

<b>Recommendation: Conditional approval</b>	
<b>20190086</b>	<b>22 SOUTH KNIGHTON ROAD, ULVERSCROFT, LAND ADJACENT</b>
Proposal:	CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS (2 X 3 BED) (CLASS C3) (AMENDED PLANS RECEIVED 17/04/2019)
Applicant:	MS S LITTLEJOHN
View application and responses	<a href="http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20190086">http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20190086</a>
Expiry Date:	1 August 2019
PK	WARD: Knighton



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### Summary

- Brought to committee because more than 5 objections have been received;
- 9 objections received raising concerns about residential amenity, character of area, highways, parking and trees;
- The main issues are the amenity and privacy, character, appearance, parking and highways safety, trees, flooding and sustainable drainage;
- Recommended for approval.

## **The Site**

The site relates to the side and rear garden of a semi-detached two storey dwelling which is on the local heritage list. The garden area is situated to the west of the host property.

The garden is largely grassed with two outbuildings at the rear. Land levels on site drop from north to south. The site is within an area known for surface water flooding (1 in 1000 years) and the far end of the garden (to the south) is within Flood Zone 2.

## **Background**

20181226 – Demolition of single storey extension at side; construction of single storey extension at rear of house (Class C3) Alterations to windows – Conditional approval granted on 30/07/2018

## **The Proposal**

The proposal is for the demolition of the side garden wall and sub-division of site to accommodate a pair of two storey semi-detached dwellings. The properties would have a total footprint measuring 9 metres in width and 10.7 metres in depth to the west (adjacent to the host property) and 9.1 metres along the common boundary with no.20 South Knighton Road. The footprint of the property adjacent to no.20 would be staggered to extend 10.7 metres at a distance of 1.66 metres from the side elevation of the proposed property. The two storey depth of the properties would measure approximately 9.1 metres. The remainder of the ground floor projection would be of single storey height with a flat roof.

The proposed dwellings would have a dual-pitched gable end roof with a ridge height of 8.6 metres and eaves of 5.5 metres.

The properties would have 1 off-street vehicle parking to the front each and their respective gardens would be situated at the rear. It would appear that one of the outbuildings within the garden would be given to each property. The host property would have one off-street parking space.

Amended plans have been submitted during the course of the application which has altered the design of the roof of the proposed dwellings from a mansard to a dual pitched roof. The red line boundary has also been amended to include the host property within the application site. A second set of amended plans have been submitted which corrected the plans to show how many side facing windows there would be on the proposed properties.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development.

For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester City Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date. Paragraph 68 of the NPPF states that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The policy goes stating that local authorities are required to support the development of windfall sites through decisions- giving great weight to the benefits of using sustainable sites within existing settlements for homes.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 117 requires planning policies and decisions to promote the 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 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. The policy includes a set of criteria for both plan making and decision taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 170 of the NPPF encourages decisions to contribute to and enhance the local and natural environment. Paragraph 175 advises that local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, and that planning permission should be refused for development resulting in the loss of aged or veteran trees unless the need for the development clearly outweighs the loss.

Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets. Paragraph 192 indicates that there is desirability to sustain and enhance the significance of Heritage Assets and paragraph 193 advises that great weight should be given to an asset's conservation. Paragraph 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, 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.

#### Development Plan policies

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

#### Supplementary Planning Documents (SPD)

*Residential Amenity SPD*

*Appendix 01 – City of Leicester Local Plan*

#### **Consultations**

Local Highways Authority – Advises additional off street parking spaces should be provided

Lead Local Flood Authority – No objection subject to conditions

Trees and Woodlands: No objection subject to conditions

#### **Representations**

Nine letters of objection on the following grounds:

- Impact on parking and highways safety
- Impact on residential amenity in terms of loss of daylight, overshadowing, privacy, noise and disturbance
- Inappropriate suggestion of external materials
- Impact on flood risk

- Plumbing in local area is very old
- Tree plan appears to be inaccurate
- Extension at no.20 is not on the plans submitted so it's difficult to assess the application
- Impact on heritage, and integrity of the building, site and wider street scene
- Poor layout for the proposed dwellings.

