

Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 4 MARCH 2026

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Surti (Chair)

Councillor Dr Moore (Vice-Chair)

Councillors Agath, Chauhan, Cole, Joel, Kennedy-Lount, Kitterick, Modhwadia,
Mohammed and Singh Patel

Members of the Committee are summoned to attend the above meeting to
consider the items of business listed overleaf.

For Monitoring Officer

Officer contact:

**Jessica Skidmore, Governance Services Officer, email: jessica.skidmore@leicester.gov.uk / Sharif
Chowdhury, Senior Governance Officer, email: sharif.chowdhury@leicester.gov.uk
Governance Services, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

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Attending meetings and access to information

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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

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If you have any queries about any of the above or the business to be discussed, please contact: Error! No document variable supplied., **Governance Services Officer**. Alternatively, email jessica.skidmore@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

NOTE:

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

- 3. MINUTES OF THE PREVIOUS MEETING**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 21 January 2026 are a correct record.

- 4. PLANNING APPLICATIONS AND CONTRAVENTIONS**

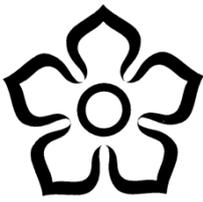
The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) 20250173 - 20A VULCAN ROAD

(ii) 20251299 - 172 FOSSE ROAD NORTH

(iii) 20260007 - 38 SOUTH KINGSMEAD ROAD

5. ANY OTHER URGENT BUSINESS



Leicester
City Council

Item 3

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 21 JANUARY 2026 at 5:30 pm

P R E S E N T :

Councillor Surti (Chair)
Councillor Dr Moore (Vice Chair)

Councillor Agath
Councillor Chauhan
Councillor Joel

Councillor Kennedy-Lount
Councillor Kitterick
Councillor Modhwadia

Councillor Singh Patel
Councillor Zaman

* * * * *

1. APOLOGIES FOR ABSENCE

The Chair welcomed all those to the Committee and led on introductions.

Apologies for absence were received from Councillor Mohammed and it was noted that Councillor Zaman was present as substitute.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda.

Councillor Modhwadia declared an interest in Item 4 – 123 and 123a Belgrave Gate, in that the applicant was his son. It was noted that he would be withdrawing from the meeting for the duration of the item.

Councillor Kennedy-Lount declared an interest in Item 1 – 7 Park Hill Drive as it was an application within his ward. It was noted that while he had been contacted by residents regarding the application, he had referred the matter to his fellow ward Councillors and maintained an open mind.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 10 December 2025 be confirmed as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that the order of the agenda had been amended and the meeting would proceed as follows:

1. 7 Park Hill Drive
2. 15 Henshaw Street
3. 15 Henshaw Street
4. 123 and 123a Belgrave Gate
5. 14 Laithwaite Close
6. 58 Sedgebrook Road

(i) **20251491 - 7 PARK HILL DRIVE**

20251491 - 7 Park Hill Drive

Ward: Aylestone

Proposal: Change of use from dwellinghouse (Class C3) to residential care home (4 adults) (Class C2) (amended plans received 14 November 2025)

Applicant: Crewton Care Ltd

The Planning Officer presented the report.

Mr Dominic Kealey and Councillor Porter spoke in opposition to the application.

Members of the Committee considered the report and Officers responded to the comments and questions raised.

The Chair summarised the application and points raised by Committee Members and moved that the application be refused. This was seconded by Councillor Moore, and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was refused - on the grounds of detrimental impacts to the amenity of occupiers of nearby residential properties, detailed drafting of the reason for refusal delegated to officers in consultation with the Chair and Vice Chair

REASONS FOR REFUSAL

1. The cumulative impact of the proposal and existing nearby HMO use in relation to disturbance and noise from the use of the properties, would cause adverse harm to residential amenity and add to the significant erosion of residential character of the area, contrary to Local Plan 2006 saved policy PS10, Core Strategy 2014 policy CS03, and National Planning Policy Framework 2024 paragraph 135.

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.

(ii) **20250997 - 15 HENSHAW STREET**

20250997 - 15 Henshaw Street, Chevron Court

Ward: Castle

Proposal: Construction of 3-storey extension to 2-storey part of building to provide 32 additional student accommodation units (sui generis); (Amendments received)(s106 agreement)

Applicant: 15 Henshaw St Limited

The Planning Officer presented the report.

Alfie Henshaw addressed the Committee and spoke in favour of the application.

Members of the Committee considered the report and Officers responded to the comments and questions raised.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with officer recommendation, the application be approved.

This was seconded by Councillor Moore and upon being put to the vote, the motion was CARRIED.

RESOLVED: APPROVED subject to conditions and s106

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. The flats shall only be occupied by students enrolled on full-time courses at further and higher education establishments or students working at a medical or educational institution, as part of their medical or education course. The owner, landlord, or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the Local Planning Authority. (To enable the Local Planning Authority to consider the need for affordable housing and impact on living conditions for less transient types of accommodation in accordance with saved Local Plan policies PS10, H07 and Core Strategy Policies CS06 and CS07)
3. Prior to the occupation of the new units, a new Student Management Plan shall be submitted to and approved in writing by the Leicester City Council, as planning authority or the submitted under application 20160299 shall be updated to include the new units approved under this application. The development hereby permitted shall at all times be managed and operated in full accordance with the revised/ new Student Management Plan. (To ensure the development is properly managed so as to minimise the effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with saved policies AM01 and PS10 of the City of Leicester Local Plan and Core Strategy policies CS03, CS06, and CS15).
4. The iron frame structure in the existing two storey section shall be retained as indicated in the approved plans. (To ensure the preservation of the Grade II Listed Building and in accordance with Core Strategy policy CS18.)
5. Notwithstanding the approved plans, prior to the commencement of development the following details shall be submitted to and approved in writing by the local planning authority:
 - i) a materials schedule for all materials to be used in the development, including the product and manufacturer specification;
 - ii) Sample panel drawings (at 1:20 scale) showing the proposed materials. The sample panel drawings shall be of the part of the elevations outlined in red on figures 1 and 2 in the officers report for this application; and
 - iii) The sample panels shall be constructed in accordance with the approved drawings agreed under part (ii) and (iii) above. The samples shall be made available on site for

inspection by officers, with a photo of the constructed sample being made available at the point of submission. No works shall be carried out other than in accordance with these approved details. (In the interests of visual amenity and to preserve the character of the Listed Building and in accordance with policies CS03 and CS18 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

6. The development shall be carried out in accordance with the following details outlined in the Noise Impact Report '30330.NIA.01' revision B, received on the 20th August 2025:
 - A proposed window system that meets the attenuation figures shown at each centre frequency band as shown in Table 5.2.
 - Ventilation that complies with either ADF 1, 3, or 4 as shown in table 6.1.(To ensure the development provides satisfactory living conditions for residents in regard to noise and ventilation in accordance with saved Local Plan policies H07 and PS10.)
7. Prior to the occupation of the proposed flats, the proposed communal space situated in the basement shall be brought into use and retained thereafter as open to residents of the whole building. (To secure additional amenity space for the existing and proposed occupants of the flats and in accordance with saved policies PS10 and H07 of the City of Leicester Local Plan).
8. Should no landscaping scheme, separate to this application, be approved within 1 year of first occupation of the approved flats under this application, details of a new proposed bin store that meets Leicester City Council's Waste Management Guidance shall be submitted to and approved by the Local Planning Authority within 1 year of first occupation for the new units. The bin store shall be retained thereafter. (To ensure satisfactory waste storage for the existing and proposed occupants of the flats and in accordance with saved policies PS10 and H07 of the City of Leicester Local Plan).
9. No part of the development shall be occupied until secure and covered cycle parking has been provided in accordance with the approved drawings and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).
10. The development shall be carried out in accordance with the timetable contained within the Travel Plan (prepared by Tutum Consulting reference 2025/0134/0598-04) received on the 7th October 2025. (To promote sustainable transport and in accordance with saved policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the

Core Strategy).

