**Recommendation:**

<table>
<thead>
<tr>
<th>20121051</th>
<th>GIPSY LANE, TOWERS HOSPITAL SITE</th>
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<tbody>
<tr>
<td>Proposal:</td>
<td>DETAILS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF 127 DWELLINGS BEING RESERVED MATTERS FOR RESIDENTIAL DEVELOPMENT. APPROVED UNDER OUTLINE PERMISSION 20102008. REMOVAL OF TREES COVERED BY TPO 181.</td>
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<tr>
<td>Applicant:</td>
<td>REDROW HOMES (MIDLANDS) LTD</td>
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<tr>
<td>App type:</td>
<td>Application for reserved matters approval</td>
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<tr>
<td>Status:</td>
<td>Smallscale Major Development</td>
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<td>Expiry Date:</td>
<td>29 November 2012</td>
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<td>NJH WARD:</td>
<td>Humberstone &amp; Hamilton</td>
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Summary

- Outline application 20102008 granted December 2011 – included access.
- Application is for the consideration of reserved matters.
- Small section of the site located in the Old Humberstone Conservation Area.
- There are two listed buildings adjacent to the eastern part of the site and there are protected trees within the site.
- Part of the site is located within a residential area and part is allocated in connection with the use as a hospital.
- 12 objections have been received regarding traffic, ecology, drainage and flooding, trees, and impact on local resources.
- Application has been amended and is recommended for approval

Introduction

The application relates to an area that forms part of the wider Towers Hospital complex. The site is boarded by Gipsy Lane to the north and Humberstone Heights golf course, Thurcaston Lane to the east and two storey housing, Herongate Road to the south and predominantly 2 storey housing and buildings within the Towers Road to the west.

The site currently contains buildings associated with the Towers hospital. There are areas of open space within the site notably fronting Gipsy Lane close to its junction with Thurcaston Lane and an area bordered by residential properties on Herongate Drive.

Land levels differ greatly across the site with Gipsy Lane set at a higher level. There is a difference of approximately 7 metres from Gipsy Lane down to Herongate Road.

There are approximately 40 trees with Tree Preservation Orders (TPO) within the site. They are focused on the area of land close to the junction of Gipsy Lane and Thurcaston Lane and surrounding Francis Dixon Lodge (including a line on Gipsy Lane) and on the corner of Thurcaston Lane/Herongate Road. Some of these trees are located on highway land.

The site is adjacent to a Grade II listed building Humberstone Grange Clinic, which was originally included within the application site but then subsequently removed, to the north eastern boundary of the site. The building faces into the site with the area of open space to its west forming part of its gardens. In addition, on the corner of Gipsy Lane/Thurcaston Lane is Grange Cottage, also a Grade II listed building.
This corner of the site up to the edge of the open space is located within the Old Humberstone Conservation Area.

Part of the site to the east from Herongate Road to Gipsy Lane and including doctors accommodation fronting Gipsy Lane (Gimson Close) is allocated for residential purposes in the local plan. The remainder of the site is allocated for community uses in association with its hospital use.

Background

An outline planning application 20101008 for development of this site was approved by the Planning and Development Control committee subject to signing of a Section106 Agreement. The permission was issued in December 2011. Approval was given for vehicle access into the site with one access on Gipsy Lane, one on Thurmaston Lane, and three on Herongate Road. An indicative layout was included with that submission but it was not fully endorsed by officers.

A large area of the Towers hospital site was subject to a development brief which was adopted as Supplementary Planning Guidance (SPG) in 2002. Following the publication of the document a number of applications have been submitted to develop the site for residential purposes. Subsequently land to the north east and south of the site has been developed for housing. The north east of the site contains a listed building which once formed one of the main hospital buildings and contained wards and associated buildings. This has been converted to flats with some new build housing around the original building.

Most of this application site did not form part of the original SPG, only a small section to the west was included which includes an access from Gipsy Lane and part of a clinic.

As part of the outline application the applicants prepared a development brief, which is an update to the 2002 SPG and includes the current application site and the remaining Towers hospital buildings to the west. The brief provides information to guide future developers and suggested an indicative layout. Officers provided input into the brief. However, the final indicative layout included within the document was not fully endorsed by officers.

