conservation area. The guidance also notes that other factors can be taken into account in assessing the amenity value of trees such as importance to nature conservation or response to climate change. However, the guidance cautions that these factors alone would not warrant making a preservation order. It is in this context of "amenity value" that the proposed removal of trees would need to be considered.

With the exception of the sixteen trees that have tree preservation orders, the other trees within the churchyard have protected status in that they are within a

conservation area not at the time of the application protected by tree preservation orders.

Trees (Character and appearance of St George's conservation area):

The churchyard is referred to in some detail in the Character Appraisal which notes that it is the main area of open space within the conservation area. It describes how it is largely hidden away behind the adjacent industrial buildings with the limited frontage to its Rutland Street entrance intensifying this sense of enclosure. However, it is described as a relatively well used pedestrian route between Rutland Street, Colton Street and St George Street.

It also notes how despite the conservation area having very few trees there are over fifty mature lime trees in the church yard as well as other species too. It adds that there are many fine specimen trees covered by tree preservation orders. It describes how the mature trees on site give a feeling of maturity and scale that greatly enhances the setting of the church though it adds the birches and cherry trees are less valuable in this respect. It adds that it may be possible to achieve tree planting as part of landscaping schemes attached to development proposals, though it concedes there is little space available.

The 2010 addendum to the appraisal reports that the presence of many trees in the churchyard has led to complaints from the areas new residents in terms of the effect on light levels and from the church in terms of the potential effect on the fabric of the building. It adds that the trees are important to the character of the churchyard and help to soften the otherwise hard urban environment of the conservation area concluding that their wholesale removal would not therefore be appropriate but that it would be useful to investigate how these issues could be addressed.

The proposed removal of the trees (with the exception of the two close to the courtyard of the LCB Depot, and the four to the south of the church) will primarily be those along the south east to north west axis past the west end of the church. The churchyard will remain tree coverage with the remaining 41 trees and eight semi-mature trees to be planted. This coverage will be particularly along its peripheries and the eastern end of the churchyard and as such remain well treed and green and a soft area within the urban landscape. The removal of the trees along this axis will also better reveal the tower of the Grade II* listed church from Orton Square. Though the character of the churchyard will be altered by the removal of this line of trees I consider that the proposal will mean that the essential well-treed and green character of the churchyard will be retained whilst the landmark tower will be better revealed and brought into views from within the conservation area. In this respect I consider that the character and appearance of the conservation area will be enhanced.

Trees (impact on St George's Church):

The church is graded Category C on the Leicester Heritage at Risk Register meaning that it has been assessed as being in slow decay with no agreed solution. The reason for this level of risk is identified as blocked and missing guttering and a lack of management of the churchyard trees, resulting in localised areas of water ingress. The register describes how this is an ongoing maintenance problem with guttering regularly blocked due to guttering being blocked. Whilst I acknowledge that there are possible other solutions that could be found to this issue the removal of the trees

close enough to the church for their falling leaves to obstruct the churches guttering would also alleviate this problem.

The relevant listing for the church describes the external elevations in detail including its three stage western tower with four spire like pinnacles, its corner buttresses and parapets, tall pointed arch windows and its west door with intricate gothic tracery. The proposed removal of the trees along both sides of the northern part of the path through the site will bring these details into view from Orton Square, in particular the west tower and west door. I consider that the removal of these trees will provide a view that brings the west end of the church into wider view with the retained trees to the north contrasting with the elaborate stone work and complimenting this view and the retained trees to the south provided something of a peeping backdrop. I consider that the removal of the trees will enhance the setting of the Grade II* listed building described in the character appraisal as the architectural centrepiece of the area. Though there are four trees to be removed within a 30 metres radius of the Grade II listed War Memorial the fuller foliage within close proximity to the memorial will be retained and the setting of the memorial will not be significantly altered.

Trees (Climate Change and Air Quality):

Core Strategy policy CS02 states that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy also makes reference to the Climate Change Supplementary Planning Document. This document notes that mature trees and green spaces have greater benefit than newly planted trees and that these should be preserved where possible. Saved policy PS11 adds that proposals which occur within or which would significantly affect Air Quality Management Areas will be scrutinised closely.

The site is not in an Air Quality Management Area. However, the Council's Air Quality Action Plan "Healthier Air for Leicester" has sixteen actions designed to work together to improve air quality across the whole city with the use of trees and other plants to help improve air quality is one of these actions. Though the proposal results in the loss of twenty one existing trees it also has a mitigation plan for replacement trees including eight on site and thirty four others across the wider city centre.