11. Prior to the commencement of development (including any works of demolition) a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
12. Any damage to the public highway occurring during the construction phase of the works shall be reinstated in accordance with a scheme first submitted to and approved in writing in advance by the local planning authority. All street works shall be constructed in accordance with the Leicester Street Design Guide, June 2020. (To a achieve a satisfactory form of development and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
13. Prior to the commencement of development full design details of on-site installations to provide energy efficiency measures, in accordance with the submitted Energy and Sustainability Report shall be submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the City Council as Local Planning Authority. The installations shall be retained and maintained thereafter. (In the interests of securing carbon reduction and energy efficiency and in accordance with Core Strategy policy CS02). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
14. Should the development not commence within 18 months of the date of the last protected species survey (17/06/2025), then a further protected species survey shall be carried out of all buildings by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation

measures carried out in accordance with the approved plan. Thereafter the survey should be repeated every 18 months and any mitigation measures reviewed by the LPA until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and Core Strategy policy CS17).

15. No part of the development shall be occupied until 1 x bat box and 1 x bird box have been installed in accordance with the approved plans and maintained and retained thereafter. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and Core Strategy policy CS17).

16. Development shall be carried out in full accordance with the following approved plans:
 - (00)003AP, Block Plan (Proposed), Revision C, Received 17 November 2025
 - (10)301AE, Demolition Elevations - Front, Received 17 November 2025
 - (10)302AE, Demolition Elevations - Rear, Revision C, Received 17 November 2025
 - (10)101AP, Demolition Plans - First and Second Floors, Revision C, Received 17 November 2025
 - (10)102AP, Demolition Plans - Third Floor and Roof, Revision C, Received 17 November 2025
 - (10)201AS, Demolition Sections 1, Revision C, Received 17 November 2025
 - (10)202AS, Demolition Sections 2 and 3, Received 17 November 2025
 - (20)301AES, Elevations - Front, Revision C, Received 17 November 2025
 - (20)311AE, Elevations - Front Contextual, Received 17 November 2025
 - (20)302AE, Elevations - Rear, Revision C, Received 17 November 2025
 - (20)312AE, Elevations - Rear Contextual, Revision C, Received 17 November 2025
 - (20)100AP, Plans - Basement and Ground Floors, Received 17 November 2025
 - (20)101AP, Plans - First and Second Floors, Received 17 November 2025
 - (20)102AP, Plans - Third and Fourth Floors, Received 17 November 2025
 - (20)103AP, Plans - Roof, Revision C, Received 17 November 2025
 - (20)201AS, Section 1, Revision C, Received 17 November 2025
 - (20)202AS, Section 2 and 3, Received 17 November 2025
 - (20)212AS, Section 2 Contextual, , Received 17 November 2025

(20)213AS, Section 3 Contextual, Revision C, Received 17 November 2025
(20)501AD, Typical Bay 1 Section & Elevation Detail, Revision C, Received 17 November 2025
(20)502AD, Typical Bay 2 Section & Elevation Detail, Revision C, Received 17 November 2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. This application should be read in conjunction with the approved Listed Building Consent application 20251001.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.
3. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4. Condition 3 refers to the existing Student Management Plan approved under application 20160299.
5. Leicester Street Design Guide (First Edition) has now replaced

the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area.

The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

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 highwaysdc@leicester.gov.uk.

6. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact highwaysdc@leicester.gov.uk for advice.
7. As the proposed development would involve works adjacent the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the works to be undertaken will require a licence. This should be applied for by emailing Licensing@leicester.gov.uk.

(iii) 20251001 - 15 HENSHAW STREET

20251001 - 15 Henshaw Street, Chevron Court

Ward: Castle

Proposal: Removal of part of roof; internal and external alterations to Grade II listed building (sui generis) (amended plans received)

Applicant: 15 Henshaw St Limited

The Planning Officer summarised the report.

Members of the Committee considered the report and Anca Mihalache, architect of the application, answered questions from Members.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with officer recommendation, the application be approved.

This was seconded by Councillor Moore and upon being put to the vote, the motion was CARRIED.

RESOLVED: APPROVED subject to conditions

CONDITIONS

1. The works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)
2. The iron frame structure in the existing two storey section shall be retained as indicated in the approved plans. (To ensure the preservation of the Grade II Listed Building and in accordance with Core Strategy policy CS18.)
3. Development shall be carried out in full accordance with the following approved plans:
 - (00)003AP, Block Plan (Proposed), Revision C, Received 17 November 2025
 - (10)301AE, Demolition Elevations - Front, Received 17 November 2025
 - (10)302AE, Demolition Elevations - Rear, Revision C, Received 17 November 2025
 - (10)101AP, Demolition Plans - First and Second Floors, Revision C, Received 17 November 2025
 - (10)102AP, Demolition Plans - Third Floor and Roof, Revision C, Received 17 November 2025
 - (10)201AS, Demolition Sections 1, Revision C, Received 17 November 2025
 - (10)202AS, Demolition Sections 2 and 3, Received 17 November 2025
 - (20)301AES, Elevations - Front, Revision C, Received 17 November 2025
 - (20)311AE, Elevations - Front Contextual, Received 17 November 2025
 - (20)302AE, Elevations - Rear, Revision C, Received 17 November 2025
 - (20)312AE, Elevations - Rear Contextual, Revision C, Received 17 November 2025
 - (20)100AP, Plans - Basement and Ground Floors, Received 17 November 2025
 - (20)101AP, Plans - First and Second Floors, Received 17 November 2025
 - (20)102AP, Plans - Third and Fourth Floors, Received 17 November 2025
 - (20)103AP, Plans - Roof, Revision C, Received 17 November 2025
 - (20)201AS, Section 1, Revision C, Received 17 November 2025
 - (20)202AS, Section 2 and 3, Received 17 November 2025
 - (20)212AS, Section 2 Contextual, Received 17 November 2025

(20)213AS, Section 3 Contextual, Revision C, Received 17 November 2025
(20)501AD, Typical Bay 1 Section & Elevation Detail, Revision C, Received 17 November 2025
(20)502AD, Typical Bay 2 Section & Elevation Detail, Revision C, Received 17 November 2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. This consent should be read in conjunction with the full application 20250997.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.

(iv) **20250364 - 123 AND 123A BELGRAVE GATE**

20250364 - 123 and 123A Belgrave Gate

Ward: Castle

Proposal: Change of use of first floor, second floor and roof space from offices to 5 flats (2x2 bed, 3x1 bed); construction of first and second floor extension at rear, dormer at rear, roof lights at front(Class C3); bin and cycle storage, alterations (Amendments)

Applicant: Valance property limited

Councillor Modhwadia withdrew from the meeting.

The Planning Officer presented the report.

Members of the Committee considered the report based on its own merits.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with officer recommendation, the application be approved.