The Proposal

This application has been submitted for the approval of the reserved matters - appearance, landscaping, layout and scale. The scheme includes a mixture of 1, 2, 3, 4, and 5 bed houses but is made up of predominantly 3 and 4 bed homes. Of the 127 houses, 102 are market housing and 25 are affordable homes of which 3 are wheelchair accessible dwellings. The majority of houses are detached and have 2 car parking spaces within their curtilage. There are some areas of semi-detached and terraced houses with parking spaces within their curtilage or in parking bays at...
the front. All have private rear gardens and the majority of dwellings are 2 storeys. 22 dwellings have living accommodation within the roof space.

There is a primary street running through the site that links Herongate Road and Gipsy Lane. Off this primary street is a further street to the west of the site which has been designed as a through route to eventually connect to future development to the west of this site. A number of driveways are also accessed of this primary residential street to provide access to small numbers of houses. An access into the development is provided off Thurmaston Lane to serve 20 dwellings but it does not provide a through route to vehicles. It does however allow for pedestrian and cycle connections. Further footpaths are provided off Herongate Road and across the open space from Gipsy Lane.

The layout provides an area of open space to the north east of the scheme adjacent to the listed buildings. This area will provide an area for play (LAP).

The scheme includes a proposal for a Sustainable Urban Drainage scheme (SuDS) that includes a large pond to the south east of the site.

The application is accompanied by the following documents:

- Design and Access Statement
- Arboricultural Implication Study
- Reptile Report
- Protected Species Report
- Surface Water Drainage Proposals
- Energy Statement

The Energy Statement has been revised following comments from officers.

The Arboricultural Implication Study has been revised following comments from officers.

The surface water drainage proposals have been revised following comments from the Environment Agency (EA) and officers.

The layout has been revised with amendments to housing plots and housing types but most significantly to accommodate the revised SuDS proposals and a pedestrian footpath to Herongate Road.

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

SPD - Vehicle Parking Standards

SPG – The Towers Site Development Guidance

SPD – Residential Amenity Guide

SPD – Green Space

SPD – Affordable Housing

SPD – Climate Change

National Planning Policy Framework

Consultations

Environment Agency (EA)

The EA was consulted on the outline application and requested conditions be placed on the approval to ensure a surface water drainage scheme for the site was submitted with any Reserved Matters application and consequently implemented.

There have been a number of revised drainage proposals and the EA has been consulted on each. The EA has objected to previous proposals, however, a number of improvements to the scheme have been secured which primarily addressed concerns over water quality. A final drainage scheme has been considered acceptable by the EA, who have removed their objection. However, they have noted that the process of incorporating a sustainable drainage scheme within this development has been complicated largely because the inclusion of SuDS was not considered at the outset. They have referred to the advice in the PPS25 Practice Guide which is still relevant despite the NPPF replacing PPS25.

Highway Authority

The layout submitted has 4 access points for vehicles which is considered to be a minor material amendment from the outline application which had 5 access points. One of the two previously approved vehicle access points to Herongate Road is now a pedestrian footpath. This change is acceptable to the Highway Authority.

Concerns over direct access to driveways of the houses on Herongate Road have been raised but this can be resolved through traffic calming measures along Herongate Road using the contributions secured at outline stage.

Concerns over the recommended 25 metre bin carrying distances being exceeded on two of the private driveways have been resolved by the applicant agreeing to
provide hard standing areas within 25 metre of the adopted highway. These would be conditioned.

Concerns over the lack of turning facilities for refuse vehicles, delivery vehicles and visitors to the private drive serving plots 81-89 have been raised as the current design is tight and will make this difficult. The applicant has been asked to revise the layout or provide an alternative housing type to plot 85 which locates car parking to the side of the property but they are not willing to make these amendments. They consider that refuse vehicles will reverse into the driveway as they load from the rear and that larger delivery vehicles will do the same, albeit less frequently.

The applicant has submitted a statement to the Highway Authority to justify a slightly reduced car parking provision. The reduction concerns two groups of the affordable housing where 10 units are served by 14 shared spaces and 15 units are served by 26 shared spaces. The justification shows that for Humberstone and Hamilton Ward for Shared Ownership/Rented (Social/private) the estimated average car ownership in 2026 is 0.8 cars per household and therefore, the proposed car parking numbers meet this requirement and provide sufficient visitor spaces. In addition, regarding the management of the spaces, it has been confirmed that in the tenancy agreements parking spaces would be allocated on the basis of one to each dwelling with the remainder left free for visitors. This is now common practice on managed housing shared car parking schemes.

