



Leicester
City Council

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

DATE: WEDNESDAY, 2 JULY 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 Dr Moore (Vice-Chair)

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

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

For Monitoring Officer

Officer contact:

**Jessica Skidmore, Governance Services Officer / Sharif Chowdhury, Senior Governance
Services Officer,**

e-mail: committees@leicester.gov.uk

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

Information for members of the public

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings, City Mayor & Executive Public Briefing and Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk, from the Council's Customer Service Centre or by contacting us using the details below.

Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

Braille/audio tape/translation - If you require this please contact the Governance Services Officer (production times will depend upon equipment/facility availability).

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Governance Services Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at www.leicester.gov.uk or from Governance Services.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Governance Services Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact: committees@leicester.gov.uk or call in at City Hall.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**.

PUBLIC SESSION

AGENDA

NOTE:

This meeting will be webcast live at the following link:-

<http://www.leicester.public-i.tv>

An archive copy of the webcast will normally be available on the Council's website within 48 hours of the meeting taking place at the following link:-

<http://www.leicester.public-i.tv/core/portal/webcasts>

FIRE / EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Governance Services staff. Further instructions will then be given.

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 1](#)

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 7 May 2025 and 11 June 2025 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix 2](#)

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) **20250186 - 6 GREEN VIEW** [Appendix 3](#)

(ii) **20250490 - MACDONALD ROAD** [Appendix 4](#)

5. ANY OTHER URGENT BUSINESS

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



Leicester
City Council

Item 3

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 7 MAY 2025 at 5:30 pm

P R E S E N T :

Councillor Surti (Chair)
Councillor Aldred (Vice Chair)

Councillor Cassidy
Councillor Gopal
Councillor Joel

Councillor Kitterick
Councillor Mohammed
Councillor Dr Moore

Councillor Porter
Councillor Singh Patel

* * * * *

1. APOLOGIES FOR ABSENCE

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

Councillor Porter substituted for Councillor Kennedy-Lount.

2. DECLARATIONS OF INTEREST

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

Councillor Porter declared an interest in the application 20242143, 16 Plantation, where he made an objection to the application and therefore would withdraw from being on the panel for the item to put forward the objection as a speaker.

There were no declarations of interest.

3. MINUTES OF THE PREVIOUS MEETING

Proposed by Councillor Mohammed, seconded by Councillor Moore.

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 2 April 2025, be confirmed as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

5. 20250228 - THE GLEN, HILLSBOROUGH ROAD, LEICESTER

20250228 - The Glen, Hillsborough Road

Ward: Eyres Monsell

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

The Planning Officer presented the report.

George Weightman presented to the Committee in support of the application.

Adrian Fields, Jo Watts and Sarah Williams spoke in objection to the application.

Councillor Pickering presented to the Committee in objection 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 Cassidy, and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted subject to conditions

CONDITIONS

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

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)

6. 20242143 - 16 PLANTATION AVENUE

20242143 - 16 Plantation Avenue

Ward: Aylestone

Proposal: Retrospective Construction of single storey outbuilding to rear of house for use as gym/office/music room (Class C3)

Applicant: Ms Susan Jane Holcroft

Councillor Porter withdrew from the panel due to submitting an objection to the application.

The Planning Officer presented the report.

Faizal Osman spoke in support of the application.

Jan Andrews spoke in objection to the application.

Councillor Porter spoke in objection to the application.

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

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report. 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 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 \(www.gov.uk\)](https://www.gov.uk/government/topics/bats)
3. 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.

7. ANY OTHER URGENT BUSINESS

The meeting closed at 19.15pm.



Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 11 JUNE 2025 at 5:30 pm

P R E S E N T :

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

Councillor Agath
Councillor Chauhan
Councillor Dave

Councillor Joel
Councillor Modhwadia
Councillor Mohammed

Councillor Orton
Councillor Singh Patel

* * * * *

1. APOLOGIES FOR ABSENCE

Councillor Surti, as Chair, welcomed those present and led on introductions.

Apologies had been received from Councillor Kennedy-Lount and Kitterick, who would be substituted by Councillors Dave and Orton.

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. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEMBERSHIP
2025/26**

The Membership of the Planning and Development Control Committee for 2025/26 was noted.

**4. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETING
DATES**

Councillor Joel highlighted typographical errors in the last few dates on the

agenda, which should read '2026' instead of '2025'

Members were requested to note the dates of forthcoming Planning and Development Control Committee meetings for the 2025/26 municipal year.

5. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that the meeting would proceed in the order stated on the agenda.

6. 20250314 - 14 BRUNEL AVENUE

20250314 - 14 Brunel Avenue

Ward: Beaumont Leys

Proposal: Change of use from dwellinghouse (Class C3) to children's residential home (3 persons) (Class C2)

Applicant: Goyal

The Planning Officer presented the report.

Mr Pawan Khorana addressed the Committee and spoke in support of the application.

Ms Christina Wright 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 Mohammed, and upon being put to the vote, the result was tied, was 5 For, 5 Against. The Chair exercised the casting vote in favour and the motion was CARRIED.

RESOLVED: That the application be approved subject to the following conditions:

CONDITIONS

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

3. 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)).
4. Development shall be carried out in accordance with the following approved plans:
Proposed Ground Floor and First Floor Plans, DRAWING NUMBER 03, received 25 February 2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:
Development 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.

7. APPEALS REPORT: 2024/5 MUNICIPAL YEAR AND APRIL TO MAY 2025

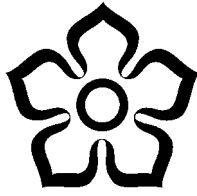
The Director of Planning, Development and Transportation submitted a report providing Member's with an update on the outcomes of appeals received in the 2024/25 municipal year and between 1st April 2025 and 28th May 2025.

Grant Butterworth, Head of Planning, presented the item, providing an overview of the report and briefly analysed the example cases included in the presentation. Members were notified that the presentation would be made available to all members after the meeting and further training on the topic could be provided upon request.

Members of the Committee noted the report.

8. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 6:46pm.



