

20201473	Land & Garages Rear of 94-102 Whittney Drive North, 9 Camfield Rise	
Proposal:	Construction of 5 two storey dwellinghouses (5x3 bed) (Amended Plans)	
Applicant:	Leicester City Council	
App type:	City Council Regulation 3	
Status:	Minor development	
Expiry Date:	21 April 2022	
JL	TEAM: PM	WARD: Eyres Monsell



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Summary

- The application is brought to Committee at the discretion of the Head of Planning as it is a council application which has generated local concerns which merit consideration by Committee.
- Five objections, one representation of support and one comment have been received for the application. The objections relate to access, highways related issues and impact on existing residential amenity.

- The main issues are the impact on nearby residential occupiers, highway safety and overall design of the proposed development.
- The application is recommended for conditional approval.

The Site

The application relates to an area of land that is used as residential garages and outbuildings that were developed in the early post war period and land used for parking. The site is located within a Critical Drainage Area and an area characterised as primarily residential. The majority of dwellings surrounding the site are two storey semi-detached dwellings, with single storey dwellings located to the south of the site. Access to the site can be achieved from Whittenev Drive (North) and Camfield Rise, however the access to Camfield Rise has a gate with vegetation growing in front of the gate. There is also a gate to the Whittenev Drive access, which is often left open and unlocked.

Historic mapping records indicate that the land used to accommodate significantly more garage parking spaces since at least 1991, but by 2002 most of these garage spaces had been removed with only a few remaining to the edges of the site.

The Proposal

The application seeks permission to erect 5 dwellings. Amended plans have been submitted during the application process which removed the proposed exit to Camfield Rise and made this a pedestrian-only access and slightly amended the layout of the buildings on site.

The proposed development would comprise 4 semi-detached dwellings and 1 detached dwelling. Each of the dwellings would have a gabled roof and canopy over the front door. Each dwelling would have its own separate rear access, bin storage area and shed. It is proposed that plots 2, 3 and 5 would have solar panels installed on the roof of these dwellings. The dwellings would be two storey in height and have a height to eaves of 5.175m and ridge height of 8.106m. It is proposed that the dwellings would be finished in brick slips, render and concrete roof tiles. The proposed dwellings would each have three bedrooms, proposed to house up to five people.

It is proposed that the site will have a vehicular access from Whittenev Drive and a non-vehicular access from Camfield Rise. Parking provision would be provided on site for the occupiers of the dwellings, with two visitor parking spaces.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 2 of the NPPF (Achieving sustainable development) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning decisions should play an active role in guiding development towards sustainable solutions, taking into account local circumstances, to reflect the character, needs and opportunities of each area. At the heart of the NPPF is a presumption in favour of sustainable development.

In relation to sustainable development, paragraph 11 states that for decision taking, this means approving development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 38 states that local planning authorities should approach decision on proposed development in a positive and creative way. Decision makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. This includes places that have (a)...street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.(b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 93 states that decisions should a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Paragraph 104 states that transport issues should be considered from the earliest stages of development proposals, so that

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Paragraph 105 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

Paragraph 110 states that in assessing applications, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

Paragraph 112 states that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to

all modes of transport;

- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120 states that decisions should a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading.

Paragraph 124 states that planning decisions should support development that makes efficient use of land, taking into account:

- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 129 states that the National Design Guide and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

At paragraph 130, the NPPF states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate), that opportunities are taken to incorporate trees elsewhere in developments (such as parks), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local guidance and supplementary planning documents. Conversely, significant weight should be given to

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Paragraph 157 states that when determining planning applications, Local Planning Authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 167 states that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment, it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

Paragraph 180 states that when determining application, the following principles should be applied:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 182 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site

Paragraph 185 states that decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Development Plan policies

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

Most relevant core strategy policies are CS02, CS03, CS06, CS08, and local plan policies are PS10, UD06, AM01 and AM12.

Supplementary Planning Documents (SPD)

Biodiversity in Leicester SPG (October 2003)
Residential Amenity SPD (adopted 2008)
Climate change SPD (January 2011)
Green Space SPD (July 2013)

Other Guidance

City of Leicester Local Plan Appendix One– Vehicle Parking Standards
Achieving Well Designed Homes October 2019 - Leicester City Council's Corporate Guidance.
National Design Guide (DLUHC)
Economic Development Needs Assessment (2020) (emerging)
Leicester City Council Waste Management guidance notes for residential properties.
Technical Housing Standards – Nationally Described Space Standards

Other legal or policy context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.

