

Leicester  
City Council

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

**DATE: WEDNESDAY, 25 MARCH 2026**

**TIME: 5:30 pm**

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

**Members of the Committee**

Councillor Surti (Chair)

Councillor Dr Moore (Vice-Chair)

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

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

For Monitoring Officer

**Officer contact:**

***Jessica Skidmore, Governance Services Officer, email: [jessica.skidmore@leicester.gov.uk](mailto:jessica.skidmore@leicester.gov.uk) /***

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***e-mail: [governance@leicester.gov.uk](mailto:governance@leicester.gov.uk)***

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

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- ✓ 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.

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If you have any queries about any of the above or the business to be discussed, please contact:

**Jessica Skidmore, Governance Services Officer or Sharif Chowdhury, Senior Governance Services Officer.**

Alternatively, email [governance@leicester.gov.uk](mailto:governance@leicester.gov.uk), or call in at City Hall.

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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**

Members will be asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 4<sup>th</sup> March 2026 are a correct record.

**4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix 1](#)**

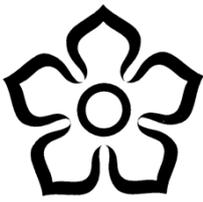
The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) **20251436 - STOUGHTON DRIVE AND NORTH OF GARTREE ROAD** [Appendix 2](#)

(ii) **20250928 - HEACHAM DRIVE** [Appendix 3](#)

**5. ANY OTHER URGENT BUSINESS**





Leicester  
City Council

# Appendix A

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 4 MARCH 2026 at 5:30 pm

P R E S E N T :

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

Councillor Agath  
Councillor Cassidy  
Councillor Chauhan

Councillor Modhwadia  
Councillor Singh Patel

Councillor Cole  
Councillor Joel  
Councillor Kitterick

\* \* \* \* \*

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Kennedy-Lount.

Councillor Mohammed was substituted by Councillor Cassidy.

**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 21 January 2026 be confirmed as a correct record.

**4. PLANNING APPLICATIONS AND CONTRAVENTIONS**

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

1. 172 Fosse Road North
2. 20a Vulcan Road
3. 38 South Kingsmead Road

(i) **20251299 - 172 FOSSE ROAD NORTH**

**20251299 - 172 Fosse Road North**

Ward: Fosse

Proposal: Change of use from shop (Class E) to restaurant and hot food takeaway (Class E/Sui Generis); installation of extraction flue at rear (amendments received 03/11/2025)

Applicant: Mr Khasraw Abdalla Seed

The Planning Officer presented the report.

Mr Khasraw Abdalla Seed and Jheir Abdulla spoke in support to the application.

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

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

**RESOLVED: permission was granted subject to conditions**

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The proposed extraction flue shall be constructed in facing bricks to match the existing building. (In the interests of visual amenity and the setting of the locally listed heritage asset, and in accordance with Core Strategy Policies CS3 and CS18.)
3. The development shall be carried out in accordance with the details and recommendations set out in the Kitchen Odour Assessment (KOA) document P9121-R2-V1 (dated 03/10/25). (To ensure proper dispersal of odours, in the interests of residential amenity, and in accordance with saved Policies PS10 and PS11 of the City of Leicester Local Plan (2006).)
4. Prior to the commencement of works on site, details of the chosen mitigation measures as recommended in the Noise Impact Assessment (NIA) document P9121-R1-V1 (dated 03/10/25) shall be submitted to and approved in writing by the Noise and Pollution Control Team (NPCT). The

approved measures shall be installed prior to the occupation of the premises and retained thereafter. (To ensure an acceptable level of noise, in the interests of residential amenity, and in accordance with saved Policies PS10 and PS11 of the City of Leicester Local Plan (2006).)

5. The use shall not be carried on outside the hours of 07:30 - 23:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan (2006))

6. The bin storage area shall be provided as shown on the approved plans prior to the first occupation of the premises as a hot food takeaway and shall be retained thereafter. The bins shall not be stored elsewhere on the site or in the alleyway. (In the interests of the amenities of nearby occupiers, and in accordance with saved Policy PS10 of the City of Leicester Local Plan (2006).)

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

#### NOTES FOR APPLICANT

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

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

2. It is recommended that care is taken during works should any bats or birds or their roosts or nests be discovered on or adjacent to the building or rooftop. In such a case, it is recommended that advice from a qualified ecologist should be sought before proceeding with works, given environmental protection legislation. Bats can roost or be present in roof structures of buildings or in crevices of walls. Further information on bats and the law can be found by searching for Bats: protection and licences - GOV.UK ([www.gov.uk](http://www.gov.uk)). Further information on birds and the law can be found by searching for Wild birds: protection and licences - GOV.UK ([www.gov.uk](http://www.gov.uk))

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

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

Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

**(ii) 20250173 - 20A VULCAN ROAD**

**20250173 - 20a Vulcan Road, Land Adjacent**

Ward: North Evington

Proposal: Change of use from public open space to dwellinghouses; construction of two-storey building to contain five flats (5 x 1 bed) (Class C3) (Amended plans received 13 August 2025)

Applicant: Mr J Sindhi

The Planning Officer presented the report.

The Chair advised that Khairunnisa Mukaddam, an objector, had registered to speak on the application and joined the meeting via the remote link. However, due to technical difficulties, the Committee was unable to hear the speaker. Officers attempted to resolve the issue, and the agenda was briefly reordered to allow time for this, but the matter could not be resolved. The Committee was advised that, in accordance with the Council's Planning Public Speaking Guide, where a remote connection cannot be established the written representations previously submitted would still be considered and the meeting would proceed to determine the application at the Chair's discretion. The Committee therefore proceeded to consider the application.

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

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

**RESOLVED: permission was granted subject to conditions**

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority, and implemented in accordance with the agreed details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Before the occupation of the proposed extension new windows on the rear and side elevations shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of any top opening light) and retained as such. (In the interests of the amenity of occupiers of future occupiers of the properties and the occupiers of Sherrard Road and Mount Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Prior to occupation of any flats, glazing and ventilation shall be installed in accordance with the details set out in Section 4 & 5 of the Noise Impact Assessment by PEAK acoustics ref:0511243NR submitted on 29 January 2025 and retained at the same acoustic performance throughout the lifetime of the development unless otherwise agreed in writing with the City Council as local planning authority. (To protect future occupiers from disturbance and in accordance with saved Local Plan policy PS10).
5. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team. The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf.
6. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
7. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long

term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

8. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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

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

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

- 2407/01/100, Location Plan and Site Plan, Received on 29 January 2025

- 2407/01/401, Landscaping Scheme, Received on 5 March 2025

- 2407/01/400, Sustainable Drainage Strategy, Received on 5

March 2025

- 2407/01/102, Proposed Site Plan, Rev. P1, Received on 13

August 2025

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

#### NOTES FOR APPLICANT

1. The proposed canopy would require a licence from the city council as local highway authority and should not be installed unless such a license has been obtained. The Applicant is advised to contact [highways@leicester.gov.uk](mailto:highways@leicester.gov.uk) for information regarding obtaining approvals, setting up Agreements and/or to discuss the requirements.
  
2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at: <https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>  
 As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.
  
3. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).  
 The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.

(iii) **20260007 - 38 SOUTH KINGSMEAD ROAD**

**20260007 - 38 South Kingsmead Road**

Ward: Knighton

Proposal: Demolition of garage at rear; construction of single storey extension at side and rear; construction of canopy at rear; proposed decking at rear of house (Class C3); alterations

Applicant: Caroline Welsh + Andy Leitch

The Planning Officer presented the report.

There were no additional speakers on the application.

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

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

**RESOLVED: permission was granted subject to conditions**

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The external elevations shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Before the occupation of the proposed extension new window facing 40 South Kingsmead Road shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of any top opening light) and retained as such. (In the interests of the amenity of occupiers of 40 South Kingsmead Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Development shall be carried out in accordance with the following approved plans:
  - Location and Block Plan - 136(02)04 Rev P2 received 19/01/2026
  - Proposed Ground Floor - 136(08)01 Rev P2 received 19/01/2026
  - Proposed South and Patio Elevation - 136(08)03 Rev P2 received 19/01/2026
  - Proposed East and North Elevation - 136(02)02 Rev P1 received 05/01/2026(For the avoidance of doubt).

## NOTES FOR APPLICANT

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

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

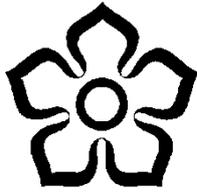
Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse,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

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024.

## **5. ANY OTHER URGENT BUSINESS**

There being no other urgent business the meeting closed at 18:10pm.





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

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**Planning & Development Control Committee**

**Date: 25<sup>th</sup> March 2026**

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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.

- 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**

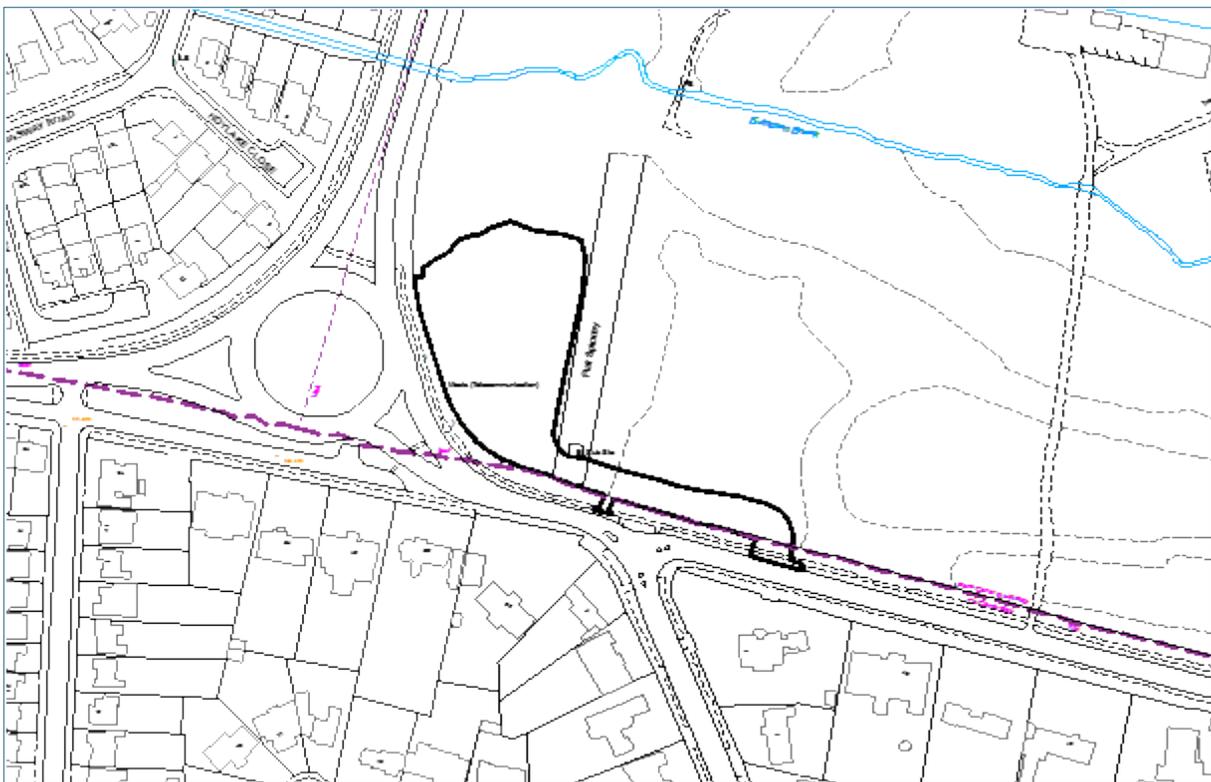
Consultations with other services and external organisations are referred to in individual reports.

## **11 Report Author**

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## COMMITTEE REPORT

<b>20251436</b>	<b>Stoughton Drive and North of Gartree Road, land to East</b>	
Proposal:	Development of a 72no. bed care home (Use Class C2), together with associated communal and care facilities, means of access, parking, hard and soft landscaping, diverted public right of way and all other supporting infrastructure including attenuation basin (amended plans received)	
Applicant:	Morrison Community Care (Leicester) Propco Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	27 March 2026	
PK	TEAM: PM	WARD: Evington



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### Summary

- This application has been referred to planning committee at the request of Councillor Joannou on the grounds of need for a care home and that the site is underused and should be developed
- The application is for the construction of a 72 bedroom care home on land allocated on the Green Wedge on the City's boundary with Oadby & Wigston.

- The main issue is the principle of development on the Green Wedge balanced against the need for a care home; impacts on traffic, flood risk, landscape; and amenity.
- 22 letters and a petition with 163 signatures have been received in objection of the application from residents both within and outside of the city boundary.
- 141 letters of support have been received on this application from residents both within and outside of the city boundary.
- The application is recommended for refusal.

## The Site

The application site is located at the south-west corner of the Leicestershire Golf Club adjacent to the roundabout at the bottom of Stoughton Drive and Gartree Road. The site is within the city boundary but Gartree Road, to the south of the site, is within the jurisdiction of Oadby and Wigston Borough Council. The site is within an area designated as Green Wedge, which provides the highest level of green space policy protection in Leicester.

The site is bound with a hedgerow to the south and west side and by trees to the north and east. The trees to the east of the site and the area next to it has an area of broadleaf woodland that is covered by a Group Tree Preservation Order (TPO).

Evington Brook runs across the golf course in an east/west direction, but this is not within the boundary of the application site. Through the Golf Course, the Brook is designated as an Ordinary Watercourse. At the western edge of the Golf Course, as it crosses Stoughton Drive, the designation of the Brook changes to a Main River.

The northern boundary of the site between Flat Spinney and Stoughton Road has been drawn to follow the boundary of Main River (MR) which has a very low (less than 0.1%) risk of flooding each year. The site is at a low risk of flooding from MR sources.

All of the application site is within Ordinary Watercourse (OW) Flood Extent 1, with an estimated risk of flooding of less than 1 in 1000 years. The site is at a low risk of flooding from OW sources.

The Golf Course (including the application site) is within a Local Wildlife Site (LWS) (the Leicestershire Golf Course and Adjacent Sites LWS); designated for its neutral grassland wildflower meadow, natural water course and mature trees. The LWS consists of the Golf Course and some sites to the east and south: Shady Lane Arboretum, Piggy's Hollow, St Denys Church in Evington, and some land along the north side of the Gartree Road to the south of the Golf Course.

The Golf Course (including the application site) shows evidence of a relic rural landscape with species rich neutral grasslands, lichens and a brook. The site is on the Monuments Register (MLC2757) as the site includes evidence of former fields with ridge and furrow dating back to medieval era.

There is a 20m Gas Pipe Buffer along the southern extremity of the site.

A footpath (PROW Z1) goes through the application site. It runs in a northeast to southwest direction up to the brook only. The footpath itself is part named Evington Golf Course Footpath and part named Evington Brook to City Boundary at Gartree Road because the southern boundary of the site and Golf Course is immediately adjacent to the Oadby and Wigston boundary.

## Background

The site has been used as a golf course for many years with maps from 1903 including this label. Over the years many applications have been refused for residential development of parts of the wider golf course. None of these applications have been on the parcel of land subject of this application.

The most relevant and recent planning history for this part of the golf course site is application referenced 20241221 which sought planning permission for a *“Three-storey building for care home (Class C2) with 72 bedrooms; new vehicular access to Gartree Road; realigned public right of way”* which was withdrawn in 2025.

It should also be noted that at the time of the submission of the above application an associated application was submitted to Oadby & Wigston Borough Council (24/00457/FUL) for the *“Construction of a 72no. bed Care Home (Class C2), with ancillary communal and care facilities, means of access, landscaping, open space, realigned public right of way and all other associated work and infrastructure (access and areas of landscaping and public right of way within Oadby and Wigston boundary only)”*. This application was approved and the access to the application site, areas of landscaping and public right of way within that authority’s boundary have been accepted.

## The Proposal

The proposal is for the construction of a three-storey building to house a care home (Class C2) with 72 bedrooms. For the avoidance of doubt, the development proposals remain largely the same as the previously withdrawn application; however, the design of the building has been amended, and some technical information has been submitted to address the concerns raised in the assessment of the earlier application.

The building would be of a roughly ‘L’ shape located to the west of the site with access, parking and turning space of the east. The building’s roof would be a mixed design with flat and gabled elements. The flat section of the roof would be 9.9 metres in height, and the gables would add a further 4.3 metres on top. The building footprint would be approximately 65.5 metres at its longest length and 43.9 metres at its shortest. The width of the building would be approximately 16.9 -18.5 metres.

To serve the development, a new vehicular access from Gartree Road is proposed. The application site is located within two administrative areas – both Leicester City Council and Oadby & Wigston Borough Council. The main built development is proposed within the Leicester City Council area and the main vehicular access to the site is within the Oadby and Wigston Borough Council area. As noted above, the vehicular has been approved by Oadby & Wigston. In order to facilitate the

implementation of the new vehicular access, the Public Right of Way that crosses the golf course starting by the Gartree Road, would need to be moved.

There is an existing electricity substation to the south side of the site amongst the trees which would be retained as part of the development.

