

COMMITTEE REPORT

20232372	23 St Johns Road	
Proposal:	Outline application for construction of two houses (2 x 4 bed) (Class C3) including access, appearance, layout and scale with landscaping reserved	
Applicant:	Mr and Mrs Parmdeep and Palbir Vadesha	
App type:	Outline application	
Status:	Minor development	
Expiry Date:	7 February 2024	
TEI	TEAM: PD	WARD: Stoneygate



Summary

- the application is before committee as objections have been received from more than 6 separate addresses in the city,
- the application is an outline application for i) access, ii) layout, iii) scale and iv) appearance with v) landscaping being reserved matters for a subsequent application,
- the main issues are the design of the proposed dwellings, the parking and highways impacts of the development and the impact on the amenity of neighbouring properties and future occupiers of the proposed dwellings,
- the recommendation is for conditional approval with landscaping as reserved matters.

The Site

The application relates to undeveloped land at the rear of the 23 St John's Road. The land faces on to Laureston Drive. 23 St Johns Road and the western part of the garden are located in the Stoneygate Conservation Area with the eastern part located outside. The site is also in a critical drainage area.

Background

There is a recent consent for the felling of one tree within the Stoneygate Conservation Area (20232084) granted on 21.12.23. This consent was required as the tree in question was on St John's Road and, in contrast to the rear part of the site, the front of the site facing St John's Road is in the Stoneygate Conservation Area. Such consent would not have been required were the tree at the rear. There is no history of any other applications in relation to the site.

The Proposal

The proposal is for outline consent for access, layout, appearance and scale. Landscaping is a reserved matter. The proposal is for two x two storey four-bedroom dwellings (Class C3). The properties will both have the same layout with a lounge, kitchen and living room/diner on the ground floor and four bedrooms (2 ensuite) and a bathroom on the first floor. They will be a footprint of 11 metres by 10.5 metres with the side element of the properties set back. They will both measure 7.9 metres in height. Parking for two cars will be at the front.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 108 (Transport impacts and patterns)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 136 (Trees)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 165 (Avoiding flood risk or making development safe)

Paragraph 173 (Flood risk considerations and SuDS)

Paragraph 191 (Noise and light pollution)

Development Plan Policies

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

Other Guidance

Residential Amenity Guide (2008)

Local Plan Appendix 001 – Vehicle Parking Standards

Consultations

Local Highway Authority (LCC): - acceptable subject to conditions

Tree Officers (LCC): - there are trees both on and adjacent to this site. A BS5837 Tree Survey (with Tree Constraints Plan), an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan will all be required.

Representations

Objections have been received from 10 separate addresses. The objections raise the following concerns:

- Design: that the proposal would come forward of the building line of the Waldale Drive properties, that there will be and has already been a loss of trees and greenery resulting in harm to the character and appearance of the area, that the design of the properties is out of keeping with the architectural style and scale of and would disrupt the aesthetic appeal of the area and would undermine its heritage and character.
- Amenity of neighbouring properties: that the proposal would result in a loss of natural light to (in particular 38 Waldale Drive) and a harmful impact on the privacy of neighbouring properties.
- Amenity of application properties: that the new dwellings will have small garden spaces.
- Parking and highways: that the proposal will result in more vehicles passing on a narrow street, traffic congestion, parking issues and obstruction, access difficulties including for disabled users and a potential decrease in the safety of the area, particularly for pedestrians and children.
- Disruption during the development phase: that during the development phase there will be noise pollution, mess from building materials that will need to be delivered to the end of the drive and difficulties in vehicle manoeuvring.
- Environmental: that the proposal would result in an increase in carbon emissions, waste generation, and a strain on local resources, such as water and energy and that the removal of plants and trees has already had a devastating impact on natural wildlife for birds, squirrels and other animals.
- Procedural: that there was insufficient notification from the City Council regarding the application with many neighbours initially finding out about the application through word of mouth and that no site notice was displayed.
- Other: that the proposal could potentially lead to a devaluation of property values in the area.

Consideration

The proposal is for outline consent with landscaping reserved. Therefore, it is only the principle of development, access, layout, scale and appearance that are under consideration at this point.

Principle of development:

The site is located within a primarily residential area and the development is acceptable in principle.