Consultations

Air Quality – No air quality related comments regarding the development.

Highways - The site currently benefits from a dropped kerb footway crossing to the existing vehicle access. The proposed revised plans still show an access driveway, for both entry and exit from the site for the new dwellings, with a width of 4.2m from the highway boundary at Whitteney Drive. The Leicester Street Design Guide Design Element Sheet (DES) 16 gives guidance on the required widths for private drives. Section 40. gives the minimum width for a private access for two to five dwellings as 4.8m. The widths should be increased by 0.5m if bounded on one side by a wall, fence or hedge; and 1.0m if bounded on both sides by a wall, fence or hedge. Although this does not meet policy standard, the existing access on Whitteney Drive North is used currently by vehicles as an entry and exit point, and the site is used for parking and accessing the rear and garages of nearby properties. Therefore, the impact of this development would be similar to existing and is therefore acceptable.

The bollards at Camfield Rise have also been set back to allow for vehicles to pull in. There are insufficient widths shown at this access for vehicles to turn around in the site due to bollards restricting access to the main site, therefore this is deemed undesirable, as vehicles would be required to exit the site in a forward direction.

Bin storage areas are shown to be located near to the access at Whitteney Drive North and Camfield Rise. This location is acceptable, and it is assumed that refuse collection would happen at kerbside and is therefore acceptable.

The Leicester Street Design Guide refers to the Vehicle Parking Standards as set out in the Saved Local Plan Policies. For 3 bedroom dwellings, 2 spaces are required for each. The plans show an amenity for 2 car parking spaces for each of the dwellings, with 2 visitor spaces (1 visitor disabled space & 1 visitor space), bringing the total amount to 12 spaces, (10 resident spaces and 2 visitor parking spaces), and therefore meets policy standards.

Current residents (adjacent to the site) have rear access from the existing site which would be lost with this development, resulting in addition to local on street parking. However, there is sufficient on street parking on surrounding streets to support this, and so this is deemed acceptable from a highway perspective.

Land Pollution – Note report recommends ground investigation and requests contaminated land condition.

LLFA – No objection subject to SuDS and drainage conditions (pre-commencement).

Noise Pollution – Hours of work condition requested and accompanying note to applicant.

Severn Trent Water - Foul drainage is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 (Water Industry Act 1991) sewer connection approval. Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 104 of the Water Industry Act 1991.

Suggested Note to Applicant included to advise contacting STW about public sewer within application site.

Sustainability (Better Buildings) – The design of the dwellings should allow for the occupiers to receive adequate daylight to all habitable spaces and the proposed orientation represents a good approach to passive solar design.

The proposed u-values will not only significantly exceed the limiting parameters within the building regulations, they also meet or exceed the value for the notional building in all cases. The proposed development would meet an exemplary standard of building fabric efficiency.

The proposed heating system uses electric heating from individually controlled air-source heat pumps, which represents a good approach to low carbon heating. The ventilation strategy includes heat recovery, alongside wastewater heat recovery. Lighting is proposed to be 100% low-energy LEDs, with occupancy and daylight sensors as appropriate.

The development is proposing to fit solar PV panels to each of the dwellings, totalling 10kWp of PVs overall, which alongside the use of air-source heat pumps demonstrates a very good approach to the provision of renewable energy systems in the development.

Would like to encourage the developer to consider the use of sustainable materials, for example using high-rated materials from the green guide to specification, and inclusion of a site waste management plan, that limits waste during the construction process and targets a high level of recycling of any waste produced.

The overall proposals represent an exemplary approach to reducing carbon emissions within this development. Additional information shows that the dwellings are predicted to achieve an average 76.8% reduction on baseline CO2 emissions.

Request condition relating to energy efficiency measures including installation and operation.

Trees – No objection as long as the recommendations supplied within the Arboricultural Impact Assessment Report are followed.

Waste Management - There should be hard standing with adequate space for residents to store up to a 360-litre bin and orange recycling bags at each house.

The plans indicate collection of the refuse from the properties will be at presented collection points. As residents will have their refuse bins and recycling bags at their property and then take them to the collection point, the distance from these presentation points to the kerbside must be less than 30 metres.

Representations

5 objections, one representation in support and one comment have been received for the application. Some of the objections received were following the submission of the amended plans where the proposed vehicular exit to Camfield Rise had been removed and there had been a slight alteration to the layout of the proposed dwellings and site.

