

Leicester  
City Council

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

**DATE: WEDNESDAY, 7 MAY 2025**

**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 Aldred (Vice-Chair)

Councillors Cassidy, Gopal, Joel, Kennedy-Lount, Kitterick, Modhwadia,  
Mohammed, Dr Moore 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](mailto:jessica.skidmore@leicester.gov.uk) /**

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**Governance Services, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

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## **PUBLIC SESSION**

### **AGENDA**

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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**

#### **[Appendix A](#)**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 2 April 2025 are a correct record.

**4. PLANNING APPLICATIONS AND CONTRAVENTIONS**     **Appendix B**

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)     **20250228 - THE GLEN, HILLSBOROUGH ROAD, LEICESTER**     **Appendix C**

(ii)     **20242143 - 16 PLANTATION AVENUE**     **Appendix D**

**5. ANY OTHER URGENT BUSINESS**



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# Appendix A

## Minutes of the Meeting of the PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 2 APRIL 2025 at 5:30 pm

### P R E S E N T :

Councillor Surti (Chair)  
Councillor Aldred (Vice Chair)

Councillor Bajaj  
Councillor Cassidy  
Councillor Chauhan

Councillor Mohammed  
Councillor Dr Moore  
Councillor Porter

Councillor Gopal  
Councillor Kitterick  
Councillor Modhwadia

\* \* \* \* \*

### **1. APOLOGIES FOR ABSENCE**

The Chair, Councillor Surti, welcomed those present to the meeting.

There were three substitutions, Councillor Bajaj for Councillor Joel, Councillor Chauhan for Cllr Singh Patel and Councillor Porter for Councillor Kennedy-Lount.

### **2. DECLARATIONS OF INTEREST**

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

There were no declarations of interest.

### **3. MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 12 February 2025 be confirmed as a correct record.

#### 4. PLANNING APPLICATIONS AND CONTRAVENTIONS

#### 5. 20242120 - 69 BRYONY ROAD

##### **20242120 - 69 Bryony Road**

Ward: Humberstone & Hamilton

Proposal: Change of use from dwellinghouse (Use Class C3) to residential children's home (Use Class C2) to accommodate a maximum of three children

Applicant: Mr Singh

The Planning Officer presented the report.

Faizal Osman addressed the Committee and spoke in support of the application.

Hasnain Merchant addressed the Committee and spoke in opposition to the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by Committee Members and moved that in accordance with the Officer recommendation, the application be approved. This was seconded by Councillor Aldred, 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. 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 be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).
3. The premises shall not accommodate any more than 3 residents in care at any one time. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).

4. Development shall be carried out in accordance with the submitted plans received by the City Council as Local Planning Authority on 02/12/2024.  
(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 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).

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.

#### **6. 20240308 - 80 WHARF STREET SOUTH**

##### **20240308 - 80 Wharf Street South**

Ward: Castle

Proposal: Part demolition; Conversion of 80 Wharf Street South & construction of 6 storey building to form flatted residential development (Class C3); associated access and landscaping (amended plans)

Applicant: Mr Mohammed Al Rais

The Planning Officer presented the report.

There were no speakers on this item.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by Committee Members and moved that in accordance with the Officer recommendation, the application be approved. This was seconded by Councillor Mohammed, and upon being put to the vote, the motion was CARRIED.

**RESOLVED: Agreed Delegation to officers to approve subject to receipt of satisfactory bat surveys and as per addendum with additional Note to applicant**

#### 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. Development shall proceed in strict accordance with all recommendations within Section 4 of the "Demolition Method Statement for the part of the building to be demolished adjacent to the building to be retained" (PRP, ref 82592-06) (to ensure the locally listed building is not adversely impacted by demolition works, in accordance with Core Strategy policy CS18).
3. Prior to the commencement of development other than demolition, a materials sample panel drawing (at a scale of 1:20), a materials specification schedule of all external materials used in building works and boundary treatments including gates, and design details of the Juliet balconies shall be submitted to and approved in writing by the local planning authority. Prior to the construction of any above ground works of the new buildings, the approved sample panel shall be constructed on site, showing all external materials, including brick, brick bond and mortar colour and thereafter approved in writing by the City Council as local planning authority. The development shall be constructed in strict accordance with the approved sample panel and materials specifications. (In the interest of visual amenity and character and appearance of the area and in accordance with Core Strategy policy CS03).
4. Details of all alterations, improvements and restoration works to 80 Wharf Street South, shall be submitted to and approved in writing by the local planning authority prior to any such works taking place. The details shall include detailed cross-section drawings, samples of any new bricks or cast stone, a sample panel that demonstrates the mortar mix and pointing. details of materials specifications, and details of conservation cleaning. The development shall be carried out in strict accordance with the approved details. (In the interest of heritage and building conservation, in accordance with Core Strategy policies CS03 and CS18).
5. Prior to commencement of works above slab level and notwithstanding the submitted details, a detailed landscaping plan shall be submitted to and approved in writing by the local planning authority. This shall include:
  - (i) new tree and shrub planting, including plant type, size, quantities and locations - this should include bat-friendly planting as outlined on p18 of the



submitted Preliminary Roost Assessment; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) all hard surface treatments including manufacturers specifications; (iv) details of the location, make and type of 6x bird boxes/bricks to be erected on buildings; and (v) details on the after-care and maintenance of all soft landscaped areas. The approved details shall be carried out within one year of completion of the development. For a period of not less than 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

6. Prior to any development other than demolition above slab level, a detailed design of all external lighting for that phase, including locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented prior to occupation of any flats in strict accordance with the approved details and retained thereafter. No additional external lighting should be installed without prior written agreement from the local planning authority. (In the interests of providing an amenable development and protecting wildlife, in accordance with Core Strategy policy CS03 and policy CS17 of the Core Strategy).

7. Prior to construction works above slab level and occupation of any flats, full details of insulation (including proposed building materials and insulation performance), means of fresh air ventilation, and an overheating assessment utilising the proposed window/ ventilation set up to prevent the transmission of noise into the development whilst allowing windows to remain closed. Prior to occupation of any flats, the approved details shall be implemented in full and shall be retained and maintained thereafter. Notwithstanding the submitted details, the above details shall be informed by a further noise assessment taking into account potential re-use of the commercial buildings on the east side of Wharf Street South between Wheat Street and Crafton Street West within their lawful planning use (In the interests of residential amenity and in accordance with Saved Policies H07 and PS10 of the City of Leicester Local Plan).

8. No flats shall be occupied until the following aspects of the development have been provided in full in accordance with the approved site plan (21121 PL01-B):

- a) provision to accommodate 76 cycle parking spaces;
- b) Waste storage for 13 1100l bins; and
- c) surfacing and marking out of parking areas.

These aspects of the site shall be 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).

9. Prior to the first occupation of each flat, the occupiers shall be provided

with a Residents Travel Pack, the details of which shall have been submitted to and approved in writing by the local planning authority in advance. The contents of this shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with saved policies AM01, AM02 and AM05 of the City of Leicester Local Plan and Core Strategy policy CS14).

10. Prior to occupation of any flats, a detailed Management Plan shall be submitted to and approved in writing by the local planning authority. The management plan shall set out procedures for: (i) how servicing and deliveries will be managed; (ii) the security of the development and its occupiers; (iii) dealing with refuse bins, dealing with bins on collection days and maintaining the external areas of the site. The premises shall be managed in accordance with the approved management plan thereafter. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policies CS03, CS06 and CS15).