The footpath through the public open space would be built to adoptable standards but may not be adopted. The footpath link between Herongate Road and the street to the west of the site will require adoption with street lighting. Concern has been raised about the 90 degree kink in the route.

The layout submitted successfully allows for vehicle and pedestrian connections to future phases of development on the Towers site to the west of the application site should they come forward.

Natural England

Has no objection to the proposal subject to conditions to protect the protected species on the site (bats) and provide appropriate mitigation.

Park and Green Spaces

The open space area shown on the layout drawing is sufficient to provide adequate informal green space for the whole development. However the residents of this development will have other open space needs and these cannot be met by the current level of provision within the ward.

Therefore the £177,614 off-site contributions (secured at outline) from this developer will be used for equipped children’s and Young People’s space and for outdoor sports facilities.
Further details on the design of the open space and the equipped children’s and young people’s space will be dealt with by condition.

**Housing**

As a requirement of the Section 106 provisions agreed as part of the outline application, an affordable housing scheme has been submitted. Affordable housing makes up 20% of the total housing numbers and details of the mix, type, location and design have been provided. Amendments have been made to housing types to ensure the housing meets the required standards and guidance. These have been approved and there are no objections.

**Trees and Woodlands**

An Arboricultural Implication Study was submitted with the application and revised following advice from the Trees and Woodland Officer to meet the requirements of the conditions of the outline application and recognised British Standards.

The trees at the site benefit from a Tree Preservation order. The development proposal will result in the loss of a number of protected trees some of which have an impact on visual amenity. A significant group of trees will be retained to the north of the site along Gipsy Lane and adjacent to the proposed open space.

The findings of the study were considered acceptable by the Trees and Woodland Officer. Trees will be replanted in the new development to address this loss and this will be ensured through condition, alongside conditions to ensure work in proximity to protected retained trees is carried out in accordance with the method statements and tree constraints plan supplied and recognised British Standards.

**Energy Team**

A sustainable energy statement was submitted with the application. This has been updated with additional information following comments from officers and the statement now satisfactorily demonstrates that energy produced from photovoltaic panels can meet at least 16% of the total predicted energy demand for the development.

All homes are proposed to be built to Code for Sustainable Homes Level 3

Conditions will be used to ensure compliance with the 16% renewable energy and Code for Sustainable Homes Level 3 commitments.
Representations

I have received 12 objections from local residents, on behalf of the Humberstone Village Community Forum and Leicester Civic Society on the following grounds:

- Inadequate drainage provision and increased risk of flooding.
- The felling of trees covered by a TPO and general loss of trees.
- Inadequate attention being given to wildlife on the site and bats in particular.
- The impact on local resources and facilities e.g. schools, health facilities, roads
- The development does not respond to the site adjoining a Conservation Area
- The house designs are pastiche.
- No evidence of consultation of schools promoters before the submission of the application.
- The application has been presented without consultation with those directly affected.
- The loss of the green and open character of the area.
- The loss of habitat and flora and fauna.
- The development does not prove that any enhancement to the local area would be achieved or demonstrate that it improves the economic, social and environmental conditions of the area.
- All the proposed rear amenity areas would need to meet the required minimum areas established in the Residential Amenity SPD.
- Many of the trees and planting proposed is not native and of little wildlife value.
- There is no evidence that the proposals seek to ensure no net loss of biodiversity or enhancement of biodiversity.
- Expecting householders to retain bat roosts in their properties is unrealistic.
- The proposals fail to provide Lifetime Homes.
- The loss of green space.
- The impact on increased traffic and the safety of road junctions and crossings
- Increased parking blocking the flow of traffic
- The existing properties on Herongate Road will be overlooked by the proposed properties due to change in levels and the height of the proposed houses.

- Two new access roads to Herongate Road will increase traffic onto Herongate Road and Humberstone Drive. The right turn into Humberstone Drive can be dangerous and the layout will need to be changed to cope with the additional vehicles.

I have also received a representation from Leicestershire and Rutland Wildlife Trust expressing concern regarding loss of trees and nature conservation issues.

**Consideration**

This application is for the approval of details following outline permission. The principle of residential development, including details of access has been established and only the details of the proposal can be considered at this time.