## **Consideration**

The main issues in this case are: residential amenity; the character and appearance of the area (including the setting of the Locally Listed Building); the quality of the proposed accommodation; the adequacy of parking provision and the access arrangements; trees, ecology and landscaping and; sustainable drainage.

### Residential amenity (*neighbouring properties*)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

Section 3 of the Council's *Residential Amenity SPD* (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and of 21 metres between facing principal room windows. It also recommends the provision of a minimum of 100 square metres' amenity space for detached dwellings. Although Appendix G of the SPD is primarily intended as a guide for house extensions, the SPD does say Appendix G is also intended for new houses. also of relevance that: a separation distance of 11 metres is recommended between principal room windows and the boundary with any undeveloped land, including neighbouring gardens; that the separation distance between principal room windows may be reduced to 18 metres where direct overlooking is avoided by the positioning of windows, and that a two storey rear extension should not project beyond a 45 degree line from the nearest point of any ground floor principal room window at an adjacent property.

### *Knighton Church Road*

The two storey rear elevation of the dwellings would be a distance of 18 metres from the rear boundary of the site which is common with properties along Knighton Church Road. The two storey rear elevations of these properties are a further 14 metres from the same boundary. As such, based on the separation distances of over 22 metres as required by the Residential Amenity SPD, I consider the proposed development would not result in significant harm in terms of privacy and overbearing. Some comments

regarding impact on light to the properties at the rear has been raised, but in consideration of the southern position of these properties on Knighton Church Road and the separation distance between existing and proposed dwellings I consider there to be sufficient distance maintained between properties to ensure that there would be no significant loss of light.

The existing outbuildings at the rear are to be retained, but will not be used for car parking, as suggested by an objector. I consider there to be no significant impacts in terms of noise and disturbance from the proposed development.

### *20 South Knighton Road*

The proposed dwellings would be situated to the west of no.20 at a distance of approximately 1.5 metres from the common side boundary. This property also has a gap of 1.2 metres from the same boundary. The property has a ground floor side facing window which looks onto the 1.8 metre high timber fence boundary treatment. This window is a secondary window to a living room which has a traditional bay window to the front as its main source of light and outlook. I appreciate that due to no.20 being north-facing the side light provides a source of light into the living room at the later hours of the day; however this window cannot be considered as the principal source of light when the same room is served by a bay window to the front. It is acknowledged that there would be some loss of light to this window by the proposal; however I consider this impact cannot be afforded significant weight as it is not the only source of light for the living room.

Directly above the ground floor side window is a single pane window serving the hallway. This is a non-principal room and cannot be afforded significant weight.

At the rear of the two storey property (adjacent to the outrigger side wall) there is a rear facing window which appears to serve a principal room. The submitted plans have plotted a 45 degree line from the side of this window in accordance with the Residential Amenity SPD. The plans indicate that there would be no obstruction of a 45 degree angle from the window and therefore I consider the proposal would not adversely impact daylight to an outlook from this room. I appreciate that the proposed development would be visible and may cast a shadow to the area immediately around the common boundary; however for most of the day the occupants of no.20 would continue to enjoy the same level of amenity as existing.

The roof space of no.20 at the rear has a flat roof dormer serving a bedroom. The proposed development would not intersect a 45 degree line when taken from the windows within the dormer. As such I consider any impacts on the occupants of this room would be minimal.

Turning to the outrigger there is a ground floor ground floor side window within a bay and rear facing patio doors. These form part of an extension at no.20. The side window also faces the common boundary and the mature trees along the common boundary. These trees are proposed to be removed and I consider the daylight to and outlook from the side window would be improved as a result of the proposal. Likewise I consider the rear patio doors would not be adversely impacted by the proposal as it projects beyond the rear wall of the proposed properties.