11. No part of the development shall be occupied until the following access works have been carried out in full: (a) implementation of a footway crossing at the vehicular access including amendments to the on-street car parking bays on Fleet Street; (b) reinstatement of the existing dropped crossings to Wharf Street South with full height kerbs (c) reinstatement of damaged or altered areas of footway or other highway during the course of construction of the access and reinstatement works. (To ensure a satisfactory means of access to the highway, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

12. Prior to the commencement of the development, a Demolition Method Statement shall be submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the demolition 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; iv. The erection and maintenance of security hoarding; v. Wheel washing facilities; vi. Proposed hours of work vii. A scheme for recycling/ disposing of waste resulting from construction works. (To ensure the satisfactory development of the site, 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 the development other than 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; v. Wheel washing facilities; vi. Proposed hours of work; vii. A scheme

for recycling/ disposing of waste resulting from construction works. (To ensure the satisfactory development of the site, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.).

14. All demolition and construction procedures shall incorporate dust mitigation measures wherever feasible as set out in Appendix D of the Air Quality Assessment (Aeolus Consulting, dated July 2023) (to mitigate impacts to air quality of the area during the development, in accordance with Core Strategy policy CS02).

15. Prior to any development above slab level other than demolition, full design details of on-site installations to provide energy efficiency measures shall have been submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of any flats evidence demonstrating satisfactory operation of the approved scheme including on-site installation of that phase shall be submitted to and approved in writing by the City Council. The approved scheme shall be retained and maintained thereafter. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).

16. Prior to any development other than demolition, details of drainage shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the drainage for that phase has been installed in strict accordance with the approved details. The drainage systems shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).

17. Prior to any development other than demolition, 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 in writing by the local planning authority. No flat shall be occupied until the system has been implemented in full for that phase in strict accordance with the approved details. It shall thereafter be managed and maintained in strict 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).

18. The development shall not commence other than demolition works until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;

- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
  - d) Description of the management operations necessary to achieving aims and objectives;
  - e) Preparation of a works schedule, including annual works schedule;
  - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
  - g) Details of the persons responsible for the implementation and monitoring;
  - h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
  - i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain
- (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)

19. Development shall take place in strict accordance with the procedure to protect birds at paragraph 5.2 of the Preliminary Roost Assessment (Elite Ecology, dated October 2023) (to protect nesting birds in accordance with Core Strategy policy CS17).

20. Should the development not commence within 24 months of the date of the Preliminary Roost Assessment (Elite Ecology, dated 12 October 2023) 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).

21. i) No groundworks, including slab removal, all associated engineering and drainage works, or new development shall take place or commence until a programme of archaeological investigation, including a Level 2 Historic Building Survey, has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include:

- (1) an assessment of significance and how this applies to the regional research framework;
- (2) the programme and methodology of site investigation and recording;
- (3) the programme for post-investigation assessment;
- (4) provision to be made for analysis of the site investigation and recording;
- (5) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (6) provision to be made for archive deposition of the analysis and records of the site investigation;

(7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

ii) No groundworks or new development shall take place other than in accordance with the Written Scheme of Investigation approved under (1) above.

iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation or updated project design approved under (1) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in advance in writing with City Council as the local planning authority. (to ensure that the site can be examined for archaeological assets in accordance with Core Strategy policy CS18).

22. i) Following demolition and prior to any other construction works, further ground testing shall take place in accordance with Section 10.3 of the Phase II Ground Investigation Report (ref 82592-05, Revision A) and details of such testing and any necessary further proposed ground remediation measures shall be submitted to and approved in writing by the Local Plan Authority.

ii) Development shall take place in strict accordance with ground remediation measures outlined within the Phase II Ground Investigation Report (ref 82592-05, Revision A) and any further measures agreed under part i) above.

iii) Within 6 months following commencement and completion of the approved remediation strategy, a verification report shall be submitted to the City Council, showing the implemented remediation scheme and, if required, details of long-term maintenance and monitoring.

(To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with saved policy PS11 of the Local Plan).

23. The dwellings hereby permitted shall comprise 54 flats (31 x 1 bed; 23 x 2 bed) in accordance with the approved plans (Ground Floor Plan ref 21121 PL-01B, Floor Plans levels 02-07 ref 21121 PL-02C) (to ensure a suitable mix and layout of dwellings and in accordance with policies CS03 and CS06 of the Core Strategy and saved policies PS10 and PS11 of the City of Leicester Local Plan).

24. Development shall take place in strict accordance with the following approved plans:

Demolition Plan 21121 PL03 X received on 19/09/2024

Ground Floor Plan Ref 21121 PL-01 B received on 19/09/2024

Floor Plans levels 02-07 21121 PL-02 C received on 19/09/2024

Roof Gardens detailed landscape proposals 23-065-P-02 received on 13/02/2024

Window bay detail dated 25.07.2023 received on 19/09/2024

South Elevation 21121 PL04 B received on 19/03/2025

East Elevation 21121 PL05 A received on 25/10/2024

North Elevation 21121 PL06 A received on 25/10/2024

West Elevation 21121 PL07 C received on 25/10/2024

West & North Elevation 21121 PL20 A received on 19/03/2025  
(for the avoidance of doubt).

## NOTES FOR APPLICANT

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority,

and

(b) the planning authority has approved the plan.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

2. A surface water pumping system has been proposed within this development. However, pumping systems require ongoing maintenance and in the event of a malfunction could increase flood risk. It is recommended that STW are consulted to determine whether a gravity connection into the public sewer can be made to manage surface water runoff, providing an alternative to a pumping system.

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 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.

## 7. 20250190 - 2-4 HAVELOCK STREET

### **20250190 - 2 & 4 Havelock Street**

Ward: Saffron

Proposal: Change of use from two dwellings (Class C3) to residential care homes (Both Class C2) (Both max 2 residents in care)

Applicant: Sublime Care Solution Limited

The Planning Officer presented the report.

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

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

**RESOLVED: permission was refused**

**REASONS FOR REFUSAL**

1. Given the cumulative impacts in relation to disturbance, parking, and character of the use of the properties resulting from additional comings and goings and managed nature of the 2 proposed residential care dwellings in this dense locality, the proposal would result in significant erosion to the 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 135f.
2. The dwellings would not provide suitable outdoor amenity space for residents in care, resulting in unacceptably poor living conditions. The proposal would therefore be contrary to National Planning Policy Framework 2024 paragraph 135f.

**NOTES FOR APPLICANT**

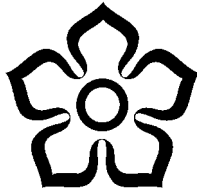
1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given at pre-application process. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

**8. ANY OTHER URGENT BUSINESS**

There being no other urgent business, the meeting closed at 20.05.







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**Wards:**  
**See individual reports.**

**Planning & Development Control Committee**

**Date: 7 May 2025**

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## **REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS**

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### **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.

