

## COMMITTEE REPORT

<b>20220701</b>	<b>5 Pendene Road</b>	
Proposal:	Demolition of garage and construction of two storey dwellinghouse (1 bed) (Class C3); installation of gates/fence and hard surfacing and removal of gate and fence to front.	
Applicant:	Mr and Mrs Sultan	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	25 August 2022	
PK	TEAM: PM	WARD: Knighton



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### Summary

- Reported to committee as there are 10 objections from 9 different addresses in the city.
- An objection has been received by Cllr Whittle.
- Objectors raise issues of highways safety, parking, emergency access, impact on neighbouring property in terms of daylight, privacy and loss of view.

- The main issues are character on the Stoneygate Conservation Area, design, residential amenity and highways.
- The application is recommended for approval.

## The Site

The application relates to a detached three storey dwelling house with a two-storey annexe to the southern side and a detached single storey double garage to the northern side. The site is located within the Stoneygate Conservation Area, covered by an Article 4 Direction in the interests of conservation, and a Critical Drainage Area. The application site is within a Primarily Residential Area.

## Background

The garage subject of this application was approved under planning permission 19960082 (Garage extension to side of house). This application was granted unconditional approval.

There have been several applications for tree works at the site which are not directly related to this application.

Application 20200421 for the Change of use from house (6 bed) (Class C3) to two houses (1x5 bed; 1 x 1 bed) (Class C3); construction of porch and steps to front, single storey extension to side and two storey extensions, raised platform, steps, 2.9m high wall and alterations to ground levels to form basement level amenity space at rear; alterations was refused in March 2021 for the following reasons:

1. The proposal, by reason of the installation of uPVC windows and doors, the disruption of the characterful cornice to the front of the annex, the incongruous two storey extensions to the rear and the associated loss of the characterful original bay windows to the rear, pastiche design of the porch, and likely permanent storage of waste to the front of proposed house two, would be detrimental to the character, appearance and significance of the host property and the Stoneygate conservation area contrary to National Planning Policy Framework (2019) paragraphs 124, 127, 130, 192, 193, 194 and 196, Core Strategy (2014) policies CS03 and CS18, saved policy PS10 of The City of Leicester Local Plan (2006) and Residential Amenity Supplementary Planning Document (2008).
2. The proposal by reason of the inaccurate plans and information in documents, discrepancy between the plans and discrepancy between the plans and documents are not satisfactory information for good decision-making. The proposal is contrary to National Planning Policy Framework (2019) paragraphs 43 and 189 and Core Strategy policy CS18.
3. Proposed house two, by reason of the poor levels of privacy, light and outlook, would be provided with unsatisfactory living conditions contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy policy CS03, saved policy PS10 and the Residential Amenity Supplementary Planning Document (2008).

4. The proposal, by reason of the ground floor side facing windows and the rear stairs to proposed house two and the raised patio to the rear of the main house, would cause an unacceptable loss of privacy and perceived loss of privacy to 9 Pendene Road, contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, saved policy PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).

Application 20202152 for the demolition of garage and construction of two storey dwellinghouse (3 bed) (Class C3); installation of gates/fence and hard surfacing and removal of gate and fence to front was refused in April 2021 for the following reasons:

1. The proposed balcony, by reason of its siting and design, would result in a substantial loss of privacy and perceived loss of privacy to the rear garden and rear principal room windows of 3 Pendene Road the retained house at 5 Pendene Road, contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, saved policy PS10 of The City of Leicester Local Plan and the Residential Amenity Supplementary Planning Document (2008).
2. The proposal, by reason of the lack of visibility splay to the northern side of the driveway and intensified residential use of the site, would result in highways safety risks on Pendene Road, contrary to National Planning Policy Framework (2019) paragraphs 108, 109, 110, 127 and 130; policies CS03, CS14 and CS15 of the Core Strategy (2014) and saved policies AM01 and AM02 of the City of Leicester Local Plan (2006).
3. The proposed design, by reason of the pastiche design, upvc windows, distorted window designs, grey tiles, vehicle-dominated/hard surfacing dominated environment to the front of the house, bland side elevations, position and dimensions of the ground floor window proposed to the northern side elevation and obstruction of waste storage access to the rear garden of the retained house at 5 Pendene Road, would harm the character and appearance of the application site and the Conservation Area contrary to National Planning Policy Framework (2019) paragraphs 124, 127, 130, 192 and 193, Core Strategy (2014) policies CS03 and CS18, saved policies PS10 and UD06 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).