**Trees**

The principle of development on this site was established at the outline permission and as result of development the loss of trees, including protected trees, was to be expected. The scheme does retain significant areas of trees, in particular to the north of the site alongside Gipsy Lane and within the area of proposed open space. The scheme will replant trees to cover the loss of the protected trees which will be conditioned and the revised landscaping scheme submitted proposes additional street trees to the primary residential street. These additional trees were added to the scheme following comments from the Nature Conservation Officer who wished to create an improved network of green infrastructure across the site to assist the foraging routes of species across the site. The species of trees have been approved by the Nature Conservation Officer and Landscape Planner.

The findings of the revised arboricultural study were considered acceptable by the Trees and Woodland Officer. Trees will be replanted in the new development to address this loss and this will be ensured through condition, alongside conditions to ensure work in proximity to protected retained trees is carried out in accordance with the method statements and tree constraints plan supplied and recognised British Standards.

**Surface Water and Flooding**

The final drainage proposal addresses flood storage by providing a balancing pond, on-line detention tank sewers, permeable paving (in parts), geo-cellular storage tanks and flow controls.

The final drainage proposal addresses surface water quality by providing a balancing pond, permeable paving (in part) and incorporating 'high performance propriety
treatment technologies’ (‘Downstream Defender’ and ‘First Defence’) before each of the three off-site discharge points which will also improve water quality. The use of this technology is not considered to be a comprehensive SuDS approach but is considered by the EA to be an acceptable solution for this site.

The EA therefore are satisfied that the drainage proposal adequately addresses the issues of flood storage and surface water quality.

In providing only one above ground storage feature, rather than a series of features, the balancing pond has to be of sufficient depth and volume to provide the water storage capacity required. Concerns remain over the design of the pond as its depth does not allow it to have shallow and shelving slopes which will therefore require it to be fenced for health and safety reasons. This will also limit the potential biodiversity value, although a planting scheme has been provided by the applicant. The headwalls and retaining wall structures are also heavily engineered. Therefore, the character of the balancing pond is less ‘natural’ and designed to be part of the landscape providing biodiversity and amenity value and more ‘engineered’. Unfortunately, as the larger area of green space is on the highest point of the site it would not have been the appropriate location for the pond where it could have been designed to be better integrated with the landscape. The proposed location of the pond on the south-east corner is in the lowest part of the site but this location is also constrained by the land owned by the applicant, protected trees, and in the view of the applicant the need to provide a viable scheme and the number of properties needed to achieve this. As outlined below the pond will provide a prominent feature to the corner of the site which is welcomed.

The management of SuDS is also an important consideration. A management company will maintain the balancing pond and the purchaser or purchasers of the individual houses will maintain the permeable paving. The management company will maintain the proprietary treatment devices. This would be until such time as an adoption agreement can be confirmed with Severn Trent Water.

Urban Design

The layout of the scheme has been primarily dictated by the proposed phasing of the development in three phases. The release of land from the owner to the applicant is to be phased to allow sufficient time for the users and services within the occupied buildings to be relocated whilst enabling development of the site with the required access in areas where this is possible. I consider that the layout submitted could have been improved if the land sale constraints were not in place, however, many of the key principles which were acceptable at the outline stage have been provided with some compromises as a result of the constraints of phasing.

I consider that the general layout of the routes from north to south and east to west are acceptable and provide permeability through the site. The primary residential street through the scheme and connecting Herongate Road and Gipsy Lane is not
the most direct route across the site for pedestrians as its location is constrained by the last phase of land to be released. However, additional pedestrian footpaths across the open space and to Herongate Road do help with the connections. Although the location and design of the footpath link to Herongate Road, which has a 90 degree kink, is compromised as a result of the phasing. It will be overlooked by the adjacent houses which have been rotated and it will be adopted ensuring street lighting is installed. The layout does not provide a street running east to west across the site but a more direct east to west route is available to pedestrians and cyclists and I consider that to be acceptable.

The layout provides a frontage to Gipsy Lane which will provide some activity and surveillance. The frontage will be set back to retain the significant number of existing trees along Gipsy Lane which are covered by a Tree Preservation Order and provide driveways to the houses whilst maintaining the required distance for root protection to protected trees.

