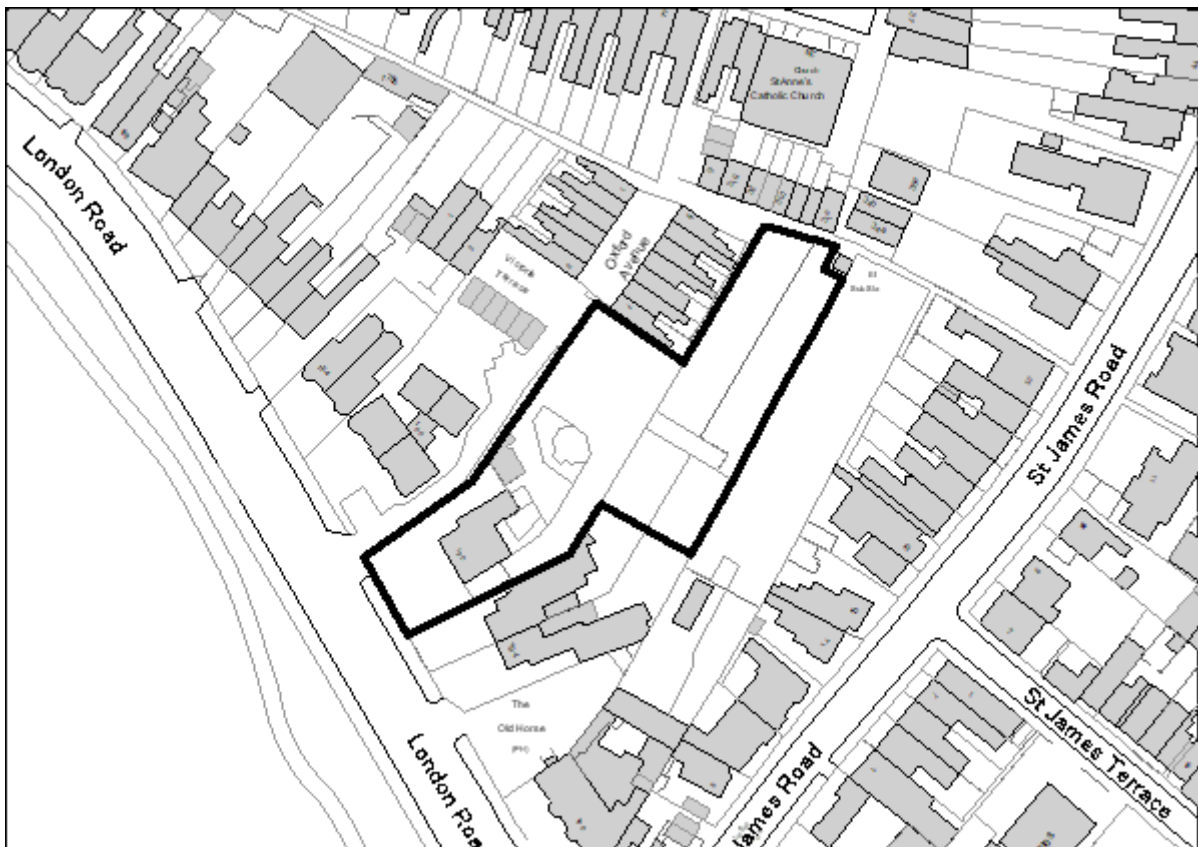


Recommendation: Conditional approval	
20212876	190 London Road
Proposal:	Construction of detached three storey building to provide 8 flats (2 x Studio, 6 x 2 bed) (Class C3); provision of soft and hard landscaping, car and bicycle parking, bin store, drainage infrastructure and boundary treatment; removal of trees; alterations to existing accesses and frontage boundary wall; and demolition of single storey structures adjacent to 190 London Road. (amendments received 26/10/2023)
Applicant:	Mr Shameet Thakkar
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20212876
Expiry Date:	1 July 2023
TEI	WARD: Stoneygate



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Summary

- Reported to committee as more than 5 objections were received from city addresses.
- Objections relate to the principle of development, design, residential amenity of neighbouring properties, loss of trees and access and other highways issues.