Objections:

- Object to the exit as use this space to park car. Entry and exit could be from Whitteney Road. (*Proposed exit from Camfield Rise has now been replaced with just pedestrian access and same entry/exit is proposed from Whitteney Road*).
- Metal gate has been erected on the Camfield Rise side of the site to prevent speeding.
- Gate is locked to prevent crime and anti-social behaviour. The removal of this would prevent the protection currently afforded.
- Highway safety concerns at Camfield Rise due to parked cars. (*Proposed exit now removed*)
- Whitteney Drive is congested at the moment and access can be awkward at times.
- Car parked opposite the Whitteney Drive access makes turning difficult.
- Concern about access – risk to motorists and pedestrians.
- Will prevent parking at rear of property.
- Will lose 2x car parking spaces, where will I park now?
- Layout and density encroach access.
- Vehicles will be displaced into surrounding streets and driveways.
- As door of no. 7 directly opens onto the access to Camfield Rise, this would not be ideal having people walk past. (*It should be noted that there is another door which could provide access to this property*).

- Affect right of access/loss of access at rear of property.
- Licence has previously been granted for access at rear.
- Deeds show right of way to access rear of property, which would be denied.
- Right of access has been enjoyed for over 30 years.
- When the legal deeds were drawn up, access to cross land was agreed (35+ years ago). Have not been informed that these rights no longer exist.
- Looking to make legal claim for land next to property.

- Brought house on understanding would not be overlooked at the rear and there would be an access at the rear.
- Architect's illusion as will be a two storey house at the back entrance of property.
- Relationship between existing and proposed properties have not been carefully considered – does not fully comply with residential SPD standards – does not respect the privacy of neighbouring properties. Does not add to the overall quality of the area, not sympathetic as it would take away access rights.
- Policy H03 – would only result in 25 dwellings per hectare.
- Proposal would be directly to rear of property.
- Design should be like the development at Cherry Orchard Court.
- Overlooking/ loss of privacy.
- Loss of visual amenity.
- Layout would block natural light.
- Overshadowing/ loss of light.
- Has a shadow test been carried out?
- Noise and disturbance from new neighbours.
- Loss of trees.
- What will happen to the boundary fence.
- Amendments have not taken into account previous objections.
- No thought given to the proposal.

Comment:

- Some concerns about the exit to Camfield Rise. (*Amended to be removed from the scheme*).
- Claim for adverse possession on driveway.
- Visibility from exit to Camfield Drive is impractical. (*Now not part of the proposal*).
- Question about the sale of the former Council houses and garage access – e.g. no 5 Camfield Rise is an old garage and not a shed as annotated on the plans.
- Concerns about potential danger during construction due to the access and exit and parking issues around the site.

Support:

- Area has been neglected over many years and turned into a dumping ground. Provided tenants are paying rents and community charges the proposal would be an asset to what is a derelict space.

Consideration

Principle of development

The proposed development would result in the construction of 5 affordable family dwellings on a council garage site, located within a residential area. Given the constraints of the site and the character of the area, the number of dwellings proposed on this size of site is considered to be acceptable. I consider that the principle of

residential development on this site is acceptable and is in accordance with Core Strategy policy CS06.

Design

Each of the dwellings would have a gabled roof and canopy over the front door. Each dwelling would have its own separate rear access, bin storage area and shed. The dwellings would be two storey in height and have a height to eaves of 5.175m and ridge height of 8.106m. It is proposed that the dwellings would be constructed from brick slips, render and concrete roof tiles. Whilst other materials would be preferable (such as bricks and not the use of cream render), due to the location of the development as back land site, the use of the proposed materials is considered acceptable. Further details of the brick slip system including a drawing of the reveals would be required to be submitted as a condition of this application. I consider on balance that the proposed design of the dwellings is acceptable for the location of the development, also taking into account the character of the dwellings in the wider area.

The site would be accessed by vehicles from Whitteney Road and pedestrian/ cycles from Camfield Rise. It is proposed that bollards would be positioned at the end of the access at Camfield Rise to prevent vehicular access, and railings would be installed. Whilst the access to Camfield Rise is approximately 30m from the rear elevation of the proposed dwellings, this would mostly be overlooked from the proposed properties and those on Camfield Rise. The plans submitted also show the provision of lighting columns. I consider that there would be sufficient overlooking to this area and due to the site constraints, it would be difficult to design the development to further improve natural surveillance to this area.