The area of open space fronting Gipsy Lane and adjacent to the two listed buildings of Humberstone Grange Clinic and Grange Cottage has been retained which is welcomed as this area also includes a significant number of protected trees which are to be retained. Dwellings front onto this space to provide activity and surveillance and the arrangement of dwellings also provide an acceptable setting for the listed buildings. Concerns regarding the distribution of open space in one area have been raised, particularly since the indicative layout for the outline permission showed two green areas with an additional one centrally located. In the light of comments from the Play and Youth Development Officer who considers the open space area shown on the layout to be sufficient to provide adequate informal green space for the whole development and the view of the Nature Conservation Officer who has accepted the revised landscape proposals to provide some additional green infrastructure across the site, I consider the one area to be acceptable.

The south–east corner of the site is in a prominent location and the scheme provides the large pond in this area as part of the SuDS proposal for the site.

It is important that this development allows for connections to future phases to the west of this site should proposals come forward and following comments from the Highway Authority this has been achieved. The access road has been designed to the standards required as a through road and the development allows for a future connection to Herongate Road required to provide access. I am concerned by the location of 5 dwellings (plots 53-57) which would back onto this new road should it come forward and therefore would not provide any surveillance to the street. However, whilst not ideal this could be addressed by ensuring that development fronts onto the street in this location in the future phases.

The houses proposed are a standard product that can be found elsewhere and are therefore not an individual response to the site. The layout does however provide
some additional features that will make it easier to find your way around and provide additional surveillance to the street. The houses in key corner locations within the layout ‘turn the corner’, additional windows have been placed on side elevations and houses have been rendered. The location of the boundary treatments to the scheme has ensured that private areas are well secured from public areas. Boundary treatments that can be viewed from public areas are to be 1.8m high brick walls

**Amenity**

The part of the development which is situated in-between existing dwellings on Herongate Road and a retained hospital building fronting Gipsy Lane provides a form of perimeter development which backs on to the existing housing and retained building. The location of the dwellings and garden depths in most instances provides distances greater than the recommended minimum of 21m between facing principle room windows as outlined in the Residential Amenity Supplementary Planning Document (SPD). The proposed dwellings are slightly higher (0.5m) than existing dwellings but this should not significantly increase the likelihood of overlooking.

There are two instances where the distances between the existing dwellings on Herongate Road and the proposed dwellings are below the recommended standards.

In the first instance, the gable end of 39 Herongate Road which contains no window, would lie within 11 -13 metres of the principle elevations of 3 proposed dwellings (plots 61-63). Whilst falling below the recommended guidance of 15m, I consider that due to its orientation this is unlikely to have any significant loss to amenity for existing residents.

In the second instance, the rear of 19 Herongate Road has bedroom windows on the rear elevation that is in close proximity to the rear elevations of plots 74, 75 and 76. The distance between plot 74 and the rear of No. 19 (the location of the nearest principle window) is 18m which I consider to be acceptable. The distance between plot 75 and 76 are 13m and 13.5m respectively, with the latter facing the gable, which contains no window. Given the orientation of 19 Herongate Road any views into the dwelling from the new dwellings would be oblique, however, there is a change in level and the new dwellings would be approximately 0.5m higher than the existing dwelling. Although there might be a limited loss in amenity, mainly due to the change in level, the garden depths of the proposed houses meet the required 11m minimum distance and I do not consider that the proposed development would be likely to significantly affect the amenities of the existing residents.

There are areas within the layout of the new development where distances between principle elevations and gable ends of properties do not meet the recommended 15m. The lowest distance is 11m but most are 12m. In some instances the views from the proposed dwellings only partly face onto a gable and they are afforded
longer views too. In this instance I consider the relationship between houses to be acceptable.

All 127 properties proposed have private rear gardens and of those 93 meet or a reasonably close to the recommended standards outlined within the Residential Amenity SPD. There are 34 properties that are below the standard recommendations, below 80 square meters for detached properties (standard 100 square metres) and 60 square meters for terraced properties (standard 75 square meters). Of those 34 properties, there are 24 no. 2 and 3 bed terraced homes where the garden sizes range from 40 square metres to 58 square metres.

Some of the gardens to larger properties are not as large as they could be as a consequence of rear garages which are provided to the rear of dwellings as part of the marketing strategy for the homes to enable outside access from the front to the rear for maintenance and rubbish collection. It is my view that the sizes proposed whilst falling below the SPD recommendations are in every circumstance at least the footprint of the proposed dwelling and are of a useable shape.