- The main issues are the principle of development, design including heritage considerations, the living accommodation of future occupants, the residential amenity of neighbouring properties, loss of trees and other biodiversity considerations and access and other highways issues.

The Site

This application relates to a 0.25 hectare site between London Road and Evington Footpath, within the Evington Footpath Conservation Area. The site has an irregular, staggered configuration and site levels fall gently across the site from the London Road frontage to Evington Footpath at the rear.

The part of the site fronting London Road is occupied by a detached two storey mid-Victorian villa, now in use as offices. To the north of the villa, at the rear, is a single storey detached double garage. The part of the site adjoining Evington Footpath sits to the rear of 192 & 194 London Road.

Adjoining the front part of the site are: to the north, 'The Park', a 1970s four storey block of purpose built flats; and to the south, 192 London Road, a semi-detached three storey mid-Victorian villa now in use as a veterinary practice. Adjacent to the rear boundary is the blank, flank wall of 7 Oxford Avenue.

Adjoining the front part of the site are: to the north-west, 7-13 Oxford Avenue, a terrace of two storey late Victorian houses; to the south-east, the beer garden of The Old Horse public house; and to the south-west, the rear gardens of 192 & 194 London Road (194 is in use as a children's day nursery). Adjacent to the rear boundary is the Evington Footpath and an electricity substation.

As well as falling within the Evington Footpath Conservation Area, the site is also within a Critical Drainage Area and an Air Quality Management Area. The putative course of the Via Devana Roman road runs through the rear part of the site, and the adjacent Evington Footpath is a public right of way. London Road is a classified road. Victoria Park, on the opposite side of London Road, is a grade II Registered Historic Park and Garden.

Background

Planning permission was granted in 1982 for the construction of an underground nuclear shelter (19812316).

Planning permission was refused in 1991 for the construction of a two storey office block in the rear garden (19910233). A subsequent appeal against the refusal of planning permission was dismissed.

Planning permission was granted in 1994 for the change of use of 190 London Road from offices (then Class B1) to a nursery (then Class D1) (19931713).

Planning permission was granted in 2019 for the change of use of 190 London Road from a nursery (then Class D1) to an office (then Class B1) (20182714).

The Proposal

In its amended form, this application seeks planning permission for the following operational development:

- Construction of a three storey building to provide eight flats. The building would be sited in the rear garden of the villa at 190 London Road. The building would have a maximum width of 23 metres and a maximum depth (including balconies) of 13 metres. The principal elevation (containing the main entrance to the flats) is the south-east elevation. The second floor would be partially contained within the roofspace resulting in feature gables on the principal elevation and on the rear (north-west) elevation. The walls would be finished in brick and the roofslopes in slate tiles.
- The laying of hardsurfacing to form an access driveway and vehicle turning area alongside the south/east boundary of the site, and to provide 13 car parking spaces, footways, a cycle parking area and a bin storage enclosure.
- The installation of drainage infrastructure, including areas of permeable paving and a flow control device.
- The demolition of the existing detached double garage and other minor single storey structures to the rear of the Victorian villa.

The proposed flats would comprise two studio flats and six 2-bedroom flats. They would be served by a communal entrance, stairs and lift, and the ground floor of the building would contain a plant room.

The development would involve the loss of some existing trees, and the plans make provision for replacement tree planting and other incidental areas of soft landscaping, and communal amenity space provision on the rear part of the site (behind the Oxford Avenue properties). The plans also show the provision of four further car parking spaces on the already-hardsurfaced forecourt and north-side of the Victoria villa.

Legal Context

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy Considerations

National Planning Policy Framework (NPPF) (2023)

The presumption in favour of sustainable development

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development which means: (c) 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 most important policies are out of date) granting permission unless NPPF policies that protect areas or assets of particular

importance provide a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies as a whole.

Decision taking

Paragraph 38 encourages local planning authorities to approach decisions in a positive and creative way and states that they should work proactively with applicants. It goes on to state that decision makers should seek to approve applications for sustainable development where possible.