This was seconded by Councillor Moore and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to 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. Prior to the commencement of development, full joinery details including horizontal and vertical cross sections of all windows (scale 1:5) and doors (scale 1:5) types on the restored front elevation shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained thereafter. (In the interests of visual amenity and character and appearance of locally listed building, and in accordance with Core Strategy policy CS03 and CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Prior to the commencement of development, the details of all external materials including bricks, bonding and mortar, roof tiles, roof lights, details of new door to the side elevation facing Jubilee Road shall be submitted to and agreed in writing with local planning authority. (In the interests of visual amenity and character and appearance of the locally listed building, and in accordance with Core Strategy policy CS03 and CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not have its main use as a restaurant (Class E(b)), indoor sport facility (Class E(d)), provision of medical or health services (Class E(e)), creche, day nursery or day centre (Class E(f)), research/development of products or processes (Class E(g)(ii)) or light industry (Class E(g)(iii)) use, unless agreed in advance in writing by the Local Planning Authority. (To enable consideration of the residential amenity, parking and highway safety impacts of alternative Class E uses, in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).)
5. Prior to the first occupation of the development all details and recommendations in the submitted Environmental Noise Impact Assessment by Impact Acoustics (ref: IMP7901) received 07/07/2025 shall be fully implemented. The installations shall be retained and maintained thereafter. (To achieve satisfactory living

conditions for future occupiers of the development and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

6. Prior to the first occupation of the development all details and recommendations for the ventilation strategy submitted within Approved Document Part O Compliance Report by Build Energy received 17/11/2025 shall be fully implemented. The installations shall be retained and maintained thereafter. (To achieve satisfactory living conditions for future occupiers of the development and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).
7. The development shall be carried out in accordance with the recommendations within the approved Redmore Environmental Air Quality Assessment with particular reference to Table 17 and Section 5 - Construction Phase Assessment. (In the interests of residential amenity and in accordance with saved policy PS11 of the City of Leicester Local Plan and Core Strategy policy CS02)
8. The recommendations shall be implemented in accordance with the details submitted within Bat Emergence Survey report (Eco360, May 2025) received 20/05/2025. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2017 and Core Strategy policy CS17).
9. Should the development not commence within 24 months of the date of the last protected species survey (Preliminary Roost Assessment dated March 2025) then a further protected species survey shall be carried out of all species by a suitably qualified Ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing by the Local Planning Authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated biennially and any mitigation measures submitted and reviewed by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat & Species Regulations 2017 and Core Strategy policy CS17).
10. No part of the development shall be occupied until secure and covered cycle parking has shown on the approved plans be provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
11. No part of the development shall not be occupied until the store for refuse bins has been provided in accordance with the

approved plans. The bin store shall be retained thereafter for the storage of refuse in connection with the use and occupation of the development and all refuse bins shall be kept within the designated area other than on refuse collection days. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).

12. Development shall be carried out in accordance with the following approved plans:
VD25785 A.08 - Existing and Proposed Site Plan received 07/04/2025
VD25785 A.04 - Proposed Floor Plans received 13/11/2025
VD25785 A.05 - Proposed Floor Plans received 02/07/2025
VD25785 A.06 - Proposed Floor Plan received 02/07/2025
VD25785 A.09 - Existing and Proposed Roof Plan received 07/04/2025
VD25785 A.10 - Existing and Proposed Front Elevations received 19/11/2025
VD25785 A.11 - Existing and Proposed Rear Elevations received 27/11/2025
VD25785 A.12 and 13 - Existing and Proposed Side Elevations received 27/11/2025 and 16/12/2025
Joinery Details received 29/09/2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.
2. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory

exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

(v) 20251747 - 14 LAITHWAITE CLOSE

20251747 - 14 Laithwaite Close

Ward: Beaumont Leys

Proposal: Demolition of existing garage and construction of new garage at side of house (Class C3)

Applicant: Ms Khodiara

Councillor Modhwadia returned to the meeting.

The Planning Officer presented the report and additional supplementary report.

Members of the Committee considered the report and Officers responded to the comments and questions raised.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with officer recommendation, the application be approved.

This was seconded by Councillor Agath and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to 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. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. The garage granted permission via the application shall only be used incidental to the enjoyment of the dwellinghouse. (To protect

the residential amenity of neighbouring properties in accordance with Saved City of Leicester Local Plan (2006) policy PS10.)

4. Development shall be carried out in full accordance with the following approved plans:
 - Proposed Floor Plan with Roof Plan, Sheet number 02, Rev 00, Received 20.11.25
 - Proposed Elevations, Sheet number 04, Rev 00, Received 20.11.25
 - Proposed Site Block Plan, Sheet number 06, Received 20.11.25 (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining 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 2024.
2. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

3. It is considered that there is a perceptible risk from landfill gas adversely affecting this site. It is therefore recommended that the advice of a suitable consultant should be sought and carried out in the design and development of any building at this site, or underground services associated with them. It is pointed out that it is the developer's responsibility for the safe development and secure occupancy of this site.

(vi) **20250333 - 58 SEDGEBROOK ROAD**

20250333 - 58 Sedgebrook Road

Ward: Evington

Proposal: Installation of rooflights; alterations; construction of single storey extension at rear of house (Class C3) (amended plans received 5 November 2025)

Applicant: Mrs S Shing

The Planning Officer presented the report.

Members of the Committee considered the report based on its own merits.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with officer recommendation, the application be approved.

This was seconded by Councillor Moore and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to 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. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated 9th December 2025, (Refer: BG25580 – 20251209, Sedgebrook FRA letter report) and the following mitigation measures detailed within the FRA:
 - Finished floor levels (FFL)
 - Flood resistance and resilience measuresThe mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority.
(To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

4. Development shall be carried out in accordance with the following approved plans:
Detailed Planning Proposals, DRAWING NUMBER 24.4487.04, REVISION C, received 5 November 2025
Detailed Planning Proposals, DRAWING NUMBER 24.4478.05, REVISION C, received 5 November 2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

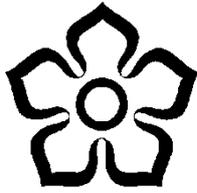
Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.

5. ANY OTHER URGENT BUSINESS

There being no other business, the meeting closed at 7:08pm.



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 4 March 2026

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Other reasonable arrangements for inspecting application documents can be made on request by e-mailing planning@leicester.gov.uk. Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

Grant Butterworth grant.butterworth@leicester.gov.uk (0116) 454 5044 (internal 37 5044).

Item 4a

COMMITTEE REPORT

20250173	20a Vulcan Road, Land Adjacent	
Proposal:	Change of use from public open space to dwellinghouses; construction of two-storey building to contain five flats (5 x 1 bed) (Class C3) (Amended plans received 13 August 2025)	
Applicant:	Mr J Sindhi	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	17 December 2025	
TEI	TEAM: PD	WARD: North Evington



Summary

Previous Committee:

- The application was previously reported to your Committee on 10.12.25.
- The decision at the Committee of 10.12.25 was to defer a decision to allow for a re-consideration of the design of the proposal by the applicant to reduce its scale and amenity impacts upon adjacent properties.
- Options were explored. However, the applicant has decided to retain the proposal as existing so the application falls to be determined on this basis.

The Proposal:

- Application is for a block of 5 flats on an infill site which was formerly public open space
- The main considerations are visual and residential amenity, highways and parking, drainage and biodiversity net gain
- The application is taken to committee as there are 7 objections from local residents that include concerns in relation to loss of light and outlook, the scale of development and pressure on parking
- The recommendation is for approval

The Site

The application relates to former public open space of around 200sqm located within a residential area which is characterised by two-storey terraced housing.