The application was submitted with the following supporting information:

- Flood Risk Assessment
- Transport Statement
- Greenfield Run-Off
- Pond Storage Design
- Planning Statement
- Lighting Assessment
- Noise Assessment
- Outline Development Drainage Impact Assessment
- Outline Landscape & Visual Impact Appraisal
- Energy Report
- Desktop Planning Needs Assessment
- Arboricultural Impact Assessment and Method Statement
- BREEAM Pre-Assessment Review
- Design & Access Statement
- BNG Metric & Plan
- Archaeological Desk Based Assessment
- Preliminary Bat Roost Assessment
- Phase 1 Desk Based Study
- Phase 2 Ground Investigation & Contamination Survey

During the course of the application the following documents have been either amended or submitted following a request from Officers:

- Energy Report
- Biodiversity Net Gain Metric & Net Gain Plan
- Arboricultural Statement
- Preliminary Ecological Assessment

The applicant has also submitted the following documents at a later stage of the planning process:

- Economic Impact Assessment Report
- Economic Benefits Infographic
- Planning Committee Summary Briefing Note

## Policy Considerations

National Planning Policy Framework (NPPF) 2024

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision-making)

Chapter 5 (Delivering a sufficient supply of homes)

Section 8 – Promoting healthy and safe communities  
Chapter 9 (Promoting sustainable transport)  
Chapter 11 (Making effective use of land)  
Chapter 12 (Achieving well-designed places)  
Chapter 14 (Climate change & flooding)  
Chapter 15 (Natural environment)  
Chapter 16 (Historic environment)

#### Development Plan policies

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

#### Supplementary Planning Documents (SPD)

Residential Amenity  
Green Space  
Affordable Housing SPD  
Climate Change SPD

#### Other material considerations

National Planning Practice Guidance  
Access to and use of Buildings: Approved document M Volume 1: dwellings  
City of Leicester Local Plan (2006). Saved policies. Appendix 1: Parking Standards  
Leicester City Council – Leicester Street Design Guide 2020  
Leicester City Council Waste Management guidance notes for residential properties  
Technical housing standards – Nationally Described Space Standards – March 2015 (NDSS).  
National Design Guide, January 2021 (Ministry of Housing, Communities & Local Government)  
Building Research Establishment (BRE) - Site layout planning for daylight and sunlight: a guide to good practice (BR 209), Third Edition  
Housing needs of different groups (July 2019)  
Housing for older and disabled people (June 2019)

Environment Act (2021)  
Conservation of Habitats and Species Regulations (2017)  
Natural Environment & Rural Communities Act (2006)  
Wildlife & Countryside Act (1981) as amended

## Consultations

#### Pollution – Noise:

The details and recommendations in the following documents should be implemented:

Noise Assessment Report No. H4177-NV-v3 dated 08/08/2025  
Design Me Document Ref.1279/SCH/97/01 Rev1

The Energy Statement advises that Air Source Heat Pumps (ASHP's) may be installed on site. If this is the case, then a further acoustic report will be required in the form of a BS4142 Assessment.

No objections subject to appropriately worded conditions.

NHS Integrated Care Board:

A financial contribution of £23,040.00 has been requested.

Pollution – Land:

The applicants have submitted a Phase 1 and Phase 2 report. The latter recommends that no remedial measures are necessary which I accept. However it also recommends that if contamination is found during development, then it should be reported immediately so appropriate action can be taken. This can be covered by a suitably worded condition.

Air Quality:

The site is not located within the Air Quality Management Area (AQMA), therefore is unlikely to be exposed to elevated levels of Nitrogen Dioxide (NO<sub>2</sub>).

A Construction Management Condition is recommended should the application be approved.

Severn Trent Water (STW)

No comments received.

Oadby & Wigston Borough Council

No comments received.

County Highways

No comments received.

Health & Safety Executive (HSE)

No comments received on this application; however, on the earlier application the following comments were given in relation to the proximity to the gas pipeline which is classed as a hazardous installation:

*The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.*

Better Buildings

*Passive Solar Design*

Happy with the approach being taken to ensure good levels of daylighting. I have no further comments on this.

*Building Fabric and Airtightness*

The development meets or improves on the values for the notional building. The proposed U-values for the fabric elements and the air-permeability value for this development are set out below, in comparison with the values for the notional building and the limiting parameters under the Building Regulations Part L 2021.

	Proposed for this development	Value for notional building, Part L2	Limiting parameter, Part L2
Ext. walls U-value (W/m <sup>2</sup> K)	0.16	0.18	0.26
Roof U-value (W/m <sup>2</sup> K)	0.15	0.15	0.18
Ground floor U-value (W/m <sup>2</sup> K)	0.15	0.15	0.18
Windows U-value (W/m <sup>2</sup> K)	1.3	1.40	1.60
Air permeability (m <sup>3</sup> /h-m <sup>2</sup> ) @50Pa	3	3.00	8.00

### *Heating, Cooling, Ventilation and Lighting Energy Efficiency*

It is proposed to provide heating through CHP and hot water using an air source heat pump. It is proposed to fit LED lighting throughout, with automatic controls and utilise a ventilation system with MVHR. Comfort cooling to mitigate rooms flagged as having high solar gain will be done via VRF.

### *Renewable / Low Carbon Technology & Energy Supply*

As noted above, it is proposed to fit air source heat pumps to the development. The energy statement notes that solar PV panels will be installed, and a space for these has been indicated on the supplied roof plans.

### *Construction Materials and Waste Management*

The BREEAM pre-assessment review supplied notes the proposed approach to the use of sustainable materials and reduction of waste.

### *Carbon Emissions*

Based on the BRUKL calculations, the development shows a 10% improvement on the notional total emissions.

No objections to the development subject to condition.

### Waste Management (WM)

Waste Receptacles to be Accommodated - The development requires a total of 6x 1100 litre bins for refuse and 4x 1100 for recycling. The applicant is advised that they must also make provision for new legislation that will require space for food waste bins also. There does not appear to be sufficient space for accommodate the requirements.

Bin Stores on Plans - The plans do not clearly show the separation of domestic and commercial waste.

Bin Store Access – Plans need to show doors can accommodate a bin plus 300mm each side for collection staff. Access paths and doors must have a minimum of 2 metres as per our guidance. A maximum distance from the bin store entrance to refuse vehicle of 10 metres is required to qualify for assisted collection.

Bin Store Design – Bin stores must be well lit and ventilated. They must have a cleanable floor and sustainable drainage. Doors should be able to be secured open during collection.

On the basis of these comments, amendments are required to the plans to clarify the above points.

#### Cadent Gas

Initially raised a holding objection.

After receiving the details of your planning application at The Leicestershire Golf Club, land next to Flat Spinney on corner of Gartree Road & Stoughton Drive, we have completed our assessment. We have **no objection** to your proposal from a planning perspective.

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details, visit [www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm](http://www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm)

The HSE may wish to apply more stringent criteria for building proximity after assessment. Please ensure that you formally consult with them before you proceed. In order to help prevent damage to our asset/s, please add a recommended informative.

#### Local Highway Authority

The proposal has been the subject of previous submissions upon which the Highway Authority have commented. The current application does not differ significantly in highway terms from the 2024 application.

The proposals as presented are, in overall principle, broadly acceptable in highway and transport terms, but two issues of potential concern were identified at pre-application and in the previous application that I advised should be addressed prior to, or as part of, the submission of a subsequent application. One of these related to the need to approach the County Highway Authority (CHA) with regard to the acceptability and approval of the proposed new vehicle access. It is not clear if this was addressed at that time, but the CHA has been consulted on this application.

The other issue concerned the existing public footpath access from Gartree Road, in particular its potential use as a dropping off point by taxis, relatives, friends or delivery drivers as a convenient alternative to driving into and out of the site. However, I do not consider that this issue would be so concerning to warrant refusal on this reason alone.

Conditions are generally recommended to control other matters.

#### Lead Local Flood Authority (LLFA)

The location of the proposed development is in Flood Zone 1, however it should be noted that Flood Zones 2 and 3, and modelled surface water flood risk areas, are directly to the north of the location of the building. An FRA is provided which assesses the flood risk associated with all sources of flooding. Further information regarding the proposed drainage strategy, proposed surface water pumping station, SuDS measures and maintenance is required.

No objection subject to conditions to secure additional details.

### Parks/Green Spaces

No response was received.

### Western Power

No response was received.

### Trees

Satisfied with the supplied information contained within the Arboricultural Statement. The report advises that a veteran tree management plan or woodland management plan would be appropriate to ensure that all trees are appropriately managed and the proposed mitigation measures are implemented throughout the development. Agree with this and believe most of this document could be conditioned if planning consent is given. This document also states that the design of the of the fencing layout and SuDS construction site could be adjusted to avoid Arboricultural constraints, any possible amendments there would be beneficial. The AIA, AMC document concludes that there will be 32 individual trees planted on site as part of the proposal, would like to see the proposed tree planting in detail, this includes locations, species, size, planting pit details with a management plan.

## Representations

22 letters of objection have been received which raise the following concerns:

- Potential of additional road traffic in an area which already is congested at busy times
- Impact on pedestrian safety as more users in the area and lack of appropriate parking/waiting space on the road network
- Impact on local wildlife and natural landscape at The Spinney which is home to many wildlife species
- Appropriateness of the green wedge for such a development and whether other brownfield sites have been considered before the green wedge?
- Significant area of hardstanding to be required for this development and loss of many mature trees and landscaping which further will cause more flooding in the area
- Lack of consultation from the Golf Course on this application with local residents
- Disproportionate size and mass of building and its erosion of views of the open green spaces, heritage views and rural charm
- Ecological disruption of the habitats which exist on this part of the golf course from the development
- Construction and increased human activity may disturb existing wildlife corridors
- Diversion of the public right of way will undermine community access to the green spaces
- Inappropriate use of the land. There is a policy conflict with the new local plan policies
- Increased flood risk to an area already suffering from flooding not only at the roundabout but on the street immediately outside the site (photographs of flooding in the area have been submitted with some of the objections, some of which are available to view on the website)
- There are plenty of care homes in the area

- De-value properties in the area
- Increased noise and disturbance from not only construction traffic but also from a 24 hour use with potential for lighting at all times of the day and night
- Public infrastructure in the area is poor and local facilities are not close enough to walk so residents would rely heavily on cars
- The proposal would strain local NHS facilities and the pressure on them from future residents of such a facility. GP services are already strained in the area

A petition with 163 signatures has been received. The covering letter to the petition outlines the following points of strong objection to the proposals:

- Harm to the Green Wedge policy & local distinctiveness
- Flooding & drainage risk
- Highways safety & traffic congestion
- Environmental & landscape harm
- Loss of amenity for residents

141 letters of support have been received which identify the following benefits for the scheme:

- Need for Care Homes in the Area with an aging population
- Site is overgrown and is not well kept
- Site is not used actively by the Golf Course and is only a small proportion of the green wedge
- Benefits to the longevity and ongoing viability of the Golf Course operations from this development
- Golf course is a valued community asset which would be able to continue its operation and install a needed irrigation system required by the Environment Agency from this partnership
- Proposal would free up local homes

3 letters of comments have been raised which acknowledge the natural landscape of The Spinney, plant species which are found in this location and whether a site close to such a busy road junction is appropriate for a care home.

Letters of support have also been submitted from Adult Social Care Services at the City Council and the County confirming they have a need for nursing care beds which comply with the CQC rules, in the right location and at the right price. They advise that the applicant (Morrisons) operate care homes in other locations in the country and would support their application.

The Leicestershire Golf Club have also written in to support the application which outlines their finances and commitments which need to be fulfilled for the club to remain in operation.

## Consideration

### Pre-application

In line with paragraph 40 of the NPPF, the applicant engaged in pre-application discussions. The pre-application proposal on this site (202390356P) was similar to the current proposal and the formal response raised a number of comments and concerns.

The advice concluded that any formal planning application at the site for the same or similar proposal would be contrary to the development plan and would be recommended for refusal.

Following the pre-application advice application 20241221 was submitted which was predominantly the same as seen in the pre-application. The current application is for the same proposal; however, the technical issues raised in the earlier application have now been addressed and supporting information has been submitted as part of this application.

### Principle of Development

#### *Green Wedge*

The application is situated in the Evington Green Wedge. This is an area of open and undeveloped land which was designated under the City of Leicester Local Plan 2006 to strategically maintain networks of habitat and green infrastructure. Saved policy GE06 of the Leicester Local Plan states permission will not be granted for development which would:

- a) affect the predominantly open and undeveloped character of a Green Wedge;
- b) reduce the physical separation between existing settlements;
- c) prejudice agricultural and forestry operations;
- d) impair recreational and leisure access to and within Green Wedges.

Supporting text for the policy states that development which cannot justify a green wedge location will be unacceptable. With respect of the criteria a to d above, the following is advised:

- a) the proposal would erode the predominantly open and undeveloped character of the Green Wedge by introducing built form and associated works such as hardstanding, new access road on site. Whilst the proposal is located to one part of the site, severing the periphery or edges of the Green Wedge is in itself affecting the size of the green wedge itself and affecting its character;
- b) the proposed development is located along the western side of the golf course which has residential dwellings to the north within the city boundary, but there is a clear visual end to built form. To the south of the site (and on the opposing side of the road) are larger residential dwellings located within the boundary of Oadby and Wigston Borough Council. Given this context and the prominence of the site adjacent to the highway, the proposal is considered to reduce the visual separation between existing settlements;
- c) this criteria is not applicable in this location; and
- d) whilst it is noted from the applicant's submission that this part of the golf course is not used by its members for a variety of reasons, that does not mean it could not be used as part of the golf course and its associated activities at any point in the future. The proposal would take the site away from this use.

Core Strategy policy CS13 states that Green Wedges will be maintained as areas of land which prevent the merging of built-up areas of the City and adjoining settlements, guide development and provide a "green lung into the inner urban area...development within a Green Wedge will be expected to serve as open space".

The strength of Green Wedge allocations was reviewed in The Green Wedge Review (2017) and Addendum report (2020) under four criteria:

- To prevent merging of settlements
- To guide development form
- To provide a green lung into urban areas
- To provide a recreational resource

The report rated the Green Wedge where the development is proposed as strong with regard to all four functions.

Attrition of the Green Wedge for development, particularly of high scoring parts of the green wedge, reduces its function in preventing the merging of settlements and providing a well-connected green corridor that penetrates from the countryside into the urban area. The site falls within a high-scoring portion of the Evington Green Wedge, and the proposal is not one which serves the open space. Therefore, the principle of the proposed development is contrary to planning policy and is not supported.

### *Emerging Local Plan*

The Inspectorate have concluded their examination of the Local Plan and subject to alterations have advised that the Local Plan can proceed to adoption. Consideration of adopting the Local Plan will be given at the Full Council meeting end of March 2026 with formal adoption shortly after. Due to the advanced stage that the Local Plan has now reached, significant weight can be given to the policies that form the Local Plan.

The emerging Leicester Local Plan includes Policy OSSR01 ('Green Wedges') states that *"The green wedges as shown on the Policies Map will be maintained as areas that prevent the merging of built settlements, help guide where development can take place, provide a green lung into urban areas, and act as a recreational resource."*

The policy continues to say that *"development within green wedges will only be permitted for the following:*

- a) The proposal does not adversely affect the predominantly open and undeveloped character of the green wedge, and*
- b) The proposal relates to:*
  - i) agriculture,*
  - ii) horticulture,*
  - iii) forestry,*
  - iv) nature areas,*
  - v) allotments,*
  - vi) burial grounds,*
  - vii) low impact waste uses,*
  - viii) outdoor sports,*
  - ix) leisure /recreation facilities that are predominantly open uses, including school playing fields,*
  - x) footpaths,*
  - xi) cycleways and bridleways,*
  - xii) renewable energy development,*
  - xiii) mineral extraction*

*Or the proposal delivers local transport infrastructure which can demonstrate a requirement for a Green Wedge location.*

*Where development is otherwise acceptable within a Green Wedge, it shall:*

- a) provide a high quality of boundary and frontage treatment;*
- b) enhance, retain, or create additional open space networks between the countryside and within the urban areas;*
- c) enhance or retain public access to and within Green Wedges; and*
- d) enhance or create additional recreational and/or biodiversity areas within the Green Wedge.*

*A preliminary ecological appraisal should be submitted alongside any planning application for development in the Green Wedge.*

The application site and wider area is still allocated as Green Wedge on the emerging Local Plan policies map. The proposal is therefore also contrary to emerging policy OSSR01. The applicant has submitted a further statement in relation to the Green Wedge and the emerging Local Plan which largely states that the development would support the Golf Course in the long term which in turn would strengthen recreation use in that part of the Green Wedge and that the development would improve access to the Green Wedge. However, the proposed development does not fall within any of the above exceptions. The proposals remains an unacceptable form of development in the green wedge.

The NPPF is clear that increased weight can be given to emerging policies as they become close to adoption, therefore I consider that the proposal would also be unacceptable in terms of the emerging Local Plan and approval of this application would prejudice its effective implementation when adopted.