Paragraph 43 states that the right information is crucial to good decision-making, particularly where formal assessments are required, and that to avoid delay applicant should discuss what information is needed with the local planning authority and expert bodies as early as possible.

Paragraph 56 lays down the tests for planning conditions. They are that planning conditions must be: necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable.

Delivering a sufficient supply of new homes

Paragraph 70 states that local planning authorities should support the development of windfall sites through their planning decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Promoting sustainable transport

Paragraph 114 states that, in assessing applications for development, it should be ensured that: (a) opportunities to promote sustainable transport have been taken up; and (b) safe and suitable access can be achieved.

Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Making effective use of land

Paragraph 123 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 124 states that planning decisions should: (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 128 states that planning decisions should support development that makes efficient use of land, taking into account: (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 and beautiful, attractive and healthy places.

Achieving well-designed places

Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 135 states that planning decisions should ensure developments: (a) will function well; (b) are visually attractive; (c) are sympathetic to local character and history; (d) establish or maintain a strong sense of place; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 136 notes that trees make an important contribution to the character and quality of urban environments and can also help mitigate climate change. It states that planning decisions should ensure that existing trees are retained wherever possible.

Paragraph 139 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.

Meeting the challenge of climate change, flooding and coastal change

Paragraph 157 states that the planning system should support the transition to a low carbon future in a changing climate.

Paragraph 159 states that new development should be planned in ways that: (a) avoid increased vulnerability to the range of impacts arising from climate change; and (b) can help to reduce greenhouse gas emissions.

Conserving and enhancing the natural environment

Paragraph 180 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.

Paragraph 186 states that: (a) if significant harm to biodiversity cannot be avoided or mitigated, or as a last resort compensated-for, then permission should be refused.

Paragraph 191 states that planning 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. It goes on to state that planning decisions 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; and (c) limit the impact of light pollution from artificial light on local amenity and nature conservation.

Paragraph 192 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and cumulative impacts.

Conserving and enhancing the historic environment

Paragraph 200 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. It goes on to state that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 201 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 203 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 205 states that great weight should be given to the asset's conservation when considering the impact of proposed development.

Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 207 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 208 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.

Paragraph 212 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 213 states that not all elements of a Conservation Area will necessarily contribute to its significance.

Leicester Core Strategy (2014) and City of Leicester Local Plan (2006)

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

Supplementary Planning Documents and Guidance

Evington Footpath Conservation Area Character Appraisal (2008)

Leicester Tree Strategy (2018-2023)

Local Plan Appendix 01 (2006) Parking Standards

Residential Amenity Supplementary Planning Document (SPD) (2008)

Consultations

Air Quality Officer: no comment.

Conservation Advisory Panel: support principle of development; reservations about dominance of hard landscaping; location of parking bays restricts access to open space beyond; more information on materials and details needed.

Highway Authority: no objection subject to bin collection arrangements and conditions.

Lead Local Flood Authority: no objection subject to conditions.

Pollution Control Officer: noise insulation and ventilation details acceptable.

Trees & Woodlands Officer: no objection subject to condition.

Waste Management Officer: details of bin store design and access needed.

Representations

The application was publicised twice, once on receipt of the application and again following the receipt of amended plans.

In response to the first publicity period, eight objections and one petition with eight names was received. A letter of support was also received.

Issues raised included:

- that the proposal was too high and dominating resulting in a loss of light, loss of view and harmful impact on outlook,
- that the proposal would result in a loss of privacy for and overlooking of neighbouring properties,
- that further consideration to design was needed and that the design and quality of materials should enhance the conservation area,
- concern over the felling of trees
- that the access was poor, that heavy lorries and dustbin lorries would have a harmful impact and that additional parking would increase congestion on an already congested London Road
- that the area was already high density and more occupants would be a retrograde step and that there were already many existing empty properties and unused homes in Stoneygate,
- and that the pond makes no sense.

General concerns were raised:

- that the proposal was not in the best interests of local residents and the local area and does not improve the surroundings,
- that the area should be retained as a yard, or, conversely that the front building be demolished to make way for a better scheme
- and that the proposal could not be described as good development.

Questions were also asked whether maintenance/security proposals would be put in place and whether the proposals would address surface water run-off in the future.