A row of 5 houses (12-20) Vulcan Road, historically stood on the site but was demolished at some point in the mid 20th Century. The land was changed to a public open space in 1977. The public open space use ceased in 2014 and the land has subsequently been sold.

The site is hard-paved with benches and raised planters but is screened by tall weld-mesh fencing which runs along the highway boundary. The site is not accessible to the public. The other boundaries of the site comprise the flank walls of 1 & 3 Sherrard Road and 20a Vulcan Road.

The Proposal

It is proposed to clear the existing site and to build a 2 and a half storey block containing five self-contained flats (5x 1-bed).

The new building would be in two sections, the taller section would be adjacent to 1 Sherrard Road and have two storeys with a converted attic space. It would maintain the prevailing eaves line of 6.4 metres, the prevailing roof ridge of 9.3 metres and would match the angle of the roof slope. However, it would have two street-facing gables, at the height of the main ridge. The lower section would be adjacent to 20a Vulcan Road and would be two storeys high with the upper floor incorporated into the roof space. The ridge height would be 6.9 metres high and the eaves level would be 4.8 metres. Both sections would have hipped roof elements at the rear. A single-storey flat-roof element would be built along the common boundary with 1 Sherrard Road. This would be 2.9 metres high.

The ground floor of the building would be set-back by 1.0 metre allowing a gap between the highway and the ground floor windows. The main access door would be located towards the centre of the building.

A rear service area would be provided for bin and cycle storage which would run adjacent to 20a Vulcan Road.

The building would be faced in brick with slate tiles to the roof with grey aluminium windows.

Prior to the consideration of the proposals at your meeting of 10th December 2025, amended plans were submitted to reduce the scale of the property adjacent to 20a Vulcan Road and to provide updated information with relation to Biodiversity Net Gain. The mix of units was also changed from 4 flats (2 x 1 bed, 2 x 2-bed) to 5 flats (5x 1-bed).

The proposal would involve the loss of more than 25sqm of qualifying habitat and as such is eligible for Biodiversity Net Gain.

The application is supported by a Noise Impact Assessment, Preliminary Ecological Assessment and Biodiversity Net Gain Metric and Report.

Policy Considerations

National Planning Policy Framework (NPPF) 2024:

- Paragraphs 2 (Application determined in accordance with development plan and material considerations)
- Paragraph 11 (Presumption in favour of Sustainable Development)
- Paragraphs 40 and 41 (Pre-applications)
- Paragraphs 44 (Sufficient information for good decision making)
- Paragraph 57 (Six tests for planning conditions)
- Paragraphs 116 and 117 (Highways impacts)
- Paragraphs 135 and 139 (Good design and ensuring high standard of amenity)
- Paragraph 136 (Trees)
- Paragraph 168 (Climate Change)
- Paragraph 181 (Flooding and Drainage)
- Paragraph 187 (Noise and Pollution)
- Paragraph 193 (Habitats and Biodiversity)
- Paragraph 196 (Land Contamination and Instability)

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 (2008)

National Planning Practice Guidance:

- Natural Environment – Biodiversity, geodiversity and ecosystems

National Planning – Statutory Guidance:

- Technical housing standards – Nationally Described Space Standards

Representations

There have been more than 6 objections to the submitted and revised plans. The following points have been made.

- Loss of light to neighbouring properties and to back yards leading to a loss of residential amenity and the ability to enjoy properties.
- Increased demand for on-street parking in an area which already experiences a severe lack of on-street parking
- Increased risk to pedestrians and concerns about blocked routes for emergency vehicles through increased illegal parking
- Poor level of amenity space for proposed occupants
- Loss of amenity to existing residents through increased vehicular comings and goings associated with new properties
- Disruption to local residents from construction of the building.
- Potential structural damage to adjacent house during construction process given the historic relationship between the properties
- Impact on ability of adjacent owner to maintain their property
- Proposal represents the overdevelopment of the plot
- Local area is already densely populated, this would worsen matters
- Proposal would have a harmful visual impact on the street scene
- Proposal is an infill plot and would detract from the character and appearance of 1 Vulcan Road, which is a detached property of character and a local landmark
- Proposal would detract from the character and appearance of the area (including through the use of gables and 85% plot coverage)
- Lack of rainwater run-off attenuation and potential increased risk of surface water flooding to nearby properties.
- Loss of existing planters and space for wildlife
- the over-development of the site leaves no room for Sustainable Urban Drainage.
- not possible to achieve SUDs without underground water storage due to the ground geology (clay),
- the area currently suffers from localised flooding and anything that leads to further problems would be unacceptable
- there is no need to maximise the number of units at the expense of amenity.
- increase in the over-bearing impact on the small rear yard of the adjacent property (the only outdoor amenity space that the family can enjoy)

A further point has been made that the city council refused a similar application on Mountcastle Road, a decision which was upheld at an appeal.

Consultations

Environmental Health (Noise Team):

No objections but recommend conditions be attached relating to ventilation and overheating and relating to construction noise.

Local Highway Authority:

Raises concerns that the proposal would increase demand for on-street parking in an area where there is already a high demand for on-street parking and local issues with illegal parking. The proposal does not provide sufficient cycle parking to meet the needs of the development but consider this could be addressed through a condition. Queries the enforceability of a proposed management strategy which states that none of the residents would be allowed to own cars. Note that the proposal includes a canopy which overhangs the highway and would require a

licence. Note that the proposal includes rainwater goods which would drain onto the highway which is unacceptable.

Lead Local Flood Authority:

No objections to the principle of development and notes the provision of the sustainable drainage strategy plan and the inclusion of permeable paving, soft landscaping and a water butt. A sustainable drainage strategy is required along with a SuDS management plan.

Consideration

Principle of development:

The most recent use of the land is as open space, but it is not protected by a local plan open space designation in either the existing or emerging local plan. As such, since the character of the surrounding area is residential the principle of a residential development is considered an acceptable and appropriate use of the site. In the absence of a five year land supply the development would have a modest but positive contribution to make to the housing need in the City.

The acceptability of the application is dependent on its impact on visual amenity, residential amenity, creation of a satisfactory living environment, impact on local highways, impact on Biodiversity (including BNG), and impact on drainage and local flood risk.

Design:

The design of the building would be contemporary but with traditional references with the use of the gables, long windows and the use of brick. The gable elements would make it prominent within the local street scene, but I do not consider it would look out of place or dominant.

The building would cover most of the plot, and be built to the back of the footway, which is appropriate to its context given the largely built-up character of the surrounding area.

The existing former pocket park does not make a positive visual contribution to the area. The flank walls of 1 & 3 Sherrard Street are dominant features without articulation, and which were not designed to be seen.

Notwithstanding the comments of the objector, while 1 Sherrard Road is an attractive building when viewed from Sherrard Road, I do not consider it to be a local landmark and its character would not be harmed by having a new building built immediately adjacent.

Overall, I am satisfied that the proposed scheme would represent a visual enhancement of the local street scene.

Further details are needed on the proposed materials and as such I consider it appropriate to attach a condition that materials shall be agreed before construction begins.

Living conditions (The proposal):

All of the proposed flats would meet the required space standards as set out in the Nationally Described Space Standards.

The four flats on the ground and first floor would have good outlook from windows on the front elevation facing Vulcan Road. Additional natural light would be provided by secondary, obscure-glazed windows on the rear elevation.