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 2 July 2025

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

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

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

4 Equalities and personal circumstances

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

5 Crime and disorder

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

6 Finance

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

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

7 Planning Obligations

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

8 Legal

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

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

9 Background Papers

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

10 Consultations

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

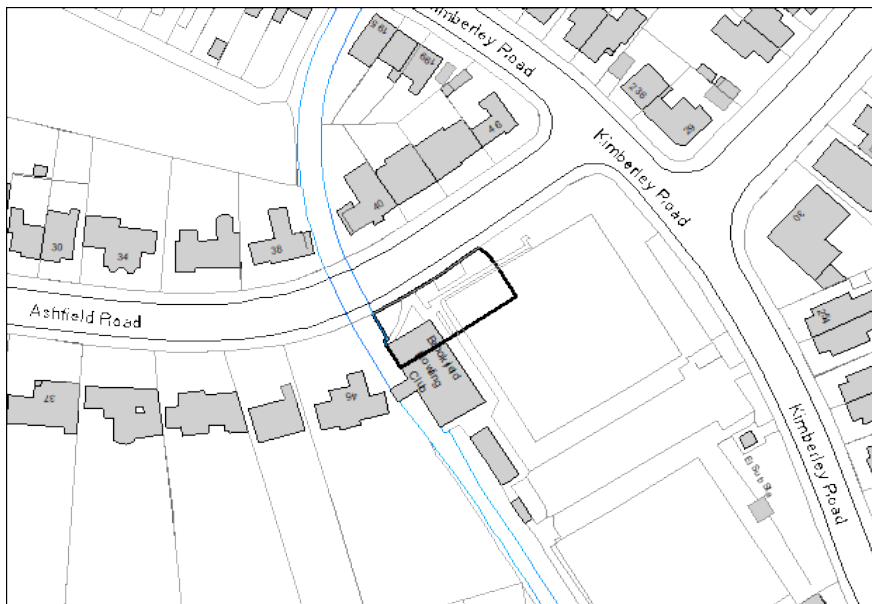
11 Report Author

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

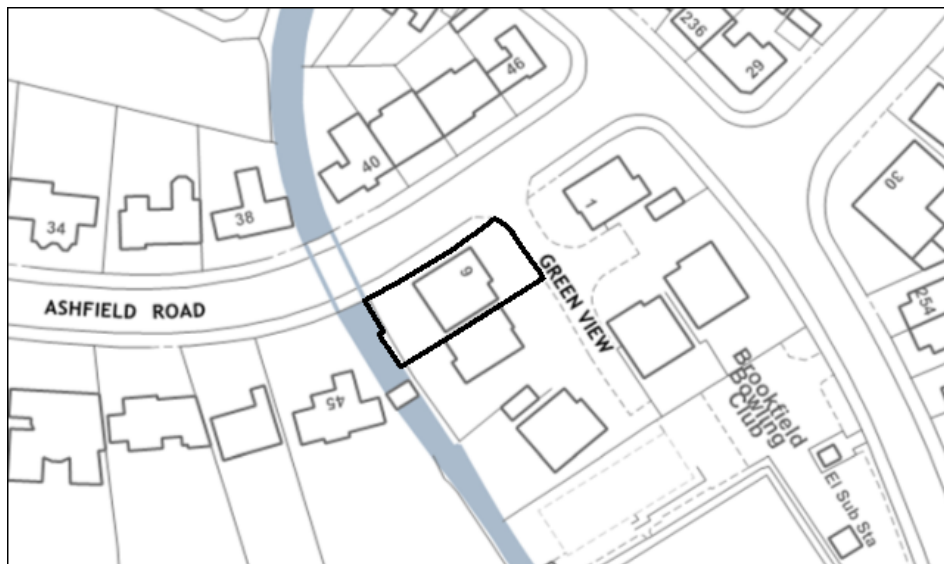
COMMITTEE REPORT

20250186	6 Green View	
Proposal:	Change of use from residential dwelling (Class C3) to residential care home (4 Children) (Class C2)	
Applicant:	Mr A Hamirani	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	31 March 2025	
DJ	TEAM: PD	WARD: Stoneygate

Ordnance Survey Base map



Updated Base Map showing Green View



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2025). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

Summary

- This application is subject to a Committee decision as 40 responses from 33 addresses have been submitted in objection to the application.
- Councillor Sood had also requested the application be referred to committee to allow consideration of impact to residents from noise and parking.
- The main issues are the acceptability in principle of the change of use; the character of the area; the amenity of neighbouring occupiers; and parking/traffic impacts.
- The application is recommended for conditional approval.

The Site

The site is an existing two storey recently constructed detached five-bedroom dwelling (Use Class C3) located on the junction of Green View and Ashfield Road which is a primarily residential area. The site is part of a small development of six dwellings constructed on part of a former bowling green.

Green View is an un-adopted road which serves the six dwellings and is accessed from Ashfield Road. To the rear of the six dwellings is the remaining part of the bowls club.

Stoneygate Conservation Area is located 200m west of the site.

To the rear of the site is Evington Brook which continues past the bowls club

The site is located within partially within Flood Zones 2 and 3b, as well as an area of surface flood 1 in 1000, a critical drainage area and is within 20m of a watercourse.

Background

20192230 - Demolition of single storey clubhouse (Class D2); construction of single storey clubhouse; construction of six two storey dwellinghouses (2x4 bed) and (4x5 bed) (Class C3) (amended plans received 14/02/2020) – conditionally approved in 2020 – works completed.

20200702 – Variation of condition 3 (Acoustic survey) attached to planning permission 20192230 to allow the survey to be carried out before slab/foundation level – conditionally approved in 2020.

20201261 – Variation of condition 20 (Submitted plans) attached to planning permission 20200702 (Demolition of single storey clubhouse (Class D2); construction of single storey clubhouse; construction of six two storey dwellinghouses (2x4 bed) and (4x5 bed) (Class C3)) to alter the design of the clubhouse; amend the site layout; alter layout of plots 1, 2, 3 and 4; alterations to fenestration of plot 6 – conditionally approved in 2020.

20210919 – Partial discharge of conditions of 20201261: condition 2 (temporary arrangement during building operations), condition 3 (Arboricultural Assessment), condition 4 (noise) and condition 5 (materials) – unconditionally approved in 2021.

20212927 – Variation of condition 20 (submitted plans) attached to planning permission 20200702 (Demolition of single storey clubhouse; construction of six two storey dwelling houses (2x4 bed) and (4x5 bed) (Class C3)) (amended plans received 15/02/2022) – conditionally approved in 2022

20213083 – Approval of details reserved by conditions attached to planning permission 20212927: condition 6 (Clubhouse materials) – unconditionally approved in 2022.

20221158 – Non material amendment to planning permission 20212927 (to allow alterations to roof materials) (amended plans received 23/06/2022) – conditionally approved in 2022.

20222091 – Variation of Condition 22 (Amended Plans) attached to planning permission 20212927 (Demolition of single storey clubhouse; construction of single storey clubhouse; six two storey dwelling houses (2x4 bed) and (4x5 bed) (Class C3)) – conditionally approved in 2022.