Most recently application 20212871 for the Construction of stairs at front of annexe; solar panels at side of roof house and annexe (Class C3); alterations was granted conditional approval.

## The Proposal

The proposed development relates to the demolition of existing detached garage which is situated to the north of the main dwelling on site followed by the construction of a part single, part two storey pitched roof building in its place. The building would be used as a separate dwelling, with one bedroom.

The dwelling would be 5.7 metres in width with a total single storey depth of 12.1 metres. At first floor the dwelling would have a total depth of 7.8 metres. The dwelling would be gable fronted with a total ridge height of 6.6 metres. The total height of the single storey element to the rear would be no more than 5.2 metres in height. The roof plans to either side would contain one dormer each which have been identified to be opening only above a finished floor level of 1.7metres. The roof slopes to either side would also contain roof lights.

At ground floor the property would offer an open plan kitchen, dining and living space with a separate bathroom and study. At first floor, it is proposed to provide a bedroom with an ensuite.

To the rear of the property would be the rear garden. To the front, it is proposed to provide one parking space which would be horizontal to the dwelling. A small soft landscaped area is also proposed.

During the course of the application, amended landscaping plans were submitted.

## Policy Considerations

### The National Planning Policy Framework (2021)

Paragraph 8 establishes three, overarching and interdependent objectives for sustainable development. They are: an economic objective; a social objective; and an environmental objective.

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision taking this means: approving development proposals that accord with an up-to-date development plan without delay; and 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:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision makers should approve applications for sustainable development where possible.

Paragraph 56 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that local planning authorities should give great weight to the benefits of using suitable sites within existing settlements.

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

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, and goes on to recognise that good design is a key aspect of sustainable development.

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the surrounding built environment; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 134 states that development that is not well designed should be refused, taking into account any local design guidance and supplementary planning documents.

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

Paragraph 194 states that, in determining applications, local planning authorities should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 195 requires local planning authorities to assess the significance of any heritage asset affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset.

Paragraph 197 requires local planning authorities to take account of: (a) sustaining heritage assets with viable uses; (b) the positive contribution heritage assets can make to communities including economic viability; and (c) the desirability of development positively contributing to local character and distinctiveness; when determining applications.

Paragraph 201 states that proposals leading to substantial harm to a designated heritage asset should be refused unless necessary to achieve substantial public benefits or certain circumstances (as specified in criteria a-d of this paragraph) apply.

Paragraph 202 states that proposals leading to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

#### Development plan

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

## Supplementary Planning Documents

Residential Amenity SPD (2008)

## Other legal or policy context

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes: Residential Space Standards, Amenities and Facilities

Appendix 01 Parking Standards – City of Leicester Local Plan (2006)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

Statutory duty of section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Stoneygate Conservation Area Character Appraisal (2015)

## Consultations

Trees & Woodlands – No objection

Lead Local Flood Authority – No objection subject to conditions

## Representations

Conservation Advisory Panel - The panel felt the proposed dwelling was a modest building with no striking features which, with an appropriate brick and a good bricklayer could be a humble building clearly subservient to the main property. The panel welcomed the fact that the massing of the proposed dwelling would not obscure the side window of the main Victorian property. The proposal was considered to be a modest and discreet replacement of a late twentieth-century garage which in itself is not striking.