The top floor flat would be served by 8 rooflights which would allow a good level of natural light into the property. Outlook would be limited. However, I consider this to be acceptable in this instance as the design of the building would not allow for normal windows and the internal layout of this accommodation is acceptable in all other respects.

The property would have a limited amount of private amenity space at the rear, but this would not provide a usable amenity area given its use for bin and cycle storage and the fact it would be a narrow space surrounded by tall walls.

While the lack of on-site amenity area is regrettable, private amenity space would be difficult to achieve given the constraints of the site, without compromising the number of units which can be delivered or the quality of the accommodation therein. As such, in this instance I consider that the level of private amenity space is on balance acceptable.

The comments of the Environmental Health Officer are considered to be reasonable in respect of the acoustic performance of the glazing. As such a condition is proposed to require glazing to be installed in accordance with details contained in the noise impact assessment.

Some element of disturbance from construction is unavoidable. Given the relatively quiet character of the area I consider it reasonable to attach a condition limiting construction noise and hours to mitigate harm caused by this. Noise associated with general comings and goings to and from the site is not considered to be unreasonable or inappropriate to a residential area.

Residential amenity (neighbouring properties)

The introduction of a building in this location will have an impact on the residential amenity of the occupiers of adjacent properties through loss of light to rooms and gardens as well as an impact through its adjacency and mass. The application site is to the south west of these properties and as such, loss of sunlight would be restricted to the afternoon and evenings.

1 Sherrard Road:

The building would be the same depth as 1 Sherrard Road above ground floor level and as such, would not affect light or outlook from principal rooms in this property. There would be an overshadowing impact on the small yard at this property, where there is already an overbearing impact from the main property and the flank wall of 3 Sherrard Road. This overshadowing would lead to a loss of residential amenity in the yard area. Notwithstanding this, any development of this plot will have a significant impact on light levels in this yard – the only way to avoid this would be to significantly

reduce the scale of the building, which would limit the amount of housing which could be provided and would involve a building which would not sit well within the plot or street scene. As such this loss of amenity is considered to be acceptable when balanced against the benefits associated with the proposal.

The house would also retain good levels of light and outlook to all principal rooms which would remain unaffected by the proposal in this respect.

Properties to north-east on Mount Road & Sherrard Road:

The application site is located towards the south west of the houses on Mount Road and Sherrard Road. As such, the construction of a two-storey building would have an impact on light levels reaching the gardens/ yards and some property windows in these properties as well as leading to a loss of outlook and visual impact through its adjacency and mass.

The nearest windows to the proposal are the first-floor windows in the rear projections in the two closest properties 2 Mount Road, which is understood to be a bathroom windows and 3 Sherrard Road, which is understood to be a bedroom window.

The other areas which would be affected are rear yards and single storey rear extensions at these properties.

The proposed building would lead to some loss of light and outlook, but the impact is considered to be acceptable given the overall built-up character of the area. The scale of the building is lower at the southern end of the site, which would allow for more sunlight to penetrate to neighbouring properties and reducing the overshadowing effect.

Given the constraints of the site, it would not be possible to develop the plot without causing some loss of residential amenity to the occupiers of neighbouring properties and on balance I consider the loss of amenity would not be significant and would be balanced out by the benefits associated with provision of housing.

20a Vulcan Road:

No principal room windows would be affected in 20a Vulcan Road, all of which front the public highway. The small rear yard has largely been built over at this property, as such the impact on this property is considered to be acceptable.

Highways and Parking:

No off-street parking is proposed, which is common with the majority of properties in the area. Creating off street parking on the site would have practical difficulties and introduce conflict between pedestrians and vehicles as well as limited the amount of the site which could be developed.

The flats would be located in an area which is considered to be a sustainable location; the site is less than 250 metres away from local shops and services on Melbourne Road and local employment opportunities. The site is also within 400m of Spinney Hill Park and of Humberstone Road which itself provides access to bus services in and out of the city.

Storage space for four cycles has been indicated on the plans which can be accessed through the building or from the side alley. In line with current guidance, space should be provided for at least 5 cycles, which should be secure and sheltered. There is sufficient space on the site to accommodate a cycle store for 5 spaces and as such, I consider it reasonable to attach a condition that details of cycle storage are submitted, agreed and implemented before the units are occupied.

The proposal may increase pressure for off-street car parking spaces in an area which experiences parking pressure, but it would not be considered reasonable to require the provision of off street spaces as this would limit the ability of the site to be developed, would bring pedestrians into conflict with vehicles and would lead to a reduction in available on-street spaces to allow for access.

The satisfactory provision of secure and sheltered cycle spaces would give future occupants travel options other than private cars and the sustainable location of the building means that the flats are likely to be appealing to people who do not rely on private cars as a means of transport.

Overall, on balance the impacts on the local highways are considered to be acceptable.

While I understand concerns about illegal parking, this is a matter for the appropriate authorities to enforce against.

The comments relating to the canopy are noted and a note to applicant will be included to highlight the need for a highway license.

Waste storage and collection:

The plans indicate space to store waste bins off the highway, which would be accessible from the side alley and is considered to be acceptable.

Drainage:

The majority of the existing site is hard landscaped, but the loss of the planters means there is the potential for increased rainwater run-off across the site.

The proposed use of permeable paving is welcomed along with the new planters and water butt. I consider that more details are needed as to how this would be managed and, as such, the request of the Lead Local Flood Authority for a drainage strategy is reasonable and the recommended conditions relating to SuDS and Drainage will be attached. This would also be able to address concerns about water discharging directly onto the public highway.

I have also taken advice from the Lead Local Flooding Authority on the feasibility of SUDs and Drainage measures (secured by the recommended conditions) and take comfort that they consider appropriate measures are feasible on this site.

Nature conservation:

The Preliminary Ecological Appraisal has found there to be no protected species living on the site or that would be affected by the proposal. The loss of wildlife and

amenity value provided by the existing planters is limited, but given the constraints of the site, there are no realistic opportunities to retain or replicate these. However, there is an opportunity to provide additional habitats and as such, I consider it reasonable to attach a condition requiring details of swift boxes and integral bat bricks to be submitted before the building is occupied.

Biodiversity Net Gain:

The site as existing has a baseline biodiversity unit value of 0.01 for area habitats. There is limited scope for on-site provision and as such off-site compensation will be required. The applicant has indicated the intention to purchase Biodiversity Units from the Environment Bank to offset and compensate the on-site loss and has provided evidence that there is stock available to purchase. The purchased units would go towards secured long-term biodiversity enhancements on a larger site This would meet the 10% uplift BNG requirement and can be secured through the gain plan condition.

Other matters:

Party Wall Issues:

The application red line includes the buttresses which support the flank wall of 1 Sherrard Road. If there is an ownership dispute, this is a private matter for the two separate parties. The planning consideration can only consider the visual impact of the new works and would not give consent for works outside the control of the applicant. Matters relating to foundations are considered under the Building Regulations and Party Wall Legislation sits separate to planning.

Mountcastle Road:

An objector has raised a case on Mountcastle Road ref: 20210525, for a three-storey block of flats in a terraced area, which was refused in May 2021 on the grounds of poor design and an unsatisfactory living environment, a decision which was upheld at an appeal.

It is acknowledged there are similarities with that application, but that proposal was on a corner with two road frontages and the design did not harmonise with the local street scene. There were also concerns over the site layout. Overall, I do not consider this recommendation is inconsistent with that decision. In any case, in terms of comparison with other proposals, each application falls to be determined on its own merits and precedent of an earlier decision should not be used to determine the assessment of this application.