20230961 – Discharge of condition 11 (waste management) attached to planning permission 20212927 (demolition of single storey clubhouse; construction of single storey clubhouse; six two storey dwelling houses (2x4 bed) and (4x5 bed) (Class C3)) – Unconditionally approved in 2023.

The Proposal

The application is for the change of use from a residential dwelling (Use Class C3) to a children's care home (Use Class C2) for up to 4 children aged between 6-17 with at least 2 staff members on site at all times. The care home will have an internal floor area of 250sqm and will contain a living room, dining room, kitchen, garage, hall, utility room and W/C on the ground floor and 5 bedrooms with 3 ensembles and a bathroom on the first floor.

There is a garden area of circa 84sqm at the rear.

3 parking spaces are shown at the front of the site.

The shifts of the staff are confirmed as being 1 overnight shift and 2 daytime shifts. There will be a manager in attendance between 09:00-18:00 as well as additionally when required

Whilst no internal alterations have been confirmed, within the planning statement it is stated that the fifth bedroom will be used by staff.

No external alterations to the dwelling front/rear garden area have been proposed as part of this application.

Policy Considerations

National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 44 (Right information crucial)

Paragraph 109 (Transport impacts and patterns)
Paragraph 115 (Assessing transport issues)
Paragraph 116 (Unacceptable highways impact)
Paragraph 117 (Highways requirements for development)
Paragraph 135 (Good design and amenity)
Paragraph 139 (Design decisions)
Paragraph 140 (Clear and accurate plans)
Paragraph 187 (Natural environment considerations)
Paragraph 193 (Biodiversity in planning decisions)
Paragraph 198 (Noise and light pollution)

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

Residential Amenity SPD 2008

Consultations

Social Care – The applicant has formed an independent care company. However there is no record that Leicester City Council has a contractual relationship with the applicant, nor do they have any homes registered with Ofsted. The company was formed in July 2024 and the director appears to have no history of involvement with care companies according to companies house nor are they a registered social worker according to the Social Work England register.

With regards to crime and anti-social behaviour the location is reported as having an average crime rate. As there is no evidence of the companies experience or skills as a care provider, their ability to manage any vulnerability of resident children or anti-social behaviour that might be related is unknown.

No staffing provisions are described by the applicant and neither is the proposed occupancy. Ofsted's minimum requirement for a 2 bed home would be a double staffing and potential for car parking at shift handover for 4 staff. Highways impacts must be considered with regards to regular professional and family visitors to the home.

The new core priorities of the 2025 sufficiency strategy are:

- More children at home with their parents with intensive support and a reduction of children in care
- More children at home with their parents with intensive support and a reduction of children in care
- Working with a not-for-profit provider to grow the residential provision needed within Leicester City

Lead Local Flood Authority – No objection subject to the inclusion of a condition for Emergency Flood Planning details to be submitted and approved by the local planning authority.

Environmental Agency – No objection with the site application to be assessed using Flood Risk Standing Advice (FRSA)

Representations

40 objections have been received from 33 different Leicester City addresses.

The objections raise the following concerns:

Principle

- No need for a children's home demonstrated.
- Change of use to a business
- Business use will change the character of the area.
- Already an elderly care home and homeless shelter within the area
- Several institutional premises in area at Graysford Hall, 11 Elmfield Avenue, a homeless shelter at 10 St James Terrace and The University complex known as Brookfield that is approached from Holmfield Road
- Other care home applications within the area at 23 Linden Drive and 15 Stoughton Drive and a C3 to C4 change of use at 28 Homeway Road.

Design

- Loss of appeal and historical character of the neighbourhood
- Further degradation of the neighbourhood after loss of bowling green

Living standards

- Lack of meaningful garden
- Modern dwelling is unsuitable for institutional care home.
- A new dwelling is not suitable for children, especially with learning disabilities.
- Garden too small for four children/ young adults.
- The building is constructed of less robust materials which are unsuitable for a care home.

Amenity

- Increase in footfall.
- Increase in noise.
- Will cause loitering in surrounding streets.
- Increase in anti-social behaviour.
- Detrimental impact to the bowling green
- Detrimental physical and mental impact to the bowling green users
- Increase in littering.
- Impact of noise, parking, vehicle manoeuvring, safety and security is contrary to PS10 of the saved Local Plan

Highways/parking

- Increase in traffic.
- Traffic already congested.
- Limited parking on Green View
- There are at most 2 small/medium parking spaces not 4.

- Application does not take into account visitors to the site beyond children and carers.
- Insufficient space for vehicles to park on street
- Children will be individually taxied to schools.