A mitigation plan that includes the replacement of trees on a two for one basis could present an opportunity for the replacement trees to be strategically sited within the city centre to support the 16th objective 'using trees and plants to reduce air pollution' of the Air Quality Management Plan. I therefore consider it appropriate to attach a condition requiring details of the siting and species of replacement trees to be agreed prior to their replanting so that the potential benefits of the mitigation plan can be realised.

Trees (anti-social behaviour):

Many of the concerns raised by the objections relate to the relationship between the trees and anti-social behaviour. As the proposed removal of the trees is considered only in the context of amenity value this relationship does not have a direct bearing on the determination of the application.

Landscaping and biodiversity:

Core Strategy Policy CS03 describes how good quality design is central to the creation of attractive, successful and sustainable places and how the council expects high quality well-designed developments that respond positively to its surroundings, appropriate to the local historic and natural setting. It gives a number of design objectives including appropriate materials and legibility by using landmarks and views within, into and out of new development.

Saved policy UD06 adds that planting proposals should form part of an integrated design approach which includes overall layout, access routes, fencing, and hard landscaping and that the maintenance of existing and new landscaping will be required for the first ten years.

Core Strategy policy CS17 describes how the Council expects development to maintain, enhance or strengthen connections for wildlife both within and beyond the identified biodiversity network and that connected sites will be assessed for their biodiversity value.

New planting:

The proposed wildflower planting areas at the north and the south west of the site are both set away from areas that would be habitually accessible to the public or used recreationally. This will ensure that the more delicate nature of the wildflowers and the wildlife they support would have the potential to sustain itself undisturbed and that there would be no conflict between the different types of management that wildflower meadow and more recreational amenity grassland require. The submission has been amended so that the mix of species has been left undecided allowing ecologists to develop a mix that would be appropriate to the locale. I recommend that a condition be attached to ensure that details of the species to be used be first agreed prior to planting. With this condition attached I consider that the wildflower planting can provide ecological enhancement.

Habitats:

The removal of the trees will result in the loss of potential bird nesting habitats and foraging corridors for a range of insects. However, this can be offset with the planting of pollinator friendly shrubs on site. A suitable position for this would be along the boundary wall to the north as this will ensure that the shrub planting will be along existing foraging corridors. Ecological enhancement can also be achieved through the use of invertebrate boxes and bird and bat boxes. This will provide further habitat for solitary bees and insects that will be encouraged by the wildflower meadow and shrub planting as well as for birds and bats. I consider that these enhancements can be secured by condition.

Nevertheless, as the existing trees provide habitat for nesting birds I consider it prudent to attach a note to applicant advising that any clearance should take place out of the bird nesting season unless under the supervision of a qualified ecologist.

In accordance with the objectives of saved policy UD06 in ensuring that the benefits of the landscaping and ecological enhancements of the scheme are safeguarded going forward I consider it appropriate to attach a condition requiring a Landscape and Ecology Maintenance Plan to be submitted and agreed.

With these conditions and note attached I consider that the ecological impacts of the loss of trees will be offset and that the proposal will enhance connections for wildlife beyond the identified biodiversity network and in accordance with Core Strategy policy CS17.

Bats and lighting:

The Arcadis Bat and Bird Survey Report (September 2017) concludes that there is no evidence of roosting bats. During the tree survey only two features potentially suitable for roosting bats were identified. These two features relate to trees to be retained. No features were identified during the church survey. However, I consider it prudent that the scheme follows a precautionary approach to allow for a sensitive lighting scheme which minimises potential impact on bats in the future.

The amendment to the scheme to remove the floodlighting from the western side of the church and to ensure that the level of lighting from the seven streetlamps along the pedestrian route through the churchyard is kept to between 0.5 lx and 1 lux supports this precautionary approach and will safeguard bat roost features (in particular the tower at the west end of the church) against light spillage keeping them suitable for supporting roosting bats in the future.

Church, setting and heritage:

The character appraisal describes the church as a prominent landmark and a key feature of views into and within the conservation area. It also notes the table tomb, obelisk and footed sarcophagus and the large collection of slate, limestone and sandstone headstones of both historic and visual value. However, the areas tarmac footway surfaces are described as visually poor making no positive contribution to the quality of the area.

The primary aesthetic effect of the scheme is the better revealing of the prominent landmark of St George's Church bringing it prominently into views within the conservation area. I consider that this is achieved whilst still maintaining the well-treed and green character of the churchyard and that in this respect it responds positively to its local heritage and natural setting.