The petition raised concern that the publicity period was not enough time to respond.

The letter of support noted that the proposal was not another HMO for student accommodation, that it would be hidden from London Road by the existing building and that currently responsibility for the maintenance of the communal garden remained unclear.

In response to the second publicity period, one further objection and one further letter of support was received.

Issues raised included:

- loss of sunlight to the neighbouring communal garden
- concerns over the loss of trees in a conservation area
- concerns in relation to noise and dust during construction
- that the proposal would result in overlooking and a loss of privacy
- and that the development was neither needed nor warranted.

The letter of support expressed overall support as a good use of land and sympathetically designed development. It asked whether impact on wildlife and a biodiversity plan had been considered (drawing attention to the use of the site by foxes) and suggested that the garden area be kept private to avoid antisocial behaviour.

Consideration

The main issues in this case are: principle of development; design and heritage; amenity at neighbouring properties; living conditions at the development; trees, ecology and landscaping; drainage; and parking and access.

Principle of Development

The proposal would make a contribution of eight new homes to the city's housing supply in the form of a relatively modest infill residential development on a vacant backland site within this established and predominantly residential area. In these respects, I consider that the proposal would be broadly in accordance with Policies CS06 and CS08, subject to the detailed consideration (below) of the localised impacts associated with the development of this backland site. Furthermore, the development of this under-utilised windfall site, to make more effective use of this

land within an already built-up part of the city would be wholly consistent with the aims of paragraphs 69, 120 & 123 of the NPPF.

I conclude that the proposal would comply with the relevant provisions of Policies CS06 and CS08 and that the principle of developing the subject site for residential use is acceptable.

Character and Appearance / Heritage and Design:

The site is large enough to accommodate some new residential development without causing harm to the character of the Conservation Area if of high quality and contextually responsive design. The smaller outbuildings proposed for demolition are of more limited historic and architectural interest and their loss is acceptable if to facilitate a high-quality new scheme.

The height, massing and roofline of the proposal respect and are well integrated with those of London Road, St James Road, Abingdon Road and Oxford Avenue and provide a proportionate gradation from the massing of London Road to Oxford Avenue in this respect. The proposal is consistent with the urban grain. It has more refined detailing than previous iterations of the scheme, which helps to break up the mass and this, together with its overall design present it as a contemporary addition that references and respects the neighbouring historical buildings and context and follows on appropriately from the Oxford Avenue terrace. The bays, now moved in from the flanking walls, provide a legible entrance, and the proposed landscaping provides a clear threshold between the development and the public realm and softens and better integrates the proposal into its context.

However, the overall appropriateness of the development is also dependant on its materiality and finer detailing and as such I consider it appropriate to attach conditions requiring samples of all external materials, sections of all external windows and doors and 1:20 sections of the building to be submitted and agreed. This is to understand the detailing, projections, recesses and the elevation articulation and to establish a quality benchmark to be secured and maintained during the next stages. These sections should include the balcony detail.

Amenity of neighbouring occupiers

Leaving aside the Oxford Avenue properties the nearest residential property is 190 London Road at approximately 18 metres away. The rear windows of 190 London Road are oriented approximately 45° to the north east away from the proposed development and the proposal will not have an unacceptable impact on the outlook from neighbouring properties.

The north east facing windows of the proposal face the blank wall of the Oxford Avenue properties with other windows facing communal garden spaces. I consider this an acceptable arrangement in respect of privacy of neighbouring properties, particularly in the context of the urban grain of the area and do not consider there will be any unacceptable degree of overlooking. Nor given the scale, massing and siting of the development do I consider that the proposal will have an overbearing impact on neighbouring properties.

There will be inevitable disturbance during the development period. However, I do not consider it proportionate to condition a construction management plan for a development of this scale.

I conclude that the proposal would comply with the relevant provisions of Policies CS03, CS08, PS10 and PS11, and that the proposal would not have an unacceptable impact upon the amenity of neighbouring occupiers.