Other Matters

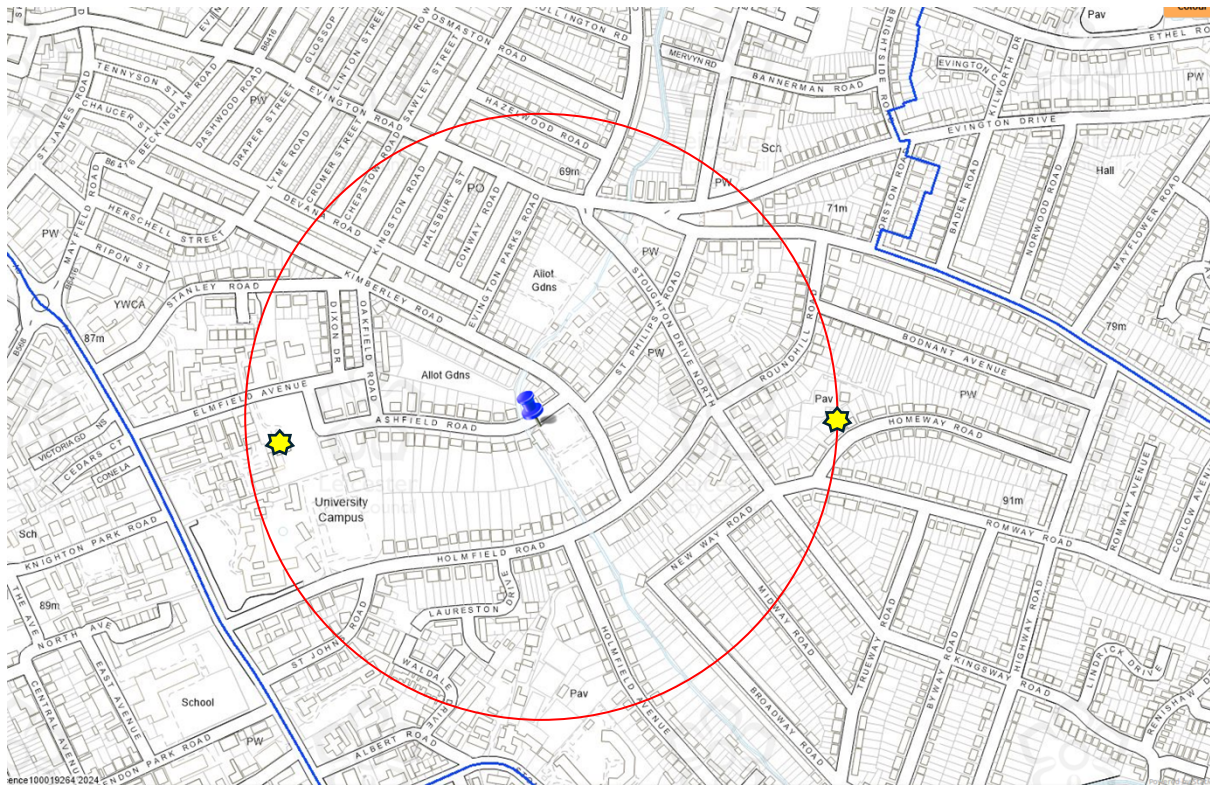
- Will cause other dwellings in area to convert.
- No confirmation of where the children will be from
- If not local children, proposal will breach council's staying put policy.
- Site is located adjacent to a brook which could be dangerous to the children.
- Loss of house value
- Company is not experienced as Companies House shows it was incorporated on 30/07/2024.
- No company shown on CQC or OFSTED registers.
- The company's website is still under construction.
- Increase in crime.
- Children will play in the streets.
- No evidence the company is an experienced and knowledgeable provider of care.
- Contrary to Councils policy to expand own in-house care homes.
- Dwelling is a speculative purchase, and the application is to monetise the property.
- All dwellings on Green View have covenants preventing the change of use from a domestic family home to business.
- Children will use the shared driveway as a playground.
- Neighbours may choose to take legal action if approved due to existing covenant.
- Fire safety concerns.
- Concerned a delegated decision would mean the application would be rubber stamped.
- Neighbour not consulted.

Consideration

Principle of development

Having reviewed planning history for a 400m radius from the applications site, there are two previous applications for care facilities. The first is Graysford Hall (Circa 330m west of the site) which was approved for the construction of a three storey 72 bed care home (Use Class C2) (Ref:20171457) in 2017.

The other site is 24 Homeway Road (circa 430m east of the site) which was approved for the change of use from a single dwelling to a care for up to 3 children (Ref:20240849). However, another application was submitted and approved during the same time period for a certificate of lawfulness (Ref:20242199) for the dwelling to be converted from a single dwelling (Use Class C3) to a house of multiple occupation (Use Class C4). As both were determined in 2025, it is unclear which permission if either has been implemented.



It is noted that within an objection reference was made to applications at 23 Linden Drive (Ref: 20241910) and 15 Stoughton Drive (Ref: 20242145). Whilst both of these sites have received planning permission for the change of use to care homes, they are both located more than 400m from the site.

As only 1 site has been identified within a 400m radius of the proposal which provides a care for a different group of people (elderly care) and on a larger scale, it is considered that only limited consideration should be given to its presence. Therefore, it is considered that this lack of immediate proximity to any comparable existing facilities means there would be no significant amenity impacts arising from the change of use, and that the proposal would not contribute to any significant/unacceptable over-concentration of this type of use in this area.

However, it is considered reasonable to include a condition to any approved planning decision restricting the ability to change the use class of the site from C2 without planning permission.

Concerns were raised in submitted objections regarding the development being inappropriate in a residential area for families and how objectors consider the proposed care home as a commercial business. However, the proposed care home will be managed housing with assisted living provided for residents so is in principle a use compatible in a residential area. The proposal is small in scale, and it is not considered its managed nature would be particularly perceptible in the wider area. It would have an acceptable impact on the suburban character of the area in terms of general noise and disturbance.

Furthermore, and in accordance with Core Strategy policy CS06, the City Council aims to facilitate the provision of a range of accommodation to meet the special housing

needs of all City residents including identified special needs. As such, the principle of the use is in accordance with the aims of this policy and the principle of development is acceptable.

Design and Heritage

An objection was received stating that the proposal would cause a loss of appeal and the historical character of the neighbourhood.

No external alterations are included as part of the application, and whilst Stoneygate Conservation Area is located 200m to the west of the site, it is considered there would be no visual harm to the character of the conservation area due to the distance from the conservation area and the use of the site not changing significantly.

It is therefore considered the proposal would not provide any additional visual harm to either the site, wider street scene or any heritage assets and is in accordance with Core Strategy Policies CS03 and CS18.

Living conditions (*The proposal*)

The dwelling is to be occupied by up to 4 children.

With regards to the levels of outlook, light, privacy and noise levels for the occupants, the proposed floor plan is the same as the existing floor plan. It is therefore considered that the occupants would benefit from the same levels of light, outlook, privacy and noise as existing occupants of the dwelling.

The dwelling also benefits from a private garden area which is circa 83.8sqm. Within the Officers Report for the construction of the dwellings on Green View (Ref: 20192230), it is stated with regards to the proposed gardens that:

“The rear gardens also would be generally of an acceptable size and good level of privacy would be secured for future occupiers.”

It is considered that this is still the case for the change of use of the dwelling to a care facility and that the future occupants (with a similar occupancy level to if a family resided in the dwelling) would have sufficient outdoor garden space.

Objections were received which raised concerns about the suitability of a modern dwelling for a care home with reference to the quality of materials and the potential mental health of future occupants.

Unless suitable reasoning is given as to why they shouldn't, all new dwellings approved for planning permission by Leicester City Council are conditioned to be constructed in accordance with Category 2: Accessible and adaptable dwellings M4 (2) which requires dwellings be adaptable in the future for any additional needs of future occupants.

It is therefore considered that the proposal provides a sufficient quality of living space for future occupants as a Care facility for 4 children and the works are in accordance with Policy CS03 of the adopted Core Strategy.

Residential amenity (*neighbouring properties*)

Taken together, NPPF paragraph 135f, and Local Plan policies PS10 and PS11 require a good standard amenity to be retained for neighbouring residents.

As no external alterations are being completed on the property, there would be no impact to the levels of outlook, light or privacy to neighbouring properties.

It is noted that there are concerns raised in objections in relation to potential noise impacts from the site and the proposed use.