Access

The access points were agreed as part of the outline permission for this site. This application has varied one of the access points onto Herongate Road which is proposed as a pedestrian footpath rather than provide an access for vehicles. It was important that a link was established in this location to enable residents, particularly in the west side of the proposed development, to access Herongate Road more directly and the layout was revised to provide the footpath. I consider the proposal acceptable and generally in line with the outline approval.

Traffic

The Transport Assessment submitted as part of the outline permission was based upon 210 houses and apartments. Therefore, the vehicle movements would be expected to be less for this scheme given the reduction in dwelling numbers. Based on the Transport Assessment, contributions were agreed as part of the outline permission to provide traffic calming around the vicinity of the site to include Gipsy Lane and Herongate Road.

Nature Conservation

In the view of the Nature Conservation Officer the proposal falls short of what we would expect on this site to compensate for the loss of natural space and mature trees which contribute to the biodiversity value of the site and its value within the green network and does not meet the principles on ecology set out within the outline application. However, the applicant has revised the landscape proposals to try and maximise the green network and foraging/commuting routes for species across the site by increasing the areas of new hedgerow and providing additional street trees of a relevant species to allow for mature growth. This has been accepted. Whilst a
different layout on this site may have enabled a more comprehensive approach to ecology to be implemented, the submitted scheme does address some of the requirements within the existing layout and this is acceptable.

Heritage Issues

This site has a distinct historic context including part of the Old Humberstone Conservation Area and listed buildings of Humberstone Grange Clinic and Grange Cottage. The proposal respects the current character and setting of the heritage assets and although there may have been a greater opportunity to realise the significance of these assets overall the proposal is acceptable. The arrangement of the houses to frame the open space and retain the open space in front of the listed buildings is welcomed. Particular attention will need to be given to the boundary treatments and landscaping proposals adjacent to the listed buildings.

Conclusions

I consider that the design and layout as amended is acceptable and effectively delivers a significant number of new houses including affordable homes. I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START RESERVED MATTERS IN 2 YEARS

2. No development of a dwelling(s) shall take place until a sample panel of the materials to be used in the construction of the external surfaces for that house type has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1m x 1m and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. A new sample panel shall be provided for each house type. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until the completion of the development. (To secure a high standard of design and a coordinated approach to development in accordance with Policy CS3 of the Core Strategy.)

3. No works shall begin on the site until: 1) The application site has been investigated for any contamination arising from current or former uses, including further leachate testing. A detailed site investigation report incorporating a suitable risk assessment shall be submitted to and approved by the Local Planning Authority. 2) For all risks identified by the above assessment as being unacceptable for the proposed use, remediation proposals shall be submitted to and approved by the Local Planning Authority. 3) Before any part of the development is occupied, a completion report relevant to that part of the development shall be submitted to and approved by the Local Planning Authority. The report shall contain: a) A full description of the works undertaken in accordance with the approved remediation
proposals. b) Results of any additional investigation or remediation works undertaken. c) A statement, signed by the developer or the approved agent confirming that all remediation work has been satisfactorily completed. (To ensure that the site free from contamination including protecting the water environment in accordance with Policy PS11 of the City of Leicester Local Plan).

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the City Council as local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. (To ensue to all reasonable lengths, that all contamination on-site is accounted for and suitably treated, in accordance with Policy PS11 of the City of Leicester Local Plan.)

5. DRAINAGE DETAILS OF SURFACE AND FOUL WATER TO BE AGREED AND CARRIED OUT

6. Prior to development commencing details of how the SUDs scheme shall be maintained and managed after completion shall be submitted to and agreed in writing with the City Council as local planning authority. The scheme shall be implemented in accordance with the approved details before the development is completed. (To prevent flooding, both on and off site, by ensuring the satisfactory disposal of surface water from the site and in accordance with Policy BE20 of the City of Leicester local plan).

7. No development shall take place until a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the City Council as local planning authority. The scheme shall be implemented as approved. (In the interests of protecting the water environment and in accordance with saved Policy PS11 of the City of Leicester Local Plan.)

8. No development shall take place on each phase or sub phase until a scheme to install trapped gullies has been submitted to, and agreed in writing by, the local planning authority. The scheme shall be implemented as agreed. (In the interests of protecting the water environment and in accordance with saved Policy PS11 of the City of Leicester Local Plan.)