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- 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](http://www.leicester.gov.uk/planning). Other reasonable arrangements for inspecting application documents can be made on request by e-mailing [planning@leicester.gov.uk](mailto: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**

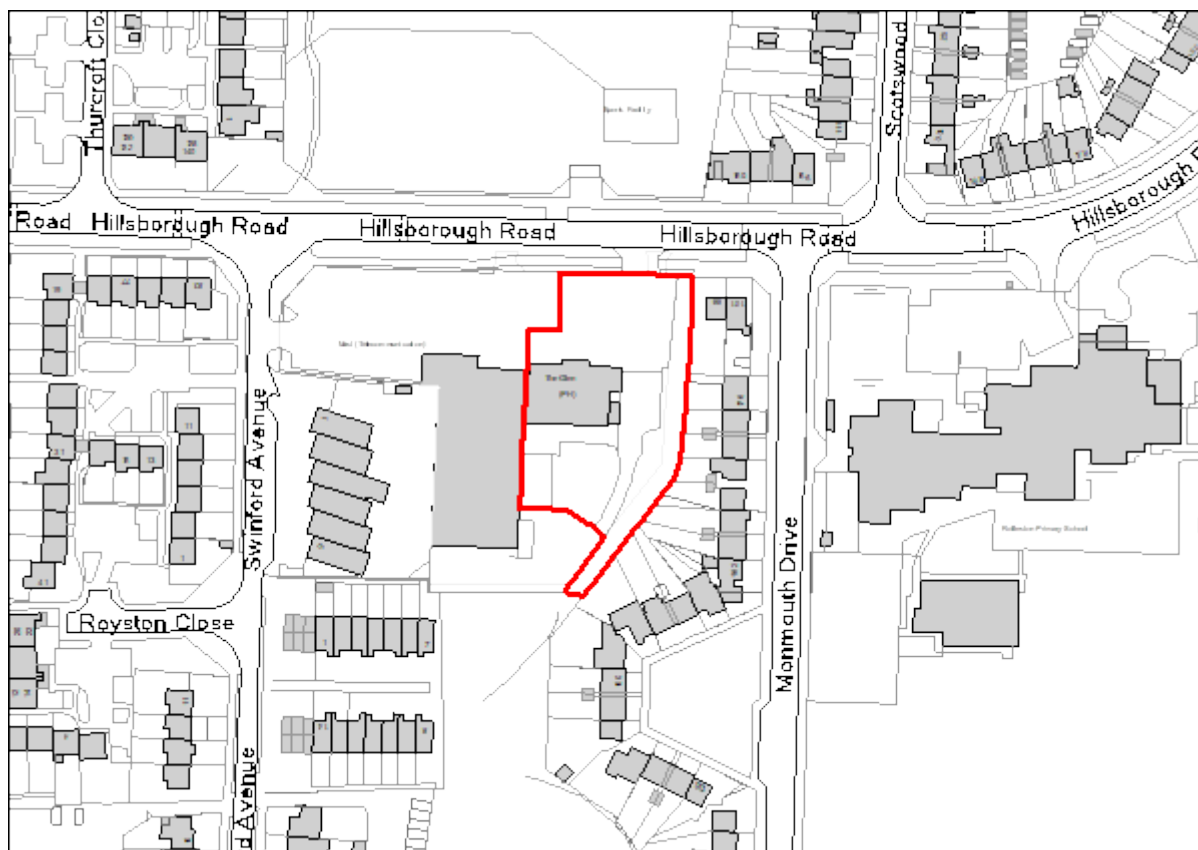
Consultations with other services and external organisations are referred to in individual reports.

## **11 Report Author**

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

## COMMITTEE REPORT

<b>20250228</b>	<b>The Glen, Hillsborough Road</b>	
Proposal:	Change of use from public house (& ancillary flat) (Sui Generis) to place of worship (& ancillary education centre) (Class F1)	
Applicant:	Eyres Monsell Community Foundation	
App type:	Change of use	
Status:	Change of use	
Expiry Date:	8 May 2025	
CY1	TEAM: PD	WARD: Eyres Monsell



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## Summary

- This application has been brought to committee as there are over 870 objections, over 260 supporting comments, over 60 comments, 2 petitions (one in objection and one in support), and an objection from Councillor Pickering.
- The main issues are the principle of the change of use, noise, highways and parking.
- The application is recommended for approval subject to conditions.

## The Site

The site is part of the Swinford Avenue shopping centre, designated as a Local Centre within the adopted Local Plan, adjacent to an area that is mostly in residential use.

To the west of the application site is a supermarket (Co-op) and a parade of six small retail shop units.

To the east of the site are houses that face Monmouth Drive. Beyond them is Rolleston Primary School.

To the north of the site, on the other side of Hillsborough Road, is a recreation ground that is designated as Green Space. To the south of the site, behind the public house is another area of Green Space called Alexandra Clump and further on, Her Ladyship's Covert.

The application site consists of the public house building of two storeys, a car park to the front and a garden at the rear. This can be identified on the submitted plan as the area within the red edge. A blue edge has been drawn around the neighbouring site of the Co-op car park which is also under the ownership of the applicant but not part of this application.

There are trees across the front of the site with Hillsborough Road and down the side boundary with the rear gardens of the houses on Monmouth Drive.

## Background

There have been numerous planning applications for minor works on this site which are of little significance to the current scheme. I consider that the following applications and information is relevant to the proposal.

The public house appears to have been permitted in 1955 (030319).

Part of the site of the public house appears to have been developed in 1993 for a supermarket which is the current Co-op (19930691) and next door to the application site.

The application form indicates that the property ceased being used as a public house on the 1<sup>st</sup> of March 2022.

The floorplans 'as existing' that have been submitted for this application show there is a flat on the first floor. It is accessed from within the public house by a staircase in the middle of the building. Given the planning history and the floorplans submitted, the flat appears to be ancillary to the use of the building as a public house and is not a self-contained flat.

The application is made by the Eyres Monsell Community Foundation. They currently run activities that are mostly located in the Eyres Monsell Community Centre. This is a little over 600m from the application site. The application indicates sometimes activities are run from other locations as the Eyres Monsell Community Centre is either not large enough or is unable to fit them into the timetable.

## The Proposal

The proposal is to change the use of this public house (& ancillary flat) (Sui Generis) to a place of worship (& ancillary education centre) (Class F1).

The plans show planters and some cycle parking at the front of the building, either side of the main entrance in the centre.

The floorplans indicate that the building will have some internal changes including the removal of some walls and the installation of some new ones. These changes do not require planning permission.

## Policy Considerations

### National Planning Policy Framework (NPPF) December 2024

Paragraph 2 (Primacy of development plan)  
Paragraph 11 (Sustainable development)  
Paragraph 39 (Early engagement)  
Paragraph 44 (Right information crucial)  
Paragraph 57 (Six tests for planning conditions)  
Paragraph 85 (Economic growth)  
Paragraph 88 (retention and development of accessible local services and community facilities)  
Paragraph 90 (Support town centres)  
Paragraph 96 (Social, accessible and healthy places)  
Paragraph 98 (Social, recreational & cultural services/facilities)  
Paragraph 109 (Transport impacts and patterns)  
Paragraph 115 (Assessing transport issues)  
Paragraph 116 (Unacceptable highways impact)  
Paragraph 117 (Highways requirements for development)  
Paragraph 118 (Travel Plan)  
Paragraph 187 (Natural environment considerations)  
Paragraph 193 (Biodiversity in planning decisions)  
Paragraph 195 (Effects on a habitats site)  
Paragraph 198 (Noise and light pollution)  
Paragraph 200 (Agent of change)  
Paragraph 201 (Planning decisions separate from other regimes)

### Core Strategy 2014 and Local Plan 2006

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

### Further Relevant Documents

City of Leicester Local Plan (2006). Saved policies. Appendix 1: Parking Standards

## Consultations

### Local Highway Authority (LHA)

The application site is a detached public house with an ancillary flat above and car parking for 29 vehicles. It is located within the Swinford Avenue local centre.