Living conditions of future occupiers

The Nationally Described Space Standards (NDSS) are not yet adopted in Leicester. Nevertheless, the adequacy of internal space is part of the creation of a satisfactory living environment for future occupiers and as such remains a material consideration. All proposed flats meet Nationally Described Space Standards with head heights for the second floor provided and also meeting the standards.

All flats have an acceptable level of outlook with the exception of the rear bedroom of Flat 3. However, this flat has good outlook from the living room and front bedroom and on balance, and given the benefits of the scheme, I consider this to be acceptable. Given the proposed landscaping at the front of Flats 2 and 3 I consider that the dwellings will have a sufficient level of privacy.

A noise assessment together with proposed noise insulation measures was submitted during the course of the application and I am satisfied that these measures will ensure an appropriate acoustic environment for future occupants provided that a condition is attached securing measures with the insulation and ventilation performance detailed in Table 9 of the assessment with the same acoustic and ventilation performance retained throughout the lifetime of the development.

There is shared and accessible communal space which is welcomed. However, it is somewhat concealed by the parking spaces and by the dog leg shape of the site and so it is questionable whether it will be readily used by future residents. Nevertheless, the site is close to Victoria Park which is open space of good quality and will likely be used by future occupants.

Bin storage details are limited. However, there is sufficient space on site for suitable bin storage to be provided and I consider these can be appropriately secured by condition.

I conclude that the proposal would comply with the relevant provisions of Policies CS03, CS06, PS10, PS11 and H07, and that the development provide acceptable living conditions to its future occupiers.

Parking and Access

The site is very close to the central commercial zone and with good access to public transport and easy walking into the City centre. The proposed 13 parking spaces are unlikely to cause significant harm to the highway. The size of the proposed spaces

and the general manoeuvrability both appear satisfactory. The 12 proposed cycle storage spaces meet the standards set out in Appendix 1 of the saved City of Leicester Local Plan. These can be secured by condition.

Notwithstanding the need above for additional details in relation to bin storage the proposal does accommodate the manoeuvrability of refuge vehicles and other service vehicles. Nevertheless, in order to maximise this space and secure its proper function I consider it appropriate to attach conditions ensuring a turning space and that the parking spaces are retained.

I conclude that the proposal would comply with the relevant provisions of Policies CS14, CS15, AM02 and AM12, and that the proposal would not have an unacceptable impact upon highway safety and access.

Trees, Ecology and Sustainable Urban Drainage

There will be a total of 7 trees removed (and one partially removed) as part of the scheme. 6 of these trees, including the partial removal, to facilitate the development, and 2 trees (T08 and T15) due to their condition. T01, T02 and G01 (to be removed to facilitate the development) are Category C2 trees with the maple T09 (to be removed to facilitate the development) the only Category C1 tree to be removed.

Building foundations will be required within the root protection areas of trees T01 (Category A2) and T03 (Category C2). Soft landscaping is proposed within the root protection areas of T01 (Category A2), T03, T06 C2, G03 C2, & T16 (all Category C2).

Section 8 of the Arboricultural Impact Assessment details mitigation measures including replacement trees, no dig permeable hard surfacing for access drives, footpaths and hard standing, building foundations in accordance with BS5837:2012 'Special Engineering for foundations within the Root Protection Area' and the implementation of soft landscaping with no cultivation of topsoil and that the trees are to be protected from damage during the course of the works in accordance with the guidance of BS5837:2012.

With these mitigation measures and appropriate replacement trees, I consider it appropriate to attach a condition to secure these mitigation measures (ie. sections 4 to 16 of the Arboricultural Impact Assessment), to secure the measures of the Tree Protection Plan and to secure replacement trees.

The bat survey carried out September 2023 confirms that "as the likely-absence of roosting bats within the buildings has been established, no impacts on bat roosts are anticipated from the proposed works". Council ecologists are satisfied with this conclusion.

In order to secure ecological enhancements in accordance with Core Strategy CS17 I consider it appropriate to attach a condition requiring opportunities to improve biodiversity in and around the site including details of specific biodiversity enhancements (measurable from the environmental condition of the site at

30.01.2020) and a strategy for the maintenance of all landscaped parts of the site over a 30 year period.