The property is a detached property. As such there would not be likely to be significant noise impacts from internal use of the property to neighbouring dwellings. The proposal is to provide managed care for four young people with carers always present for professional oversight and supervision. Whilst there would be potential for there to be more people present in the house regularly during daytimes, there would not be likely to be any noisy uses or activities that would be out of character for a residential area. Whilst neighbours may experience different character of activities such as staff changes and, possibly, more transient occupiers over the longer term, it is not considered that these differences will equate to harm. It is also not considered that the use of the rear garden by staff and occupiers of the home, nor general comings and goings associated with the property, are likely to give rise to noise impacts that would be very significantly different from the existing five-bedroomed dwelling or unacceptably impact amenity at any neighbouring properties.

However, to ensure this remains the case, it is recommended that a condition is included which limits the unit to up to four children.

Therefore, the proposal would not conflict with NPPF paragraph 135f, and Local Plan policies PS10 and PS11, and the proposal would be acceptable in terms of impact upon amenity.

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis. NPPF paragraph 194 states that: 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.' As the proposal would be an acceptable use of land and given the suitable separation between the application site and the neighbour, there is no planning reason to require a noise management plan on the grounds of noise/disturbance/anti-social behaviour which again, could be dealt with by noise pollution control, the police or Ofsted. It is also considered that a noise management plan for this type of use would present significant technical enforcement challenges and as such would not be appropriate to impose.

Highways and Parking

Policy Context

Local Plan saved policies AM01 and AM02, and NPPF paragraphs 108, 114, and 116 require developments to provide suitable facilities for traffic and parking. Local Plan Appendix 01 provides maximum parking requirements for each type of use.

Local Plan Appendix 01 calls for one car parking space per 4 bedspaces for Class C2 residential institutions. There would be space for 3 cars on the front driveway. As such the proposal would comply with Appendix 01.

Context of the Area

It would be expected that a house of this size, as existing, would be likely to attract 2 cars. There would be a minimum of 2 staff on site following the change of use but there would be likely to be visitors at times. Overall, it is considered that the site would attract an average of 3 cars.

Whilst the proposed site plan shows 3 vehicle parking spaces on the front without altering the existing landscaping. However, as shown on the approved site plan from application 20192230, the sites frontage only has capacity for 2 vehicle parking spaces, with Condition 2 of the approved variation of conditions (Ref: 20222091) requiring the Landscaping and Ecological Management Plan to be completed and complied with for a minimum of 5 years meaning that an additional space cannot be created on the existing grass.

Whilst the proposal includes the existing garage being retained, which has been designed in accordance with Leicester City Councils parking size requirements, it is considered unlikely that this space would be used frequently for vehicle parking, due to the requirement to manoeuvre any parked vehicle in front of the garage when this car is required.

However, Holmfield Road bus stop is located circa 480m walking distance from the site which provides an hourly bus service into Leicester City Centre. It is therefore considered this provides a sustainable alternative arrangement to the need for private cars.

It is also noted that whilst the Green View, which is not a part of the adopted highway, is narrow, there are no parking restrictions on the street, nor are there any on Ashfield Road which at the time of the site visit, did not contain many parked cars.

Concerns have been raised in objections in terms of amount of traffic/parking required for the development. As stated above, the proposed use would have sufficient parking that would be policy compliant, the proposed development in itself would not be likely to cause a severe impact on highway safety sufficient to represent a valid reason to refuse the proposal on highways grounds.

The proposal would be in accordance with NPPF paragraph 115, and the policies listed above, and the proposal would not warrant refusal on highways grounds- Government policy requires evidence of severe traffic impacts to be required should planning permission be withheld on transport grounds.

Drainage

The site is located partially within Flood Zones 2 and 3b, an area of surface flood 1 in 1000, a critical drainage area and is within 20m of a watercourse.

Within the Flood Risk Assessment submitted as part of the application, it is confirmed that, *“finished floor levels of the house have been set a minimum of 600mm above the 1 in 100-year flood level including an allowance for climate change.”* An Emergency Flood Plan will therefore be recommended as part for any approved application.

As no physical alterations have been proposed and there are no changes to the surface water drainage, it is considered that subject to the above condition, the application would not cause any substantial drainage issues and is in accordance with adopted Core Strategy Policy CS02.

Other matters

An objection was received questioning whether the consultation procedure was correctly completed and raised concerns regarding the application being “rubber stamped” if determined via a delegated decision. The application has followed both the Development Management Procedure Order (DMPO) as prescribed by the Government as well as the Council’s Statement of Community Involvement.

Comments were received raising concerns about the safety of the site when adjacent to the brook to the rear as well as children playing in the street or on the shared driveway. The site was built along with the wider street as residential dwellings, and it is considered there would no additional risk to safety of future occupants or their neighbours than has already been considered within the previously approved application allowing for families to occupy the dwelling without any additional restrictions.

Objections were received regarding the loss of house values. This is not a material planning consideration.

Comments were received stating that it was unknown where the future occupants of the site would be located from and that approving the planning application would be contrary to Leicester City Councils policies relating to expansion of publicly owned care homes. However planning applications cannot be used as a mechanism to restrict end users from certain geographical or cultural backgrounds, nor can planning control be used to discriminate for or against any private as opposed to public sector proposals.

Concerns were raised in the submitted objections regarding the approval of the application setting a precedent. However, this application is considered on its own merits as all applications are required to be.

There have also been a number of objections raising concerns regarding the potential the application could increase the levels of crime and anti-social behaviour within the area and this causing division and tensions within the community. As stated previously

within this report, this permission does not indemnify against criminal activity or anti-social behaviour which should be reported to the relevant body when necessary.

Concerns were raised also with regards to who the end user will be and how the site will be kept up to the correct standards with other comments raising concerns about the lack of experience from the proposed management company and the site being a speculative purchase.

Local authorities do not have any powers in relation to the regulation of privately run children's care homes, as those powers rest with Ofsted. Planning legislation should not- and cannot- legally be used as a proxy for controlling matters which are the responsibility of Ofsted who have the remit for the oversight of these facilities.

Objections were received which stated that there is a covenant on the dwellings within Green View preventing the change of use of the sites into businesses. Some objections have also stated they may choose to take legal action if the application is approved due to the covenant.

The inclusion or possible breach of a covenant on a site is a legal matter to be addressed between the parties involved and securing covenant provisions cannot be determined through a planning application.

Concerns were also raised regarding the fire safety of the dwelling. However, this is not a matter which can be considered under planning applications of this nature and is a building control matter.

Conclusion

This is a residential use proposed to be located in a residential area.

Overall, the application has been considered from the perspectives of the principle of development, the design, the living conditions, the neighbouring amenity, the parking standards, the drainage of the site, as well as other matters raised by public representations.