Design (appearance / layout / scale):

The two proposed dwellings are larger in scale than the common typology along Laureston Drive. However, they are proposed to be located on the visual corner as Laureston Drive turns towards Waldale Drive and given the relative prominence, dwellings of a moderately larger scale are not inappropriate here. In any case the side elements at the south west of each of the properties are set back to break up the massing of the development.

Similarly, though the dwellings will be set forward of the building line of numbers 32-38 Waldale Drive, the visual corner characteristics of the site mean that this is not inappropriate.

The windows have been designed to reflect the type along Laureston Drive and Waldale Drive and to ensure that the proposed dwellings are in keeping with the character and appearance of the area I consider it necessary to attach a condition requiring that the framing of the windows be retained as white. I also consider it necessary to attach a condition requiring that the brickwork be of a similar appearance and colour as the brickwork of 32-38 Waldale Drive and that the materials for the roof be similar to these properties too.

I note that landscaping is a reserved matter and that details in relation to landscaping, including trees, are for to be determined in a later "reserved matters" application. However, in advance of such an application I note that the Tree Survey and Arboricultural Method Statement note that the leylandii hedge will need to be removed as well as the contorted willow at the front of the site. The trees are not protected, nor are they in a conservation area and as such their removal is permissible.

Residential amenity (layout):

The proposed dwellings will not intersect a 45° line taken from principal room windows at neighbouring properties, will be approximately 26 metres from the rear of the St John's Road properties and at least 7 metres from the rear boundary. As such, I do not consider that the proposed layout will have an unacceptable impact on the amenity of neighbouring properties. However, in order to safeguard the amenity of neighbouring properties going forward I consider it appropriate to remove permitted development rights that allow for extensions to the dwellings or to their roofs.

The proposed dwellings will have good outlook from each principal room and a good level of privacy. The rear gardens are small but comparable in size to many of the gardens on Laureston Drive and Waldale Drive and as such appropriate to the urban grain of the area. However, in order to safeguard the amenity of the application properties going forward I consider it appropriate to remove permitted development rights that allow for outbuildings to the rear.

Highways and parking (access):

Vehicular access is proposed from Laureston Drive with a width of 6m and a visibility splay in the north easterly direction of 43m. Though visibility is not shown on the

plans at a tangent to the outside of the bend, adequate visibility can nevertheless be achieved over controlled land. A tracking diagram has been submitted with the application showing access for two vehicles per proposed dwelling. The road is a quiet residential street and I do not consider that the manoeuvring in and out of the proposed parking spaces with the visibility splays available will present a significant danger to highway safety. Though the parking spaces would ideally be 3.4 metres in width there is already available parking at the front of the property and I do not consider the narrower spaces of 3 metres width to be a significant deficit.

Given the quiet nature of the street and the residential character of the street I do not consider that the proposal would have a significant impact on highway safety or an unacceptable impact on parking capacity beyond what would be reasonable in such an area. However, I consider it appropriate to attach conditions to ensure that the access is built in accordance with the standards detailed in the Leicester Street Design Guide, that the two parking spaces for each property be retained and that, in the interests of sustainable transport, the two dwellings each provide a secure and covered cycle parking space.

Landscaping (trees / SUDs / ecology):

As mentioned above, landscaping is a reserved matter and would be given full consideration under a subsequent application. However, I consider it appropriate to note the considerations that would inform a landscaping assessment in a reserved matters application and to attach a condition to this effect.

A reserved matters application should demonstrate acceptability in relation to the following:

- a Preliminary Ecological Appraisal to identify ecological constraints or potential ecological constraints and any protected species,
- opportunities to improve biodiversity in and around the site including details of specific biodiversity enhancements (enhancements measurable from the environmental condition of the site at 01.01.2021),
- an assessment of the trees onsite including any to be removed (or already removed) and protection measures for those to be retained,
- species and condition of replacement trees (on a 'two-for-one' basis if this is practicable on site),
- a strategy for the maintenance of all landscaped parts of the site over a 30 year period, and
- a sustainable urban drainage scheme.

I recommend a condition requiring these specific details.

Other (heritage / procedural issues / disruption during the development phase / value of neighbouring properties):

Heritage: the site sits outside of the Stoneygate Conservation Area and it is the view of the local planning authority that the proposal does not affect the setting of the conservation area in any significant way.