Adjacent to the site, is a Co-op Food store and a number of small shops, including a pharmacy and takeaway.

The site is accessed directly from Hillsborough Road. The road has a single carriageway, is unclassified, it carries a number of bus routes, and is subject to a 20mph speed limit. Hillsborough Road has footways and verges on both sides of the carriageway, is traffic calmed, and double yellow lining is apparent at locations where on-street parking has the potential to be problematic. Access to the site is also available from Swinford Avenue to the west, through the car park serving the shops. When combined, the Local Centre and pub car parks provide a total of 80 spaces.

The application is for the change the use of The Glen from a public house to a place of worship with an ancillary education centre. The proposed facility would provide a prayer and community hall on the ground floor and, on the first floor, three classrooms and a prayer room. Within the site, the car parking will be altered so that 26 car parking spaces will be provided (one of which is to disabled standards) and 12 cycle spaces.

Opening times of the premises sought would generally be between 07.30 and 23.00. However, the applicant states that there would be some exceptions when the facility would open outside these hours as prayers are determined by the position of the sun and do vary depending on the time of year. Education classes would be run between 16.00 and 20.00.

The application is accompanied by a Highway Technical Note and a Travel Plan. The purpose of the two documents is to assess the impact of the development on highway conditions and to reduce the number of single occupancy car trips by encouraging an increase the use of more sustainable modes of transport by visitors to/users of the site.

The Travel Plan submitted in support of the proposal is broadly acceptable. A Travel Plan coordinator has been appointed to promote modes of transport other than the private car and that coordinator is already working with the Council on this matter. However in the light of representations received, the Highway authority considers the travel plan could be improved through inclusion of more explicit parking management measures.

According to the applicant, their existing premises has an average of 50 to 100 service users attending the site during an average weekday, with the numbers increasing to around 200 during Friday prayers. Both the Highway Technical Note and the Travel Plan contain a table summarising a survey of the travel patterns associated with the existing premises and users. The table indicates that 85% of service users walk to the site and the remaining 15% arrive by car. The applicant suggests that this would result in 20 cars at the busiest time.

The applicant notes that the Council do not set out any specific parking standards for places of worship to review the scheme against. However, the closest available land use is considered to be 'D1 Non-residential institutions/D2 leisure' uses (now Class F1 & Sui Generis) which generate a demand for 1 space per 22sqm. The floorspace of the building is 448sqm. In order to comply with this standard 20 spaces are



needed. With 26 spaces within controlled land, more than adequate parking is available within the site to comply with these current standards.

For cycle parking the standard for:

‘D1 Education’ is 1 space per 5 students (year 7 and above) plus 1 space per 10 staff.

‘D2 Leisure’ is 1 space per 10 staff plus 1 space per 20 visitors.

For ‘All other uses’ spaces should be ‘determined on their individual merits.’

With this policy and the information provided by the applicant it is difficult to make a strong prediction as to how many cycle spaces should be provided. However, with 12 cycle spaces proposed within controlled land and plenty of space for further cycle parking if needed, I consider that adequate cycle parking will be available and can be made available if demand is high.

As previously mentioned, peak times for the proposed premises are likely to be Friday prayers. This occurs early in the afternoon, outside peak hours for the surrounding roads. The site is in a sustainable location, being within a residential area so within walking distance of many dwellings and with a number of bus routes running on Hillsborough Road. There are also opportunities to cycle to and from the site. In addition, use of the site in the PM peak is not anticipated to exceed that which could potentially occur should the public house use resume.

The impact on the highway network is acceptable, subject to submission of a revised Travel Plan details to better address parking management issues along with , cycle parking and car park provision also being secured by way of condition.

#### Environmental Services, Noise Team

I have read through the report and reviewed the application. It is my view that the proposed change of use will have a negligible impact on the existing acoustic environment. I am satisfied that the noise impact assessment has been carried out with worst case scenario in mind and given a realistic depiction of how the proposed use will impact the surrounding areas.

Section 6 of the conclusion of Noise Impact report by Astill Planning; Project Reference No: NP-011844 states; “Providing the facility is operated as specified in the report, the level of impact is not expected to exceed ‘No Observed Adverse Effect Level’ (‘NOAEL’) when assessed with the NPPF and NPSE”.

So, regarding the noise impact from vehicles and patrons’ comings and goings it is accepted that there would not be a huge difference in the amount of noise emanating from the premises compared to when it was a public house. Therefore, this issue has been addressed by the assessment and there are no concerns.

It is also understood and cited in the report that “there is no proposal for there to be a ‘call to prayer’ and the applicant suggests the following condition be imposed”, so I propose the following condition to correlate with this:

There shall be no external amplified call to prayer or aural announcement of activities to take place or taking place within the building. (In the interests of

residential amenity and in accordance with saved policy PS10 and PS11 of the City of Leicester Local Plan.)”.

I am satisfied that the existing building envelope (as shown in Table 7) will be sufficient to mitigate noise within the premises, providing it does not exceed the proposed noise limit displayed in Table 9. This recommendation should be adhered to.

To help ensure this and mitigate any noise breakout from the premises impacting nearby residences I recommend the following condition:

All the doors and windows to the building shall be kept closed at all times when amplified music/voice is occurring within the building, except to allow access or egress.

To conclude, I support the findings in the acoustic report and with the conditions I have recommended, the Noise and Pollution Control Team anticipate a negligible impact from the site and have no further concerns.

## Representations

### INDIVIDUAL REPRESENTATIONS -

Over 870 individual objections have been received with the following concerns:

- Principle of development:
  - o The proposal would result in the loss of a community asset/ valued community space.
  - o Loss of first floor flat
  - o The site is a heritage asset so should stay as a pub
  - o Questions the need for a place of worship in this location due to existing places of worship close by, and the site being in an area shown in demographic data of having a low Muslim population.
  - o There are already a high number of places of worship in Leicester, notes around 75 Mosques
  - o The proposal use would only be used by a small number of the community and would not be for the majority of the community.
  - o The use is incompatible with the existing character and heritage of the area.
  - o Requests a different type of use is proposed, some requests were the retention of the public house, affordable housing, or a non-religious based community or educational facility that can be used by the majority of the community.
  - o Consider it would be better located away from residential uses
- Traffic and parking
  - o Notes existing issues with traffic and parking (including illegal parking) in the locality, particularly due to the school and park nearby and on Friday due to the existing prayer facilities at the local community centre.
  - o Inadequate space for disabled parking

- Concerns the scheme would result in additional traffic and parking issues that would exacerbate those issues at current and result in:
    - Pedestrian and vehicular safety, particularly to children, older people, and those with disabilities
    - Obstruction to emergency service vehicles and buses/ bus routes
    - Impact on people accessing existing facilities nearby (park, school, and shops)
    - Threat to local businesses
  - Concerns with the transport assessment
    - Questions accuracy that only 5% of users will travel by car
    - There is no way to limit the number of users attending
  - Concerns with travel plan
    - Concern travel plan will not be adhered to
    - Doesn't state how single occupancy vehicles will be reduced
  - School have an agreement with CO-OP about using the car park as an "overflow".
  - Concerns illegal parking will not be enforced
  - Request traffic calming measures and crossings are implemented
- Noise and disturbance
- Concerns the site will have late opening hours and there will be disruption from comings and goings and the call to prayer
  - There will be an increase of footfall from outside of the area causing additional disturbance
  - The noise assessment hasn't taken into account the proposed hours of use
  - The existing uses could have noise impacts on the place of worship
  - Noise assessment was carried out on the weekend
  - Noise assessment assumes that only 25 vehicles will travel to site for Friday prayer
  - Requests data that of the noise levels generated through call to prayers
  - There is no way to limit the number of users attending
  - Will impact Saffron Lane cemetery
- Other matters:
- The building is not derelict contrary to other comments and is occupied
  - It would be over development
  - Could set a precedent for other mosques
  - Development could be contrary to existing zoning laws
  - Development would result in damage to the roads
  - Requests repairs are made to existing defects in the road
  - Requests compensation to allow residents to have their own off-street parking
  - Additional vehicles would result in increased pollution
  - Existing trees have been cut down without permission
  - Could impact on existing biodiversity in area, specifically mice
  - Notes there are existing issues with antisocial behaviour and crime in the area which could be exacerbated by the proposal