In all cases, the proposal has been considered acceptable.

I 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. 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. (To enable consideration of the amenity, parking and highway safety impacts of

alternative Class C2 uses, in accordance with Policies CS03, CS06, 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 4 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. Prior to the occupation of development, details regarding Emergency Flood Planning shall be submitted to and approved by the local planning authority. The details shall include:
 - Suitable access and egress routes for residents and/or users of the development during a potential flood event and present these access and egress routes on a layout plan of the development.
 - Define the areas of safe refuge for residents and/or users of the development to use if safe access and egress is not possible.
 - Define how Flood Resilience Measures incorporated into the development are to be managed and maintained throughout their lifespan, as well as how they are to be operated in the event of a flood and the person/organisation responsible for their operation.
 - Define how any vehicles on site are to be relocated to areas of lower risk in the event of a flood, so as not to cause a hazard to surrounding infrastructure.
 - Provide recommendation that all residents and/or users of the development to sign up for the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service where available for the site

The development shall be managed in accordance with these details thereafter. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

5. Development shall be carried out in accordance with the following approved plans:
Drawing 6GV/2025 2/2 - Proposed Plans - Received 03/02/2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

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

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

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an

application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material 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_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_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.

Item 4b

Recommendation: Refusal	
20250490	4-10 Macdonald Road
Proposal:	Demolition of single storey rear extension at no.10; change of use of dwellinghouse (no.10) to shop at ground floor (Use Class E) and flat at first floor (1-bed) (Class C3); installation of extended shop front with shutter and canopy; construction of single storey extension at side and rear of nos 8 & 10; alterations
Applicant:	Mr Kamlesh Pabari
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20250490
Expiry Date:	16 July 2025
SS1	WARD: Belgrave



©Crown Copyright Reserved. Leicester City Council Licence 100019264 (2019). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

Summary

- The application is brought to committee as the agent is an employee of the Council;
- The main issues are the loss of a family dwelling; the principle of expansion of the shop in this location; proposed living conditions; noise/disturbance impacts; waste management; flood risk; highway safety; and design;
- 1 supportive comment was received;
- The recommendation is refusal on the grounds of loss of family dwelling; unacceptability in principle; and lack of consideration of flood risk.

The Site

The application site includes nos.4-10 Macdonald Road which is within a 2-storey terraced row. The site includes a ground floor grocery store with ancillary storage and a separate flat above (nos.4-8), and a 2-storey dwellinghouse (no.10).

The site includes a shopfront and canopy at ground floor. Produce/goods for sale is also kept outside the front of the shop on the street.

At the rear, the site is largely built over other than alley ways behind nos 8 and 10 which are being used as storage space for plant, equipment and bins associated with the shop.

In current policy terms the site is within a residential area, with almost all of the rest of the south side of the street being in residential use. To the immediate east however, and across the road to the north, the policy designation is the Belgrave Road district centre and there are a variety of commercial uses. Belgrave Road itself is nearby to the east and is a main route between the north of the city and the city centre.

In terms of emerging policy, the emerging Local Plan policies map indicates that the district centre is to be extended to include the shop.

The eastern part of the site is in Flood Zone 3 and the western part in Flood Zone 2. All of the site is also in a critical drainage area and drainage final hotspot area.

The site is in an air quality management area.

Background

The following applications have been granted at the site.

19870054 Change of use of 6 Macdonald Road and single storey extension at rear to form enlarged ground floor shop with self-contained flat over

19871488 Alterations to form new shop front

19920043 Change of use from first floor living accommodation (Class C3) to storage

19920044 Single storey store at rear of shop

19920936 External staircase at rear

20080604 Change of use from house (Class C3) to retail (Class A1) on ground floor to form an extension to shop at 4-6 Macdonald Road; Self-contained flat (1 x 1 bed) (Class C3) at first floor; shopfront with security shutters; alterations at rear

There have also been refusals:

19770129 Change of use of front room of dwellinghouse to showroom for display of fancy goods (*reasons for refusal: 1. Site in a residential area where commercial use would be inappropriate 2. Detriment to neighbouring amenity 3. Undesirable loss of part of a residential unit*).

19920245 New external staircase at rear of shop (*reason for refusal: extension would be overdevelopment of the site and harm use of neighbouring amenity space*)

19921056 Internally illuminated fascia sign (*reason for refusal: harm to visual amenity of the domestic street scene*).

The Proposal

The proposal includes the demolition of the rear ground floor bathroom of the two storey dwellinghouse (no.10).

A single storey extension would be constructed to the rear of the shop, c.23sqm in floor area, in place of the existing rear alley ways and over the existing rear yards. It would have an alley way to the right hand side.

The existing two storey dwellinghouse would become part of the existing shop at ground floor, and a 1-bed flat at first floor. The shop would add 48sqm of floorspace to become 269sqm in total. The flat would measure 38sqm in floor space and have a bedroom to front, lounge/kitchen facing the rear and a shower room and storage to the rear. There would be a shared yard to the rear including a bin storage area.

To the front, the existing signage, canopy, shopfront windows, and roller shutters would be extended to the side as part of the shop extension.

The submission included documents relating to flood risk and noise impacts of the application.

Policy Considerations

National Planning Policy Framework 2024 (NPPF)

Paragraph 2 (Primacy of development plan)
Paragraph 11 (Sustainable development)
Paragraph 61 (Housing supply)
Paragraph 85 (Economic growth)
Paragraph 90 (Support town centres)
Paragraph 91 (Sequential test)
Paragraph 92 (Accessible sites)
Paragraph 95 (App refused where sequential test failed)
Paragraph 116 (Unacceptable highways impact)
Paragraph 117 (Highways requirements for development)
Paragraph 135 (Good design and amenity)
Paragraph 139 (Design decisions)
Paragraph 140 (Clear and accurate plans)
Paragraph 181 (Flood risk considerations and SuDS)
Paragraph 187 (Natural environment considerations)
Paragraph 198 (Noise and light pollution)
Paragraph 200 (Agent of change)

Local Plan 2006

AM01 (Impact of development on pedestrians)
AM12 (Residential car parking provision)
PS10 (Residential amenity and new development)
PS11 (Protection from pollution)
H05 (Loss of housing)
H07 (Considerations for flattened developments)
BE10 (Shopfront design)
BE11 (Shopfront security)

Core Strategy 2014

CS02 (Flood risk)
CS03 (Designing quality places)
CS06 (Housing strategy)
CS08 (Existing neighbourhoods)
CS10 (Employment opportunities)
CS11 (Retail hierarchy)
CS14 (Transport network)