Procedural issues: the application was initially publicised in accordance with the requirements of the Development Management Procedure Order (DMPO) only which requires only adjacent properties to be notified. With the site facing Laureston Drive the local planning authority acknowledged that the properties on this drive are likely to be more substantially impacted by those on St Johns Road and the scope of the publicity was therefore subsequently extended. The applicant was made aware of this extension of the publicity for the application. As the site is not within and doesn't affect the setting of the Stoneygate Conservation Area and as the addresses of neighbouring properties are easily identifiable, there is no requirement within our policy for provision of a site notice.

Disruption during the development phase: there will be disruption during the development phase, in terms of vehicular movement, noise and the depositing of materials. However, on development of this scale I consider it would be disproportionate to require a Construction Management plan to be submitted and agreed by the local planning authority.

Value of neighbouring properties: the impact of development on the value of neighbouring properties is not a material planning consideration.

Conclusion:

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. An application for approval of all reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of the final approval of all the reserved matters. (To comply with Section 92 of the Town & Country Planning Act 1990).
2. Before the occupation of the dwellings, all external framing for the windows to the front and side elevations of both properties shall be finished in white and be retained in white for the lifetime of the development. (In the interests of visual amenity and good design and in accordance with Core Strategy policy CS03).
3. The external walls of both properties shall be finished in brickwork similar in appearance to the brickwork of 32-38 Waldale Drive and the roof shall be finished in tiles similar in appearance to the tiles of 32-38 Waldale Drive. The development shall be retained as such for the lifetime of the development. (In the interests of visual amenity and good design and in accordance with Core Strategy policy CS03).
4. Notwithstanding the provisions of the General Permitted Development Order (2015) (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration or construction of additional storeys (as specified in Part 1, Classes A and AA of Schedule 2 of The Order), no additions to the roof (as specified in Part 1, Class B of

Schedule 2 of The Order) and no buildings etc incidental to the enjoyment of a dwellinghouse (as specified in Part 1, Class E of Schedule 2 of The Order) shall be constructed or undertaken without express planning permission first being granted by the local planning authority. (In the interests of visual amenity and good design, the residential amenity of neighbouring properties and of future residents of the proposed properties and in accordance with saved City of Leicester Local Plan policy PS10 and Core Strategy policy CS03).

5. Before the occupation of the dwellings two secure and covered cycle spaces (one for each property) shall be provided on site. The spaces shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved City of Leicester Local Plan policy AM02).

6. Before the occupation of the dwellings, the footway crossing and vehicular access shall be provided in accordance with the Leicester Street Design Guide, June 2020 and shall be retained as such. (To ensure a satisfactory means of access to the highway and in accordance with saved City of Leicester Local Plan policy AM01 and Core Strategy policy CS03).

7. Before the occupation of the dwellings the two car parking spaces for each dwelling shall be provided within the curtilage of the dwelling and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with saved City of Leicester Local Plan policy AM12).

8. Detailed plans and particulars of the landscaping (referred to in Condition 1 as "reserved matters") together with a Preliminary Ecological Appraisal, a Landscape and Ecology Management Plan (including specific biodiversity enhancements measurable from the environmental condition of the site at 01.01.2021), a Sustainable Urban Drainage Scheme and Drainage Layout Plan, and an Arboricultural Impact Assessment and Tree Protection Plan, details of replacement trees and details of the maintenance of the site for a 30 year period, dealing with matters in relation to landscaping shall be submitted to and approved in writing by the local planning authority before the development is begun.

9. The Landscape and Ecology Management Plan referred to in Condition 8 above shall include a detailed landscaping and ecological mitigation scheme showing the treatment of all parts of the site which will remain un-built upon shall be submitted to and approved in writing by the local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots) and (viii) the location and type of biodiversity enhancements to be incorporated into the built design or garden areas (ix) management and maintenance details of the Landscape and Ecology Management Plan. The approved landscaping and mitigation scheme shall be carried out within one year of completion of the development. For a period of not less than 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or

becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17.)

10. The Sustainable Urban Drainage Scheme referred to in Condition 8 above 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. The approved sustainable urban drainage scheme shall be completed within one year of completion of the development and maintained throughout the lifetime of the development. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).

11. The Drainage Layout Plan referred to in Condition 8 above shall be installed in full accordance with the approved details or in accordance with a phasing plan submitted as part of the details and shall be retained and maintained thereafter. (To ensure appropriate drainage is installed and in accordance with Core Strategy policy CS02).

12. APPROVED PLANS CONDITION

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 (and pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

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_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.