I consider that the stated objective of the use of a softer resin bound surfacing will result in a more visually pleasing route through the churchyard than that presented by the existing tarmac recognised as visually poor. The use of stone to match the stone of Orton Square for a depth of approximately 12 metres into the churchyard from the Rutland Street entrance will help to unify the two spaces by helping to lead the eye beyond the Rutland Street frontage and towards the church and churchyard. However, in order to ensure that the materials to be used for this link to and for the path through the churchyard are of the appropriate quality consider it necessary to attach a condition requiring details of the materials to be first submitted to and agreed.

The table tomb, obelisk and footed sarcophagus will be retained in situ and there is evidence of previous relocations of the headstones. As such I consider that the relocation of 49 headstones will not have a significant impact on the historic significance of the churchyard and two of the larger memorials will be brought into the public realm where they can be more readily appreciated by users of the space.

Access, Equalities, removal of boundary wall, railings and boundary treatment:

In respect of connectivity and access Core Strategy policy CS03 also supports layouts that prioritise safe, well-connected pedestrian routes. The character appraisal notes that the characteristic pattern of development in the conservation area means that there are few examples of boundary walls or railings and the walls flanking the entrance to the churchyard off Rutland Street are one of two exceptions to this pattern. The boundary wall along with the railings discussed below, are elements of the existing structure of the locale.

The provision of widened level paved pedestrian routes, installation of benches and removal of railings to give more open unobstructed access will all contribute positively to inclusive design objectives.

The demolition of this boundary wall appears to involve work to a curtilage listed structure. However, as the existing wall was constructed in 2003, albeit to a standard that reflected the scale, design and quality of the wall it replaced, it falls outside of listed building consent controls and is not an integral feature to the historic fabric of the listed building. Nevertheless, the removal of the wall will result in the loss of boundary wall of comparable design and quality of its predecessor and in the loss of a historic boundary that provided structure to the street form and legibility to the distinction between consecrated and temporal space. This distinction contributes to the current setting of the church and to the character and appearance of the conservation area.

What I consider to be the landscaping qualities in the visual unifying of the two spaces of Orton Square and the churchyard are mentioned above, in particular with reference to the materials used for this encroachment of Orton Square into the north west corner of the site. I also consider that this approach and its inherent removal of the existing boundary wall will also help to meet the connectivity and access objectives of Core Strategy policy CS03 in that it will encourage greater footfall to this area enhancing the connectivity of the north west to south east pedestrian route through the site. This will be further enhanced by the provision of five benches at the north western corner and two benches outside the broadened hard surfaced space at the west end of the church that will encourage these two points of the site to be used recreationally.

As such, I consider that this enhanced pedestrian connectivity, the anticipated increase in footfall to the churchyard and the subsequent wider enjoyment of the heritage assets of the church and the churchyard to outweigh the loss of heritage caused by the wall's removal. Nevertheless, given the historic significance of the site I consider that some reference to the former delineation of space be retained. The plans have been amended to include steel studs marking the existing boundary and on balance I therefore consider the scheme to be acceptable in this respect.

Whilst it is unclear as to the historic or architectural interest of the existing railings (and the three retained gates) that run on either side of the path through the churchyard the landscaping proposals describe how these will be lifted, repaired, repainted and in the context to the removal of the railings to the west side of the northern part of the path, relocated to the south to be used along the southern side of the new path towards the rear of the LCB Depot. This cautious approach to ensuring that railings and gates of historic and/or architectural value are restored and reused is welcomed. However, I consider it necessary to attach a condition that the

renovation and relocation works to the railings are carried out under a watching brief from conservation officers to ensure that those elements of historic or architectural interest are retained. Similarly I consider it appropriate in the interests of the character and appearance of the conservation area and the setting of the listed church and listed war memorial to secure by condition the details of the four new proposed gates including that to the rear of the LCB Depot courtyard.

Archaeology:

Ground works and excavation of tree-pits have the potential to reveal human remains and the appropriate archaeological investigation of where these works are to take place will be required. This investigations need to adhere to the 2017 guidance on 'Best Practice for Treatment of Human Remains Excavated from Christian Burial Grounds in England'. As such I consider it appropriate to attach a condition requiring a watching brief and a programme of archaeological work to be first submitted and agreed. The watching brief would cover all work that could disrupt the ground including the stump grinding to the removed trees and the planting of shrubs.

Drainage:

The site is in Flood Zone 1 and therefore at low risk of fluvial and pluvial flooding. However, it is in a critical drainage area. Core Strategy policy CS02 states that all development should aim to limit surface water run-off by attenuation within the site giving priority to sustainable urban drainage techniques. The increased amount of hard landscaping together with the removal of the trees will reduce the level of water attenuation on site. However, I consider that this can be mitigated by securing a sustainable urban drainage system and channels and gullies to the hardstanding to discharge water into sewers and recommend a condition to this effect.