Emerging Local Plan

Proposed Policies Map

TCR01 (Hierarchy of town centres)

TCR08 (Town centre development outside of defined centres)

Ho09 (Loss of family dwellings)

Further Relevant Documents

Residential Amenities SPD 2008

Department for Communities and Local Government - Nationally described space standard (NDSS)

Local Plan Appendix 001 – Vehicle Parking Standards

GOV.UK Planning Practice Guidance – Noise <https://www.gov.uk/guidance/noise--2>

GOV.UK Planning Practice Guidance – FRA Standing Advice

<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>

GOV.UK Environment Guidance – Bats: Advice For Making Planning Decisions

[Bats: advice for making planning decisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/bats-advice-for-making-planning-decisions)

Leicester & Leicestershire Housing & Economic Needs Assessment (as updated June 2022) (HENA)

Consultations

Noise Pollution

The noise pollution officer requires amendments/further information to the noise report, including the following queries:

- Section 6 suggests that acoustic measurements have been taken but doesn't provide any information on what this was taken with i.e. was it a calibrated sound level meter? Who conducted the testing? When were measurements taken and over what time period?
- Who wrote the report? It should be completed by a qualified person.
- Section 7 gives an assessment summary with Low/Moderate/High options but it doesn't appear the relevant one has been selected?
- There is no mention of traffic noise in the report. This is likely to have moderate to low impact as it is not on the main Melton Road, however this should be addressed in the report.
- The insulation proposals do seem to address a worst-case however this should be informed by measured levels set out in the noise monitoring. If no noise monitoring was undertaken the report should justify this.

Highways Authority

The Highways Authority advised that the proposal would not have any significant impact on highway conditions and raised no objections.

Lead Local Flood Authority

The Lead Local Flood Authority object. The reason given is that the Flood Risk Assessment needs to be updated to include the modelled flood levels to inform the proposed flood resistance/resilience measures in accordance with government guidance. Further information is also required in terms of the site details, flood risk assessment, drainage strategy and water quality control assessment.

Representations

Councillor Adatia made a representation in support of the application, on the following grounds:

- The owners have been established 42 years as a family run business. They serve the local community with their produce. By expanding the shop, this will give the owners the opportunity to stock more of a variety of items, specifically tailored to the local market. This will also create new jobs in the area, and the property will still have a flat above to cater for the housing demands.

Consideration

Principle of Development

Loss of 3-bed dwellinghouse

The proposal would see the loss of the 3-bed dwellinghouse, no.10, as it would be converted to be used as a shop and 1-bed flat.

Core Strategy policy CS06 sets out that careful consideration will be given to residential conversions, to ensure no adverse impact on the character of the area. It explains that, in particular, the conversions of existing large houses will be resisted where it would be still appropriate for family use and meet the demand for this type of accommodation. Policy CS08 requires all new housing to accord with Policy CS06 and sets out that in Inner Areas, it is the Council's priority to retain good quality existing housing for which there is demand. In particular in Spinney Hills, Belgrave, and other neighbourhoods where there is an identified demand, large houses appropriate for family use should be retained, and conversion to other types of accommodation resisted.

Local Plan saved policy H07 permits the conversion of existing buildings to self-contained flats provided the proposal is satisfactory in respect of a number of criteria. This includes consideration of the loss of family accommodation, having regard to the size and nature of the accommodation and the effect on the character of the surrounding area.

Emerging Local Plan Policy Ho09 sets out that planning permission will not be granted for the conversion of 2 or 3 bedroom houses into flats. The policy explains this will be informed by the Local Housing Needs Assessment 2022 or any future update to housing need evidence and that, where the proposal is for the conversion of a residential property which has 2 or 3 bedrooms to flats, the Council will not support the proposal subject to new evidence.

Having regard to the HENA, June 2022, the greatest housing need in Leicester is for additional three-bedroom homes. Furthermore, it sets out that based on the evidence, it is expected that the focus of new market housing provision will be on 2-bed and 3-bed properties.

The existing dwelling has a limited amount of rear amenity space and poor outlooks. However, this is a typical layout of dwellings in this area, and despite such matters, the application dwelling (no.10) is currently a three-bedroom property, capable of functioning as a family dwelling.

Therefore, having regard to the above, the loss of the 3-bed dwellinghouse would fail to comply with the Council's housing strategy for the area, in conflict with Core Strategy policies CS06 and CS08, Local Plan policy H07 and Emerging Local Plan policy Ho09.

Principle of Expansion of Shop & Impacts to the Local Area

The site has been in use as a shop for a substantial amount of time and when the Emerging Local Plan is adopted, will be considered part of the Belgrave Road district centre. I acknowledge the benefits of the proposal in that the extension of the shop would allow a long established business to grow its stock/custom. and I note that the application form considers that the proposal would add 2.5 FTE jobs. This positive aspect of the proposal would comply with NPPF paragraph 85 which encourages expansion of existing businesses.

However, no.10 Macdonald Road is in a primarily residential area and will remain outside of the District Centre when the Emerging Local Plan is adopted. Following the permission in 1987, the shop has already, historically, encroached into the primarily residential area. I am concerned that the location of the shop is significantly incongruent in both appearance and function compared to the surrounding area. There is no loading bay for the retail store on the street which already causes delivery vans to be parked in front of the shop on double yellow lines (as seen on Officers site visit) and goods are stored on the public highway. Given the parking congestion in the area, proliferation of goods kept on the pavement for storage and sale, and relatively narrow pavement, the site does not contribute to an attractive or relaxed area for pedestrians, those with disabilities or local residents on the street. The extension of the shop along the street would exacerbate this situation. Furthermore, the existing rear alleyways are heavily used for bin storage, and storage of plant and equipment. This situation is not compatible with the area, given the close relationship the site has with surrounding residential uses. I consider that this proposal would raise conflict with Local Plan saved policy PS10, which requires consideration of the ability of the area to assimilate development, and the visual quality of the area, having regard to amenity of neighbouring residents.

Further to the above, whilst I acknowledge that it would be more straightforward for the business to expand into the neighbouring dwellinghouse rather than relocate into a larger unit which is entirely within the adjacent District Centre, I have no evidence to suggest that there are no alternative available units within the district centre that could accommodate an enlarged shop, such that the re-location would not be feasible. As such this further tempers the weight that can be given to the benefits of the expansion of the shop as this could be accommodated in a more appropriate location.

For the reasons given above and adding to the concern regarding the loss of the family dwelling, I consider that, in this particular case, the principle of the expansion of the shop into the residential area is not favourable.