At the first floor of the outrigger there is a side window which appears to serve a bathroom. This is a non-principal room and therefore I considered this window would not be adversely impacted in terms of daylight and outlook.

The proposed dwellings would have side facing windows on its east elevation. At ground floor, one window would serve a bathroom and the other would be a high-level window to serve the open plan dining and living room. I consider a high-level window would not result in significant levels of overlooking towards the adjacent property. The bathroom window would be secured as obscure glazed by way of condition which is considered to be appropriate to maintain adequate levels of privacy between the properties.

Likewise the side windows on the upper floors would be windows serving the staircase. These are non-principal rooms and it is appropriate to attach a condition to have these windows installed and maintained as obscure glazed.

The proposed development would have first floor rear facing windows and dormers within the loft space. I consider that these windows would only allow oblique views into the garden of no.20 which would not result in significant harm in terms of privacy.

The proposed built form would be visible from the garden of the adjacent property by the construction and also by the loss of some trees within the garden. The built form would result in some overshadowing to the east of the building in the area around the common boundary between the site and no.20. However I consider the proposal would not cast a shadow across the property and garden of no.20 so significantly to warrant refusal on these grounds. Similarly the proposed dwellings, as amended, would not appear visually dominating from the adjacent property and garden. I consider adequate separation has been retained from the side common boundary to ensure the proposal is not significantly overbearing.

#### *Ulverscroft, 22 South Knighton Road*

The host property on site benefits from planning permission 20181226 which proposes the demolition of a single storey side extension, construction of single storey rear extension and alterations. The assessment of this application will be based on the approved plans of permission 20181226 as the proposed development cannot be implemented until planning permission 20181226 has been implemented.

The proposed dwellings would be approximately 2 metres from the side wall of the host property which has no side facing windows. The proposed dwellings would be set-back from the front-most building line of the host property. The front element has approximately 4 single pane side facing windows which serve non-principal rooms and are secondary windows to the sitting room and master bedroom. I consider these windows would not be adversely impacted by the proposed dwellings.

The rear elevation of the proposed dwellings would be built in line with the rear elevation of the host property and I consider this would ensure that rear facing principal room windows would not be adversely impacted in terms of daylight and outlook.

I consider the side facing non-principal room windows at the proposed dwellings could be secured as obscure glazed. The high level window serving the open plan living and

dining rooms would not result in significant harm in terms of privacy as the window would face the common boundary.

The rear windows on the proposed dwelling would only allow oblique views to the rear garden of the adjacent garden. I consider this would not be so harmful to the privacy of adjacent occupant to warrant refusal. Likewise I consider the proposed dwellings would not be visually dominating when viewed from the adjacent property and gardens.

By virtue of the position of the proposed dwellings and scale of development I consider there would be no significant harm to other residential properties along South Knighton Road. I do not consider the provision of parking to the front of the site combined with the hard and soft landscaping to the front would result in detriment to the residential amenities of adjacent occupants.

In addition to the above, the site would be in residential use which is compatible with the residential properties along South Knighton Road. Similarly, I do not consider that the finished development would be likely to give rise to unacceptable levels of increased light or air pollution.

I conclude that the proposal would comply with Core Strategy Policy CS03 and would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Character and Appearance

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

The house at no.22 is a Locally Listed heritage asset, covered by an Article 4 Direction and adjacent the Locally Listed St Guthlac's Church to the immediate north.

The building (no.22) is a distinctive example of an early 20<sup>th</sup> century vernacular design, significantly adding to the character and appearance of the surrounding streetscape. There are no objections to the demolition of the elongated wall feature on site, of negligible heritage significance in its current form.

The scale and footprint of the dwellings as proposed is broadly matching the scale of 22 South Knighton Road, thus considered acceptable. The proposal would not significantly harm the character and setting of the locally listed building. I consider it reasonable and necessary to attach a condition for landscaping to be approved to the front of the site (as shown on the submitted plans). This would soften the appearance of the built form and retaining the character of the host building.