Council guidance:

The matter of the proposed development exceeding the number of units and not providing off-street parking as suggested in the site development guidance when the site was sold has been raised. This guidance was given in good faith but based on an informal view without sight of worked-up plans. For the reasons set out in this report, it is considered that the submitted scheme is acceptable notwithstanding previous development guidance which has been given.

Conclusion

The recommendation is made on balance, weighing the benefits associated with the provision of housing against the impact that any development that sits well within the plot or street scene would have on neighbouring properties. I give significant weight to the development of this particular site which, without viable residential development, would likely remain vacant with no other realistic viable use.

For the reasons set out above I consider this application to be acceptable and recommend it is 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, and implemented in accordance with the agreed details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Before the occupation of the proposed extension new windows on the rear and side elevations shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of any top opening light) and retained as such. (In the interests of the amenity of occupiers of future occupiers of the properties and the occupiers of Sherrard Road and Mount Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Prior to occupation of any flats, glazing and ventilation shall be installed in accordance with the details set out in Section 4 & 5 of the Noise Impact Assessment by PEAK acoustics ref:0511243NR submitted on 29 January 2025 and retained at the same acoustic performance throughout the lifetime of the development unless otherwise agreed in writing with the City Council as local planning authority. (To protect future occupiers from disturbance and in accordance with saved Local Plan policy PS10).
5. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team. The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf.
6. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details

previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

7. 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). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

8. Prior to the commencement of development details of 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). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

9. Prior to the occupation of any flat a plan showing the location and details of one group of 3 swift boxes and two integral bat bricks shall be submitted to and agreed in writing with the City Council as local planning authority. The boxes and bricks shall be installed in accordance with these agreed details and retained as such thereafter unless otherwise agreed in writing with the City Council as local planning authority. (In order to promote wildlife in accordance with Core Strategy policy CS17.)

10. Prior to the commencement of development, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Gain Plan shall be submitted in accordance with the requirements of paragraph 14(2) of Schedule 7A to the Town and Country Planning Act 1990. (To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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

- 2407/01/100, Location Plan and Site Plan, Received on 29 January 2025
- 2407/01/401, Landscaping Scheme, Received on 5 March 2025
- 2407/01/400, Sustainable Drainage Strategy, Received on 5 March 2025
- 2407/01/102, Proposed Site Plan, Rev. P1, Received on 13 August 2025

- 2407/01/300, Proposed Ground Floor Plan, Rev. P1, Received on 13 August 2025
 - 2407/01/301, Proposed First Floor Plan, Rev. P2, Received on 13 August 2025
 - 2407/01/302, Proposed Second Floor Plan, Rev. P2, Received on 13 August 2025
 - 2407/01/303, Proposed Roof Plan, Rev. P1, Received on 13 August 2025
 - 2407/01/350, Proposed Elevations, Rev. P1, Received on 13 August 2025
 - 2407/01/351, Proposed Elevations, Rev. P1, Received on 13 August 2025
 - 2407/01/352, Proposed Sections, Rev. P1, Received on 13 August 2025
- (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The proposed canopy would require a licence from the city council as local highway authority and should not be installed unless such a license has been obtained. The Applicant is advised to contact highways@leicester.gov.uk for information regarding obtaining approvals, setting up Agreements and/or to discuss the requirements.

2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

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

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- | | |
|-----------|---|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |

2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

Item 4b

COMMITTEE REPORT

20251299	172 Fosse Road North	
Proposal:	Change of use from shop (Class E) to restaurant and hot food takeaway (Class E/Sui Generis); installation of extraction flue at rear (amendments received 03/11/2025)	
Applicant:	Mr Khasraw Abdalla Seed	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	6 March 2026	
LKL	TEAM: PD	WARD: Fosse



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Summary

- Brought to committee as more than six objections have been received;
- Seven objections have been received raising concerns regarding principle of development, residential amenity and waste management;
- The proposal is recommended for conditional approval

The Site

The application relates to a two storey terraced building with the ground floor in use as a shop (Class E) with the upper floor in use as a flat (Class C3) located within the Fosse Road North local centre.

A locally listed building, 2b Empire Road, is situated to the rear of the site.

The site is covered by an Article 4 Direction restricting Houses in Multiple Occupation (HMO.) The site is within a 250m buffer of two pollution sources: Tesco Stores Ltd and L J M Lowe. The site is also within a critical drainage area.

Background

The site has no recent relevant planning history.

The Proposal

The proposal is for a change of use from a shop (Class E) to a restaurant and hot food takeaway (Class E / Sui Generis), including the installation of an extraction flue to the rear.

Given the proposed seating provision and internal layout, the description of development has been amended to more accurately reflect a mixed restaurant and hot food takeaway use (Class E / Sui Generis). As amended, the proposed extraction flue would be clad with a MechSlip brick cladding system to match the existing brickwork and would terminate 1.15m above the ridge line.

The unit would comprise a food preparation area with a cold room, a disabled toilet, a seating area, and an extraction canopy hood running across the unit. Bins would be stored to the rear as per the existing arrangement and taken to the nearest collection point for collection.

The proposed number of employees is 2 full time and 4 part time.

The proposed hours of use are 11:00-21:00 from Monday to Friday and 12:00-19:00 on Sunday/bank holiday.

The application is accompanied by the following documents:

- Design and access statement
- Ventilation Flue Specifications
- Noise Assessment
- Kitchen Odour Assessment

Policy Considerations

National Planning Policy Framework (NPPF) 2024

Paragraphs 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 40 and 41 (Pre-applications)

Paragraphs 44 (Sufficient information for good decision making)

Paragraph 57 (Six tests for planning conditions)

Paragraph 97 (Concentration of hot food takeaways)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 117 (Highways requirements for development)
Paragraph 135 (Good design and amenity)
Paragraph 139 (Design decisions)
Paragraph 140 (Clear and accurate plans)
Paragraph 198 (Noise and light pollution)
Paragraph 202 (Heritage as an irreplaceable resource)
Paragraph 208 (Considering impact on heritage assets)
Paragraph 210 (Sustaining significance of heritage assets)
Paragraph 216 (Non-designated heritage assets)

Development Plan Policies

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

Other legal or policy context

Residential Amenity SPD (2008)
Appendix 01 Vehicle Parking Standards (2006)
The Town and Country Planning (Development Management Procedure) (England) Order 2015

Consultations

Pollution (noise and light) – no objections following the submission of Noise Assessment and Kitchen Odour Assessment

Representations

Seven objections have been received raising the following concerns:

- A hot food takeaway is proposed rather than a restaurant, contrary to the original description, and another food establishment would draw competition away from other food businesses in the area.
- There are already two hot food takeaways in the parade, and the proposal would result in an over-concentration of this use.
- The proposal would result in increased use of the alleyway serving Nos. 172 to 176, which is used as a shared access to the flats above.
- One of the existing hot food takeaways uses the alleyway to take out bins and to receive deliveries.
- The alleyway is too narrow for deliveries associated with a hot food takeaway
- No. 174, which is currently in use as a hot food takeaway, has six small commercial bins, which are placed on the footpath on bin collection days.
- The alleyway is also used for oil removal for No. 174, where once a week an oil recycling company removes the barrel and replaces it with an empty one, sometimes causing spills and resulting in smells in the alleyway.
- There was a previous incident where the alleyway was not locked, resulting in a bicycle belonging to an occupant of the flats being stolen from the rear yard.
- Odour from cooking.
- Noise issues in the evening.
- Poor living conditions for residents of the flats.
- Rat issues.
- Anti-social behaviour late in the evening.