#### *Class C2 Housing*

The NPPF highlights the importance of ensuring that a wide range of different types of dwellings are provided, catering for different groups including accommodation for older people. This is further reflected within the current Housing and Economic Development Needs Assessment (HEDNA) which is the current evidence for local housing need. It states that there is an ongoing requirement for additional older people's accommodation within Leicester especially in regard to supported care.

Adopted Core Strategy Policy CS06 'Housing Strategy' states that "new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City" and "the City Council will seek to meet the needs of specific groups through including the provision of Extra Care accommodation to meet identified needs of an increasing elderly population".

Policy CS08 'Existing Neighbourhoods' goes on to state that within areas known as Leicester's suburbs that these are popular places to live for families due to a combination of their environment, house types and size and local facilities including schools. It is the Council's aim to ensure that these areas continue to thrive and so provide neighbourhoods that people aspire to live in, and which are a genuine alternative to out-migration from the City. The potential benefit of the development is supported by local Social Services departments.

Notwithstanding this identified need and the benefit as assessed above, the proposal does not meet any of the criteria of the Green Wedge policy and thus conflicts with the development plan in this significant respect.

### *Conclusions to Policy*

Although the council recognises the need for further provision of Class C2 uses and I recognise the benefits of the additional provision would make to help meet the relevant housing demand, this needs to be considered against the local policy requirement to protect the Green Wedge to which I afford very significant weight in my assessment. The Evington Green Wedge serves both as an important natural habitat and green lung within the urban area, and it prevents the merging of settlements within the city and therefore development of the site is counter to local planning policy. As noted above, this Green Wedge is rated as strong in terms of its function for these purposes.

Further to the above assessment, whilst the proposed development may support the continued use of the wider Green Wedge as a Golf course, this is not a significant public benefit in terms of access to and recreational use of the site which would have any substantive mitigation of the substantial policy harm. Use of the site as a Care Home and the wider area as a Golf Course would further restrict public access to this Green Wedge.

The proposed development would fail on the criteria set out in policy as detailed above and thus the application is unacceptable and would fail to comply with saved policy GE06 of the Leicester Local Plan and policy CS13 of the Core Strategy.

### Design

The NPPF para 135 states that “Planning policies and decisions should ensure that developments:

- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).”

Paragraph 40 of the National Design Guide states that well designed places are:

- “based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and responsive to local history, culture and heritage.”

Paragraph 41 states that well designed development should respond positively to features of the site and this includes “views inwards and outwards”. Moreover, paragraph 42 states that “Well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it. This is proportionate to the nature, size and sensitivity of the site and proposal.

In terms of the identity, paragraph 50 states that “Well-designed places, buildings and spaces; have a positive and coherent identity that everyone can identify with, including

residents and local communities, so contributing towards health and well-being, inclusion and cohesion; have a character that suits the context, its history, how we live today and how we are likely to live in the future; and are visually attractive, to delight their occupants and other users.”

#### Scale: Height

The site is on a prominent corner and a building of this scale at 3 storeys, footprint and massing would be prominent and differ from the prevailing scale of development around the site which is two storey residential. There have been no verified views submitted to demonstrate the scheme would sit comfortably within its context. However, given the drop in land levels, landscaping along the periphery of the site and the gabled and flat roofed design of the building I consider some design measures have been used to at least seek to minimise the overall dominance of the building on the street scene, and in views from adjacent roads in the city. No doubt there will be a visual change to the street scene and the development would present a prominent and potentially discordant element in terms of scale in its setting; however, I am not convinced this in itself would amount to sufficient harm to the character and appearance of the area to justify withholding permission.

#### Scale: Massing

With regards to the massing, the mixed use of gable and flat roof goes some way in breaking down the mass of the building. The elevational details in the amended plans show the use of an appropriate materials palette combined with recessed brickwork and window detailing which would help break down the mass of the building and add an element of visual interest in the elevations.

It is acknowledged that some of the objectors raise concerns regarding the appearance of the building within the landscape. Any building would appear different and new within a landscape which currently in this location is devoid of any built form. I consider on balance that the amended plans and the additional information regarding the external materials would result in a design that is acceptable, noting however that the development in principle involves substantial built intrusion into green wedge in conflict of the policy objectives as set out above.

#### Layout

The footprint of this building is that of an L shape on site. Looking at the wider urban grain, it will stand out in when viewed from outside of the site given the size of the building and the introduction of built form on a site which is otherwise wholly landscaped. The revised detailed design will help break down the mass of the building. Internally the layout of the building has been informed from the site's intended use and the requirements of other technical matters, which is accepted from a design perspective.

The proposed development as amended is consistent with adopted policy on design grounds. Conditions to secure appropriate materials and sample panels would be recommended should the application be recommended for approval.

#### Heritage Assets

Policy CS18 of the Core Strategy states the Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

An archaeological assessment will be required where a proposal would affect a site which is known to contain below ground and low level archaeological remains or thought likely to contain below ground and low level archaeological remains.

#### *Built Heritage*

The proposed development would have an impact on the open and green character of the immediate area, but it would not directly impact on the setting of any above-ground heritage assets. As such there are no built heritage objections to this proposal.

#### *Archaeology*

The application site is located within an area of archaeological potential. The submitted Desk-Based Assessment (DBA) advises that a geophysical survey has been undertaken, and this survey has been subsequently submitted. Upon reviewing both documents it is clear that there is a currently unknown potential for archaeological remains to be impacted by the proposed development. Therefore, further archaeological investigations are needed to confirm any archaeological potential.

Conditions are recommended for a programme of archaeological work to be agreed and carried out prior to commencement of any development at the site.

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

Saved policy PS10 of the City of Leicester Local Plan states that in determining planning applications several factors concerning the amenity of existing and proposed residents will be taken into account including matters such as noise, light, air pollution, the visual quality of an area, additional parking, privacy and overlooking, safety and security and access to key facilities by walking, cycling or public transport.

Saved policy H07 of the City of Leicester Local Plan is also relevant as the application includes the provision of a type of residential accommodation. Policy H07 states that planning permission will be granted for new flats provided the proposal is satisfactory in respect of matters such as the location of the site and the nature of nearby uses, the creation of a satisfactory living environment, the arrangements for waste bin storage and car and cycle parking, the provision where practicable of a garden or communal open space and the effect of the development on the general character of the surrounding area. The principles of the criteria in policy H07 are applicable in this instance.

All of the proposed living accommodation would be one-bedroom rooms with en-suite facilities. The bedroom sizes range between 17-19sqm for single person occupancy which is considered to be acceptable. Most of the ground floor units have an external door which provides direct access to a small outdoor space that includes paving and a small area of grass. All of the occupiers would have access to "Quiet Rooms" on each level. The communal living spaces include Day Rooms, Family Room, Sitting Rooms and a Café located at ground floor, and an outdoor garden and sensory garden located to the north of the building. A smaller outdoor seating area is also proposed to

the south of the building. Residents would have easy access to the amenity space and street through various exits from the building.

Generally, the internal living arrangements appear to be acceptable given the proposed use. Each bedroom would have at least one window of a reasonable size to allow sufficient daylight into the rooms. The rooms located to the north elevation would not receive direct sunlight into the rooms but would overlook a large open area in the form of the garden space. The east facing rooms would look over the car park and have a reduced quality of outlook, but I do not consider this of sufficient detriment to consider it a reason for refusal. Outlook from those bedrooms facing west would be to the boundary hedging which is existing and beyond this the adjacent highway of Stoughton Drive. Again, this is reasonable given the site's location.

A bin store is proposed to the east of the site north of the car parking area. It would be accessed from the internal road, and it is likely that refuse vehicle would have to reverse to its entrance. The Waste Management Team have advised that the details submitted are at this stage unclear in terms of whether the bin storage space would be large enough, and if it would be accessible by bin collection vehicles. Should this application have been acceptable otherwise, these details could have reasonably been amended as part of ongoing discussions. However, as the application is recommended for refusal, it is considered unreasonable to seek amendments in this respect.

As such, in its current form, the application requires amendments and further details in terms of waste storage and collection which would be secured by way of condition if the application were recommended for approval.

In terms of safety- noting that the recommendation is for refusal- unlike the previous application, no objection has been received from the HSE. I do not consider I have sufficient information to use the proximity and potential risk relating to the nearby hazardous installation as an additional reason to withhold consent.

#### Residential amenity (*neighbouring properties*)

As in the section above saved policy PS10 of the City of Leicester Local Plan is relevant to the considerations of this proposal and its effects on neighbouring properties.

There will be noise during the construction process which cannot be avoided but can be mitigated against by controlling the hours and days work is allowed to happen.

I do not expect the future residents of the proposed development to cause an unacceptable level of noise such that it would disturb existing residents of neighbouring properties. The closest residential property is approximately 32 metres from the proposed building which I consider to be an acceptable distance. The position of the proposed car park is such that it is away from most existing neighbours and separated from the closest residential properties by the nearby highway network. The bin storage area is also away from neighbouring properties.

There have been objections received on ground of light pollution overspilling outside of the site. It is unlikely that this would happen given that any lighting on site would

need to be ecologically sensitive and therefore I do not consider that conditions would adequately mitigate any harm in this respect.

I therefore consider the proposal to be acceptable in respect of amenity considerations.

#### Highways and Parking

Saved policy AM01 of the City of Leicester Local Plan (CLLP) states planning permission for development will only be granted where the needs of pedestrians and people with disabilities have been successfully incorporated into the design.

Saved policy AM02 of the CLLP states planning permission for development will only be granted where the needs of cyclists have been successfully incorporated into the design. Safe and secure cycle parking facilities will be required in accordance with the standards set out in Appendix 1 of the CLLP.

Saved policy AM12 of the CLLP the levels of car parking for residential development will be determined in accordance with the standards in Appendix 1. Reductions below the maximum standards may be appropriate under certain circumstances listed in the policy.

The site is outside of the Central Commercial Zone and within Zone 3 as shown on Map 2 of Appendix 1. Parking standards for Class C3 dwellings in Zone 3 are:

- 1 bedroom: 1 space
- 2 or more bedrooms: 2 spaces

Cycle parking standards require 1 space per 2 bedspaces plus 1 per 20 bedspaces for visitors for Class C3 residential development.

Core Strategy policy CS03 states that new development should achieve the following urban design objectives:

- car parking should be integrated so that it is safe and does not dominate the development.
- Improve access, connectivity and permeability within and through the development site and the wider area.
- Encourage walking and cycling.

Core Strategy policies CS14 and CS15 state development should be easily accessible to all future users, including those with limited mobility. It should be accessible by alternative means of travel to the car, promoting sustainable transport, cycling and walking and located to minimise the need to travel. Large scale developments are required to provide travel plans. Residential parking should be of the highest design quality and land use efficient. It should be appropriate for the type of dwelling and its location.

The Authority's current parking standards are contained in saved policy AM12 of the City of Leicester Local Plan. Car parking for a care home should be provided on the basis of 1 space per 4 bedspaces. The applicant proposes 72 bedspaces in new

facility. On this basis, 18 car parking spaces are required. 24 spaces are proposed including 2 disabled spaces, 3 EV charging bays and 1 ambulance bay. This is acceptable. However, the Leicester Street Design Guide recommends that vehicle spaces measure at least 2.4m x 5.5m with 6m clear space for manoeuvring. The spaces shown only measure 2.4m x 4.8m with 6m manoeuvring space. Whilst this is less than ideal, in this instance, it is not considered that this would have a detrimental impact on highway safety.

A footpath is proposed from Gartree Road (west of the proposed new vehicular access) which is close to the roundabout at the north of Stoughton Drive North. The City Highways Authority has raised concerns regarding the location of this and potential issues whereby staff and visitors may be picked up and dropped off. However this in itself would not be so significantly detrimental to warrant a reason for refusal on this basis alone.

#### *PRoW*

The site is affected by a Public Right of Way, as shown on the Definitive Map. The applicant proposes to realign the Footpath to allow users to cross the new care home access road safely. Whilst this is acceptable, the Footpath will need to be legally diverted by means of a Diversion Order. This will need to be carried out prior to any works commencing on site. A condition to control this could be included if the application was to be approved. However, the recommendation is for refusal.

#### *County & City Boundary*

Leicestershire County Council and Oadby & Wigston Borough Council were consulted on this application but made no comments. Given that the application for the access road has been approved by Oadby and Wigston, it is presumed that they have no comments to make on this particular matter.

#### *Highways Conclusions*

The application is considered acceptable on highway grounds subject to conditions.

#### Sustainable Energy

Policy CS02 of the Core Strategy states that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions. Principles include best practice energy efficiency and sustainable construction methods, where feasible the inclusion of decentralised energy production and provision for community and domestic scale renewable energy generation.

The submitted design is considered to be acceptable in terms of passive design, low carbon energy and efficiency and controls for systems. Further information is however required but it is considered that this could be secured by a condition.

Subject to this additional information the proposal is considered in accordance with Core Strategy policy CS02.

#### Flood Risk & Drainage

Policy CS02 of the Core Strategy states that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions.

Development should be directed to locations with the least impact on flooding or water resources. Where development is proposed in flood risk areas, mitigation measures must be put in place to reduce the effects of flood water. All development should aim to limit surface water run-off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of sustainable drainage techniques in developments.

The site is in Flood Zones 1 and 2 and is considered a medium risk to fluvial flooding. The entire site is at low risk of pluvial flooding (from surface water). It is considered that any risk can be managed through the design of the development.

The Lead Local Flood Authority (LLFA) having considered the submitted information have commented that the Flood Risk Assessment (FRA) is acceptable.

A drainage layout plan is provided which shows that surface water will be managed using permeable paving, filter trench/dry swale and an attenuation pond. Further information regarding the proposed SuDS and maintenance is required. Also, a pumping station is proposed to abstract water from the proposed attenuation pond for irrigation purposes, but further details for this are required.

As such insufficient information has been provided as part of the application contrary to Core Strategy CS02. Should the application have been acceptable in all other respects, conditions could be used to obtain the relevant information.

#### Nature Conservation/Trees/Landscaping

##### *Nature Conservation*

Core Strategy policy CS17 states that the Council will expect development to maintain, enhance, and/or strengthen connections for wildlife, by creation of new habitats, both within and beyond the identified biodiversity network.

In considering the potential impact of development on wildlife, the Council will require ecological surveys and assessments of the site to be undertaken where appropriate to establish the presence or absence of protected species or habitats or particular value prior to any development taking place.

The proposed location for this development sits within the south-western corner of the Leicestershire Golf Club and is part of an extensive area of green space which in its entirety is designated as a Local Wildlife Site (LWS). This LWS is also notable as a component of the much wider 'Evington Green Wedge' and is specifically designated for species-rich neutral grassland habitat which is listed as a Priority Habitat in the Natural Environment & Rural Communities (NERC) Act (2006), local Biodiversity Action Plan (BAP) habitat in the Leicester, Leicestershire & Rutland BAP and local Leicester City BAP.

A pre-application advice request for development on this site was submitted (202390356P), and it is noted and welcomed that the efforts have been made with the proposed layout following responses to minimise encroachment on the adjacent tree belt (Flat Spinney).

##### *Ecological information*

The PEA (Leigh Ecology - May 2025) includes the wider survey area, results of species records searches and detailed botanic survey information which accurately confirms the onsite habitat types and quality.

### *Protected Species*

The PEA also presents clarity of the potential for protected species to be impacted by the proposal and any required compensation and/or some reasonable avoidance measures (RAMS):

- Badgers - PEA confirmed no presence of badgers within survey area. It was recommended that a pre-commencement 'walkover' survey should be undertaken and RAMS followed; however, there are no RAMS detailed within the PEA which would be required.
- Birds – PEA confirmed that habitat ideal for nesting will be impacted by site clearance works associated with the proposal and recommends that this work should only be undertaken outside of bird nesting season (March - August). The PEA also recommends provision of nest boxes which is welcomed and should (would) be conditioned.
- Bats - confirmed that a further bat activity survey is required which was undertaken in August 2024. A revised Bat Activity Survey Report (Leigh Ecology - August 2024) has been presented in light of previously raised concerns. This confirmed that bat foraging activity was associated with the adjacent woodland and wider site, therefore the development would have limited impacts providing a sensitive lighting scheme ensure no light spill onto these areas; specifically in accordance with Bat Conservation Trust guidance noted on page 7 of the report. If approval is provided, a pre-commencement lighting scheme plan should be conditioned.

Also it should be noted that the PEA will only be valid for a period of two years from the date of survey (June 2024). The Bat Survey is also valid for two years from the date of survey (August 2024).

### Strategic significance and the BNG metric

As the application was submitted after the LNRS was published (1<sup>st</sup> August 2025), the guidance states that the LNRS can be used to assign the strategic significance within the metric. The presented metric was completed on May 2025 which is before the adoption of the LNRS, therefore the metric may need to be updated in accordance with the relevant guidance on LNRS and the strategic significance multiplier. The agent/applicant will need to seek advice/input from the ecologist who completed the metric to determine if any of the information needs to be updated.