Principle of Development - Conclusion

In conclusion, the loss of the family dwelling is an overriding and unacceptable impact of the proposal. Notwithstanding the benefit to the existing shop, the extension would be outside of a district centre and the site does not have a compatible relationship with the street or surrounding residential area. I therefore conclude that, overall, the development is unacceptable in principle.

Living Conditions for Proposed Flat

The proposed flat would have poor outlook to its lounge and its amenity area would be of poor quality. However, I consider this would be comparable to the existing residential units on site. The flat would meet the NDSS requirement. In this particular case, I would not recommend refusal on this basis.

Noise/Disturbance

Saved Local Plan policy PS11 and NPPF paragraph 198 requires development to avoid impacts to amenity in respect of noise and disturbance.

Whilst a document relating to noise impacts has been submitted, it has not been completed by a professional noise consultant and I agree with the noise pollution officer that it has several inconsistencies and omissions. I therefore do not give it any weight in my assessment.

The shop is a commercial use in close proximity to neighbouring residents, including the proposed 2 first floor flats directly above, no.12 Macdonald Road, and properties to the rear of the site on Buller Road. I consider that, if the proposal was otherwise acceptable, conditions could have controlled the hours of use of the shop to sociable hours, and restrict the use to a shop within class E.

Appropriate ceiling/floor insulation would need to be agreed to ensure the extension of use of the ground floor shop would not have noise impacts to the upper floor flats. If the application were otherwise acceptable, I consider a condition would have required an assessment of noise impacts and proposed insulation between the shop and upper floor flats to be completed by a qualified professional and agreed prior to occupation of the flat.

No information regarding proposed external plant associated with the shop has been submitted. I consider that, given the proximity to neighbouring residential uses, the site is not appropriate for external plant and if the application was otherwise acceptable this could have been confirmed by condition.

Overall, I consider that in the context of this application, given the existing situation, conditions described above could have controlled noise/disturbance impacts to the first floor flats, 12 Macdonald Road, and properties to the rear on Buller Road.

Waste Management

The rear alley ways are currently being used as bin storage/general storage. Given this, I noted above my concerns in terms of the poor functioning of the site and impacts to the residential area. I am conscious that mixing of commercial and residential waste is not permitted by waste management authorities and open storage of commercial

waste including, potentially, food waste from the shop, in the small proposed amenity yard space, would be likely to lead to odour or other unpleasant impacts to the adjacent properties 7, 9 and 11 Buller Road, and 12 Macdonald Road. Whilst the existing situation is poor, the altered location of the rear yard would have a closer location to 12 Macdonald Road and 11 Buller Road in particular. The bin storage would also have an uncomfortable relationship with access to both flats although this is an existing situation.

I consider that were the proposal otherwise acceptable and notwithstanding the proposed floor plans, a condition would require a fully detailed waste management strategy with an alternative bin storage area to ensure impacts described above are avoided.

Flood Risk

The site is partially in Flood Zone 2 and partially in Flood Zone 3, which means that the site is at medium to high risk from fluvial flooding. The proposal includes an extension to the shop to create additional floorspace and change of use.

Core Strategy policy CS02 confirms that where development is proposed in flood risk areas, mitigation measures must be put in place to reduce the effects of flood water.

NPPF Paragraph 181 establishes that a site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3. It goes on to advise that development should only be allowed in areas at risk of flooding where it can be demonstrated that the development is appropriately flood resistant.

Government Planning Practice Guidance standing advice relating to flood risk assessments advises that flood water can put pressure on buildings, causing structural issues. The guidance confirms the list of topics that an FRA must cover, including: an assessment of the flood risk from all sources of flooding for the development, plus an allowance for climate change; the estimated flood level for the development, taking into account the impacts of climate change over its lifetime; and details of the flood resistance and resilience plans.

The standing advice goes on to advise that floor levels must be raised 0.6m above estimated flood levels, or if this is not possible, extra flood resistance and resilience measures must mitigate for this.

Whilst a document relating to assessment of flood risk impacts has been submitted, it has not been completed by a professional flood risk consultant and as advised by the Lead Local Flood Authority (LLFA), has not followed the government standing advice.

The LLFA confirm that the submission has not addressed mitigation from flood risks. No information has been provided regarding modelled flood level data to inform the finished floor levels, nor have any suitable flood resilience measures or plans been provided. There is a heading in the flood risk document titled "Flood Resilience/Resistance", however this does not provide any suitable measures.

I conclude that the submission has not considered whether the extension to the shop would be flood resilient and therefore the shop would be at unacceptable risk of flooding. I consider that this is unacceptable and contrary to national and local policy on flood risk.

Design of Shopfront/Extensions

The design of the shopfront/canopy would match the existing, and the design/scale of the rear extension would be modest. There would be no objection in design terms.

Highway Safety

I have noted above that the site does not have capacity to accommodate deliveries in a safe manner and this issue contributed to the unacceptability in principle of the development expanding along the residential street. However, specifically in terms of highway safety, the Highways Authority consider that the extension of the shop would be unlikely to result in severe highways impacts over and above the existing situation. I accept this conclusion.

Planning History

I acknowledge that planning permission was granted in 1987 for the extension of the shop into no.6, and then in 2008 for the extension of the shop into no.8. However the current application must be primarily assessed against current policies (and imminently emerging policies), and the conditions of the site and its surroundings at the current time. Planning history would not override these considerations.

Conclusion

Having regard to the above I consider that the loss of the family house would render the proposal an unsustainable and unacceptable development, and this would be an overriding consideration of the application. The modest benefit of the expansion of the shop would be significantly outweighed by this, particularly in the case of this site where the shop has an unsatisfactory relationship with neighbouring residential properties and where the proposed extension would be located outside of a designated retail centre. The applicant has failed to consider flood risk impacts which is significantly unacceptable.

I therefore recommend refusal.

REASONS FOR REFUSAL

1. The loss of the 3-bed family dwellinghouse would be unacceptable in light of the evidenced need for additional family dwellings in the city, harmfully affecting the Council's housing strategy for the area. The replacement of the family dwellinghouse with the extension to the ground floor shop would also be inappropriate in, and incompatible with, the otherwise predominantly residential area. The proposal would therefore conflict with Core Strategy 2014 policies CS06 and CS08, Local Plan 2006 saved policies H07 and PS10 and Emerging Local Plan policy Ho09.
2. The submission has failed to address whether the extension to the shop would be flood resilient and therefore the shop would be at unacceptable risk of fluvial flooding contrary to Core Strategy (2014) policy CS02, National Planning Policy Framework 2024 paragraph 181 and Government standing advice on preparing a flood risk assessment.

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 prior to the submission. 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.