Noise, residential amenity and anti-social behaviour:

Though much of the churchyard will remain inaccessible to the public the proposals will result in a substantial part of the western side of the churchyard becoming accessible and there is a public benefit gain in this sense. The provision of benches will encourage users to spend more time in the churchyard and I do not consider that their provision in themselves will encourage anti-social behaviour. The hoped for greater use of the western side of the churchyard and the pedestrian route through the churchyard may result in higher levels of noise. However, this level of noise would be similar to that of other urban public spaces and I do not consider this to be an unacceptable level of noise in the urban area. Furthermore the retention of the trees along the peripheries of the site and those closest to the surrounding residential properties will continue to provide some screening from noise generated by the greater footfall and from overlooking and loss of privacy.

Conclusion:

I consider that the proposal will enhance the character and appearance of the conservation and the setting of the Grade II* listed church by bringing the west end of this landmark better into views from Orton Square and by providing greater access and public enjoyment of this space. There is some heritage loss with the loss of the

boundary wall. However, I consider this to be outweighed by the bettered access to and through the site which will extend the potential appreciation and enjoyment of the church and churchyard. The existing position of the wall and former delineation between Orton Square and the churchyard will be referenced by the surface treatment. A mitigation plan including replacement trees on a two for one basis could provide an opportunity for strategic replanting of trees to support the objectives of the Air Quality Management Plan.

With the recommended conditions attached I consider that the ecological impacts of the proposal can be mitigated and ecological enhancements provided. I also consider that with the retention of the trees around the peripheries of the site that the residential amenity of neighbouring properties will be preserved to an acceptable level.

I therefore recommend APPROVAL 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. Before work commences on the hard-surfacing of the areas at the north-west corner of the site facing Orton Square and the area in front of the west end of the church, and before work commences on the resurfacing of the footpath through the site details of the materials to be used for the hard surfacing and full details of the benches and bins to be installed should be submitted to and agreed in writing by the City Council as local planning authority. (To ensure that the development hereby approved preserves the character and appearance of the St George's Conservation Area and the setting of the Grade II* listed church, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
3. No development shall commence until details of a watching brief in respect of the removal and relocation of the railings has been submitted to and approved in writing by the City Council as local planning authority. (To ensure that the development hereby approved preserves the character and appearance of the St George's Conservation Area and the setting of the Grade II* listed church, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
4. No new gates shall be installed until drawings at a scale of 1:10 or 1:20 of the proposed gates and details of the materials to be used have been submitted to and agreed in writing by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (To ensure that the development hereby approved preserves the character and appearance of the St George's Conservation Area and the setting of the Grade II* listed church, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy.)
5. (A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation in respect of a watching brief

(including a requirement for further excavation if necessary) has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall include an assessment of significance and research questions; and:

(1) the programme and methodology of site investigation and recording;
(2) the programme for post-investigation assessment;
(3) provision to be made for analysis of the site investigation and recording;

(4) provision to be made for publication and dissemination of the analysis and records of the site investigation;

(5) provision to be made for archive deposition of the analysis and records of the site investigation;

(6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

(B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

(C) The site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced and in accordance with Core Strategy policy CS18).

6. No development shall commence until details of the location and species of forty two replacement trees shall be submitted to the City Council as Local Planning Authority for their agreement. The agreed species shall be planted in the agreed locations by the end of the first planting season of 2019. (In the interests of amenity and biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS17).
7. No development shall commence until a detailed landscape and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unsurfaced shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site such as the species mix and areas for wildflower planting and including a management scheme to protect habitat during site preparation and post-construction; (ix) details of 6 x Improved Crevice Bat Boxes and 12 x 1B Schwegler Nest Boxes and 3 x insect boxes to be erected within the site under the guidance and supervision of a qualified ecologist.

The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than ten 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 City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17).

8. The lux levels stated in the amended lighting details received by the City Council as local planning authority on 08.12.17 shall be adhered to throughout the lifetime of the development. (In the interests of protecting wildlife habitats and in accordance with City of Leicester Local Plan policy BE22 and Core Strategy policy CS17).
9. No development shall commence until details of a Sustainable Drainage System (SuDS) shall be submitted to and agreed by the City Council as local planning authority. The details shall include channels and gullies within the proposed hardsurfacing. The system shall be provided in accordance with the agreed details and shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).
10. This consent shall relate solely to the amended plans received by the City Council as local planning authority on ##, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. Works to trees and shrubs on the site should avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the City Council as local planning authority. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.
All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

Policies relating to this recommendation

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| 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_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |

- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.