### *Lighting*

The Applicant's Ecologist has included detailed recommendations within the PEA about reducing lighting impacts on surrounding habitats; in particular the tree belt directly adjacent to the proposed development site. On reviewing the provided External Luminaire Schedule (drawing 1279/SCH/97/01.Rev.1 - Design Me - June 2024), there is insufficient detail to fully assess the potential lighting impacts as provided plans only show light up to the redline boundary. Whereas, a lux lighting plan showing the impact of proposed lighting beyond the red line boundary (where light spill occurs) is required in order to assess any impacts upon surrounding habitat. This can be conditioned.

### *Trees*

An Arboricultural Impact Assessment has been included with the application which has subsequently been revised. The details of the report are accepted and conditions are recommended by the Tree officer to ensure that appropriate replanting takes place.

### *Biodiversity Net Gain (BNG)*

A revised BNG Plan and associated DEFRA metric has been presented (Leigh Ecology Ltd – May 2025) based upon the PEA and it is now accepted that this more accurately represents the onsite (and off-site) habitats but still reflects a loss of strategically important green infrastructure. However, these documents also confirm that it is proposed that the majority of the required net gain in biodiversity will be achieved outside the redline boundary within an area of the wider golf course (just north of the site), as presented within the blueline boundary. Regardless of whether this land is in ownership of the owner of the redline boundary, it is still considered 'off-site' and separate.

There are some amendments needed in terms of the BNG calculation in that where the RPA of any trees fall within the red line of the application site then those need to be included in the baseline habitat of the BNG metric. This will be particularly important for the veteran tree. A statement on irreplaceable habitat would be required specifically in relation to the protection/potential impacts on veteran tree habitat.

Therefore, in order to make gains in this manner, the 'off-site' area (gain site) would need to be legally secured via a s106 with the LPA before planning approval can be given. In addition to this the metric will need to be updated to include the root protection areas of those trees which fall within the redline boundary.

### *Landscape*

Saved policy UD06 of the City of Leicester Local Plan states that new development must include planting proposals unless it can be demonstrated that the scale, nature and impact of the development or character of the area do not require them.

Planting proposals should form part of an integrated design approach which includes overall layout, access routes, fencing, hard landscaping, lighting, services and street furniture and should be submitted as part of the planning application.

Core Strategy policy CS03 states that new development should create high quality public spaces with full consideration given to the relationship between buildings and the spaces between them and to make the best use of landscaping, lighting and public art.

The proposals provide an engaging landscape setting appropriate for the proposed development. The full hard and soft landscape details will be required, including details of retaining walls. Where possible SuDs should be incorporated within the landscaping proposals. There are opportunities to include green roofs on the flat parts of the roof. A suitably worded condition would have been recommended with respect of detailed landscaping proposals should the application have been acceptable otherwise.

### *Nature Conservation, Trees & Landscape Conclusions*

The amended information is acceptable and subject to an updated metric and the use of conditions these matters could be resolved. A Section 106 agreement would need to have been entered into to secure appropriate BNG measures on and off site.

### Land Contamination

Saved policy PS11 of the City of Leicester Local Plan states that proposals which have the potential to pollute will not be permitted unless the health and amenity of users, neighbours and the wider environment can be assured.

The applicant has submitted a desk study site appraisal and a Phase 2 assessment for land contamination. No contamination has been found and it is recommended that a condition is attached if planning permission is granted in the case that contamination is found during the construction phase.

I consider subject to the recommended condition, the proposals would be in accordance with the requirements of saved policy PS11 of the City of Leicester Local Plan.

### Section 106 agreement

Core Strategy policy CS19 states that new development must be supported by the required infrastructure at the appropriate stage. The City Council will work in partnership with infrastructure providers, grant funders and other delivery agencies in seeking the provision of the necessary infrastructure to support new development.

Developer contributions will be sought also where needs arise as a result of the development. Should this application have been recommended for approval then such discussions would have taken place.

### Planning Balance

Section 38(6) of the planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The starting point for the assessment of this planning application is therefore the Development Plan policies which seek to protect land designated as Green Wedge from inappropriate development that would harm its openness, character or strategic function.

This site lies within the Green Wedge designation which is subject to Saved policy GE06 of the Leicester Local Plan and Core Strategy policy CS13, both of which include certain types of development that may be acceptable in the Green Wedge. This application does not fall within any of the said criteria. Further to this, the emerging Local Plan policy OSSR01 identifies the criteria within which development in the Green Wedge may be acceptable and again the proposal does not fall within this or meet any of the stated criteria. The emerging Local Plan policy is supported by a more recent survey of the Green Wedge which confirmed that the Evington Green Wedge scores high in its function as an important green lung for the city.

The applicant contends, amongst other things, that the release of this section of the Green Wedge would financially support the long-term viability of the Golf Course which

would in turn allow this Green Wedge to continue to remain in situ. It is raised that the Golf Course is a community asset; however, the local planning authority is not aware of a formal designation of the Golf Course as a community asset. It is recognised that the Golf Course is run with a membership and that it offers a space for members and residents to meet and hold events; however, this in itself does not make it a formally recognised community asset. Nonetheless such a designation does not mean any planning application would not be determined in accordance with the Development Plan policies.

It is acknowledged that the development would make a positive contribution towards meeting a local housing need, and this has been given significant weight. There is a need for purpose-built care homes and the applicant has obtained letters of support from Adult Social Care from the City and the County Council. However, the principle of redeveloping an important part of the long-established Green Wedge for the purposes of a care home is unacceptable in terms of the resulting very substantial harm.

Furthermore the letters of support relate largely to the need for the bed spaces and recognise the applicant as a company which could meet some of the need. The letters do not confirm nor guarantee that if built, the bed spaces would be used by the City or County. Whilst the need for such housing is recognised, the site designation as part of the Green Wedge is rated with a high score in the Council's latest evidence and the proposal fails to meet any of the exception criteria outlined in saved policy GE06 of the Leicester Local Plan, nor Core Strategy policy CS13. The proposal would also alter the function and visual openness of the Green Wedge in this particular location. This would undermine the strategic purpose of the Green Wedge designation and would conflict directly with Development Plan policies that seek to safeguard the Green Wedge.

The economic benefits of the proposal relate to the offer of employment during the construction and operation phases of development and the ongoing running of the Golf Course which, it is contended, could also at the very least retain the employment within the management and maintenance of the golf course. I consider the number of jobs created directly and indirectly by this proposal would not be so significant to warrant a different recommendation. Similarly this benefit would not be substantially different if such a development proposal came forward on a Brownfield development site which would be more suitable than the Green Wedge.

It is recognised that the City Council cannot at present demonstrate a five year housing land supply and therefore, as required by the NPPF, permission should be granted unless, *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The proposal would make a modest contribution towards the local housing need, and this has been given significant weight. However, taking into account the proposal conflicts with the Development Plan taken as a whole, there are not material considerations of sufficient weight to justify a departure from the Development Plan in this case. The “tilted balance” need not require the development is approved in this case.

## Conclusion

The Local Planning Authority has engaged with the applicant during pre-application discussion and provided extensive comments, and also during the course of this application.

It is considered on balance that the proposal is unacceptable in principle, therefore I recommend REFUSAL for the following reason:

### REASONS FOR REFUSAL

1. The site is located in the designated Green Wedge which has scored highly in the Council's latest evidence, and the proposal does not meet any of the exception criteria outlined in saved policy GE06 of the Leicester Local Plan, nor Core Strategy policy CS13. Furthermore, the proposal would fail to accord with emerging Local Plan policy OSSR01. As such the proposal is unacceptable in principle and contrary to the Development Plan.

### 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 during the application process and in earlier pre-applications. Notwithstanding that advice 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.

### 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_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_GE02	Permission not normally granted if development adversely affects Sites of Importance for Nature Conservation, Local Nature Reserves and the Regionally Important Geological Sites.
2006_GE03	Development on a Biodiversity Enhancement Site will be permitted if the strategic nature conservation value is maintained or enhanced.
2006_GE06	Sets out the criteria for assessing proposed development within, and adjacent to, green wedges.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

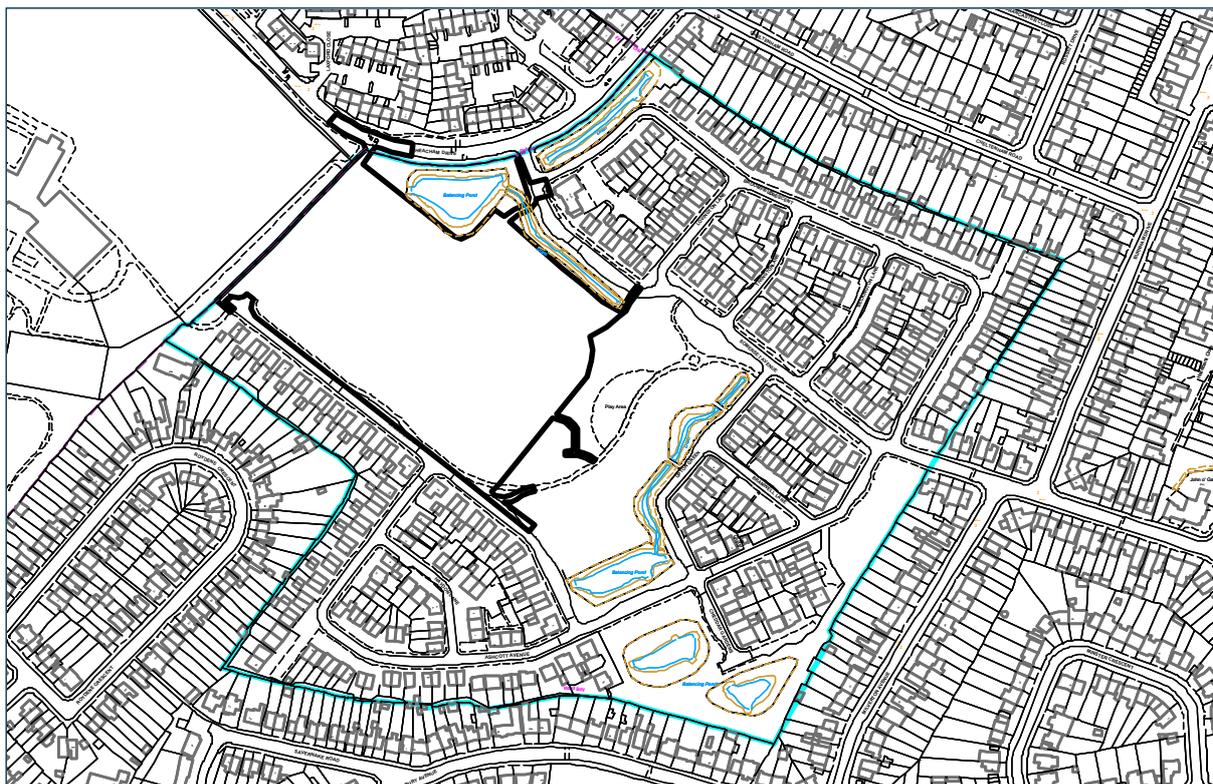
- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 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\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.





## COMMITTEE REPORT

<b>20250928</b>	<b>Heacham Drive, Land to South</b>	
Proposal:	Erection of 60 dwellings, with access, open space, drainage, landscaping, and associated infrastructure.	
Applicant:	Barratt David Wilson Homes North Midlands	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	25 September 2025	
JL	TEAM: PM	WARD: Abbey



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### Summary

- The application is to be determined by the planning committee due to the number of objections received for this application.
- Thirteen objections, 4 comments and 1 representation in support have been received for this application.
- The objections relate mostly to the loss of open space, highway safety concerns, maintenance and lack of provision of sports facilities.
- The main issues relating to this application include highways, biodiversity/ecology, design and energy efficiency.

- The application is recommended for conditional approval, subject to completion of a S106 agreement.

## The Site

The application site is currently vacant land, which has previously been used as playing fields. There was previously vegetation on the site, which has been cleared.

The southern part of the wider site has been developed for residential use (306 dwellings) (referred to as Phase 1) by the same applicant as this application. It is proposed that this development would form the next phase of the development. This application site covers an area of 2.41 ha, with 0.528ha of the land proposed to be allocated as open space.

Part of the site was used during the construction works of Phase 1 for the storage of materials and construction vehicles. The site is largely surrounded by residential development, much of which is that developed under Phase 1. To the east of the site is Beaumont Leys secondary school, with the associated playing fields of the school to the northeast of the site.

The site is in a critical drainage area and 1:1000 surface flood area. The site is in flood zone 1.

## Background

There is an extensive planning history to this site.

20222274 – Planning permission was refused on the site for the construction of 76 dwellings and associated infrastructure. The reasons for refusal were:

1. *The proposal fails to appropriately consider and respond to the local context and the immediate surroundings of the site. The proposal is not justified in townscape terms and would not contribute positively to the area's character and appearance in terms of design, massing and appearance. The resultant development would be car dominated with little visual relief from hardstanding which would have a detrimental visual impact on the street scene. As such the proposal would result in a poor design and would be harmful to the character and appearance of the area and the proposal is contrary to policy CS03 of the Core Strategy, saved policy PS10 of the City of Leicester Local Plan and to the relevant provisions of the National Planning Policy Framework (2021); in particular paragraphs 130 and 134 as supported by the National Design Guide.*
2. *The applicant has failed to provide suitable pedestrian and cycle connectivity through the site and surrounding development, including pedestrian footpaths and appropriately located crossing places. The proposal is therefore contrary to saved policies AM01 and AM02 of the Local Plan, Core Strategy policy CS03 and paragraphs 110 and 112 of the National Planning Policy Framework (2021).*

3. *The proposed extensive provision of parking courts is considered to be an inappropriate and poor design feature resulting in large areas of hardstanding, a fragmentation of blocks and frontages and a poor level of amenity for neighbouring dwellings. Due to inadequate access widths and turning space within the parking courts and a poor relationship of some designated parking spaces to corresponding dwellings, this is also likely to result in an underuse of designated spaces causing additional on street parking demand to the detriment of highway and pedestrian safety. The proposal is therefore contrary to saved policies AM12 and PS10 of the Local Plan, Core Strategy policies CS03 and CS15, and paragraphs 110, 112, 130 and 134 of the National Planning Policy Framework (2021).*
4. *The applicant has failed to demonstrate that vehicles would be able to travel through the site without compromising pedestrian, cyclist and vehicular user safety at a number of locations throughout the site. The proposal is therefore contrary to saved Local Plan policies AM01, AM02, Core Strategy policy CS15 and paragraphs 110 and 112 of the National Planning Policy Framework (2021).*
5. *The proposed development would fail to provide an adequate amount of usable, publicly accessible open space, which would not provide a satisfactory living environment for future occupants. The proposal is therefore contrary to saved Policies GE09, GE16, H01, H07 and PS10 of the City of Leicester Local Plan, Policies CS03 and CS06 of the Core Strategy, the Residential Amenity SPD, and the relevant provisions of the National Planning Policy Framework (2021), in particular paragraphs 92, 119, 124, and 130, as supported by the National Design Guide.*
6. *The future occupants of plots 312, 315, 328, 373 and 376 would not have an adequate level of private external amenity space. The proposal is therefore contrary to Core Strategy Policy CS03 and paragraphs 130 and 134 of the National Planning Policy Framework (2021).*
7. *Insufficient information has been provided by the Applicant to demonstrate how Biodiversity Net Gain can be achieved. Therefore, the proposal is contrary to Core Strategy policy CS17 and National Planning Policy Framework (2021) paragraphs 174 and 180.*
8. *The proposal fails to provide an appropriate mix of affordable housing units. The proposal is contrary to Core Strategy policies CS06 and CS07 and National Planning Policy Framework (2021) paragraph 65.*
9. *The applicant has failed to demonstrate that the proposal makes best use energy efficiency measures in the development and minimises carbon emissions. As such the proposal is contrary to Core Strategy policy CS02 and National Planning Policy Framework (2021) paragraphs 154 and 157.*

20211119 – Planning permission was refused on this same site for the construction of 96 dwellings with associated infrastructure. The reasons for refusal for the application were:

1. *The proposed development would result in the loss of public open space and would fail to provide an adequate amount of open space, contrary to City of Leicester Local Plan saved policies H01, GE09 and GE16.*
2. *The proposed development, by reason of the lack of usable, publicly accessible open space and failure to demonstrate adequate accessibility, would not provide a satisfactory living environment for future occupants. The proposal is therefore contrary to saved Policies PS10 and H07 of the City of Leicester Local Plan, Policies CS03 and CS06 of the Core Strategy, the Residential Amenity SPD, and the relevant provisions of the National Planning Policy Framework (2021), in particular paragraphs 92, 119, 124, and 130, as supported by the National Design Guide.*
3. *The proposal fails to provide an appropriate mix of affordable housing units, taking into account a requirement to provide "first homes". The proposal is contrary to Core Strategy policy CS06 and CS07, National Planning Policy Framework (2021) paragraph 65.*
4. *The applicant has failed to demonstrate that all of the dwellings would provide adequate living conditions which would meet the requirements of Categories M4(2) and M4(3) accessibility standards (Building Regulations). The proposal is therefore contrary to policies CS03 and CS06 of the Core Strategy (2014).*
5. *The proposal fails to appropriately consider and respond to the local context and the immediate surroundings of the site resulting in a cramped form of development. The proposal is not justified in townscape terms and would not contribute positively to the area's character and appearance in terms of design, massing and appearance. The resultant development would be car dominated with little visual relief from hardstanding which would have a detrimental visual impact on the street scene. As such the proposal would result in a poor design and would be harmful to the character and appearance of the area and the proposal is contrary to policy CS03 of the Core Strategy, saved policy PS10 of the City of Leicester Local Plan and to the relevant provisions of the National Planning Policy Framework (2021); in particular paragraphs 130 and 134 as supported by the National Design Guide.*
6. *The applicant has failed to demonstrate how biodiversity net gain can be achieved. Therefore, the proposal is contrary to Core Strategy policy CS17 and National Planning Policy Framework (2021) paragraphs 174 and 180.*
7. *The applicant has failed to demonstrate that the proposal makes best use of solar gain, to incorporate energy efficiency measures in the development and to minimise carbon emissions. As such the proposal is contrary to Core Strategy policy CS02 and National Planning Policy Framework (2021) paragraphs 154 and 157.*
8. *The applicant has failed to provide suitable pedestrian and cycle connectivity through the site and surrounding development, including pedestrian footpaths and appropriately located crossing places. The proposal is therefore contrary*

*to saved policy AM01 of the Local Plan, Core Strategy policy CS03 and paragraphs 110 and 112 of the National Planning Policy Framework (2021).*

9. *The applicant has failed to demonstrate visibility splays and provide a swept path analysis for the whole development, both required to demonstrate that vehicles can safely move around and out of the proposed development without detriment to highway safety. The proposal is therefore contrary to Policies AM01 of the Local Plan, Policy CS03 of the Core Strategy and paragraph 111 of the National Planning Policy Framework (2021).*
10. *The proposed shared bin and cycle storage would result in facilities which would not be secure or pleasant to use resulting in poor amenity provision for residents. This would be contrary to saved Local Plan policies AM02, H07 and PS10.*

Phase 1 site:

20191585 - Discharge of condition 21 (contamination scheme) attached to planning permission 20172015

20182553 - Non-material amendment to planning permission 20172015. To allow for change in roof tiles, relocation of visitor parking, alterations to internal roads.