- Difficulty in retaining or finding tenants for the flats above.
- The occupants of the flats would lose their use of the rear yard.
- Work has started internally

Consideration

Principle of development

Policy CS11 (“Retail Hierarchy”) of Leicester’s Core Strategy (2014) states that “food and drink facilities will continue to be supported in centres to meet demand and to add vitality and diversity. However this will be subject to considerations of residential amenity, the effect on the retail function of the centre and the cumulative impact of these uses.”

Given the emerging Local Plan is due for adoption in Spring 2026, it would also be important to consider the policy below. However, it should not be given equal weighting to adopted planning policy when determining the acceptability of the application.

Emerging Local Plan Policy TCR06 (“Development for Hot Food Takeaway and Food and Drink uses Purposes in Town, District and Local Shopping Centres”) reinforces that these uses will “*continue to be supported in centres to meet demand and to add vitality and diversity. However, this will be subject to considerations of residential amenity.*” It goes on to state that “*to help maintain a diverse and active shopping street and avoid disturbance to residents it is recommended that normally no more than three hot food takeaway (sui generis) uses should be adjacent to each other in a frontage length and that between groups of hot food takeaway uses there should be at least two intervening non hot food takeaway uses.*”

The principle of the proposed hot food takeaway is acceptable in this location, given that it is situated within a local centre. I note that if planning permission were granted, there would be three consecutive hot food takeaways at 170 Fosse Road North, 172 (the application site), and 174. I consider that the proposal satisfies emerging planning policy, as there would be no more than three adjacent hot food takeaways, and there would be at least two non-intervening uses between these hot food takeaways and others elsewhere within the centre.

I consider the proposal is acceptable in principle under policy CS11. However, this is subject to considerations of design, impact on heritage, residential amenity, highways and parking, and arrangement of bin storage.

Character and design/Impact on heritage

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.

Core Strategy Policy CS18 states that the Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. It goes on to state that an archaeological assessment will be required where a proposal would affect a site thought likely to contain below ground and low-level archaeological remains.

The site comprises a late C19 terraced building converted to commercial use, which backs onto the locally listed Former Co-operative Stables. No works are proposed to the shopfront. The external works relate only to internal alterations and the installation of an extraction flue to the rear. I consider that the flue, as amended and encased in brick cladding, would read more like a traditional chimney than a piece of modern industrial kitchen equipment. As such, it would blend more successfully with its surroundings and have a more traditional appearance, which would better preserve the setting of the locally listed heritage asset.

I am therefore satisfied that the proposal is acceptable in terms of the character and appearance of the area and its impact on the locally listed asset.

Residential amenity

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, privacy and overshadowing, and the ability of the area to assimilate development. Policy PS11 states that proposals which have the potential to pollute air, ground or water by reason of noise, dust, vibration, smell, light, heat, radiation or toxic discharge will not be permitted unless the health and amenity of users, neighbours and the wider environment can be assured.

The adjoining ground floor units are hot food takeaways, however, the upper floors of these units including the application site are in residential use. Noise and odour to these residential units are the main concerns.

The ventilation flue at the rear is proposed to terminate at least 1m above the ridgeline to allow appropriate dispersion of odour. The Noise and Pollution Control Officer has reviewed the Kitchen Odour Assessment (KOA) document P9121-R2-V1 (dated 03/10/25), together with the manufacturer's specifications, and is satisfied that the proposed ventilation flue would not result in a detrimental impact on neighbouring residential amenity in terms of odour, subject to a condition requiring that the approved details and recommendations are fully implemented on site. I therefore have no reason to doubt their conclusions.

In relation to noise, the Noise and Pollution Control Officer has reviewed the Noise Impact Assessment (NIA) document P9121-R1-V1 (dated 03/10/25) and notes that *"without additional mitigation measures, significant adverse impact is likely at the worst affected NSRs"*. A number of mitigation measures have been recommended. I consider it reasonable to require that details of the chosen mitigation option be submitted to and approved by the Noise and Pollution Control Team (NPCT) prior to the commencement of works.

The proposed hours of use are 11:00–21:00 Monday to Friday and 12:00–19:00 on Sundays and Bank Holidays. Given that the site is located within a local centre with a

reasonable level of footfall and traffic, I consider the noise generated by comings and goings associated with the use would not be significantly harmful to neighbouring residential units, subject to a condition restricting the opening hours of the premises to close by 23:00 hours.

Waste management/Use of alleyway

I note that representations have raised concerns that the proposed use could increase activity in the shared alleyway serving the flats above, due to deliveries, bin collection, and oil removal. Similar issues are noted in connection with the existing hot food takeaway adjacent to the site.

The agent has confirmed that the alleyway at the rear is primarily for residents' use, there is no vehicle access from the rear, and deliveries would be taken from the front parking bay. I note concerns that deliveries could instead use the alleyway, as the cold room is located at the rear. However, given the size and scale of the proposed unit, I do not consider that use of the alleyway for deliveries would result in a significant impact.

The bin storage area is proposed to the rear, with access via the alleyway. Although the number of bins may increase compared with the existing shop use, given the scale of the unit, I also do not consider this would significantly affect residents' use of the alleyway. However, I consider it reasonable to attach a condition requiring the bin storage area to be provided prior to the occupation of the unit, and that the bins shall not be stored elsewhere on the site or in the alleyway.

With regard to oil removal, this is not automatically required for all hot food takeaways. As no specific provision is proposed, I have assessed the proposal on the basis of the information before me.

Highways and parking

Saved policy AM11 states that proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. It goes on to state that reductions below these maximum parking standards will be required by the City Council, in accordance with the reduction targets for non-residential parking provision.

There are no proposed changes to the parking or highway arrangements. I consider parking and loading arrangements would not be significantly different to the existing Class E use and are therefore acceptable.

Other matters

- Proposed descriptions/competitions of businesses: The proposed description has been amended to a mixed use of restaurant and hot food takeaway to accurately reflect the proposed use, and subsequent notifications have been carried out. In any case, competition between businesses is not a material planning consideration.
- Theft from the alleyway: I note concerns relating to theft, but I do not consider that the proposed use would give rise to such issues.
- Rats: This is not a planning matter and should be reported to the Council's Pest Control Team for investigation.

- Anti-social behaviour late in the evening: There is no evidence to suggest that the proposed use would give rise to such issues.
- Difficulty in retaining or finding tenants for the flats above: This is not a planning matter.
- Loss of use of the rear yard: The rear yard is a shared space between the ground floor unit and the flat above and is not considered a private amenity space in this case. There is no evidence that the occupants of the upper floor would lose access to this space.
- Internal works have started: I can only assess the information before me, and even if internal works have commenced, I do not consider this would impact the planning assessment.