The proposed development would be set-back from the established building line which is considered acceptable in this instance. The set-back would allow the property to be read as a modern addition within the street scene whilst also providing space for vehicular parking and soft landscaping to the front. The built form would not be visually intrusive, nor harmfully dominate the street scene of South Knighton Road.

The amended plans have removed the mansard roof form of the proposed dwellings. The proposed dual-pitched roof would be a more sympathetic and visually appealing roof form within the local area. I consider the simplistic design of the property combined with the set-back would ensure the proposed built form would not compete with the prominent locally listed building.

The external materials proposed are broadly acceptable, comprising buff and stock blend brickwork topped by slate roof. These would enable the proposed development to be read as modern, yet by the extensive use of light brick, enable it to integrate visually with the surrounding streetscape and the adjacent Locally Listed asset in particular. The external finishes would need to be agreed by way of condition which is reasonable and necessary.

I am satisfied that the development would not be too intensive or out of proportion to the surrounding suburban area. I conclude that the proposal would comply with Core Strategy Policies CS03, CS08 and CS18, and would not conflict with saved Local Plan Policy PS10 and is acceptable in terms of the character and appearance of the area.

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

Policy CS03 of the Leicester Core Strategy (2014) states that new development should, *inter alia*, create buildings and spaces that are fit for purpose and achieve the highest standards of accessibility and inclusion. Policy CS06 states that new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City and seeks to ensure that new housing units are designed to meet 'Lifetime Homes' standards. The amenity factors set out at saved Policy PS10 of the Local Plan (2006) apply to the future occupiers of proposed development as well as to the occupiers of existing neighbouring property. Saved Policy AM01 of the Local Plan (2006) states that planning permission will only be granted where the needs of people with disabilities have been successfully incorporated into the design.

Section 3 of the Council's *Residential Amenity SPD* (2008) ("the SPD") sets out more detailed design guidance for development in the outer areas (which would include the application site) of the City.

The proposed dwellings would provide good-sized accommodation suitable for family occupation. All of the principal rooms within the dwellings would have at least one window providing a source of daylight and outlook, and I consider that individual room sizes would be sufficient to accommodate the reasonable furniture requirements of future occupiers whilst maintaining satisfactory circulation space.

It is noted that the ground floor layout is open plan with the kitchen at the rear and dining and living room centrally within the property. The dining and living room would

be served with a high level window and by the openings within the kitchen at the rear. Although it is not ideal to not have a regular sized opening serving this room, in consideration of the open plan layout and size of the high level window I consider that this would not unreasonably compromise the amenity of future occupants.

I consider as a pair of semi-detached properties there would be no unreasonable impacts of overlooking, daylight, outlook and overbearing between the two.

Although the plans submitted do not include details for bin provision, I consider these can be adequately accommodated within the rear garden and brought to the street side on waste collection days. I do not consider a condition in this respect to be necessary.

The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that it is reasonable and necessary to secure compliance with Building Regulations Standard M4(2) as a condition of planning permission.

Section 3 of the Council's *Residential Amenity* SPD (2008) sets out more detailed design guidance for development in outer areas of the City. It advises that semi-detached 2/3 bedroom properties should provide approximately 100 square metres of garden area. Both of the proposed dwellings would provide in excess of these requirements and the gardens areas would be useable for common activities. I note that the outbuildings would be within the garden of each property; however I consider this would not unreasonably reduce the amount of space available to future occupants. Additionally the outbuildings would provide a form of outside storage space for the properties which is common for residential properties.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policies AM01, and PS10.

### Highways and Parking

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location, and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to published parking standards.