20181742 - Non-material amendment to planning permission 20172015 to allow alterations to garage roofs, canopies to house types and approved materials.

20172015 - Variation of condition 24 (plans) attached to planning permission 20160871. (residential development of 314 dwellings (24 x 5 bed, 77 x 4 bed, 34 x 3/4 bed, 75 x 3 bed, 95 x 2 bed and 9 x 1 bed) public open space, sports pitches and associated infrastructure. Section 111 & 106 agreement.) To allow for reduced numbers from 314 to 306 and change in some house types). (Amended plans) (subject to a s106 deed of variation)

20171754 - Discharge of conditions attached to planning permission 20160871: condition 2 (lighting), condition 16 (construction method statement), condition 21 (drainage) (amended plan 4/5/18)

20171308 - Discharge of conditions attached to planning permission 20160871: condition 20 (tree retention details), condition 22 (employment skills plan)

20171152 - Discharge of conditions attached to planning permission 20160871: condition 3 (LEMP), condition 4 (landscape management plan), condition 7 (mitigation plan).

20160871 - Residential development of 314 dwellings (24 x 5 bed, 77 x 4 bed, 34 x 3/4 bed, 75 x 3 bed, 95 x 2 bed and 9 x 1 bed) public open space, sports pitches and associated infrastructure. (Amended plans dated 23/1/17) Section 111 & 106 agreement.

This 2016 application included a S106 agreement for the following financial obligations:

- Affordable Housing on site.
- Sport provision: on site provision or an off-site contribution of £500,000.00
- Education: £1,820,818.36
- Highway works: £290,000.00
- NHS: £124,623.98
- Bus shelter provision £20,500.00

20150952 - Screening opinion as to whether an environmental impact assessment is required for development of site for up to 440 dwellings

Earlier permission relating to larger site:

20060853 – Outline application for residential development was approved subject to conditions and a S106 Agreement requiring community/healthcare/education provision and an on or off-site sports financial contribution.

The 2006 proposal was for approval in principle of residential development on the site and for access. All other matters were reserved. The proposed accesses were from Heacham Drive and Somerset Avenue. The application included an indicative layout scheme, a transport assessment, and a flood risk assessment.

The design and access statement/ masterplan indicated the following provisions:

- 8ha of residential development and 5.9ha open space;
- housing to be located towards the periphery of the site, to maximise security and allow the provision of a central open space/park;
- a healthcare/community facility on the eastern boundary (if required);
- a central park/open space area incorporating informal sports provision and an equipped play area;
- formal sports pitches on the north-west of the site (the signed s.106 allowed for alternative provision off site);
- a semi-circular green boulevard linking Heacham Drive and Somerset Avenue;
- a separate pedestrian link from Somerset Avenue to Heacham Drive and to Beaumont Leys School;
- housing fronting streets and the open space, with enclosed private gardens to the rear;
- the predominant housing height would be two or two and a half storey, with the three or four storey buildings at focal points only;
- adequate separation between proposed and existing housing;

- Heacham Drive re-aligned and new housing in the area of the former road;
- smaller play areas and squares throughout the development;
- emphasis on encouraging walking and cycling through provision of attractive pedestrian and cycle links.

## The Proposal

This planning application is for 60 dwellings and associated infrastructure. Vehicular access to the development will be via Chelwood Road, with additional pedestrian and cycle access from Heacham Drive, Somerset Avenue and Upton Green. These pedestrian and cycle accesses are marked out on the plans submitted.

Open space will be provided for the development, to the North of the site, including planting and swales. Additional planting and green verges will be provided throughout the development and around Green Edge. There is an existing play park and open spaces that have been provided through previous phases of the development which would be available for the use of the residents of this proposal.

It is proposed that the proposal will include the following housing:

Market Housing – 3x2 bed, 2x3 bed, 2x4+ bed

Affordable Housing – 9x2 bed, 3x3 bed (making up 20% of the total housing provision).

It is proposed that 9 of the properties will be for affordable rent and 3 for first homes.

It is proposed that the dwellings will range from 1 – 2.5 storeys (with the majority 2 storey) and will be a mix of terraced, semi-detached and detached properties. Affordable housing will be “pepper potted” around the development.

It is proposed that the dwellings will meet M4(2) or M4(3) standards in relation to accessibility and adaptability.

The Agent has confirmed that all of the **affordable** dwellings will meet the Nationally Described Space Standards (NDSS), but have pointed out that the **market** dwellings will only meet the accessibility and adaptability standards and there is no policy requirement for the dwellings to be NDSS compliant.

## Policy Considerations

### National Planning Policy Framework (NPPF)

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 39 (Decision making)

Paragraph 40 (Pre-application)

Paragraph 48 (Determination in accordance with development plan)

Paragraph 49 (Emerging local plan)

Paragraph 56 (Planning conditions and obligations)

Paragraph 57 (Planning conditions)

Paragraph 58 (Tests for planning obligations)

Paragraph 61 (Housing supply)

Paragraph 64 (Affordable housing)

Paragraph 66 (Mix of affordable housing)

Paragraph 96 (Health, inclusive and safe places)

Paragraph 98 (Social, recreation and cultural facilities)

Paragraph 103 (Access to open spaces)

Paragraph 104 (Existing open space)

Paragraph 109 (Transport impacts and patterns)

Paragraph 110 (Development in sustainable locations)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Highways impact)

Paragraph 117 (Highways requirements for development)

Paragraph 118 (Travel plan)

Paragraph 124 (Effective use of land for homes/other uses)

Paragraph 125 (Urban land considerations)

Paragraph 127 (Changing demand for land)

Paragraph 129 (Making efficient use of land)

Paragraph 131 (High quality, beautiful and sustainable buildings)

Paragraph 135 (Good design and amenity)

Paragraph 136 (Trees)

Paragraph 137 (Design quality)

Paragraph 138 (Design assessment)

Paragraph 139 (Design decisions)

Paragraph 140 (Plans, Materials and Conditions)

Paragraph 161 (Climate impacts)

Paragraph 163 (Mitigate/adapt to climate change)

Paragraph 164 (Climate change and design)

Paragraph 166 (Design and energy)

Paragraph 167 (Sustainable heating e.g. heat pumps)

Paragraph 181 (Flood risk considerations and SuDS)

Paragraph 182 (Incorporating SuDS)

Paragraph 187 (Natural environment considerations)

Paragraph 193 (Biodiversity in planning decisions)  
Paragraph 195 (Effect on habitats site)  
Paragraph 196 (Land instability or contamination)  
Paragraph 198 (Noise and light pollution)  
Paragraph 199 (Air quality considerations)  
Paragraph 216 (Non-designated heritage assets)

#### Development Plan policies

Development plan policies relevant to this application are listed at the end of this report. The most relevant policies for this application are Local Plan saved policies AM01, AM12, PS10 and UD06 and Core Strategy policies CS02, CS03, CS06, CS15 and CS17.

#### Supplementary Planning Documents (SPD)

Affordable Housing SPD (March 2011)  
Biodiversity in Leicester SPG (October 2003)  
Residential Amenity SPD (adopted 2008)  
Climate change SPD (January 2011)  
Green Space SPD (July 2013)

#### Other Guidance

City of Leicester Local Plan Appendix One– Vehicle Parking Standards  
National Design Guide (DLUHC)  
Building For A Healthy Life 11 (Homes England).  
Economic Development Needs Assessment (2020) (emerging)  
Leicester City Council Waste Management guidance notes for residential properties.  
Technical Housing Standards – Nationally Described Space Standards

#### Other legal or policy context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of this application to be made in accordance with the development plan, unless materials considerations indicate otherwise.

#### Emerging Local Plan

Further to the above, the emerging Leicester Local Plan 2020-2036 is at an advanced stage in its examination process and is expected to be adopted by April 2026 therefore some regard can be given to relevant future policies.

#### **Consultations**

- **Air Quality** - The site is not within the Air Quality Management Area (AQMA) and is located adjacent to residential units and within 100m of a school.

An Air Quality Assessment (AQA) has been submitted as part of the application, which has been conducted in accordance with guidance from the Institute of Air Quality Management (IAQM). The AQA has concluded that the site has a 'Medium' risk of dust impacts on the local area, and a 'Low' impact on human health, both for earthworks and construction activities. It has been estimated that the traffic flow generated will be below levels required for significant impact on the created receptors outside of the AQMA.

It is recommended in Section 5.23 that EV charging points should be considered to improve air quality on the site.

Mitigation measures are detailed in Tables E.5 and E.6. One of these highly recommended measures is the implementation of a Dust Management Plan (DMP) which should include mitigation measures which will reduce dust impacts to 'Not Significant'. I request a DMP to be secured by condition for this application. It must be approved by the Local Authority before works commence and should detail the mitigation measures which will be carried out to reduce dust emissions. I am happy with the application subject to this condition.

- **Education** – No contribution requested.
- **Environment Agency** - The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.
- **Housing** - In line with the Core Strategy Policy 6, applicants are required to provide an appropriate mix of housing types, sizes, and tenures to meet the needs of existing and future households within the City.

The proposal is to provide 60 Class 3 dwellings, a mix of two, three, four and five bed properties. These proposed properties will meet some of the current identified priority housing needs within the City.

Policy 6 states that all new housing units should, where feasible, be designed to Lifetime Homes Standards with an appropriate proportion to wheelchair accessible standard. Lifetime Homes standards are now obsolete but given the introduction of the Building Regulations 2010 access to and use of dwellings Approved Document M Volume 1: 2015 edition including the 2016 amendments; all new homes, where feasible, should now meet the national accessible and adaptable standard M4(2) and an appropriate proportion should be to the national wheelchair accessible standard M4 (3)(2)(b).

*Planning Gain Affordable Housing*  
*Affordable Housing sought from Market Housing:*

In line with Core Strategy Policy C7 and its supporting text, there is a requirement for the provision of 20% affordable housing which should be delivered on site without public subsidy.

It is noted the Housing Development Team have previously provided pre application advice to the applicant in relation to this site for which regards has been given to when commenting on this full planning application. The Government's National Planning Policy Framework updated 12th December 2024 states that the requirement for a proportion of First Homes to be provided (as part of any Planning Gain affordable housing mix) no longer applies. The affordable housing should be in line with the housing mix and tenure provided at the pre application stage as set out below for a mixed tenure affordable housing scheme.

HEDNA Mix (with Intermediate Affordable Housing): 81% Social/Affordable Rent and 19% Intermediate

For rent (9 units)

- 5 x 2 bedrooms/4 persons houses to National Accessible & Adaptable Standard M4(2).
- 2 x 3 bedrooms/5 persons houses to National Accessible & Adaptable Standard M4(2).
- 1 x 3 bedroom/5 persons bungalow to National Wheelchair Accessible Standard M4(3)(2)(b);
- 1 x 4 bedrooms/7 persons houses to National Accessible & Adaptable Standard M4(2)

For intermediate (3 units)

- 2 x 2 bedrooms/4 persons houses to National Accessible & Adaptable Standard M4(2).
- 1 x 3 bedrooms/5 persons houses to National Accessible & Adaptable Standard M4(2).

The applicant is proposing the following affordable housing mix:

Affordable/Social Rent Housing: 9 Units (75%)

- 5 x 2 bedroom/4 persons houses
- 1 x 2 bedroom/ 5 person bungalow
- 3 x 3 bedroom/5 person house

First Homes mix: 3 Units (25%)

- 3 x 2 bedroom/ 3 persons houses

*(information taken from the Floor Space Schedule)*

The housing development team are willing to compromise and accept a 2-bed wheelchair accessible bungalow in lieu of a 3-bed on the basis there is an identified housing need for this size and type of property. However, we wish this to be a 4 person bungalow complying with M4(3)(2)(b). As there is an identified housing need for a 4-bed affordable housing property, it is our preference for this type of property to be provided on-site.

Given the comment above regarding First Homes, please can you ask the applicant to clarify which intermediate product they wish to adopt on this site. We are pleased to see the applicant is proposing to build the new affordable housing to the National Technical Standards for Internal Space Standards.

The above affordable housing is required to:

- a. be in locations agreed in advance with the Council's Housing Development Team;
- b. be indistinguishable from the market units in terms of appearance, design, and quality; and
- c. benefit from proportionate provision of amenities such as car parking spaces, etc.

In line with government guidance, the Affordable Housing should be secured via a Section 106 Agreement.

- **Land Pollution** – No concerns or comments.
- **LLFA (Lead Local Flood Authority)** - The site is within flood zone 1 and is within a Critical Drainage Area. A small section within the western part of the site is shown to be at 'Low' to 'Medium' risk to the impacts of surface water flooding. A drainage strategy report has been included which outlines that swales will be proposed with a new headwall to the attenuation basin constructed as part of the previous phases of development on the site. It has been outlined that the existing attenuation basin was constructed to accommodate flows from this proposed phase of development, however this is not clear from reviewing the original planning application for development at the site. Further details are required, such as SuDS design details and a maintenance plan, to be secured by condition.
- **Leicestershire Police (Designing Out Crime Officer)** - The land to the South of Heacham Drive is covered by the Beaumont Leys policing area. There is an average of 150–200 reported crimes per month. These include incidents such as criminal damage, anti-social behaviour, and burglary. This is a relatively high crime rate, and with the increase in population and housing, additional pressure is likely to be placed on local policing resources. Notably, plots 310–331 overlook the green space and proposed play area, which promotes natural surveillance, a proven deterrent to crime and anti-social behaviour.

Building on this, it is important that the plots surrounding this area, and throughout the development, incorporate clearly defined defensible space. The planning layout indicates that hedgerows and shrubs will be planted at the front of properties, which can help achieve this. However, it is essential that any foliage has a mature growth height of no more than 1 metre to maintain clear sightlines, support surveillance, and prevent opportunities for concealment.

Plots 328–329 feature a large perimeter wall, as shown in the planning layout. Given their proximity to the play area, it is particularly important that a buffer of foliage is planted in front of the wall. This will help deter anti-social

behaviour and criminal activity, such as graffiti or damage caused by balls being kicked against the wall.

Parking is provided either within the curtilage or directly in front of dwellings, and many homes include gable end windows, another design element I support. Additionally, the positioning of gates, particularly for plots 323–325, is well considered and will help deter unauthorised access to the rear of these properties.

Lighting design must adhere to BS 5489-1:2020, ensuring even distribution across the development. This is especially important for high-risk areas, such as properties adjacent to open green spaces, to eliminate dark spots and improve visibility.

It is vital that both the positive features identified in this letter and the recommendations provided are implemented to ensure the development does everything possible to prevent crime and promote a safe, secure environment for all residents.

- **LLR ICB (NHS)** - The development identifies a proposed housing development of 60 dwellings. We note that based on census data 2021, a household averages 2.42 patients per dwelling. The housing development will therefore result in a minimum population increase of 145.20 patients.

The closest practice(s) to the development site is Manor Park Medical Practice and current data indicates that local residents mostly register with that GP. If all residents of this development were to register with Manor Park Medical Practice, it would increase their patient list by 1%

There is one other practice whose patient boundary cover the proposed development; therefore it is reasonable to expect that they could also be impacted by the development.