A revised SuDS Strategy Report was submitted on 26th February. The report is broadly acceptable. However, there are other details required which can be secured by condition including detailed design for the sub-base storage and a maintenance plan for the SuDS measures.

The Planning Balance

As noted above, paragraph 11 of the NPPF establishes a presumption in favour of sustainable development and sets out an explanation of what that means for decision taking. Footnote 8 to the paragraph further explains that out-of-date policies includes situations where the local planning authority cannot demonstrate a five years' supply of deliverable housing sites (with the appropriate buffer).

The City Council cannot currently demonstrate a five years' supply of deliverable housing sites and as this planning application involves the provision of dwellings the so-called 'tilted balance' under paragraph 11 of the NPPF would be engaged if the application is considered for refusal.

In this case, however, the proposal is recommended for approval and would make a modest but nevertheless welcome contribution to the city's housing supply. In view of this, there is no need to consider the planning balance further.

I recommend that this application for planning permission be **APPROVED** subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. Before works above ground level, samples of the slate for the roof and treatment for the blacked out windows shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
3. Before works above ground level, a 1 sqm sample panel of the brickwork (including brick type, bonding and mortar) for the areas of the front elevation marked "facing brick" and "brick detailing" shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).

4. Before works above ground level, section drawings at a scale of 1:10 for all proposed external windows and doors shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).

5. Before works above ground level, section drawings at a scale of 1:20 for the proposed front, side and rear elevations (including balcony sections) shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).

6. Prior to occupation of the approved flats insulation and ventilation measures shall be installed in accordance with the treatment detailed at Table 9 and Appendix 2 of the report by Blue Acoustics NS353/4 received by the City Council as local planning authority on 09.08.23 and shall retain the minimum acoustic and ventilation performances detailed in Appendix 2 of that report throughout the lifetime of the development. (In the interests of the amenities of future occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

7. Prior to occupation of the development drawings at a scale of 1:20 of the bin storage shown on the Proposed Site Plan shall be submitted to and approved in writing by the City Council as local planning authority. The bin storage shall be installed in accordance with these details and retained as such throughout the lifetime of the development. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area and in accordance with Core Strategy policies CS03 and CS18).

8. No part of the development shall be occupied until the cycle parking shown on the Proposed Site Plan has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

9. Prior to the occupation of the flats, a turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be made available within the site. The turning space shall be retained throughout the lifetime of the development. (In the interests in highway safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

10. Before the occupation of the flats, the parking spaces shown on the Proposed Site Plan shall be marked out and shall be retained for vehicle parking throughout the lifetime of the development. (To secure adequate off-street parking provision, and in accordance with saved policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)

11. The development shall be carried out in accordance with the measures detailed in Sections 4 through to 16 of the Arboricultural Impact Assessment

submitted by Bea Landscape Design and received by the City Council as local planning authority on 26.10.23. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

12. The development shall be carried out in accordance with the Tree Protection Plan detailed at Appendix C of the Arboricultural Impact Assessment submitted by Bea Landscape Design and received by the City Council as local planning authority on 26.10.23. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

13. Prior to the occupation of the flats a scheme for replacement trees to compensate for those removed to facilitate the scheme shall be submitted to and approved in writing by the City Council as local planning authority. The replacement trees shall be planted within one year of the approval of these details. For a period of not less than thirty years from the date of planting, the applicant or owners of the land shall maintain all planted trees. The trees shall be replaced if they die, are removed or become seriously diseased. The replacement planting shall be completed in the next planting season. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

14. Prior to the occupation of the first flat a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the City Council as local planning authority. The biodiversity enhancements at (viii) below shall be measured from the environmental condition of the site at 23.11.2021 and the LEMP 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 the approval of these details. 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.)

15. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No flat shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its

implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

16. Development shall be carried out in accordance with the following approved plans:

Proposed Site Plan, ref. no. DSA-20075-PL-PRO-01, rev J, received 26.10.2023

Proposed Floor Plans and Elevations, ref. no. DSA-20075-PL-PRO-02, rev D, received 26.10.2023

(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 2023 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

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_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
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.
- 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.