Appendix 01 of the Local Plan (2006) sets out guideline standards for car parking in new developments. For dwellings, a maximum of 2 spaces for 3+ bedroom dwellings is recommended. The Appendix also recommends the provision of cycle parking at a ratio of 1 space per 2 bedspaces for residents plus 1 per 20 bedspaces for visitors.

The proposal will only provide 1 parking space for each of the dwellings including the existing dwelling, and this level of parking is below the City Council standards of 2 car parking spaces per dwelling. For owner occupied houses in the Knighton Area, the 2001 Census showed that the average car ownership was 1.4 per dwelling and the

prediction was that by 2026 that will have risen to 1.7 vehicles per dwelling. It is suggested by the Local Highways Authority that the front driveways of each property could be altered to provide two parking spaces per dwelling.

Paragraph 109 of the NPPF 2018 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The site is close to the A6 corridor, which does provide good public transport links, and therefore residents would have a sustainable alternative to the use of a car for some of their journeys, moreover parking along South Knighton Road and adjacent roads is not controlled. The provision of 6 car parking spaces (for the existing and proposed dwellings) to the front of the site would result in the creation of an extended length of dropped kerb which is undesirable. Moreover, it is unlikely that the 6 car parking spaces can be provided with adequate 2 metre by 2 metre visibility splays to maintain highways safety. I consider the shortfall of car parking spaces is undesirable; however on balance the provision of two dwellings combined with some off-street parking is acceptable and would not result in a severe highways impact.

Cycle parking can be accommodated within the rear gardens of the proposed dwelling and I consider it unreasonable to attach a condition requiring the submission of such details by way of condition.

I consider the site is within a sustainable location and the provision of one vehicle parking space per property would not result in severe residual cumulative impacts to warrant refusal. I consider the development would accord with Core strategy policy CS15 in terms of managing car parking demand.

### Ecology and Landscaping

Policy CS03 of the Leicester Core Strategy (2014) sets out an expectation for high quality, well designed development that contribute positively to the character and appearance of the local natural and built environment. Policy CS17 recognises that Leicester's urban environment, including buildings and private gardens, can provide important habitats for wildlife, and states that the Council will expect development to maintain, enhance and/or strengthen connections for wildlife. Saved Policy UD06 of the Local Plan (2006) resists development that would impinge upon landscape features of amenity value and requires new development to include planting proposals.

The development site is located in an area surrounded by mature gardens that contribute to connectivity for wildlife to the wider natural environment. It appears from the plans that no existing buildings will be impacted by the proposals and therefore there are no significant concerns regarding bats. It is recommended that enhancements should be incorporated within any development to achieve a net gain in biodiversity in accordance with paragraph 175 of the NPPF 2019. Enhancement such as the planting of replacement native hedging, locally native insect attracting species of planting (which will have the added benefit of acting as natural SuDS (Sustainable urban Drainage System), replacement tree planting and installation of 2 bat and swift bricks should be considered and details of a Landscape and Ecological plans should be required by way of condition. A note to applicant for vegetation removal to take place outside of bird nesting season (bird nesting season is February until August) should also be included.

I conclude that the proposal would comply with Core Strategy Policies CS03 and CS17 and saved Local Plan Policies UD06 and BE22, and is acceptable in terms of its impacts upon trees, ecology and landscaping.

### Drainage

Policy CS02 of the Leicester Core Strategy (2014) states that development should be directed to locations with the least impact upon flooding or water resources. It goes on to state that all development should aim to limit surface water run-off by attenuation within the site, giving priority to the use of sustainable drainage techniques.

The applicant has submitted a Drainage Strategy Report (FW1802/DS/001 v1) alongside confirmation from Severn Trent Water to demonstrate that a new connection can be made into the development site. Based on the information submitted the principle of development on the basis of drainage and flood risk is acceptable; however it is recommended that details of drainage and foul drainage should be submitted. In addition to this details of sustainable urban drainage should also be submitted for approval.