The proposed parking area to the front of the dwellings would be mostly hard surfaced with some areas of soft landscaping (specific details of landscaping to be agreed by condition). It is acknowledged that due to the parking, turning and pedestrian requirements that it would be difficult to provide significantly more landscaping than is proposed.

It is proposed that to plots 3 and 4, a 1.8m high brick wall would be constructed, with the rest of the boundary treatment shown on the plans to be 1.8m high fencing. These boundary treatments are considered acceptable in principle and further details would be required as part of a landscaping scheme to be conditioned.

I consider that the proposed development would accord with core strategy policy CS03, when considering the proposed design of the development.

Living conditions

The proposed dwellings would provide two double bedrooms and one single bedroom. At first floor a family bathroom is proposed. To the ground floor a kitchen diner and separate lounge area is proposed. A shower room and storage are also proposed to the ground floor.

It is proposed that the dwellings will be accessible and adaptable, constructed to accord with the requirements of M4(2) of the building regulations. The dwellings

generally accord to the requirements of the Nationally Described Space Standards (NDSS), however bedroom 2 of the dwellings is slightly under the floor space specified. Bedroom 1 measures 13.4sq m, bedroom 2 measures 11.2sqm and bedroom 3 measures 8.6sq m (same dimensions for all 5 dwellings). On balance, I consider that the size of the dwellings and rooms proposed are acceptable.

I consider that the dwellings would have sufficient windows to provide an appropriate level of natural daylight and outlook for the future occupiers. Side windows are also proposed to the ground floor to plots 3 and 4 to provide additional natural surveillance to the side and access to Camfield Rise.

It is proposed that the dwellings will have rear gardens ranging in size from 101 sq m to 117sq m. I consider that for dwellings of these sizes and location that the sizes of rear gardens proposed are acceptable and are in accordance with the Council's Residential Amenity SPD.

I consider that the proposed development when considering living conditions for proposed residents is in accordance with Core Strategy policy CS03 and saved Local Plan policy PS10.

Residential amenity

Taking into account the current use of the land as garages and parking and the proposed use, I do not consider that the proposal would result in noise levels that would be detrimental to the amenity of neighbouring occupiers. Any arising noise would be residential in nature and would not be considered a type of noise to cause an unacceptable level of disturbance to nearby residential occupiers. In order to protect the amenity of nearby residential occupiers, I consider it appropriate to include a condition regarding working hours during the construction phase.

Objections have been raised by neighbouring occupiers in relation to overlooking, loss of privacy and loss of light. The proposed dwelling at plot 1 would be positioned 15.5m from the dwellings on Brettell Road (this distance is reduced taking into account the conservatory at the neighbouring property on Brettell Road). One window is proposed at first floor to the side elevation, however this is to serve a bathroom and would likely be obscurely glazed which could be secured by condition. The dwellings are in excess of 20m from the rear elevation of the properties on Camfield Rise. There are no substantive concerns of the relationship between the proposed dwellings and those on Whitteney Drive. I consider that the distances between the proposed dwellings and the neighbour dwellings are acceptable and would not be detrimental to the amenity of the existing residents. Relevant side windows at first floor would be conditioned to be obscurely glazed to prevent overlooking to neighbouring occupiers.

Representations received requested that the development be designed to a similar layout at the nearby development at Cherry Orchard Court, located further south down Whitteney Drive. However due to the access to Camfield Rise, it would be difficult to achieve this and ensure that the development would provide suitable external amenity space, car parking, turning space and also provide adequate natural surveillance to the Camfield Rise access. I consider the proposed layout to be appropriate in context.

I consider that the proposed development would not have a significantly detrimental impact on the amenity of the neighbouring occupiers to such a degree to justify the refusal of the application. Whilst the proposed development would potentially increase noise levels, this would be residential in nature and would not be of a type of noise to cause annoyance (for example car engines, machinery operating). There is the potential for noise to arise from the site at present due to its use as a car park. The proposed dwellings are not considered to be excessive in height and the roofs have been designed to slope away from the neighbouring boundaries to reduce any impact on neighbouring amenity through any loss of light or overbearing. I consider that the proposal is acceptable taking into account neighbour amenity and saved policy PS10 of the local plan.

Waste storage and collection

The proposed dwellings would have their own individual bin storage in their rear gardens. The site plan indicates the location of bin collection points for bin collection day. Due to the site constraints, a waste/ recycling vehicle would not be able to access the site, which has resulted in the bin collection points being located as proposed. I consider that the arrangements for waste and recycling are acceptable.