Panel members were disappointed that the opportunity had not been taken to add a more architecturally refined new building to the Conservation Area but nevertheless, considered that this proposal would preserve the character of the Conservation Area.

No objections

10 Objections have been raised by 9 City addresses which raise the following concerns:

- The plans do not indicate the recent planning permission granted at the annexe. This application should be considered with that approval.
- Insufficient parking on site (photos also submitted to demonstrate the current problems)
- Reduced access for emergency vehicles along the road which is already a concern, especially for the care home
- Impact on all users of the road from highways safety perspective

- Impact during construction phase on highways safety, access and road surfacing
- Financial impact on neighbours from any damage to Pendene Road which is an unadopted road (not a material planning consideration)
- Visual impact of squeezed dwelling of a modern style not characteristic of Pendene Road
- Storage of bins to the front of properties is unacceptable from a visual amenity perspective
- Loss of daylight, outlook, privacy and view of trees from neighbouring property
- Impact on water pressure with additional residential dwelling
- Devaluation of properties from the development (not a material planning consideration)
- No community engagement from the applicant
- Flooding issues arising from the proposal
- Inaccuracy of plans
- Use of the ground floor study could be as a bedroom which would increase number of occupiers

Comment from Stoneygate Conservation Area Society stating that the proposed design would have a neutral effect on the area. A more distinctive design of dwelling would be welcomed.

15 letters of support for the proposal from 14 City addresses have been received. One letter of support has been received from outside of the City boundary and thus has not been included in these figures.

The letters of support make the following remarks:

- Similar development has been carried out along Pendene Road already
- The large study represents the current working from home practices which is becoming the norm
- Visual improvement to the character of the site given the appearance of the garage
- Photos submitted are not representative of the situation of parking at all times
- Smaller dwellings are required in such sought after areas with gardens, not every professional wants to live in small flats in the city centre
- Visibility splays are poor from the driveways of neighbouring properties which already has a detrimental impact on the area

## Consideration

### Principle of development

The proposal would make a small contribution to Leicester's housing need within an area characterised as primarily residential. The proposal is acceptable in principle, subject to the following considerations.

### Design and Heritage Assets

The site is occupied by a modern 1990s garage immediately adjacent and attached to a fairly intact house constructed c.1880. The main property is of considerable historic and architectural interest, included into the Stoneygate Conservation Area in 2000.

The supporting documents recognise the designated status of the locality, but the Heritage Assessment reads that “*the current garage is an unattractive building, constructed without any consideration to the CA and its environs*”. I consider that whilst the existing garage is of limited architectural interest in its own right, due to its single storey massing, brick elevations and slate pitched roof, it is a neutral addition to the Conservation Area and clearly subservient to the main house.

I have no objections to the principle of the development, that is a two-storey house of footprint as proposed. The proposed design and material palette for the proposed dwelling is a significant improvement over the previously refused application. The proposal is for a brick built building which would be similar in its appearance to a modern coach house. The proposed slate roof with aluminium windows with lighter cladding to add some elevational detailing is considered appropriate for the site. The dimensions of the windows and the other openings would be proportionate to the building and its setting.

Whilst it is acknowledged that the proposed building would be larger than the one it replaces, however it would not appear disproportionate on site and would also be more of a more suitable size as a dwelling. The building would be set-back from the location of the existing garage and would only be seen in full from limited views on Pendene Road. The development would not appear cramped, but a modest addition to the site.

I welcome a simplistic design of building in this location which would ensure it does not detract from the quality of the main Victorian dwelling. The building has not been designed to replicate in any way the main house which is an acceptable design approach preferable to a ‘pastiche’ design seeking to mimic features of the main house. The set-back within the site would further minimise the building’s visual impact on the character of both Pendene Road and the main Victorian dwelling on site.

Sufficient space would be retained to either side of the house to encourage the storage of waste within the rear garden, which is preferred. The landscaping plan demonstrates that there would be sufficient space of bin storage to the front of the site. Whilst this is not ideal; I consider a condition requiring further information of waste storage should be attached to any planning permission. The landscaping plan also demonstrates how a parking space and some soft landscaping could both be provided to the front of the site which would ensure that the sites frontage is not dominated by hard landscaping. This approach is welcomed.