9. Soakaways shall not be used within the proposed development until such time as soakaway testing has been completed, submitted, and accepted in writing by the City Council as local planning authority. Testing should be carried out as detailed in BRE Digest 365. (To ensure the ground is suitable for soakaway drainage of surface water, and in accordance with Policy PS11 of the City of Leicester Local Plan.)
10. Piling using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. (To ensure the piling method does not introduce a pathway for the contaminants to migrate into controlled waters and in accordance with Policy PS11 of the City of Leicester Local Plan.)

11. Prior to the commencement of any built development, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved by the City Council as local planning authority, and shall be implemented by the applicant. The work shall be carried out by a body to be submitted to and approved by the local planning authority. No work shall take place in the site except in accordance with these approvals. (To ensure satisfactory archaeological investigation and recording and in accordance with Core Strategy policy CS18.)

12. Before the development is begun, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with the arboricultural method statement and tree constraints plan submitted and guiding principles of BS5837 (2012). No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any retained tree. Any development within root protection areas of retained trees shall be constructed in a no dig system as detailed in the submitted documents. (In the interests of amenity and protecting retained trees, especially those covered by Tree Preservation Orders and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

13. Prior to development commencing details of the public open space, including the local area of play (LAP), boundary treatments (particularly those adjacent to the listed building) landscaping, lighting, management responsibilities and the footpath link (which shall be built to adoptable standards) with appropriate signing to indicate that it is not adopted, shall be submitted to and agreed with the City Council as local planning authority. The open space shall be constructed prior to the occupation of 25 dwellings. The LAP shall be constructed prior to the development of the adjacent dwellings (plots 14-21). (To ensure the satisfactory provision of amenity space and to protect the setting of the listed building and in accordance with policies UD06, BE22, GE05, GE09, of the City of Leicester Local Plan and Cor Strategy policies CS13, CS14 and CS18)
14. Before development commences the provision of both surface water and foul sewerage drainage works shall be completed in accordance with the details to be agreed with the City Council as the local planning authority and retained as such. (To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to ensure that the development is provided with a satisfactory means of drainage.)

15. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with the approved details and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)

16. All streetwork construction details, junction, carriageway and footway design, roads, footpaths and verges together with all drainage works and street lighting works shall be constructed in accordance with Leicester City Council’s adopted ‘6C’s Design Guide (HTD) ‘ as well as ‘Design Manual for Road and Bridges’. Development shall be carried out in accordance with the approved details. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

17. The sight lines on each side of each vehicular access shall be provided at the time of development and shall thereafter be retained. Vehicular visibility splays shall be designed and provided in accordance with Leicester City Council’s adopted ‘6C’s Highway, Transportation and Development Design Guide (HTD)’. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

18. All access driveways and any car parking or turning areas shall be surfaced with a permeable hard bound material (not loose aggregate) for a minimum distance of 5m behind the highway boundary. (To reduce the possibility of deleterious material being deposited in the highway in the interest of highway safety.)

19. Dropped kerbs and ramps suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, at each vehicular access and at footway crossings in accordance with details to be agreed in writing with the local planning authority in consultation with Local Highway Authority. (In the interest of highway safety and in accordance with Policy AM02 of the City of Leicester Local Plan and Policy CS14 of the Core Strategy.)

20. Prior to commencement of development details of the location and design of street furniture, including seating, and public cycle parking facilities within the public open space area shall be agreed in writing with the City Council as local planning authority. The strategy shall be implemented in accordance with the approved details and retained as such. (In the interest of highway safety and in accordance
21. Before the development is begun, a scheme shall be submitted to and approved by the City Council as local planning authority indicating details of temporary site entrances, temporary storage areas for soil and other materials, and the placing of plant and site huts to be adopted during building operations and shall be implemented. The scheme shall include a construction management plan. (To ensure the satisfactory development of the site, and that the impact of construction vehicles will not be detrimental to amenity or road safety and in accordance with policies AM01 and UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

22. Prior to the occupation of the development, details shall be submitted to and agreed with the City Council as the local planning authority for the provision of hard standing areas for bin collections within 25m of adopted highways in cases where private drives exceed 25m in length. (In the interests of highway safety and in accordance with policy AM01 of the City of Leicester Local Plan).