- The development would increase community conflict
- The proposal is already causing community conflict
- Proposed use could be intimidating and/ or result in safety concerns to some members of society
- Could result in littering and attract vermin
- Design is not in keeping with character of the area
- Impact on house prices
- Fire safety concerns due to high capacity
- Loadbearing concerns due to high capacity
- Site could be extended in future
- Risk of damage to public house
- People will want to move out of the area
- Land belonged to Lady Jane who left it to the public so questions how was it put up for sale
- Believes there is something in place which restricts the site to a pub only
- Request decision is determined via vote buy ward residents
- Objection letters were received late (LCC didn't send one to this objector)
- Concerns Blaby District Council hasn't been consulted on the application or residents within Blaby District Council
- Concerned people who do not have internet cannot make comments on the application
- No site notices were in place
- No community engagement by applicant

Over 250 supporting comments have been received with the following comments:

- Principle of change of use:
  - There is a need for a place of worship in this area and ancillary facilities:
    - A space large enough for the number of worshippers in the area
    - Space to conduct worship on a daily basis, the current location only facilitates prayer space on Fridays
    - Dedicated women's and children's worship space
    - Education and library space
    - A place for community events
    - Dedicated ablution space
  - It will provide facilities for all of the community (such as food banks)
  - It will bring a vacant unit back into use
  - The existing site being vacant implies it wasn't viable
  - Support the increasing Muslim community
- Highway and parking
  - The impact to highway and parking would not be dissimilar to the existing pub
  - The place of worship would be within walking distance for many residents who currently have to drive to places of worship further away (reduce co2 emissions)
  - The prayer would not intersect school run times

- Parking issues can be addressed via conditions or agreements
- There have been no concerns raised regarding highway impact for the existing use on Fridays
- Noise and disturbance
  - There will be no late night/ early morning prayer
  - Noise issues will be no worse than if it was a pub
- Other matters
  - It will reduce crime and antisocial behaviour by bringing the vacant site into use
  - Pub generated anti-social behaviour when open
  - The development will improve membership
  - Questioning why the application is being addressed in the media
  - Development would increase house prices
  - It will improve community cohesion and integration within in the area and teach others about Islam
  - The proposed development is well designed
  - Will bring financial investment into area

Comments have been received with concerns and support already consolidated in the bullet points above. Requests were also made for the publicity period to be extended, to be present at any meetings and fundraising events.

## REPRESENTATIONS FROM ELECTED PERSONS –

Councillor Pickering has also objected to the scheme with the following concerns:

- Principle of development:
  - The proposal is not reflective of the demographic or cultural makeup of the area and does not align with the established needs of the local community.
  - Lack of demonstrated demand or significant request from the wider community for such a facility.
  - The facility will host specific religious and cultural events so not relevant for all communities contrary to policy CS08 of the Core Strategy
  - The development could result in tension between different demographics resulting in a lack of community cohesion.
  - Requests an alternate use such as housing
- Traffic and parking:
  - Additional congestion through the additional footfall from the proposed use
  - Impact on pedestrian and vehicular safety (close to a school and park)
  - Additional parking could impede on pedestrians particularly those with increase mobility issues
- Noise:
  - Increase noise and disturbance through number of people coming and going from the premises and slamming of car doors

- Noise generated from the building such amplified music, call to prayer, and any additional events proposed (e.g weddings)
- Other matters:
  - Additional antisocial behaviour
  - Existing issues regarding waste management on site
- The following conditions have been requested from Councillor Pickering:
  - Travel and Parking Plans: Clear designation of parking spaces for worshippers versus shoppers.
  - Noise Control: No amplified calls to prayer, religious celebrations, or fireworks.
  - Restricted Delivery Times: Service and delivery vehicles should be limited to off-peak hours.
  - Sustainable Travel: Promotion of walking and car-sharing to reduce congestion.
  - Site Management: Doors and windows should remain closed during events to prevent noise leakage.
  - Litter and Food Waste Management: Robust waste management measures to prevent litter and vermin.
  - Marshalling at Peak Times: To ensure pavements and verges remain accessible to pedestrians.
  - No amplified sounds outside of the building will not be permitted and that this is honoured in perpetuity, in the future

A comment has been received by MP – Shockat Adam who has requested that the application be determined via the Planning and Development Committee regardless of the officer recommendation.

## PETITIONS –

A petition with 328 signatures supports the scheme for the following reasons:

- The existing facilitate is not large enough for the demand, specifically for women, children, and the elderly
- The existing places of worships close by are oversubscribed and there is a waiting list
- There is a lack of ancillary facilities needed such as educational facilities, ablution

Whilst no petition has been received by the Local Planning Authority, my attention has been brought to an online petition made on change.org with 2568 signatures so far objecting to the scheme for the following reasons:

- Wish to preserve cultural heritage
- Wish to retain the existing public house
- Notes a high number of existing number of places of worship

## Consideration

### Principle of the loss of Public House (Sui Generis):

Under the current local plan, the area of shops on Hillsborough Road and 'The Glen' public house is designated as a Local Centre (Swinford Avenue Local Centre). Core Strategy policy CS11 (b) seeks to safeguard the retail character and function of centres by resisting development that would detract from their vitality and viability. Part d) of CS11 states that *'food and drink facilities will continue to be supported in centres to meet demand and add vitality and diversity.'*

National Planning Policy Framework paragraph 88(d) states *'Planning policies and decisions should enable, d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

Despite Swinford Avenue Local Centre being a relatively small local centre, the 2021 Retail Study undertook a health check, and considered it to be a vital and viable local centre. At that time, there was just one vacant unit on Swinford Avenue, but March 2022 the public house closed and has been vacant since. In October 2023, the Council undertook a survey of uses in the local centre and found in addition to The Glen being vacant, there were two vacant units on Swinford Avenue.

A marketing report has been submitted by the applicant, written by the estate agents who marketed the property. They note whilst there was interest from a number of parties there was *'No substantive interest from parties interested in continuing trading the property as a public house'*. Interest however was expressed in using the site for other purposes. This indicates that if alternative uses to a public house are not allowed, then the public house may remain vacant, and this will undermine the vitality of the local centre. As such the loss of the public house is acceptable in principle.

I note a high number of objections have been raised with concerns regarding the loss of the public house, stating that the site is a valued community space and part of the areas heritage and character. However, with reference to the marketing statement and the vacancy period I consider that there is little evidence to suggest a Public House would be still viable in this location and it would be unreasonable to find the loss of the public house unacceptable on this basis.