I am satisfied with the quality and design of the proposed new dwelling, which would sustain the special significance of the Stoneygate Conservation Area and has taken the opportunity to improve the character and quality of the area.

I conclude that the proposal would comply with policies CS03 and CS18 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the character and appearance of the area.

#### Living conditions (*The proposal*)

The internal floorspace, light, outlook and access would provide satisfactory living conditions. Whilst rooflights only to a bedroom is not ideal, given the proposal includes ground floor living space with a good level of outlook I consider in this instance the

provision of rooflights only to the bedroom would be acceptable. To ensure that adequate light and outlook is retained at the ground floor, I consider it reasonable to remove permitted rights for further extensions at the property which may increase the depth of the living space and ultimately reduce natural light into principal rooms.

The proposed development would include a generous garden which could be used for cycle parking and bin storage.

A condition is recommended for the proposal to demonstrate compliance with the National Accessible and Adaptable Standard M4(2).

Subject to conditions I consider the proposal would accord with Core Strategy policy C03 and would provide an acceptable living environment for future occupants.

#### Residential amenity (*neighbouring properties*)

##### *3 Pendene Road*

From east to west at ground floor level, the first two windows of 3 Pendene Road are non-principal obscure glazed windows. The third and final window is the secondary side window to the kitchen, which is also served by a rear facing window. The rear facing window is considered to be the main window and the side window is afforded less weight.

The proposed dwelling would not intersect a 45-degree line taken from the centre or the edge of the rear kitchen window. There is an obscure glazed window at first floor level to the southern elevation. The proposal would not intersect a 45-degree line taken from the closest edge of the first-floor principal room window to the front. I do not consider that the proposal would result in a significant loss of light and outlook to 3 Pendene Road to warrant refusal for this reason.

I recognise that objections advise that the dwelling would affect the neighbours 'Right to Light' and that they have enjoyed the outlook towards trees. Planning legislation does not protect views, and is separate to 'Right to Light' legislation and therefore this is not a reason for refusing the current application.

With respect of privacy, the side elevation of the proposed dwelling would have a side dormer at first floor. This would not serve a principal room and can be conditioned to be installed as obscure glazed and top opening only which I consider to be sufficient. The rooflights on the side roof slope are unlikely to result in an adverse impact in terms of privacy.

Given that the rear portion of the dwelling would be single storey I do not consider there would be any significant adverse impacts on the neighbouring property's garden.

##### *5 Pendene Road*

The rear windows of 5 Pendene Road are canted bay windows as shown on the site plan. The side windows of 5 Pendene Road serve non-principal room windows. The windows at the host dwelling would not be adversely affected by the proposed development in terms of loss of light, outlook and privacy.

The first floor side dormer would serve the bathroom and can be conditioned to be installed as obscure glazed. The rooflights are unlikely to result in any significant impacts on the amenity of 5 Pendene Road.

5 Pendene Road would retain sufficient rear garden space which would not be overshadowed by the proposed dwelling.

#### *9 Pendene Road*

The southern side elevation of the house will be more than the 15m distance required from the ground floor side kitchen/dining window of 9 Pendene Road. Given the separation distance from this dwelling I do not consider there would be any significant adverse effects from this proposal.

#### *Avenue Road*

The proposed dwelling would retain an acceptable separation distance from properties along Avenue Road to avoid any adverse effects.

In comparison to previously refused applications, the proposed siting and design of the proposed dwelling would be acceptable in terms of impact on residential amenity. I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Highways and Parking

One vehicle parking space is proposed to the front of the site, which is sufficient for a one bedroom house. The parking space would be horizontal along Pendene Road to avoid any over hang from vehicles across the private road. This parking layout is similar to the layout of 5 Pendene Road.