Spirit Primary Care Ltd Beaumont Leys

### CONSULTATION ROOM

Proposed population	<b>145</b>
Access rate (appointments)	5260 per 1000 patients per year
Anticipated annual appointments	<b>145 x 5260/1000 = 763</b>
Assume 100% patient use of room	<b>763</b>
Assume surgery open 50 weeks per year	<b>763/50 = 15</b> per week
Appointment duration	15 mins
Patient appointment time per week	<b>15 x 15/60 = 4</b> hours of clinic per week

### TREATMENT ROOM

Proposed population	<b>145</b>
Access rate (appointments)	5260 per 1000 patients per year
Anticipated annual appointments	<b>145 x 5260/1000 = 763</b>
Assume 20% patient use of room	<b>763 x 20% = 153</b>
Assume surgery open 50 weeks per year	<b>153/50 = 3</b> per week
Appointment duration	20 mins
Patient appointment time per week	<b>3 x 20/60 = 1</b> hour of clinic per week

The tables above indicate the 145 additional patients will require almost 5 hours of clinic time per week.

LLR ICB would like to request that funding is allocated: Manor Park Medical Practice & Spirit Primary Care Ltd Beaumont Leys.

Additional patients to be accommodated <b>145</b>	x	Standard area m <sup>2</sup> /person <b>0.08</b>	x	Cost of works including fees £/m <sup>2</sup> <b>£5,000</b>	=	Total cost <b>£58,080.00</b>
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The contribution requested would be **£58,080.00**.

- **Local Highways Authority -**

#### VEHICLE ACCESS:

Two new proposed access junctions into the Phase 3 development will be taken off the recently constructed Chelwood Lane. These are to be provided in the form of side road simple priority junctions with Dutch Kerb style crossings to allow pedestrian and cycle priority. This is to allow continuation of the footway /cycle track which would continue along the site frontage on Chelwood Lane and connect into the footway and cycle paths through the green open space provided as part of Phases 1 and 2 of the development. The proposed junctions have been designed in accordance with the technical requirements set out within the Leicester Street Design Guide and have been subject to swept path analysis for refuse vehicle access which demonstrate turning is achievable. The proposed access junction designs are therefore acceptable.

#### INTERNAL LAYOUT:

The internal layout provides a connected road layout, which is provided in a combination of traditional carriageway (5.5m wide) and separate footway and footway/cycle track (2.0m and 3.0m in width), and shared surface streets (total corridor width 7.5m min).

The internal layout has been subject to on-going discussions with the applicant, in liaison with Planning colleagues, to resolve issues which were raised in the highway comments provided in October 2025, namely:

- Concerns over the design of the pinch points Mews Street to the northwest and southeast of the development layout, and ability for vehicles to safely manoeuvre and pass pedestrians at these sections of narrowing. The location of two on-plot parking spaces on the Mew Street to the southeast was also incompatible.
- Concerns that inconsiderate parking could restrict access past these pinch points, particularly for refuse and emergency service vehicles.
- A number of points where connectivity for cyclists and pedestrians needed improving or relocating to avoid conflict points.
- Various matters of detailed highway design in terms of the use of materials.

In response, the applicant has submitted revised Planning Layout, drawing no. H7666/201e Revision P, and Refuse Vehicle Tracking, drawing no. H7666/502-01 revision D. The revised layout eases the horizontal alignment of the pinch points on the Mews Streets. Swept path analysis demonstrates that these now would operate better and should also allow vehicles to pass occasional parked vehicles in these areas. Previous issues in relation to the location of pedestrian crossing points and other matters of detail have also been resolved. The internal layout is therefore acceptable.

It is intended that the internal highway layout will be offered for highway adoption and therefore will require an application for a s38 highway adoption agreement and submission of detail highway design drawings for highway technical approval. The proposed development would be subject to a 20mph zone, which has already been implemented for the Phase 1 and 2 highway layouts. A payment for the cost of the amendments to the existing 20mph zone Speed Limit Order (SLO) will be required from the applicant as part of the s38 highway agreement.

#### PEDESTRIANS AND CYCLISTS:

- The proposals include pedestrian and cyclist connectivity through the site, in accordance with NPPF para 117; notably:
- The continuation of the footway/cycle track along the Chelwood Lane frontage and 'Dutch Kerb' style side road junctions, and where Main Street turns into the Green Edge street to the north of the layout.

- Provision of a 3.0m wide footway/cycle track along the 'Main Street' of the proposed development, continuing through the open space and connecting with a new section of shared use track on Somerset Avenue constructed as part of the Phase 1 development.
- Continuation of footways across the Mews Street junctions to provide pedestrian priority at these points.
- Provision of pedestrian crossing points on top of speed table plateaus to provide level and convenient crossing points which tie into pedestrian desire lines.
- Pedestrian and cycle connections into the footway and cycle track provision to the northwest of the development layout, connecting into Heacham Drive;
- New pedestrian paths provided through the green open space and a new pedestrian crossing point provided at the junction of Somerset Avenue and Lovington Lane.

Furthermore, an existing pedestrian crossing point with refuge will be replaced by a new side-by-side parallel crossing is proposed on Heacham Drive, which allows both cyclists and pedestrians to cross. This would be delivered under a s278 highway agreement.

Travel Packs, which were approved under discharge of condition application 20222144, have been provided to residents of the Phases 1 and 2 development. The applicants have stated (within section 4.14 or their Transport Note) that residents of the proposed Phase 3 development would be provided with the same Travel Pack.

#### VEHICLE PARKING:

Parking is provided on-plot for all dwellings; all having been allocated 2 parking spaces. This meets policy requirements as set out in Appendix 1 of the City of Leicester Saved Local Plan Policies.

In addition to the on-plot parking, a total of 15 on-street parking spaces are proposed within parking lay-bys, to accommodate visitor and incidental parking along the Green Edge streets. The dimensions of the lay-bys meets technical requirements as set out in the Leicester Street Design Guide. It should also be noted that the highway layout would also accommodate incidental kerb side parking which would allow vehicles to pass.

The level of parking provision is therefore acceptable.

#### CONSTRUCTION TRAFFIC MANAGEMENT:

The Construction and Ecological Management Plan, February 2026 – Rev B has been submitted for approval. Given that this is a later phase of the existing development, it is expected that the construction activities would be managed in much the same as previous phases.

Whilst the plan is broadly acceptable, critically the plan sets out the need for a construction access to be formed to avoid the need to route construction

vehicles through the residential development. It sets out three options; however, the applicants should identify just the one construction access which they intend to use in the plan. Of the 3 options, the Highway Authority supports option 2 as being the least disruptive for residents and would minimise damage to the recently constructed highway. This should operate as 'right turn in, left turn out, so that all construction vehicles are brought in via Heacham Drive.

Section 3 refers to 'all details will be included within the site-specific Traffic Management Plan' as being provided as part of the Construction Phase Health and Safety Plan; this should be provided as part of the CEMP to be approved as part of the details.

Section 6 refers to wheel washing and street sweeping to minimise dirt and debris being deposited in the highway. It should include the requirement for carefully managing run-off, as washing mud into the swales will cause blockages of this system and render it inoperable. Trapped gullies should be used and maintained (emptied) throughout. Somerset Avenue, including the section external to the development connecting to Parker Drive, and Heacham Drive should be swept regularly as they are public transport routes, and at least twice a day during wet weather and when they are undertaking earth works.

Given the comments raised above, a condition is recommended for the submission and approval of a revised Construction and Ecological Management Plan to deal with these matters.

There is no objection from the LHA, subject requested conditions relating to: a new parallel zebra and cycle crossing on Heacham Drive, sight lines to accesses, street works to be satisfactory, travel packs, parking spaces to be provided and retained, and construction method statement (for major schemes)

- Noise Pollution - The submitted Acoustic and Overheating Assessment (Ref: 26838-ENV- 0401-B) for the proposed residential development at Heacham Drive, Land to South has been reviewed. The acoustic assessment demonstrates that acceptable internal noise levels can be achieved through the proposed facade and ventilation design, and that the overheating assessment appropriately considers the proposed ventilation strategy for the dwellings. There are no objections, provided the development is carried out in accordance with the recommendations set out in the submitted report.
- Parks and Gardens – The proposed residential development, within the Beaumont Leys ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. The development proposals include the provision of on-site informal green space and natural green space, sufficient to cater for the needs of the new residents.

The previous development phase provided an equipped play area which again is sufficient in terms of size and access to provide adequate play provision for the residents of this development.

In terms of outdoor sports space an outdoor gym and an informal kick-about space have previously been created to the south of the development site, however the ward still exhibits a deficiency and therefore additional provision is required to cater for the needs of the new residents.

Therefore, we will be looking to make quality improvements to existing open space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD a contribution of £50,312 is required in response to this application. The contribution will be used towards the following open space improvements:

For improvements to the existing multi-use games area on Beaumont Walk (off Heacham Drive) and/or for improved provision for ball games on Ingold Avenue open space.

- Sustainability (Better Buildings) -

In previous response dated 23rd July 2025 it was requested that the applicant give further consideration to:

- The use of heat pumps or another electric heating technology instead of gas boilers, and
- Reducing the U-values of the sloping ceilings and the external walls.

The applicant has subsequently issued a revised Sustainability Statement and a Rebuttal Response to these requests. The proposals relating to energy efficiency, energy using systems and carbon emissions remain unchanged from the original statement and the Rebuttal Response provides the applicant's rationale for that. The argument made in the rebuttal is that the development will comply with the Building Regulations Part L and does not need to go further.

Since the proposals remain unchanged, and the applicant has not indicated that my requested changes would be unfeasible or would make the development non-viable, the response also remains unchanged.

If the application is approved, a two part condition should be attached to secure those aspects of the proposals that are positive in terms of energy efficiency and carbon emissions reduction.

(Comments from 23<sup>rd</sup> July 2025 -

Core Strategy Policy CS02 is the current policy in force, and the applicant is encouraged to also have regard to the emerging Local Plan Policies CCRF01-04.

In summary, the current proposals cannot be supported. The reasons for this are:

1. The use of gas boilers for the heating and hot water isn't consistent with the policy requirement to mitigate climate change, given that options for lower carbon electric systems are available.
2. The U-value targets for the sloping ceilings and external walls are higher than those of the Part L notional building, which represents the standard

newbuild spec. As such, the proposals don't align with a best practice fabric first approach.

### *Passive Design*

The overall layout, the mix of house types, the house orientations and the roof designs don't suggest any particular prioritisation of energy efficiency or potential for PV electricity generation but, taking account of the other considerations and constraints affecting these decisions, there is no objection.

The location and size of windows and rooflights generally offer enough daylighting of the main living spaces to limit the need for artificial lighting and resulting electricity demand.

### *Building Fabric and Airtightness*

The proposed U-values for the fabric elements and air-permeability value for this development are set out below, in comparison with the values for the notional building and the limiting parameters under the Building Regulations Part L 2021.

	Proposed for this development	Value for notional building, Part L1	Limiting parameter, Part L1
Ext. walls U-value (W/m <sup>2</sup> K)	0.20	0.18	0.26
Roof U-value (W/m <sup>2</sup> K)	0.09 (horizontal ceiling) 0.15 (sloping ceiling)	0.11	0.16
Ground floor U-value (W/m <sup>2</sup> K)	0.10 – 0.12	0.13	0.18
Windows U-value (W/m <sup>2</sup> K)	1.30	1.20	1.60
Air permeability (m <sup>3</sup> /h-m <sup>2</sup> ) @50Pa	4.00	5.00	8.00

Taking the notional building values as a benchmark of a standard newbuild fabric performance, the target values for this development are partly consistent with a best practice fabric first approach to achieving energy efficiency, where the U-values improve on the notional building, but the sloping ceilings are relatively poor and the external walls could be better. The targets for these should be reduced to at least match, or preferably improve on the notional building, giving an overall fabric which could be considered to meet the best practice standard required in Policy CS02. From Table 2 in the Sustainability Statement the specification is subject to change up until detailed design stage. The concern with this is that changing the U-values can affect wall thicknesses and other elements of the design and we don't want to end up in a situation where existing plans, if approved at application stage, then preclude later improvements to U-values. The final U-values at pre-construction stage can be agreed via a two-part Energy Condition, but only provided that the applicant can confirm at this stage that improvements to the U-values as requested can be achieved without departing from the current site and floorplans.

### *Heating, Cooling, Ventilation and Lighting Energy Efficiency*

The site is not near to an existing or planned district heat network, so there is no requirement to connect, or to design for future connection. The Sustainability Statement proposes gas boilers for the space heating and hot water, with hot water storage cylinders also incorporating electric immersion heaters to enable use of electricity from PV panels to substitute for some gas use.

Bearing in mind that grid electricity is now lower-carbon than natural gas, and is expected to continue reducing in carbon intensity, the use of gas boilers isn't consistent with the policy requirement to mitigate climate change. There are electric technology options which would be feasible for this type of development, viable to install and would produce lower emissions. In addition, the policy requirement in Policy CS02 to achieve best practice energy efficiency would be much better served by the use of heat pumps, which offer seasonal efficiency levels in the region of 300% for low temperature systems, compared to around 90% which modern, efficient gas boilers offer. Heat pumps have been shown to operate very effectively and affordably in housing with good levels of thermal performance. Therefore, the proposals should be amended to replace the gas boilers with air or ground source heat pumps, unless evidence is provided to show conclusively that it would not be feasible. If this were the case, it would be expected that another form of electric space heating and hot water supply to be considered in preference to gas boilers. As a last resort, if it is shown conclusively that no form of electric system is feasible, then it would be expected that the proposed gas heating be designed to operate effectively with a low temperature system to allow for future transition to low temperature heat pumps. This would include the use of appropriately sized heat emitters and pipework. Finally, it is noted that the house designs submitted don't indicate where the hot water cylinders would be located. Depending on the final choice of system, the plans need to show that the layouts are capable of accommodating the proposed equipment. In terms of the other technologies being proposed, the use of LED lighting of 100lm/W, wastewater heat recovery and smart meters are welcomed.

### *Renewable / Low Carbon Technology & Energy Supply*

As a partially renewable technology, heat pumps would meet the policy requirement to provide on-site renewable energy generation, meaning the PV panels would become optional.

If heat pumps are proven not to be feasible in this development, then PV panels will be needed to meet the onsite renewable energy generation policy requirement. The details can be agreed through an energy condition at pre-construction stage, and all houses with suitable roof areas to have arrays which make effective use of the space available.

### *Construction Materials*

The commitment to using a number of Green Guide A and A+ rated products and to responsible sourcing of materials including wallboard, cement and timber is welcomed.

### *Carbon Emissions*

It is noted that energy and carbon calculations are yet to be done. If the objections at the start of this memo can be resolved, then in order to be satisfied that the detailed design of the development is mitigating climate change, the outcome of the SAP calculations and agreed final design in light of the carbon savings projected to be achieved should be provided.

- **Tree Officer** - From aerial mapping the site seems to have been cleared of all trees, there are no objections to this proposal proceeding.

It would be good if the proposed new tree planting of 52 trees goes ahead, as highlighted on the Landscape Proposals plan.

- **Waste Management** - A paved or hard standing area of adequate size must be provided within the boundary of the property for up to a 360-litre refuse bin, a 240-litre garden bin, recycling bags and a food waste container.

### **Representations**

One representation in support, four comments and thirteen objections have been received for the application. These are all summarised below:

#### *Support*

- Small step in helping fix the UK housing crisis.

#### *Comment*

- Should be a community hall.
- Maintenance fee from Barratts should be removed as Council tax is too high.
- Open space was originally going to be sports pitches.
- Shouldn't connect streets via Somerset Avenue.
- A lot of anti-social behaviour.
- A lot of rage driving.
- Need services like sports ground, community hall, GP practice, not more houses.
- Was told would be a sports ground – should honour this.
- Can't handle additional traffic and increase in people.
- Sold as with a park to be completed in 2022, only constructed end of 2024, incomplete work, safety issue, should complete the existing work to phase 1.
- Currently only one access for nearly 20 houses, will increase by 60 – concerns about congestion and lack of exits in emergency.

## *Object*

- Barratts assured the area would be an open space/ sports facilities when purchasing house – influenced decision to buy home.
- Need open space for sports and recreation.
- Area was proposed for green space.
- Should remove maintenance fees and City Council should adopt the land.
- Not enough green space or good gardens.
- Open space is a nature area for wildlife and ventilation.
- Seen various animals/ birds/ insects on the site.
- No other public open spaces in the area.
- Originally promised green space and sports pitches. No sports provided, small park is poorly maintained and unusable in wet weather – gets muddy and waterlogged.
- No meaningful open green or recreation space. Not well planned. Adding more homes without addressing this is unacceptable.
- Entire estate will only be accessed by Ashcott Avenue – narrow and sharp bend, more houses using this will be a safety concern. Need a second route via Somerset Avenue.
- Concern about the private maintenance fee and Council tax – should not have to pay the maintenance fee – need more clarity on responsibilities.
- No key infrastructure.
- Deserve better planning and accountability.
- New roads connect at Chelwood Lane, significant increase in traffic at the junction with Ashcott Avenue – already problematic due to blind corner and limited visibility.
- Affect Ashcott Avenue/ Somerset Avenue – poorly designed and too narrow to accommodate current traffic – long queues.
- Road is too narrow for 2-way traffic especially with on street parking – creates congestion and affect emergency service access.
- Need new road connection to Somerset Avenue to distribute traffic more evenly.
- Number of houses are excessive for plot – density will artificially inflate property prices – unsustainable and result in negative equity – long term consequences.
- Expected open space – breached expectations and will reduce quality of life.
- 60 units will result in overcrowding, unsustainable and not well balanced.
- Reduce/ eliminate parking spaces – exacerbate existing shortages.
- Estate is not designed for the proposed volume of cars – highway safety risk.