Conclusion

I recommend that this application 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. The proposed extraction flue shall be constructed in facing bricks to match the existing building. (In the interests of visual amenity and the setting of the locally listed heritage asset, and in accordance with Core Strategy Policies CS3 and CS18.)
3. The development shall be carried out in accordance with the details and recommendations set out in the Kitchen Odour Assessment (KOA) document P9121-R2-V1 (dated 03/10/25). (To ensure proper dispersal of odours, in the interests of residential amenity, and in accordance with saved Policies PS10 and PS11 of the City of Leicester Local Plan (2006).)
4. Prior to the commencement of works on site, details of the chosen mitigation measures as recommended in the Noise Impact Assessment (NIA) document P9121-R1-V1 (dated 03/10/25) shall be submitted to and approved in writing by the Noise and Pollution Control Team (NPCT). The approved measures shall be installed prior to the occupation of the premises and retained thereafter. (To ensure an acceptable level of noise, in the interests of residential amenity, and in accordance with saved Policies PS10 and PS11 of the City of Leicester Local Plan (2006).)
5. The use shall not be carried on outside the hours of 07:30 - 23:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan (2006).)
6. The bin storage area shall be provided as shown on the approved plans prior to the first occupation of the premises as a hot food takeaway and shall be retained thereafter. The bins shall not be stored elsewhere on the site or in

the alleyway. (In the interests of the amenities of nearby occupiers, and in accordance with saved Policy PS10 of the City of Leicester Local Plan (2006).)

7. Development shall be carried out in full accordance with the following approved plans:
Proposed Plans and Elevations, 0801/03C, received 03/11/2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.
2. It is recommended that care is taken during works should any bats or birds or their roosts or nests be discovered on or adjacent to the building or rooftop. In such a case, it is recommended that advice from a qualified ecologist should be sought before proceeding with works, given environmental protection legislation. Bats can roost or be present in roof structures of buildings or in crevices of walls. Further information on bats and the law can be found by searching for Bats: protection and licences - GOV.UK (www.gov.uk). Further information on birds and the law can be found by searching for Wild birds: protection and licences - GOV.UK (www.gov.uk)
3. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Policies relating to this recommendation

- 2014_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Item 4c

COMMITTEE REPORT

20260007	38 South Kingsmead Road	
Proposal:	Demolition of garage at rear; construction of single storey extension at side and rear; construction of canopy at rear; proposed decking at rear of house (Class C3); alterations	
Applicant:	Caroline Welsh + Andy Leitch	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	16 March 2026	
AVB	TEAM: PD	WARD: Knighton



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Summary

- The application is brought to committee as the applicant is an employee of Leicester City Council
- The main considerations are design, neighbouring residential amenity, amenity of occupiers, trees, flooding and parking.
- No representations were received from neighbours.
- The recommendation is to grant conditional approval.

The Site

The application site is a semi-detached house located within the residential area. The site is located within Surface Flood 1 in 1000 area and rear part of the garden is within Flood Zone 2.

Background

19792386 - Provision of dormer window and use of roof space to form additional room at semi-detached dwellinghouse was approved and implemented.

023355 - Erection of a single storey extension at rear of dwelling house to provide dining area and extension to kitchen was approved and implemented.

The Proposal

The application seeks permission for the partial demolition of the existing garage and the construction of a single storey extension to the side and rear of the property, together with the installation of rear canopy and enlarged decking area.

The proposed single storey side extension would be supported by posts and feature a flat roof with a height of approximately 2.7m.

The proposed single storey rear extension would enlarge the existing kitchen/diner area. It would measure approximately 2m x 5.9m and would have flat roof 3.1m high and would incorporate a rood lantern.

The proposed garage would be partly demolished to create an open area with a 2.4m high canopy. The proposal also includes the enlargement of the existing rear decking area.

The applicant has submitted Flood Risk Statement to support the proposal.

Policy Considerations

National Planning Policy Framework (NPPF) 2024

Paragraphs 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 40 and 41 (Pre-applications)

Paragraphs 44 (Sufficient information for good decision making)

Paragraph 57 (Six tests for planning conditions)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 181 (Flood risk considerations and SuDS)

Paragraph 186 (Biodiversity in planning decisions)

Development Plan Policies

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

Other legal or policy context

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Representations

None.

Consultations

Trees and Woodlands Officer - No objection

Consideration

Principle of development

This application is a proposed extension to a dwellinghouse. House extensions are acceptable in principle subject to the considerations detailed below.

Character and Appearance of the area:

NPPF paragraph 135 and Core Strategy policy CS03 require well-designed developments that do not detract from the appearance of the area. Leicester City Core Strategy (2014) policy CS03 states that the council require high-quality, well-designed places that contribute positively to the character and appearance of the area. The Council's Residential Amenity SPD Appendix G provides a design guide for household extensions to ensure they appear proportionate and consistent with existing dwellings.

The proposed side extension, comprising a shed with a timber enclosure and a flat roof, has been designed to sit behind the principal building line. By virtue of its set-back and modest height, the addition appears subservient to the main dwellinghouse. The use of timber cladding would not have unacceptable impact on the visual amenity of the surrounding area.

The single-storey rear extension, canopy, and associated alterations are located to the rear amenity area and are not visible from the public realm. Due to their appropriate scale and location, these elements are considered to be in keeping with the character and appearance of the surrounding residential area.

It is therefore considered the proposal to be acceptable and compliant with policy CS03.

Residential Amenity:

Saved City of Leicester Local Plan Policy PS10 aims to protect the residential amenity of neighbouring properties.

40 South Kingsmead Road has an existing single storey covered area to the side, single storey extension and detached single storey garage at rear abutting the

boundary with the site. The proposed side extension is considered subservient and, given the presence of No. 40's existing side structures and garage, will not result in an overbearing impact. The rear extension and canopy are appropriately sited to avoid detrimental impacts on light or outlook. To preserve privacy, the proposed corner kitchen window shall be obscurely glazed by condition, ensuring compliance with Saved Policy PS10.

36 South Kingsmead Road has an existing single storey rear extension with patio doors to the rear. The proposed rear extension would be 2m deep with flat roof is considered a proportionate addition. Due to its limited projection along with the existing high boundary fence, the structure will not have unacceptable impact on the residential amenity of the occupiers of No. 36.

While the proposal includes an expanded rear decking area, the scale of the enlargement is not considered to result in an unacceptable increase in overlooking or loss of privacy to warrant a refusal.

I conclude that the proposal would not conflict with NPPF paragraph 135f, and saved Local Plan Policies PS10, and that the proposal would be acceptable in terms of impact upon amenity.

Highways and Parking:

The proposal would result in loss of one parking space(garage). The site can accommodate at least 1 car parking to the front driveway without any harm to highway safety. I therefore consider that the loss of 1 parking would be acceptable at this location and would not compromise or result's in highway safety issues.

Flooding:

The site is situated within an area identified as having a 1 in 1000-year risk of surface water flooding, with the rear garden falling within Flood Zone 2. The applicant has provided a Flood Risk Statement and I consider that the modest scale and footprint of the proposed extensions, the development will not result in a significant increase in flood risk to the site or the surrounding area.

Trees

There is an existing tree (conifer) to the rear of the site. Due to the proposed siting of the rear extension, a tree will have to be removed to accommodate the development. However, the tree is not protected and could be removed at any time without consideration by Planning. The Council Trees and Woodlands officer had no objections to the proposed removal of the tree.

Conclusion

I recommend the application for approval 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. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Before the occupation of the proposed extension new window facing 40 South Kingsmead Road shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of any top opening light) and retained as such. (In the interests of the amenity of occupiers of 40 South Kingsmead Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Development shall be carried out in accordance with the following approved plans:
 Location and Block Plan - 136(02)04 Rev P2 received 19/01/2026
 Proposed Ground Floor - 136(08)01 Rev P2 received 19/01/2026
 Proposed South and Patio Elevation - 136(08)03 Rev P2 received 19/01/2026
 Proposed East and North Elevation - 136(02)02 Rev P1 received 05/01/2026
 (For the avoidance of doubt).

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining 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 2024.

Policies relating to this recommendation

- | | |
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| 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'.