Highways and Parking

Concerns had been raised in the representations received about the proposed exit to Camfield Rise. This has now been removed from the proposal and this access would only be for pedestrians/ non motor vehicles. Bollards and railings are proposed to prevent access to the site by vehicles. Following comments from the Local Highway Authority, these bollards have been positioned so that there is no possibility of a car parking and preventing access from Camfield Rise.

It is now proposed that both the entry and exit to the site will be from Whitteney Drive. This is currently used as the only access and exit to the site and it is not envisaged that the proposal would result in such a high level of traffic movements to warrant the refusal of this application due to the access. It should be noted that it is not possible to widen the highway due to ownership constraints of neighbouring land.

The site is currently in use as a Council garage site with evidence of some residents using the site for parking at the date of the site visit. The proposed development would result in the loss of parking at the site, however many of the dwellings surrounding the site have provision for off street parking and there are no on street parking restrictions in the area. I do not consider that the loss of parking would be sufficiently detrimental to parking pressures surrounding the site to warrant the refusal of the application.

It is proposed that each dwelling would have two car parking spaces each and there would also be two visitor spaces (including 1 disabled space) available. The amount of parking proposed for this development and location is considered appropriate.

It is proposed that 5 electric vehicle charging points would be installed (one per dwelling). It is expected that any cycles would be stored within the sheds provided for the dwellings.

I consider that the proposed development is acceptable, taking into account highway safety issues and parking provision. The proposal would meet the requirements of core strategy policy CS03 and local plan policies AM01, AM02 and AM12.

Sustainable Energy

The proposed development would incorporate the use of solar panels, air source heat pumps and low energy lighting. The dwellings are predicted to achieve an average 76.8% reduction on baseline CO2 emissions. I consider that the proposed development meets the requirements of Core Strategy Policy CS02.

Drainage

The site is at low risk of flooding. It is proposed that surface water will be managed using permeable paving and a hydrobrake flow control prior to discharge into the public surface water sewer. Further information would be required including a single drainage plan reflecting the updated site layout plan and showing the proposed drainage, connections into the public sewer systems and SuDS for the site is required. Updated drainage calculations with all storm events, design details for the SuDS and SuDS maintenance clarifications are also required. Consideration for use of further SuDS should be considered, as the site is within a Critical Drainage Area. These requirements would be covered by pre-commencement conditions. I consider that the proposed development accords with Core Strategy Policy CS02 in relation to climate change.

Nature conservation/Trees/landscaping

At present there are a number of trees/ shrubs on site, however these will be removed. The application was submitted with an ecological appraisal which identified that some mitigation would be required for birds, hedgehogs and other wildlife. It is also proposed that bat and bird boxes/ tiles should be incorporated into the elevations of the dwellings. In order to demonstrate that there is sufficient landscaping which would help to secure biodiversity net gain, a pre-commencement condition in relation to a Landscape and Ecological Management Plan (LEMP) is required. In addition to further details about landscaping, further information will be required in relation to the design details of the proposed boundary treatments and surfacing of the site.

Whilst it would be beneficial if more landscaping could be incorporated in the design of the proposed development, it is acknowledged that suitable vehicular turning space is required for the development and also that any landscaping should be low maintenance. On balance, I consider that the landscaping as proposed, subject to the submission of further details, is acceptable for this development. A condition is to be included to protect neighbouring trees during construction works.

I consider that the proposal is acceptable taking into account local plan policy UD06 and core strategy policy CS17.

Other matters

A number of representations received have objected to the application as the proposal would result in the loss of access to the rear of their properties from off the site. The occupiers of these properties appear to have installed a gate in their fence to gain access to the site. The Agent has confirmed that there are no access rights across the site for the neighbouring occupiers. The private access rights are not a material consideration in the determination of the application.

Concerns raised during the construction phase are not a significant material consideration as any disruption would only be temporary.

Conclusion

The proposed development would provide 5 affordable family dwellings, which would help to contribute towards the Council's housing stock and provide additional housing in the city. The proposal would make a contribution to the City Council's 5-year housing land supply and would accord with the relevant provisions of the NPPF (2021), Core Strategy policies and Local Plan policies. Whilst the proposed development would result in the loss of some local parking provision, there are no on street parking restrictions and a number of neighbouring dwellings have driveways. I do not consider that the proposal would have a detrimental impact on the amenity of neighbouring and nearby residential occupiers to such a degree to warrant the refusal of the application.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details approved under this application, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)
3. 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 in writing by the local planning authority. The use shall not commence 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.)

4. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
5. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved in writing by the local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters and ecological systems; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to commencement of construction above ground level, details of the type and location of 2 x bat bricks/tiles/box and 3 x bird bricks/boxes to be incorporated within the elevations of the proposed buildings have been submitted to and agreed in writing by the local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the approved details with the agreed features retained thereafter (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS17 of the Core Strategy.)
7. A mitigation scheme to minimise disturbance to birds, hedgehogs and other wildlife as recommended in the Ecology report completed by Arcadis dated June 2020 Paragraph 4.3 (Page 10), should be implemented prior to

commencement of works. This includes removal of all rubble and brash piles by hand and careful strimming back of vegetation. If evidence of any protected species is found during this process all works should cease and any mitigation measures reviewed by the ecology consultant and agreed with the Local Planning Authority. (In the interest of biodiversity and in accordance with the NPPF (2021) and Policy CS17 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. Prior to commencement of construction 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 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) any 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) a detailed plan of the biodiversity enhancements on the site; (v) details of the make and type of bird boxes/tiles/bricks and bat boxes/tiles/bricks to be erected on buildings along with measures to facilitate access by hedgehogs to neighbouring gardens; (vi) other surface treatments; (vii) fencing and boundary treatments (including elevation details) and (viii) any changes in levels. 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 25 years from the date of habitat creation, the applicant or owners of the land shall maintain all planted material to optimise its value for biodiversity. 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 accordance with policy NPPF (2021), Core Strategy Policies CS17 and CS03, and policy UD06 of the City of Leicester Local Plan).

9. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team.
The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf.
(In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

10. The dwellings and associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2)

Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06).

11. 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 or other alteration to any dwelling house of types specified in Part 1, Classes A, C 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 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).
12. Prior to the first occupation of any dwelling, the electric vehicle charging points shall be installed. (To ensure that the development reduces greenhouse gas emissions and contributes towards the mitigation of climate change and in accordance with policy CS02 of the Core Strategy).
13. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved renewable energy scheme including on-site installation has been submitted to and approved in writing by the City Council. The scheme and installations shall be retained in operation as such thereafter. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).
14. The development shall be carried out in accordance with the details given at Figure 3 and Appendix C of Arboricultural Report "BS5837:2012 Arboricultural Impact Assessment Report" dated July 2020. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
15. Should the development not commence within 24 months of the date of the last Preliminary Ecological Appraisal Report (June 2020), then a further survey shall be carried out of all buildings trees and other features by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat and Species Regulations 2017 and Policy CS17 of the Core Strategy.)
16. Before the development is begun, the materials to be used for the external surfaces, ground surfacing and boundary walls shall be submitted to and approved in writing by the local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the

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

17. Before the development is begun details of the brickslip system to be used (including drawings showing the reveals) shall be submitted to and approved in writing by the local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
18. The windows in the side elevation at the first floor of plots 1 and 5 shall be obscurely glazed to Pilkington level 4 or 5 (or equivalent) and non-opening and retained as such. (In the interests of the amenity of neighbouring occupiers and in accordance with policy PS10 of the City of Leicester Local Plan).
19. The development permitted shall be carried out in accordance with the following drawings:

P/004 Rev E - Proposed Elevations

P/006 Rev E - Plots 1, 2, 4 and 5 Proposed Floor Plans

P/007 Rev E - Plot 3 Proposed Floor Plan, received by the local planning authority on 20th May 2021.

COV/101/P/013 Rev A - Proposed Site Sections, received by the local planning authority on 8th November 2021.

COV/101/P/001 Rev F - Location and Block Plan

COV/101/P/011 Rev K - Proposed Site and Landscape Plan, received by the local planning authority on 9th March 2022.

(For the avoidance of doubt).

NOTES FOR APPLICANT

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

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

2. 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.

3. To meet condition 10, 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 to 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.
4. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
5. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed in condition 9 unless the City Council Noise and Pollution Control Team is satisfied that
 - a) the work will not be detrimental to occupiers of neighbouring properties or
 - b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

Policies relating to this recommendation

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| 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_H03 | Provides guidance on minimum net densities to be sought for residential development sites according to location. |

- 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_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_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.