There is a hedge at 3 Pendene road which is outside of the control of the applicant. This is an existing obstruction in visibility from use of the garage. In light of this, I consider the provision of a horizontal parking space to be acceptable.

Three vehicle parking spaces are shown for the existing house at 5 Pendene Road. One of these spaces would overhang the boundary of the existing and proposed new dwelling and therefore if the new dwelling is sold off it is unlikely that three spaces would be available for 5 Pendene Road. Whilst this is unfortunate, the car parking standards require a maximum of 2 vehicle parking spaces for dwellings with 3+ bedrooms in line with Appendix 01 Vehicle Parking Standards. As such I consider the two spaces within the boundary of no.5 would be policy compliant.

The space to the side of the house would allow access for potential cycle storage within the rear garden. There is a width of 1 metre to one side and 0.8 metres to the other. This space is in line with what is provided in new housing developments.

A number of objections have been raised relating to vehicle access along Pendene Road including emergency access, highway safety and road surfacing. Pendene Road is a private road and thus it is not laid out with delineation as other streets are. The access road itself is narrow and there are some pinch points; however this is an

existing situation and it is a cul-de-sac with no through route. The level of traffic along the Road is limited in comparison to other streets and whilst I acknowledge that an additional dwelling may lead to an additional vehicle parking on the street and increased level of associated comings and goings, I do not consider this to be a significant factor leading to any severe detriment to highway safety. The proposed dwelling would be set further back than the existing garage and thus this would alleviate potential vehicle obstructions that is now experienced to the benefit of road user. Whilst I appreciate that it is not ideal that a front driveway is not provided for the proposed dwelling, the existing property already has no driveway. Given that the building on site would be set back further than the garage there is greater room for manoeuvring which will in itself improve highway safety.

The proposed development would demonstrate an acceptable parking arrangement and would comply with policy CS15 of the Core Strategy (2014) and with saved policies AM01 and AM02 of the Local Plan (2006).

#### Drainage

The site is at low risk from flooding. A provisional drainage strategy has been submitted, however this is not detailed enough at this stage. SuDS and drainage conditions are recommended. Subject to these conditions, I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

#### Nature conservation/Trees/landscaping

The revised ecological survey (Midlands Ecology, 2022) is satisfactory and no further surveys are required. No evidence of bats was recorded during the survey and the building that is to be demolished is considered to be of negligible value for roosting bats.

The revised landscaping plans now show some native plants; whilst the principle has been established, further details of planting and a rainwater garden as a SuDS feature will be required. The garden could be designed in a more sympathetic way providing seasonal change and value for biodiversity net gains. Given the size of the garden this is achievable. A condition is recommended that notwithstanding the soft landscaping scheme submitted, a full landscaping management scheme to include more native and deciduous plant species should be submitted. The existing site offers limited biodiversity value and so the landscaping scheme offers the potential for a net gain in biodiversity.

For net gain in biodiversity and to comply with Core Strategy (2014) policy CS17, a condition requiring bat and bird roosting features to be included within the elevations of the building, such as a bat brick/box and a bird box/brick is considered reasonable.

Subject to conditions I consider the proposal would be able to provide biodiversity net gains and a suitable landscaping scheme for the site in accordance with saved policy UD06 of the Local Plan and Core Strategy policy CS03.

#### Other matters

Turning to matters not otherwise addressed within the above report.

Damage to and maintenance of the unadopted road as a result of both the construction works and the additional use of the road is not a material planning consideration. The proposal is minor, and I do not consider that construction works for this development would warrant control through the planning process.

The water pressure for the dwellings is not something which can be controlled through the planning process. Severn Trent Water are the water body in charge of the water pipes and issues with pressure.

For a proposal of this size for one dwelling the applicant would not be required to carry out public consultation. This application has been publicised in accordance with the Leicester City Statement of Community Involvement to allow residents to make representations.