- More non-permeable surface will result in surface water flooding in area where SuDS are proposed.
- Change the character and reduce residential amenity.
- Loss of trees, green buffer and wildlife habitat – harm local biodiversity.
- Breach original developer agreement.
- Nothing built for community – other estates have facilities.
- Council should adopt the land – more houses, more council tax and less land to maintain.
- 428 homes and nothing built for the community – not acceptable to accept the S106.
- Should abolish maintenance fee as land was meant for sports and development will generate income from Council tax.
- No direct access to Somerset Avenue.
- Roads are already dangerous without additional traffic.
- Purchased with expectation of sports facilities – misleading and disappointing, undermines trust.
- Current park is incomplete, poorly maintained and poses safety risk – should upgrade to meet community need.
- Somerset Avenue is used as a shortcut by speeding traffic – safety and disturbance issues.
- Infrastructure is already under pressure, concerns regarding water pressure and utility capacity.
- No clear benefit to the existing community – no investment in services, infrastructure or facilities. Appears to prioritise developer profit over long term community wellbeing.
- Need completion and proper maintenance of originally promised community amenities.
- Reduction in green space.
- Make neighbourhood chaotic and dirty.
- Multiple applications to build – infringement on original permission.
- Developer has made a mess of the area.
- Hedge on Heacham Drive previously well maintained, now a mess with big sections missing.

## **Consideration**

### Principle of development

The site is currently in an area designated as green space/potential development and the policies within the 2006 Local Plan and 2014 Core Strategy both apply.

Saved Local Plan policy 'GE09. Green Space' is set out below, along with policy GE16 which is specific to the Blackbird Road Playing Fields area in which this site sits.

*GE09. Green Space*

*Planning permission will not be granted for any development, which would endanger or encroach upon Green Space as shown on the Proposals Map unless:*

- a) nature conservation and landscape value is protected in accordance with Policies GE02–GE05 and UD06; and*
- b) such development would not in itself create an area of public open space deficiency as defined in paragraph 10.34; and*
- c) a local assessment of need identifies the land as surplus to requirements. In addition planning permission for any development on Green Space will only be granted where:*
- d) it would service or improve the character of open space uses of the land and the green and open character of the area continues to dominate; or*
- e) it involves the development of playing fields in accordance with Policies GE15, GE16 and GE17; or*
- f) it involves the future of allotments in accordance with Policy GE19.*

*GE16. Blackbird road playing fields policy area*

*Development of the Blackbird Road Playing Fields Policy Area as shown on the Proposals Map should be in accordance with Policy H01. The City Council will require proposals to:*

- a) be part of a comprehensive scheme for the whole site;*
- b) provide for 5.9 hectares of open space of which a minimum of 3 hectares is publicly accessible and overlooked by development. The remaining open space will provide for additional sport and recreational facilities.*
- c) incorporate pedestrian and cycle routes across the site to the adjoining school.*
- d) address the demand for community uses in the area.*

An Open Space assessment has been submitted to assess the need for the open spaces which provides mitigations that will be applied for loss of this space. It is noted that the land has long been derelict and could expand on current housing provision.

As per policy GE16, the expectation was that 5.9 hectares of open space be provided across both phases of the development, with 3 hectares of publicly accessible open space being provided and the remaining for additional sports and recreation facilities. I am satisfied that the full 5.9 hectares is no longer required given the previous S106 contributions to sports provision at St Oswalds Road and St Margaret's Playing fields. 3 hectares of publicly accessible open space should still be met over both phases of development, and whilst the total amount of open space will meet this, it is not evident that all the open space is publicly accessible and overlooked as required by the policy e.g. around the drainage pond. However a further s106 Open space contribution of £50,312 is offered to meet this requirement. In regard to the sports facility, it should be noted that significant offsite contributions were already provided in the previous adjacent permission to meet the expectations confirmed by Sport England. Therefore, a sports facility is not required.

It would be important to note that the Council is currently unable to demonstrate a 5 year housing land supply. Due to this and the emerging site allocation in the Local Plan, more weight can be given to this proposal as extension of an existing housing site allocation under the Local Plan (2006) and Core Strategy (2014) policies.

### *Emerging policy*

Given the emerging Local Plan is due for adoption later this year, it would also be important to consider the emerging policies.

The emerging Local Plan has been through the examination process and is due to be considered at a full Council meeting on 26<sup>th</sup> March 2026. At present, the policies in the emerging local plan do not form the development plan and cannot be afforded full weight but can be given significant weight given the advanced position.

The most pertinent policy to this planning application is policy Ho01, as the emerging Local Plan designates the land as a housing site allocation (Site 1042 - Land off Heacham Drive (Phase 2) (former playing fields)), designation of this will replace the Green Space allocation in part. Adjoining the housing site allocation is a designation for open space (Policy OSSR02), which has been retained in part to aid in green infrastructure connectivity with the existing housing development. Firstly, as the proposal is for housing development, the overall principle of development fits in with the proposed allocation in the emerging Local Plan. As per emerging policy Ho05, there is also an expectation that this proposal meets the minimum density of 35dph, which equates to around 53 dwellings after taking account of the developable area. As this proposal is for 60 dwellings, this meets and exceeds this capacity which planning policy supports.

As set out in the Main Modifications consultation, Policy Ho01 stipulates:

New housing will be delivered within the Local Plan on sites as identified below and on the Policies Map. Housing proposals will be supported where they:

- a. Provide an appropriate mix of housing as identified in Policy Ho03
- b. Provide affordable housing in accordance with Policy Ho04
- c. Provide infrastructure required to support the proposed development in accordance with Policy DI01
- d. Achieve high quality design as set out in Policy DQP01 and other design policies
- e. Respect the character of the area in compliance with the environmental, design and heritage policies in the Local Plan
- f. Deliver Biodiversity Net Gain in accordance with Policy NE02
- g. Address the constraints and mitigations for each site as set out

All of the above will be expected to be met within the development, however further comment specifically to points b) and g) are set out below.

In regard to point b), policy Ho04 of the emerging Local Plan requires 30% of the total number of dwellings to be affordable dwellings on all greenfield sites outside of the city centre or defined areas (southeast and Ashton Green). The proposal only

provides 20% of the dwellings as affordable dwellings. It is accepted that previous advice would have indicated a 20% threshold due to the previous thresholds (Core Strategy Policy CS7).

Regarding point g), the following criteria are acceptable details to help with constraints and mitigations on site 1042 (from policy Ho01):

- *A Drainage strategy is required to mitigate the effects of development on surface water runoff, including SuDS and design for exceedance.*
- *A flood Risk Assessment is also required for the site to inform how the site will be protected from surface water flooding, to comply with Policy CCFR06. This should include a flood resilience and protection strategy.*
- *A Landscape Plan should be submitted with any planning applications, in particular with regard to trees on site. This should be accompanied by an Arboricultural Assessment which assesses the value of trees on the site. The trees are expected to be retained in the first instance. Where loss of trees is unavoidable for development to progress, appropriate justification will be required with mitigations set out in the Landscape Plan, in line with Policy DQP04.*
- *An integrated approach is needed with the delivery of Phase 1 of the Heacham Drive development in regard to infrastructure, including green infrastructure as outlined in Policy NE03.*
- *The site is part of a medieval Deer Park. Therefore, an Archaeological Assessment is required to establish the necessary mitigations for development impact. This needs to be completed in accordance with Policy HE01.*

Firstly, the development is required to be integrated with the first phase of development of this site, particularly in regard to green infrastructure. The proposal does provide around 3Ha of open space throughout the development, which appears to be in accordance with some elements of the previous Policy GE16 and assists with policy Ho01 also. However, not all of this appears to be publicly accessible, as would be beneficial for integrated green infrastructure. When the emerging Local Plan is adopted, policy OSSR02 should also be considered in order to ensure that any proposed open space is sufficient for local need, appropriately overlooked, of high quality, well integrated and supports wildlife. The developer proposes off site contributions to meet the shortfall which I consider to be acceptable.

An acceptable Drainage Strategy, Flood Risk Assessment and Archaeological Assessment have all been submitted with the application.

Loss of trees on the boundary of the school playing field has been adequately compensated for to the satisfaction of Trees and Woodlands officers.

Overall, this proposal for 60 dwellings is welcomed in principle as this would help to contribute to housing needs and shortfall in 5 year land supply and broadly meets with the requirements set out in current and emerging policy.

### Design

There have been extensive discussions with the Council's Urban Design Officer in relation to the proposal, including the submission of amendments to the proposal. It is

now considered that the proposed design is now at a point to be considered acceptable. The density and layout of the proposal reflects the characteristics of the previous phases of the wider development. Each dwelling will have off street parking, some of these spaces will be tandem, some side by side and some to the front of properties. Some dwellings will also have garages. The dwellings proposed will have a small threshold/ front garden with planting and trees. There are also other landscaped areas through the development. Boundary treatments are to be a mixture of fencing and brick wall.

The dwellings proposed will be a mix of 2 – 5 bedroomed houses, with one 1 storey, 4 x 2.5 storey and the majority (55) as two storey properties. These dwellings are standard house types and will include terraced, semi-detached and detached houses. There will be a mixture of materials used, including render, coloured weatherboard, bricks and plain grey or black roof tiles. A materials layout plan has been submitted with the application to demonstrate which dwellings would be constructed with the relevant materials. In order to ensure the quality and suitability of the materials proposed, a condition will be required for the further submission of details and construction of a sample panel prior to above ground works. A sample panel drawing has already been provided as part of the application documents. It is proposed that block paving will be used on Park Edge and Mews Street and part of Main Street to give visual cues to the hierarchy of the associated streets in the development. The Mews Street will have a shared surfaced footpath/ highway.

The layout of the site and design of the individual houses and plots are considered to be acceptable and in accordance with Core Strategy Policy CS03 and the NPPF. It is considered that the proposal meets the 10 criteria as set out in the National Design Guide.

#### Heritage Assets

There are no nearby heritage assets which would affect or be affected by the proposed development.

#### Archaeology

Having reviewed the application against the Leicester Historic Environment Record (HER), it is not considered that the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. The application warrants no further archaeological action.

#### Living conditions

The homes to be provided will range from 2 – 5 bedroomed properties and are all standard house types. A floorspace schedule has been provided with the application, which sets out the floor areas of each dwelling type by plot number. The majority of the homes to be provided meet the requirements of the Nationally Described Space Standards (NDSS) in terms of floor area, however there are 8 that fall short of this requirement, namely the Redpoll house type. Internal room dimensions and confirmation of the amount of storage space have not been provided for the application but the shortfall is less than 1sqm per property of this type.

Following the comments raised by Housing, the bungalow provided will be a 2 bed, 4 person bungalow. However, it is still proposed that the affordable housing provided will include 9 affordable homes and 3 first homes. NDSS compliant Affordable housing will be secured via a S106 Agreement and the properties will be conditioned to ensure that these meet accessibility and adaptability requirements (M(4)2 and M(4)3 building regulations).

The layout of the development is largely influenced by the previous phases of the development. The garden spaces reflect the sizes of gardens that have been provided in previous phases of the development. It is considered that the size of the gardens to be provided are of an acceptable size taking into account the size of the dwellings proposed. There are also other green spaces and a playpark which would be in walking distance. The proposed dwellings have been designed so as to not create overlooking between the new properties. The impact on existing residents is considered below.

It is considered that the proposal is acceptable when considering the living conditions for the proposed future residents. Whilst there are 8 houses marginally below the NDSS requirements (less than 1sqm), overall the proposed living conditions are generally considered to be accordance with Core Strategy policies CS03 and CS06, saved local plan policy PS10 and the NPPF.

#### Residential amenity (*neighbouring properties*)

As there will be additional homes created, there will be additional noise and activity than at present. However, this will be residential in nature and located in a residential area and is considered to be acceptable.

One of the main impacts on neighbour amenity will arise from additional vehicular movements and to the existing residents on Chelwood Lane. The Local Highway Authority have had significant input into this proposal, and it is considered that the impact on highway safety is acceptable, as considered further in this report.

The existing residents on Chelwood Lane at present have an open space to the front of their properties, which will be lost as a result of this proposal. The loss of a view is not a material planning consideration. There will be a 5.5m road and additional 3.5m cycle/ footpath separating the properties, and then the thresholds/ front gardens of the properties. This is considered to be an adequate separation distance for properties facing each other on a public highway. It is considered that the proposal is considered to be acceptable when considering saved local plan policy PS10 and neighbour amenity.

#### Waste storage and collection

All the dwellings proposed will be houses and as such there will be no shared refuse or recycling facilities. Bin storage locations will be within the curtilage of the dwellings proposed. Bins would then be pulled to the roadside by the occupiers for bin collection. It is considered that the proposal is acceptable in terms of waste and recycling storage and collection.

## Highways and Parking

Vehicular access to the site will be via Chelwood Lane. Additional pedestrian and cycle access will be provided from Somerset Avenue, Heacham Drive and Upton Green. Main Street and Green Edge will have widths of 5.5m with a 2m footpath to one side. In addition to this, Main Street will have a 3m cycleway. Mews Street will have a total width of 7.5m, with a shared surface for pedestrians, cyclists and vehicles, in an attempt to reduce the vehicle speeds along this road. On Green Edge and Mews Street, there will be on street car parking bays, which would provide parking provision for visitors and any additional parking required.

It is proposed that each dwelling will have two off road car parking spaces. Some dwellings will also have garages. Each dwelling will also have an electric vehicle charging point.

Concerns have been raised in relation to highway safety, with the additional number of dwellings being served off Chelwood Lane. The Local Highways Authority are satisfied that there is sufficient capacity for the additional 60 dwellings and that there are no highway safety concerns. Having an additional access off Somerset Avenue would result in the Main Street becoming a rat run, but would also affect the existing SuDS and landscaping to the North East.

Travel packs, similar to those that have been provided to the existing residents of previous phases of the development, will be conditioned to be provided to new residents to encourage the use of more sustainable means of transport, such as cycle and public transport.

It is considered that the proposal is acceptable when considering highway safety and the impact of the development on the highway network. The proposal is considered to be in accordance with saved local plan policies AM01, AM02, AM12, Core Strategy Policies CS14 and CS15 and the relevant highways related paragraphs of the NPPF.

## Sustainable Energy

It is proposed that all of the dwellings will have solar panels and electric vehicle charging points installed. The properties will be installed with gas powered boilers, and hot water cylinders in 4-5 bedroomed homes. The installation of air source heat pumps had been requested, however the applicant has pushed back on this as gas boilers are acceptable for building regulations and the future homes standard (requiring air source heat pumps amongst other measures) would not be adopted until later in 2026. The buildings would be built to the regulations as required for building control in relation to sustainability and carbon emissions. Whilst it would have been preferable for more energy efficient measures to be incorporated into the design of the proposed dwellings, the argument put forward in relation to meeting the requirements of building regulations is accepted and it is considered that it would be difficult to justify a refusal in relation to this aspect of the proposal at an appeal. A condition will be included to require the submission of further information in relation to sustainability prior to the commencement of works above ground level and evidence of installation prior to occupation.

It is considered that the information submitted is acceptable for policy CS02 of the Core Strategy.

### Drainage

The application has been submitted with supporting information in relation to SuDS for the site. Existing SuDS have been implemented on the site during the construction of the original phase of the development. This includes swales and retention ponds. There are swales and a pond located on the eastern area of the site within the red line of this application.

The LLFA raise no objection to the application in terms of flood risk, drainage and SuDS, subject to the inclusion of conditions relating to SuDS, drainage and a Construction Method Statement.

I consider that subject to the submission of further details to be secured via condition that the proposal is acceptable taking into account flood risk and drainage and in accordance with Core Strategy Policy CS02 and the NPPF.

### Nature Conservation (including Biodiversity Net Gain (BNG))/Trees/Landscaping

The presented revised Construction and Ecological Management Plan (CEMP) revision B (Barratt Homes, February 2026) has been updated to include the recent Ecological Appraisal report (FPCR, May 2025) and is considered to be acceptable.

Section 9 of the CEMP states that a licence from Natural England will be required to temporarily close a badger sett to facilitate the works. A Natural England Badger licence will therefore be required for the proposed works prior to works commencing to ensure the works are undertaken lawfully. Planning approval must be granted in order for the Applicant to apply for the required licence and it is a decision for the LPA to consider whether there is a likelihood of these being granted by Natural England. In this instance, given the information provided, it is unlikely that Natural England will refuse a badger licence.