At first floor level there is an ancillary flat to the public house. Concerns have been raised regarding the loss of this residential unit however given it is an ancillary use and not a self-contained dwelling I do not consider the loss of this flat would be unacceptable.

Concerns have been raised stating that the public house is a heritage asset so should remain as this use. The public house however is not a heritage asset nor is it designated as an Asset of Community Value.

### Principle of a place of worship in this location:

The most desirable uses within Local Centres are commercial uses as these contribute the most to the vitality of the centre. However National Planning Practice Guidance states that *"A wide range of complementary uses can, if suitably located, help to support the vitality of town centres* [town centre in this instance includes city

and town centres, district and local centres], *including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development.*" The proposed use of the site as a place of worship with ancillary education is a community use, and whilst not specifically mentioned within the paragraph above, would generate a high level of footfall to the Local Centre several times throughout the day. I consider this level of coming and going would help to support the vitality of the Local Centre and the Place of Worship would be considered to be a complimentary use in this instance.

I consider that both the existing and proposed uses can be considered consistent with the expectations of NPPF paragraph 98 which says the council should:

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, **public houses** and **places of worship**) and other local services to enhance the sustainability of communities and residential environments;*
- b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*

Core Strategy Policy CS08 "Existing Neighbourhoods" is supportive of new community facilities where they meet the identified needs of local communities and have a viable long-term management and funding proposal. It says that '*In considering proposals for new places of worship the Council will take account of the demand for it within the local neighbourhood, the scale of activities for which it is likely to be used and the nature of the area around it.*'

Concerns have been raised regarding the principle of the place of worship. Many objectors fail to see a need for any place of worship in this location or more specifically the type of use class proposed (Mosque). This is in part stated to be due to the existing total number of places of worship and Mosques in the area and stated to be due to the existing demographic within the area. Whilst the number of objections are substantial, I am also in receipt of a community needs assessment which establishes a lack of necessary facilities within the Eyres Monsell Community Centre, particularly for ablutions and sufficient capacity for annual celebrations. The assessment describes significant waiting lists for classes provided at the centre and the lack of timetable capacity to offer space for all the activities that the Eyres Monsell Community Foundation would like to provide. Evidence of significant demand within the area for a local place of worship has been provided, along with an outline of the management structure and revenue streams for the proposed place of worship. This indicates that the change of use will meet a need and is likely to keep the existing building in use for the foreseeable future. This is supported by a high number of supporting comments expressing a need for a Place of Worship in walking distance. These supporting comments exceed the maximum capacity of the Place of Worship and evidence a need within the area.

Concern has been raised by some objectors to the scheme, that this place of worship will only meet the needs of some people in the community; specifically, those who identify as Muslim. This is true of many uses. For example, many places of worship will serve distinct elements of the community and commercial uses such as public houses only meet the needs of those who want to use them.



Objections have also been received requesting an alternate use is proposed instead. Whilst some uses requested were more desirable in planning terms the application before me is for a place of worship and it falls to be determined- it would be unreasonable to refuse an acceptable scheme on the basis that a different use would be preferable in planning terms, especially where there is no application for such a use.

### Character & appearance

Despite both objections and supporting comments referring to a new building being constructed in place of the public house the scheme does not involve any material external changes to the property. The character and appearance of the area will be maintained.

### Residential amenity

Firstly, I note that the existing planning use class of the site is as a public house at ground floor and there are no limiting planning conditions controlling its use. Whilst the site has been vacant for some time, in planning terms the site could be brought back into use as a pub at any time and produce noise impacts to surrounding residential properties on a regular basis and during anti-social hours. The closest properties on Monmouth Drive and Swinford Court would be particularly liable to experience noise impacts from use as the public house, if amplified music was played or raised voice from patrons occurred, as would likely be the case.

The proposed use as a place of worship would have the potential for noise impacts if there were social events or functions taking place or generally from raised voice/music in the building and its use may take different patterns in terms of times of gatherings and numbers of attendees. Requests have been made for windows to and doors to remain closed during the use of the site however such a condition could not be enforceable and does not meet the tests for planning conditions and therefore unreasonable.

A noise impact assessment has been submitted which concludes that that there would be limited noise impacts from congregational noise within the building to surrounding residential properties to all sides. The noise pollution officer and I have reviewed the content of the assessment and agree with its conclusions in this regard. As such, and given the potential for noise from the lawful use, I conclude that there would be no unacceptable noise/disturbance harm to neighbours from use of the building for the intended purposes. The submitted Planning Statement states in para 4.40 (page 17) that '*There shall be no external amplified call to prayer or aural announcement or activities to take place or taking place within the building*'. This can be reasonably secured by condition.

Other differences in disturbance impacts may occur from comings/goings and use of outdoor areas for events associated with the place of worship. I am concerned that events using the curtilage of the site could occur more frequently than with a public house and that this could cause disturbance on the closest neighbours. I therefore recommend a condition to the effect that the hardstanding around the site and the grassed area to the south of the building shall not be used for any formal scheduled activities including worship, religious events, weddings, classes or community events.

There would be an overall increase in floorspace used for activities at the site that could increase the comings and goings to and from the building because of the use of both the ground and first floors for communal activities as opposed to only the ground floor at present. As the site is within a designated local centre background noise from comings and goings would be anticipated from most other acceptable uses and would not be considered unacceptable during more sociable hours.

The documentation submitted with this application indicates that opening times of the premises would generally be between 07.30 and 23.00. With the recommended conditions above, I consider that such hours of use are unlikely to significantly impact residential amenity beyond what would be expected from the previous use. However, the applicant states that there would be some exceptions, when the facility would open outside these hours, as prayers are determined by the position of the sun and do vary depending on the time of year. The planning statement states that the earliest time for prayer (Fajr) would occur between 03:00 – 04:30 in the summer months and 06:30 – 07:30 in the winter months, though the level of attendees would be anticipated to be much lower than at other times of the day. A condition was recommended by the applicant to restrict the hours of use to 07:30 while 23:00 but excluding prayer from this. However, given the proximity to dwellings, and the size of the site I would have concerns about comings and goings causing general disturbance to residents early in the morning when the prevailing background levels in the area are much lower. I am mindful that due to the proposed use as a Mosque it would be acceptable for prayer purposes to be allowed during the Holy Month of Ramadan. With this in mind I consider a condition limiting the hours of use to 07:30 while 23:00 other than for prayer during Ramadan would be most appropriate and balance concerns raised.

#### Highway & parking matters

A substantial number of concerns have been raised regarding the impact of the development on parking and highway safety. National planning policy framework states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

Information on likely travel patterns for the proposed use is provided in the comments from the Local Highway Authority (LHA) earlier in this report.

The application is purely for a change of use of an existing premises; it does not involve the creation of new facilities. Information has been provided indicating how those who attend Eyres Monsell Community Foundation events currently travel (largely at the Eyres Monsell Community Centre) and how they are likely to travel to the proposed venue.

A Travel Plan to manage travel by those attending activities has been provided and is considered broadly to be acceptable. It will help to encourage a shift away from single occupancy car use towards alternative forms of travel such as walking, cycling, public transport and car sharing. It will also help to mitigate the impact on the

highway network of peak times (that venues of nearly all types tend to experience) such as Friday afternoons.

However to respond to concerns received in respect of parking management I consider that further measures are required and recommend a condition requiring submission of an amended Travel Plan to include arrangements for car parking management and stewarding.

In respect of highway traffic management, the only people with legal powers to direct traffic activity on the highway are the police. Planning control through conditions can only be applied to land under the control of the applicants.