Consideration of this application with the previously approved application ref. 20212871 for works to the annexe to the main house would only be possible if both applications were submitted as one; however this is not the case. The works to implement that planning permission have not yet commenced and thus I do not consider that the plans submitted with this application are incorrect when demonstrating the existing elevations without the approved alterations. Furthermore, there is no guarantee that those alterations would be carried out and there is no inter-dependency between the two proposals.

Property values are not a material planning consideration.

Photographs submitted with the objections will only show a snapshot of the situation on site at a particular time and any planning application must be assessed in accordance with planning policies and anticipated activity over normal usage expectations.

Concerns regarding the use of the ground floor study as a bedroom have been raised. The assessment of this, and any application must be made on the basis of the information provided as part of this application. Should the use of any particular room be changed in the future, this is not within planning control. It is common for the number or location of bedrooms to change in residential properties over time. For example garage and loft conversions can take place in many instances without planning permission. However this is not always the case and the planning assessment cannot take into consider all possible future change that may or may not take place.

## **Conclusion**

The proposal would make a small contribution to Leicester's housing need in a sustainable location in terms of access to services and amenities. The proposed dwelling would be of a modest size and scale and would result in a net gain in biodiversity as a result of a conditioned landscape plan. Policy compliant vehicle parking would be available on site and I consider the proposal would not result in a

significantly adverse effect on residential amenity. The proposal's design is considered appropriate and would preserve the character of the Conservation area.

As such when assessing the proposals against the development plan and other material considerations, it is considered acceptable subject to the conditions discussed in the report above. The planning balance is therefore tilted for approval.

I recommend the application is APPROVED subject to the following conditions:

## CONDITIONS

### 1. START WITHIN THREE YEARS

2. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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. No property shall be occupied until the system has been implemented in full. 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 any works above foundation level, the materials to be used on all external elevations and roofs shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3).

5. Notwithstanding the approved plans, prior to the commencement of any works above foundation level, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and approved by 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; (vi) any changes in

levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3).

6. The development shall not commence above ground level until details of the type and location of 2 x integrated bat bricks and 1 x sparrow terrace to be incorporated within the elevations of the proposed building have been submitted to and approved 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 agreed details and the agreed features retained thereafter. (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS 17 Biodiversity of the Core Strategy).

7. Prior to first occupation of the dwelling, details of arrangements for storage of bins and collection of waste have been submitted to and approved in writing by the local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with saved policies UD06 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)

8. Before the occupation of the proposed dwelling the dormer windows facing 3 and 5 Pendene Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 3 and 5 Pendene Road and in accordance with saved policy PS10 of the City of Leicester Local Plan).

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

10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes A and B 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 the property and/or neighbouring properties; and in accordance with saved policy PS10 of the City of Leicester Local Plan).

11. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, all existing trees, shrubs or hedges to be retained on or adjacent to the site shall be protected by fencing in accordance with British Standard BS 5837:2012. The location of the protective fencing shall not be within the root protection area of all retained trees. The fencing shall be maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the local planning authority unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.

12. Should the development not commence within 24 months of the date of the last protected species survey (22/06/2022), then a further protected species 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 approved in writing with the Local Planning Authority and any identified mitigation measures carried out in accordance with the approved details. Thereafter the survey should be repeated annually and any mitigation measures reviewed by the Local Planning Authority until the development commences. (In the interest of biodiversity and in accordance with Core Strategy policy CS17 and section 15 of the NPPF 2021).

13. Development shall be carried out in accordance with the following approved plans:  
DSA-19146-PL-PRO-02-210322, Proposed Site Plan and Street Scene, received 28/03/2022; and  
DSA-19146-PL-PRO-01-A-210322, Proposed Plans and Elevations, received 28/03/2022.  
(For the avoidance of doubt).

## NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted or implied for any development (including any overhanging projection/s) outside the application site. The applicant may need to enter into a Party Wall Agreement.

2. To meet condition 9 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.

3. 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.

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

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

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

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 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.