On the basis of the above and subject to condition I consider the proposal would appropriately mitigate any harm in terms of flood risk. As such I consider the proposal would be acceptable on these grounds and would comply with policy CS02 of the Core Strategy.

### Conclusion

I consider the parking provision is sufficient to avoid severe highways impacts. The proposed development would not result in significant harm to the residential amenities of adjacent neighbours nor would it harmfully impact the character of the area and the significance of the locally listed building. The proposal would have an acceptable impact on ecology and trees and landscape measures can be secured by way of condition. Likewise suitable sustainable drainage mitigation can be accommodated within the site and secured by condition.

The Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to provide five years' worth of housing against objectively assessed housing requirements and the NPPF establishes a presumption in favour of sustainable development. In this case and in light of paragraph 11 (d) (ii), I consider that the harm caused by the lower off-street parking provision is outweighed by the development's contribution to housing supply and I conclude that the proposed development is sustainable development.

I therefore recommend that planning permission be APPROVED subject to the following conditions:

#### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)

2. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Prior to the commencement of the development hereby approved details of all street works, including alterations to the footway crossing, shall be submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of the development all streetworks must be implemented in full accordance with the approved details. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.
4. Prior to the commencement of development details of drainage, and especially foul drainage, shall be submitted to and approved by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).
5. 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 property 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.)
6. Before the development is begun, all existing trees, shrubs or hedges to be retained on the site shall be protected by fences erected not within the root protection area in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority. 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. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. The development hereby approved shall not progress beyond damp proof course level until a detailed landscape and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) new tree and shrub planting, including plant type, size, quantities and locations; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) other surface treatments; (iv) fencing and boundary treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots); (vii) details of planting design and maintenance of rain garden; (viii) details of 2 x bat brick and 2 x Swift bricks to be installed under the guidance and supervision of a qualified ecologist. The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than ten 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 (To ensure that the finished development contributes positively to the character and appearance of the area and that appropriate provision for biodiversity in accordance with the submitted ecology report is made within the site, and in accordance with saved Policy UD06 of the Local Plan (2006) and Policies CS03 and CS17 of the Leicester Core Strategy (2014)).
8. No part of the development shall be occupied until the 2 metre by 2 metre sight lines, or the maximum that can be achieved within land under the applicants control) on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
9. Before the occupation of the development the parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
10. Before the occupation of the proposed extension new windows facing 20 and 22 South Knighton Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 20 and 22 South Knighton Road and in accordance with policy PS10 of the City of Leicester Local Plan).
11. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

12. This consent shall relate solely to the amended plans ref. no. 475-1/P01D and 475-1/P02D received by the City Council as local planning authority on 17/04/2019, Planning Design & Access Statement received by the City Council as local planning authority on 16/01/2019, Arboricultural Report and sustainable Urban Drainage Strategy received by the City Council as local planning authority on 06/02/2019 and Drainage Strategy Report received by the City Council as local planning authority on 26/06/2019. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.  
For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact [highway.management@leicester.gov.uk](mailto:highway.management@leicester.gov.uk)
2. Alterations to the footway crossing shall be provided accordance with guidance in the Leicester City Council and Leicestershire County Council document `6Cs Design Guide`.
3. With respect to condition 6 above, the fencing required should be welded mesh panels securely fixed to a scaffold frame work with uprights driven well into the ground and in this case should be provided not within the root protection area in accordance with details within the approved Arboricultural Report. The applicant is advised to visit <http://shop.bsigroup.com/en/ProductDetail/?pid=00000000030213642> to find out further information in respect of BS 5837:2012.
4. 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 and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.  
All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.  
'Bats are a rare and declining group of species. Hence, all British species of bat are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both'.

5. No permission is granted or implied for any development (including any overhanging projections) outside the application site.
6. 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 2019 is considered to be a positive outcome of these discussions.

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

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| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.  |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.  |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.  |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.   |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.  |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.  |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.  |
| 2014_CS17 | The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.  |
| 2014_CS18 | The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.   |