23. Prior to commencement of any built development a Public Lighting Strategy shall be agreed in writing by the local planning authority in consultation with Leicester City Council Highway Authority. The Strategy shall include details of the location, type and design of lighting to be used in public areas. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site. The Strategy shall thereafter be implemented in accordance with the approved details and retained as such. (In the interest of highway safety and in the interests of protecting wildlife habitats in accordance with Policies AM02 and BE22 of the City of Leicester Local Plan and Policies CS14 and CS17 of the Core Strategy.)

24. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that order with or without modification) hard surfacing of front gardens shall not be carried out without the granting of specific planning permission or reserved matters approval from the local planning authority. (In the interests of visual amenity and sustainable travel ensuring that there is no uncontrolled proliferation of car parking within the site, and to ensure that SUDS measures are not eroded on a piecemeal basis, in accordance with Policy CS3 of the Core Strategy.)

25. Prior to development commencing full design details of the proposed photo voltaic system to meet the local policy requirement for 16% of on-site generated renewable energy of the total predicted energy demand shall be submitted to and agreed in writing with the City Council as local planning authority. Before the development or any phase of the development is occupied satisfactory evidence will be required demonstrating satisfactory operation of the agreed scheme, including
on-site installation, in accordance with the agreed details. (To ensure sustainable energy efficiency in accordance with Policy BE16 of the Leicester local plan)

26. Prior to the development of any new-build dwellings a Design Stage interim certificate and before any new-build dwelling is occupied a Post Construction Stage final certificate each in accordance with the Code for Sustainable Homes shall be submitted to the City Council as local planning authority demonstrating that Code level 3 has been achieved on each of the new-build units. (To ensure sustainable energy efficiency in accordance with Core Strategy Policy 2.1)

27. The development is to be carried out in accordance with the mitigation measures required under any bat licence granted by Natural England in relation to the development. 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 Policy CS 17 Biodiversity of the Core Strategy).

28. The development shall not commence until details of the 9 x box; 4 x bird bricks/boxes to be incorporated within the elevations of the proposed building or nearby have been submitted to and agreed in writing with the City Council as local planning authority. 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 Policy CS 17 Biodiversity of the Core Strategy).

29. No works shall commence on the site until ecological mitigation schemes have been submitted and approved in writing by the local planning authority. The schemes should include details of methodologies for the protection of existing features such as trees and hedgerows and should include details of fencing and timing of operations; tree, shrub and hedgerow planting and aftercare proposals; and habitats to be newly created or existing habitats to be enhanced and five years aftercare proposals including construction, seeding, planting and establishment details (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy).

30. Should the development not commence within 12 months of the date of the last protected species survey (July 2012), 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 shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out before the development is begun. Thereafter the survey should be repeated annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy)
31. This consent shall relate solely to the amended site location plan ref no. INT17/1-003 Rev. F and plan indicating access points ref: INT 171/0-10 Rev. C received by the City Council as local planning authority on 7th October 2011, and plan ref: Cs10467681DR1001 - conceptual drainage layout received on 19th May 2011, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. **REASON FOR APPROVAL.** In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan and Core Strategy policies listed in this decision, and there are no material considerations which outweigh these policies. The City Council considers that any harm to visual amenity, residential amenity and the street scene can be overcome by the attached conditions.

2. **Condition 24** assumes an estimated total annual operational energy demand of 2,304,242 kWh/yr. The agreed scheme will need to operate to a satisfactory performance in terms of a renewable energy actual percentage of actual consumption.

3. **The Environment Agency** offers the following advice: As part of the Agency's objective to further the sustainable use of our water resources we are promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies. The Agency recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

4. **Before the development is begun,** the developer is required to enter into a Section 278 Agreement (Highways Act 1980) with the City Council as Local Highway Authority to secure works including a scheme for improvements along Gipsy Lane and the length of Herongate Road fronting the development comprising safety measures, on-road cycle lanes and 20mph Zones and the provision of level access at proposed bus stops.
5. A copy of the licence issued by Natural England should be made available to the Local Planning Authority for reference,

6. Development on the site shall avoid the bird nesting season (March to September), but if necessary a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works. 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 during the nesting season or to damage or destroy an active nest or eggs during that time.

**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_AM05 Planning permission for large scale development will not be granted unless provision is made for access to and for bus routes.

2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

2006_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.

2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

2006_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.

2006_H03 Provides guidance on minimum net densities to be sought for residential development sites according to location.

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
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.

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.

The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.

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.

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'.

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.

New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.

The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.

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.

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.

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.
2010_CS18  The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

2010_CS19  New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.