If parking issues do arise, then we have processes in place for additional enforcement, and if necessary on street parking can be controlled and managed through the preparation and adoption of further Traffic Regulation orders by the local Highway authority. Subject to the full implementation of the revised Travel Plan including monitoring and updating in consultation with the Travel Plan Monitoring Officer within the Local Highway Authority, the cycle parking and continued provision and management of the car park, I consider that the impact of the scheme upon the highway network to be acceptable. It would be difficult to demonstrate that approval of the proposal would compromise the Local Highway Network to such an extent as can be considered unacceptable, in accordance with NPPF paragraph 116.

### Nature Conservation

The proposed change of use is unlikely to impact any habitat or areas of the existing building that have potential to support protected species. However, as a precautionary measure, I recommend that the applicant be advised of the law regarding protected species, in order to reduce the likelihood that harm be caused. This can be done by way of a note to applicant.

### Other Matters

Turning to Matters that have been raised by the representations that are not otherwise covered in the report above.

Publicity and Determination of the application are being carried out in accordance with usual procedures. The application has been publicised in accordance with the Development Management Procedure Order and the application is to be determined at the Planning and Development Committee as per Leicester City Council's Scheme of Delegation. Those without the internet notified of the application were provided with a postal address of where to send letters to and details of how to see the plans. The level of representations received confirm a wide public awareness of the proposal.

A lack of community engagement between the applicant and neighbouring residents is not a statutory part of the planning process it would be unreasonable to refuse the application on this basis alone.

Fire safety, house prices, residents moving in and out of the area, the load bearing capacity of the building, damage to the building, removal of trees, wear and tear to roads, nor any restrictions within the land covenant are not material planning considerations.

Given the development would not include works to the highway it would be disproportionate to request any monetary contributions for works to the highway. The site is not within an air quality management area. Any additional pollution arising from the additional trips to and from the site would not be so significant to warrant a reason for refusal.

Regarding concerns about waste management, I consider that the scheme would likely result in less waste than the site's lawful use as a public house. The existing provision on site is acceptable in terms of waste management and storage. There is no evidence before me to suggest that the proposed use would result in increased littering on and around the site or result in pest problems. Any such issues can be reported via the 'Love Clean Streets' webpage or application.

This application does not set a precedent for future extensions to the site or the change of use of other sites to places of worship. Each application is assessed and determined on its own planning merits.

There are no zoning laws within the English planning system.

Regarding discussions about the proposal causing / decreasing community cohesion and / or antisocial behaviour and / or general safety issues, there are no planning reasons before me to evidence the development would result in either increased or decreased community cohesion, safety, or antisocial behaviour.

## Conclusion

As a public house, the building has provided a recreational service to the community since the 1950's. It has provided a use that has contributed to the vitality and viability of the Swinford Avenue Local Centre. However, there are good reasons to believe that demand for its service has been falling and a public house is no longer a viable use, especially given that the site has been vacant for some years now.

The scheme takes the opportunity use this building for a new use that is acceptable in a local centre and will provide a service to the community for worship and education. There are good reasons to believe that there is demand for this service, that it will be a viable use for the foreseeable future and that it will contribute to the vitality and viability of the Swinford Avenue Local Centre.

The scheme is likely to ensure that the building will continue to be used for the foreseeable future and therefore will continue to make a positive contribution to the character and appearance of the area.

The scheme is acceptable in terms of the impact on the highway network, nature conservation, and the amenities enjoyed by the residents of neighbouring dwellings.

I consider that the proposed development complies with the NPPF and relevant Core Strategy and saved Local Plan policies.

While it is regrettable to lose a public house, on balance I consider that the benefits of the proposed place of worship clearly outweigh the harm. Given the good reasons to believe that the public house is no longer a viable use and the acceptability of the proposed place of worship, I consider it would be extremely difficult to maintain a refusal of this application at appeal.

I therefore recommend that this application is APPROVED 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 use shall not be carried on outside the hours of 07:30 while 23:00 daily except for the use of the Prayer Halls during the Holy Month of Ramadan. (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.)
3. No amplified call to prayer or aural announcement of activities shall take place at the site at any time. (In the interest of the amenity of neighbouring residents and in accordance with saved policy PS11 of the City of Leicester Local Plan).
4. The hardstanding around the site and the grassed area to the south of the building shall not be used for any formal scheduled activities (for example worship, religious events, weddings, classes or community events) at any time during the lifetime of the use. (In the interest of the amenity of neighbouring residents and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).
5. Notwithstanding the submitted Travel Plan, no part of the development shall be occupied until a revised Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council.

The plan shall

- (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries;
- (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as a single occupancy vehicle users, so that all users have awareness of sustainable travel options;
- (c) identify marketing, promotion and reward schemes to promote sustainable travel;
- (d) provide details on how (i) parking will be allocated, provided and managed during the use of the building in accordance with the approved site layout; (ii) how the use of the parking provision will be stewarded and managed to ensure the flow of vehicles into the site will be efficiently managed so vehicles can enter the site unhindered and do not have to unduly wait or queue within the highway (iii) how off-

site parking will be monitored and discouraged, and (iv) how the route through the site will be maintained for access;

(e) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02 and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy)

6. Prior to the commencement of use, the parking & service area shall be provided in accordance with the approved plans. The parking & service area shall be retained and kept available for those purposes at all times. (To ensure that parking & servicing can take place in a satisfactory manner; and in accordance with saved policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS03)

7. Prior to the commencement of use, the approved cycle parking shall be provided. It shall be retained thereafter. (To promote the use of sustainable means of transport and in accordance with saved policies AM02 & AM11 of the City of Leicester Local Plan).

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

- Proposed Block Plan, 1416 - MPD - PLA - DR – 1100, received on the 13th of March 2025

- Proposed Ground Floor Plan, 1416 - MPD - PLA - DR – 1200, Revision P01, received on the 6th of February 2025

- Proposed First Floor Plan, 1416 - MPD - PLA - DR – 1201, Revision P01, received on the 6th of February 2025

- Proposed Roof Plan, 1416 - MPD - PLA - DR – 1202, Revision P01, received on the 6th of February 2025

- Proposed Side Elevation Plan, 1416 - MPD - PLA - DR – 1300, Revision P01, received on the 6th of February 2025

- Proposed Front and Rear Elevation Plan, 1416 - MPD - PLA - DR – 1301, Revision P01, received on the 6th of February 2025

(In order to ensure compliance with the approved plans.)

#### NOTES FOR APPLICANT

1. 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.

With regards to the Travel Plan, the contents of the Plan is intended to raise the awareness and promote sustainable travel. The applicant should contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk) for an further advice.

2. The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works, whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.

Further information on bats and the law can be found here [Bats: protection and licences - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

3. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the Local Planning Authority. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time. Further information on birds and the law can be found here - [Wild birds: protection and licences - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_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.
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_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_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.

- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.
- 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.







## COMMITTEE REPORT

<b>20242143</b>	<b>16 Plantation Avenue</b>	
Proposal:	Retrospective application for the construction of a single storey outbuilding at rear of house for use as gym/office/music room (Class C3)	
Applicant:	Ms Susan Jane Holcroft	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	25 March 2025	
DJ	TEAM: PD	WARD: Aylestone



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### Summary

- The application is brought to committee as more than 5 objections have been received.
- The main issues are the intended use of the proposal and its impact on the residential amenity of neighbours.
- The application is recommended for conditional approval.