The Ecological Appraisal Report revision A (FPCR, May 2025) details mitigation recommendations within sections 4.11-4.17 (page 8 & 9) which must be followed, unless these are varied by a protected species licence subsequently issued by Natural England. Further mitigation and/or compensation may be requested by Natural England as part of the licence application process.

The applicant's ecologist has provided an Ecology Statement (FPCR, February 2026) to address queries in relation to BNG. The hedgerow situated outside of the redline boundary has been removed from the baseline habitat assessment within the statutory metric and baseline habitat maps which is acceptable. The ecologist has confirmed that all of the trees proposed within the site will be managed by the appointed management company and secured for a minimum of 30 years and therefore have been accurately reflected in the submitted statutory metric.

The presented updated statutory biodiversity metric based on PEA (Preliminary Ecological Assessment) surveys confirm onsite habitat presents a baseline biodiversity unit (BU) value of 4.88 BUs for area habitats and 0 BUs for linear (hedgerow) habitats. Proposed compensatory habitat creation is detailed within the Biodiversity Impact Assessment Report (FPCR, May 2025) and proposed habitat plan and is projected to result in no net gain (0.00 BUs) in area habitat units and +0.56 linear (hedgerow) BUs. However, as there was 0 baseline hedgerow units, a percentage gain for this habitat type cannot be calculated.

The national minimum requirement of +10% BNG is not proposed to be achieved on site, and the BNG mitigation hierarchy has therefore not been successfully applied. It is proposed that BNG compliance will be achieved by purchasing off site credits.

As noted previously, within section 4.3 of the report it has been suggested that "the extra credits to reach 10%+ net gain in non-linear habitats are to be purchased offsite from a biobank or other provider".

The current proposed landscaping relies on the creation of 'other neutral grassland' and 'mixed scrub' (both of which are of medium distinctiveness) and the planting of over 50 trees which significantly contribute to the compensation of loss of habitat units. These gains should be considered 'significant' and therefore requiring a Habitat Management and Monitoring Plan to be legally secured. The route to secure this would be via a S106 agreement to enable monitoring contributions to be secured.

The landscaping scheme which has been presented is considered to be acceptable and will be conditioned appropriately. This includes grassed areas, shrubs and trees throughout the development, including in private gardens.

#### Developer Contributions and S106 Agreement

Paragraph 58 of the NPPF (as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010) states that planning obligations must only be sought where they meet the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Requests for contributions have been made by the LLR ICB (NHS) and Parks and Open Spaces (as specified in the comments further up in the report). This includes a financial contribution of £58,080 for Manor Park Medical Practice & Spirit Primary Care Ltd Beaumont Leys (GP services) for the NHS and £50,312 for Parks and Open Spaces, for improvements to the existing multi-use games area on Beaumont Walk (off Heacham Drive) and/or for improved provision for ball games on Ingold Avenue open space.

Additionally, A S106 will be required to secure the affordable housing (20% of the total housing proposed) and to secure BNG. This would also include a monitoring fee for

BNG, as it is envisaged that monitoring reports would be required in years 1-5, 10, 15, 20, 25 and 30 and LPA site visits years 5, 10, 15, 25 and 30.

These contribution requests will be secured by a S106 agreement.

### Other matters

Representations made make reference to the maintenance/management fee that is paid by the current occupiers of the previous phases of the development. This is a fee from the developer for the maintenance and management of the development and is not imposed by the Council. Comments have also been made in relation to the impact on house prices, this is not a material planning consideration.

The previous phases of the development provided a S106 contribution to sports provision. Sports England have not been consulted on this proposal as there is no loss of existing sports provision and a previous mitigation package which compensated for the loss of the playing field under saved policy H01 (2006) was agreed and confirmed under section 73 application (ref 20172015) was submitted and the financial contribution agreed. Funding was provided to enhance Hockey facilities at St Margaret's Pastures and create a new Cricket Facility in line with the priorities of the city councils Playing Pitch Strategy. The work at St Margaret's Pastures is now complete (following additional crowd funding Leicester Ladies Hockey returned to the site in 2019) and planning consent was granted and implemented for a new cricket facility at St Oswald's Road.

### Conclusion

The proposal will provide 60 additional dwellings, on an allocated site and an extension to a previously developed allocated site. During the examination of the emerging Local Plan, the site was identified for development and a site allocation of at least 53 dwellings was confirmed.

It is considered that the proposed design in terms of the layout, landscaping and design of the dwellings is acceptable for the location, taking into account the local characteristics of the area. The impacts on existing neighbours to the site are considered to be acceptable and would not result in harm detrimental to the amenity of the existing residents. The proposal is considered to be acceptable in relation to highway safety, ecology and flood risk, subject to conditions.

At present, the Council cannot demonstrate a 5 year housing land supply and as such the tilted balance applies which means that significant weight should be given to the delivery of housing. There will be significant benefits of both market and affordable housing being provided as part of this proposal which weigh substantially in the planning balance.

I recommend that this application is APPROVED subject to conditions and a SECTION 106 AGREEMENT to cover contributions for the LLR ICB (NHS), parks and green spaces, affordable housing and BNG:

## CONDITIONS

1. Prior to the commencement of development a Habitat Management and Monitoring Plan (HMMP) to set out the management of all the proposed biodiversity enhancements in accordance with the submitted DEFRA Metric and prepared in accordance with a Biodiversity Gain Plan, shall be submitted to and approved in writing by the local planning authority. The 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

No development shall take place until the habitat creation and enhancement works set out in the approved HMMP have been completed, and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP for 30 years after the first occupation of the development hereby approved. Notice in writing shall be given to the Local Planning Authority when the HMMP works have started. Monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

(To enhance biodiversity, and in accordance with paragraph 187 of the National Planning Policy Framework, paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Core Strategy policy CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

2. 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.)

3. The proposed Parallel Cycle and Zebra Crossing, as presented on the S278 GA - Pedestrian Access off Heacham Drive drawing no. H7666 contained at Appendix B of the ADC Infrastructure Transport Statement Blackbird Road Phase 2 dated 13/05/2025, shall be implemented prior to occupation of the 50th dwelling (In the interests of pedestrian and cycle connectivity, highway safety, and accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

4. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

5. All street works shall be constructed in accordance with the Leicester Street Design Guide, June 2020. (To achieve a satisfactory form of development, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

6. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents of this shall be similar to that as approved under discharge of condition application 20222144, and which shall be submitted to and approved in writing by the local planning authority. The pack 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 policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).

7. Prior to first occupation, the electric charging points (one per dwelling) shall be provided in accordance with guidance in the Leicester City Council's Air Quality Action Plan. All charging points shall be retained and kept available for use by electric vehicles thereafter. (In the interest of sustainable development and in accordance with policy CS14 of the Core Strategy.)

8. Before the occupation of the development the parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with saved policy AM12 of the City of Leicester Local Plan.)

9. Prior to the commencement of development, notwithstanding the information already submitted as part of this application, a Construction Method Statement, with consideration being given to ecology, highway safety, the water environment and flood risk management, shall be submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) temporary construction access;
- (ii) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors;
- (iii) the loading and unloading of plant and materials;
- (iv) the storage of plant and materials used in the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for storage and management (including recycling and disposing) of waste resulting from excavation and construction works (ix) the proposed phasing of development and a detailed description of the works in each phase

(x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public

(xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works;

(xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident;

(xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development.(xiv) a list off all works to be carried out in the highway and arrangements to facilitate these works, including temporary traffic management plan/s and permits, licences and TTROs required.

(To ensure the satisfactory development of the site, and in accordance with policies AM01 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS02 and CS03.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

10. No construction work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team.

The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf.

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

11. Prior to the commencement of development a Dust Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The development must be carried out in accordance with the details to be approved. (In the interests of the amenities of nearby occupiers and in accordance with Core Strategy policy CS02.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

12. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the

details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

13. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

14. Prior to the commencement of any above ground works, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing with the local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments, including details of the entrance gates; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction, (ix) planting and proposed management both within the SuDS area and also to the edges of the area to ensure that views through and into the area are maintained. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than 5 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 and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the local planning authority (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).

15. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all play areas, areas of open space, including sports provision and other landscaped areas other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the first occupation of the development for its permitted use. The management plan should include full details of maintenance and service performance standards together with specified mechanisms for residents to secure compliance with such standards. The landscape management plan including management arrangements shall be implemented as approved and maintained thereafter. (In the interests of amenity and the continued satisfactory provision of such facilities and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy Policies CS03 and CS13.)

16. No development shall take place until a badger mitigation strategy has been submitted to and agreed in writing by the local planning authority for the specified activity/development as outlined in the ecology report (Ecological Appraisal Report revision A (FPCR, May 2025). (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat and Species Regulations 2017 and policy CS17 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

17. No dwelling shall be occupied until the mitigation measures as identified in Section 8 of the Acoustic Assessment (December 2025, 26838-ENV-0401 Rev B by MEC) have been installed. (In the interests of the amenities of the occupants of the new dwellings, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

18. Prior to the commencement of development above ground level, full design details of energy efficiency and renewable energy measures as outlined in the Sustainable Energy Statement Blackbird Road Phase 3 dated July 2025 shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the Local Planning Authority. The installations shall be retained and maintained thereafter. (In the interests of carbon reduction and energy efficiency and in accordance with Core Strategy policy CS02.)

19. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or other alteration to any dwelling house of types specified in Part 1, Classes A, C and E of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties or to future residents; and in accordance with saved policy PS10 of the City of Leicester Local Plan).

20. All dwellings shall be constructed in accordance with the "Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement" of the Building Regulations Part M. One unit (as specified in the application) shall be constructed to M4(3) standards. On completion of the scheme and prior to the occupation of the development a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard.

Internal areas of the development and the internal and external amenity areas shall be constructed with level access.

All external doors shall provide for level access.

All level accesses shall be retained in perpetuity.

(To ensure the development enables access for all and is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06).

21. A. Notwithstanding the approved plans, prior to the commencement of any above ground works, a materials schedule for the development shall be submitted to and approved in writing by the local planning authority. All materials for use on the buildings and surface treatments/ landscaping shall be provided, including the product and manufacturer specification. The materials shall be in broad accordance with the specifications submitted as part of the application.

B. Prior to the commencement of any above ground works a sample panel shall be constructed on site in accordance with the approved drawing reference H7666-101 A, showing all external materials including bricks, brick bonds, mortar colour, tiles, weatherboard and render for inspection and approval in writing by the local planning authority. Any additional brick types not shown on the main sample panel will need to be submitted on a 1sqm sample panel, with one panel for each additional coloured brick, showing any detailing if applicable. The sample panel(s) shall be submitted with detailed drawings of the sample panels and a confirmation photograph. The development shall be constructed in accordance with the approved sample panel and materials. (In the interests of visual amenity and character and appearance of the area and in accordance policy CS03 of the Core Strategy and saved policy UD06 of the City of Leicester Local Plan.)

22. The development hereby permitted shall be carried out in full accordance with the following drawings:

H6894-012 - Master Management Plan Rev C  
H7666-02 - Blackbird Road Location Plan Rev B  
LDG2 H8 DS02 - GARAGES 6 x 3m Double Garage  
LSG1 H8 DS02 - GARAGES 6 x 3m Single Garages  
N0018079-1 - Gas Layout  
EN0018079-1 - Electric Layout  
H6894-205-01 - Water Layout  
H7666-201 - North Crossing point  
H7666-501 - Roads and Sewers AFU Proposed Retaining and Underbuild Rev A  
2010-DET-214 - 900mm Post and Rail  
2010-DET-216 - 450mm Knee Rail  
DB-SD13-006 B - Close Boarded Fence  
6783-E-02 - Proposed Habitats  
GL2468 SP 01 - Landscape Specification, received by the Local Planning Authority on 9 June 2025

DB-SD13-004\_E - Boundary Wall Type 1, received by the Local Planning Authority on 12 June 2025

TBC - Kestrel CAT 2 - Contemporary - Plot 343 - Plans and Elevations Rev B  
CKST LTHD DS00 - Kestrel - Plans and Elevations Rev B  
TBC - Nightjar CAT 2 - Contemporary - Plots 317, 318 - Plans and Elevations Rev B  
CNJR LTHD DS00 Nightjar - Plans and Elevations Rev B  
YRAM LTHE - Ramsey (End) - TF - Plans and Elevations Rev B  
CRED X0HE - Redpoll CAT 2 - Contemporary - Plots 362, 363 - Plans and Elevations Rev B

CRED X0HE - Redpoll (Maidstone) - Plans and Elevations Rev B  
CRSH X0GE - Redshank (Moresby) CAT 2 - Render - Plots 369 - Plans and Elevations Rev B  
CRSH X0GE - Redshank (Moresby) CAT 2 - Weatherboarding - Plot 336 - Plans and Elevations Rev B  
CRSH X0GE - Redshank (Moresby) - Plans and Elevations Rev B  
YB50 X0HE - YB50 (Type 50) - Plans and Elevations Rev B  
YB42 X0HE - YB52 (Type 52) Rev B  
YB55 L0GE - YB55 (Type 55) Rev B  
TBC - Ancona CAT 2 - Render - Plots 331, 332 - Plans and Elevations Rev B  
TBC - Ancona CAT 2 - Render - Plots 350, 351 - Plans and Elevations Rev B  
TBC - Ancona CAT 2 - Weatherboarding - Plots 319, 320, 344, 345 - Plans and Elevations Rev B  
TBC - Bittern CAT 2 - Render - Plots 310, 328, 329 - Plans and Elevations Rev B  
TBC- Bittern CAT 2 - Weatherboarding - Plots 316, 342, 361, 364 - Plans and Elevations Rev B  
CDUN L0GE - Dunnock (Kenley) - Plans and Elevations Rev B  
TBC - Fallow CAT 2 - Contemporary - Plot 337 - Plans and Elevations Rev B  
CFLW LTHD DS00 - Fallow - Plans and Elevations Rev B  
CHBY X0GE - Hobby (Kingsville) - Plans and Elevations Rev B  
ZHLM X0HD - Holm - Plans and Elevations Rev B, received by the Local Planning Authority on 26 June 2025

H7666/05 - Street Scenes Rev D  
H7666-100 - Section and Standard Detail, received by the Local Planning Authority on 5 September 2025

H7666-500 - VEHICLE TRACKING Rev B, received by the Local Planning Authority on 6 October 2025

H766-316-02 - ROADS AND SEWERS\_AFU -TYPICAL HIGHWAY CONSTRUCTION DETAILS  
H7666-502-01 - VEHICLE TRACKING & VIS SPLAYS Rev C  
BMH2 LTGD - Midhurst 2 M4(3) Planning Layout  
GL2468 02 - Soft Landscaping Proposals Rev B, received by the Local Planning Authority on 23 October 2025

H7666-201 - Blackbird Road Ph3 Planning Layout Rev P  
GL2468 01 - Soft Landscaping Proposals Rev C  
H7666-505-01 - Refuse Tracking Rev D  
H7666-100-01- ROADS AND SEWERS AFU -ENGINEERING LAYOUT Rev C, received by the Local Planning Authority on 19 December 2025

H7666/250 - Plot 352 Section  
H7666-06 - Materials Layout Rev L, received by the Local Planning Authority on 7 January 2026

H7666 - Sample Panel Details Rev A, received by the Local Planning Authority on 23 January 2026

(For the avoidance of doubt).

## NOTES FOR APPLICANT

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

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

2. 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/>

3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 PRIOR to undertaking any works on or in the highway:

- For new road construction which will be offered for adoption as highway maintainable at public expense, the applicant must enter into an Agreement with the Highway Authority under Section 38 of the Highways Act 1980. Where these are expected to be new residential roads they shall be designed not only to be consistent with a 20mph speed limit, but shall also be controlled by a 20mph speed limit or 20mph zone by the introduction of a Speed Limit Order (SLO).

- For alterations to the existing highway, including temporary construction accesses, the applicant must enter into an Agreement with the Highway Authority under Section 278 of the Highways Act 1980. The costs associated with any temporary traffic management, licences and Temporary Traffic Regulation Orders (TTRs) which may be required to facilitate works during construction will need to be covered by the applicant.

- In all of the above, where SLOs and/or Traffic Regulation Orders (TROs) need to be introduced or changed, these shall be funded by the Applicant. The average cost of a SLO is currently in the region of £5,000, and a TRO scheme in the region of £6,500, but these costs can vary depending on the scope and complexity.

The Applicant is advised to contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk) for information regarding obtaining approvals, setting up Agreements and/or to discuss the requirements to enable the processing of SLOs and TROs.

4. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk) for advice.

5. Please note it is a criminal offence to kill, injure or disturb protected species and their habitat in accordance with the Wildlife and Countryside Act (1981) as amended and The Habitat & Species Regulations (2010). If during the demolition a protected species is found, work must cease immediately and a suitably qualified ecologist or Natural England be contacted.

### **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_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_GE09	Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.
2006_GE16	Criteria for the development of the Blackbird Road Playing Fields Policy Area.
2006_H01	Sites shown as Housing Development Proposals on the Proposals Map will be safeguarded for housing and will not be given planning permission for alternative uses.
2006_H03	Provides guidance on minimum net densities to be sought for residential development sites according to location.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.

- 2014\_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 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\_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 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\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.