### The Site

The property is a semi-detached property in a residential part of the city. There are a number of trees on the site and nearby. However, none of these are protected by

Tree Preservation Order. The site is in an archaeological alert area (former sand pit 1880-1920) and a landfill buffer zone.

## Background

No previous applications on the site.

## The Proposal

The retrospective application is for the construction of an outbuilding within the rear garden of the site. The outbuilding is 7.5m wide, 5.7m deep, 2.4m high to the flat roof and eaves at the front; and 3.3m high to the gable at the front of the outbuilding. The outbuilding is shown to be used as an office, gym and music room with shower room.

## 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)

### 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)

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

## Representations

7 objections have been received from 6 Leicester addresses, including an objection from Cllr Porter. The objections raise the following concerns:

### Principle and use

- Use class appears to be incorrect
- Built prior to submission of application
- Could be used for overnight accommodation
- Use of site as short term let accommodation
- Quality of materials means likely to be lived in year round

### Design

- Exceeds maximum height levels
- Roof materials don't match what's shown on plans
- Ignored requirements to be under 2.5m high and more than 2m from boundary fence
- Fence higher than permitted levels erected on site
- Over development of the site

### Amenity

- Loss of privacy to neighbours
- Increase in noise to the area
- New noises to garden including toilet and shower

### Drainage

- Site is subject to flooding
- Sewage drainage and water supply pose risk to flooding

### Nature

- Trees and shrubs removed despite stating otherwise

### Other

- No fire protection to protect neighbouring properties and no reference to fire ratings
- Loss of views from garden
- No inspection from authorities
- Works completed during inappropriate times of the day
- Devalues houses in area
- Start date on application form is incorrect
- Driveway blocked during construction
- Disruption to neighbours during construction
- Will contact Local MP if planning permission is granted
- Rented property with owner living outside Leicester
- The proposal should be considered as a new dwelling within the garden
- New dwelling fails to comply with Policy H07 of the Saved Local Plan
- New dwelling provides insufficient information and living conditions
- New dwelling would increase vehicle movements in an area with significant parking pressures

- Approving the application would cause a lengthy and costly enforcement process when it inevitably begins to operate as an independent rental property.

1 letter of support is received which raised the following points:

- It is a large garden shed
- Would never be rented out to anyone else
- Only benefits current occupier
- Would create no traffic or sound pollution
- Constructed using high quality materials
- More eco friendly and sustainable than a shed
- Good quality
- Increase value to neighbourhood

## Consultations

No consultations with statutory/non statutory consultees necessary.

## Consideration

### Principle of Development:

The proposal is for an outbuilding associated with an existing residential use in a residential part of the city and is acceptable in principle.

Objectors raised concerns that the proposed outbuilding would be used as a self-contained unit, possibly for short term let accommodation. However, no evidence has been submitted with the application to indicate that this is the case, and the proposal is assessed on its own merits.

Provided the use is residential and ancillary to that of the main dwelling house, there is no substantive policy issue with the proposal.

Applications should be determined on the basis of the facts of the case as opposed to speculation over potential future uses which would need separate consideration should a breach of planning control actually occur.

### Character and Design:

Due to its size, design and location, the building is clearly subordinate to the main dwelling and not an uncommon development in rear gardens. The difference in land levels between the rear of neighbouring properties and the development and the screening offered by retained trees means that the development does not have an overbearing impact. I do not consider that there is unacceptable harm to either the site itself or to the wider street scene.

Objections have been raised in relation to the proposal exceeding maximum heights and being closer than specified distances to the boundary. However, these references to heights and distances are understood to relate to Permitted Development Rights which, if the outbuilding complied with, planning permission would not be required. Development larger than these rights is not necessarily intrinsically unacceptable, but will need to be assessed through the submission of an application for planning permission.

Objections also refer to the height of the completed boundary treatment. However, this boundary treatment is not subject of the current application and the plans note that it is existing. Were an alleged contravention be reported an assessment would be made as to whether the fencing was permitted development, and if an application for planning permission was required through which the acceptability or otherwise of the boundary treatment would be assessed.

As such I consider the development is acceptable in relation to Core Strategy policy CS03 and paragraphs 135 and 139 of the National Planning Policy Framework in this respect.

#### Impact on amenity of neighbouring properties:

The adjacent dwellings are 15 and 17 Plantation Avenue and 53 and 26 Holywell Road.

The development is approximately 25m away from the rear elevations of 15 and 17 Plantation Avenue and at this distance would not have an unacceptable impact on the outlook from, natural light to or privacy of these addresses.

26 and 53 Holywell Road do not face directly the development with the rear of the outbuilding facing the direction of the end of Holywell Road and with the frontages of both properties either side of this road. The proposal will have a negligible impact on the outlook from, natural light to and privacy of these addresses.

As the development is a residential outbuilding within a residential area there would not be a substantial increase to the levels of noise from the use of the building over and above what would be expected at a residential property.

As such I consider the development is acceptable in relation to saved City of Leicester Local Plan policy PS10 and paragraph 135 of the National Planning Policy Framework in this respect.

#### Amenity of the host property:

The development is sufficiently far away from the rear of the host property so as to both ensure that the outlook remains acceptable and a suitable amount of outdoor amenity space is retained.

#### Highways and parking:

The proposal will not result in an additional need for parking and will not have any impact on the proper functioning of the highway.

#### Drainage/Flooding:

An objection was received about the site being within a flood risk area. The site is located within Flood Zone 1 and the risk from flooding is low. The site is not in a Critical Drainage Area. A Flood Risk Assessment is not required for the site.

It is unlikely that the development substantially increases the level of flooding on the site or within the wider area.

#### Trees:

An objection was received concerned that trees and foliage were removed as part of the works completed.

There are no protected trees on the site, nor is the site located within a conservation area. Any trees that were in the footprint of the building have already been removed and could have been done so without consent. I consider it would be unreasonable to refuse the application on this basis.

#### Protected Species and Biodiversity Net Gain:

An application in a location with reasonable levels of foliage would normally require an ecology survey to ensure there is no damage to protected species. However, as the works have already been substantially completed, I consider that requesting such a survey would be necessary and cannot be reasonably required. Nevertheless, I recommend a note to applicant making sure that the applicant is aware of their legal responsibilities in relation to the protection of bats.

As the application is an application for householder development it is exempt from the statutory requirement to provide 10% Biodiversity Net Gain.

#### Other concerns raised in objections:



Fire safety standards are not material to the consideration of this planning application and subject of other legislation.

A site visit was carried out as part of the assessment of the application.

The specific start date for the works is not a material consideration for making a decision on this application.

I do not consider the proposal to be unacceptable in respect of the views from neighbouring properties.

#### Conclusion:

I therefore recommend APPROVAL subject to the following conditions:

#### CONDITIONS

1. The detached outbuilding shall not be used as living accommodation, shall only be used incidentally to the main house and shall not be used independently of the main house. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan.)
2. Development shall be carried out in accordance with the following approved plans:  
Drawing 005 Rev A - Proposed Floor Plans - Received 12/12/2024  
Drawing 006 Rev A - Proposed Elevation and Roof Plans - Received 12/12/2024  
Drawing 007 Rev A - Proposed Elevation Plans - Received 12/12/2024  
Drawing 008 Rev A - Proposed Relationship to Main House - Received 12/12/2024  
(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 property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls. Further information on bats and the law can be found here Bats: protection and licences - GOV.UK ([www.gov.uk](http://www.gov.uk))
4. 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**

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