Leicester City Council

MEETING OF THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 2 SEPTEMBER 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 Aldred (Vice-Chair)

Councillors Joel, Karavadra, Kennedy-Lount, Kitterick, Mahesh, Modhwadia, Mohammed, Dr Moore and O'Neill

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

For Monitoring Officer

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

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

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

AGENDA

NOTE:

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1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

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

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

3. MINUTES OF THE PREVIOUS MEETING **Appendix 1**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 12 August 2026 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

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

(i)	**20252051 - 8A CROFTERS DRIVE, GOODWOOD BOWLS AND SOCIAL CLUB**	**Appendix 2**
(ii)	**20251752 - 3-5 SALISBURY ROAD**	**Appendix 3**
(iii)	**20260635 - 4 WESTERNHAY ROAD, LAWN TENNIS CLUB**	**Appendix 4**

6. FINAL REPORT FOR COMMITTEE 24TH AUG GB **Appendix 5**

7. ANY OTHER URGENT BUSINESS

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

Leicester
City Council

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 12 AUGUST 2026 at 5:30 pm

P R E S E N T :

Councillor Surti (Chair)

Councillor Cassidy
Councillor Karavadra
Councillor Kennedy-Lount
Councillor Kitterick
Councillor Mahesh
Councillor Modhwadia
Councillor Mohammed
Councillor Dr Moore
Councillor Russell

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10. APOLOGIES FOR ABSENCE

The Chair welcomed those present to the meeting and led on introductions.

Apologies for absence were received by Councillor Aldred and Councillor O'Neill. It was noted that Councillor Russell and Councillor Cassidy would be attending as substitute members.

11. DECLARATIONS OF INTEREST

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

There were no declarations of interest.

12. MINUTES OF THE PREVIOUS MEETING

Councillor Moore noted that in the minute of the meeting dated 1st July 2026, there was a typo under the declarations item, where the word 'they' had been used to refer to Councillor's Moore's declaration of interest, and should instead read 'she'.

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 1st July 2026 be confirmed as a correct record, subject to the amendment above.

13. PLANNING APPLICATIONS AND CONTRAVENTIONS

(i) **20260356 - 15 OAKSIDE CRESCENT**

Ward: Evington
Proposal: Change of use from dwellinghouse (Class C3) to children's home (Class C2), for maximum 4 children (Amended 01/07/2026)
Applicant: Warren Property Investments Ltd

The Planning Officer presented the report.

Councillor Haq addressed the Committee and spoke in opposition to the application.

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

The Chair summarised the application and the points raised by Members of the Committee and moved that the application be deferred to a future meeting and for planning officers to return with additional information. This was seconded by Councillor Kitterick and upon being put to the vote, the vote was unanimous and the motion was CARRIED.

RESOLVED: Deferred for further information about the current sufficiency of supply and demand and the numbers of planning permissions and Ofsted licenses recently granted

(ii) **20260677 - 19 STONEYGATE ROAD**

Ward: Knighton
Proposal: Conversion of garage to habitable room; alterations at front of house (Class C3)
Applicant: Mr Rahul Pau

The Planning Officer presented the report.

The Chair summarised the application and moved that in accordance with officer recommendation, the application be approved subject to the conditions laid out in the addendum. This was seconded by Councillor Russell and upon being put to the vote, the vote was unanimous and the motion was CARRIED.

RESOLVED: permission was granted subject to conditions

CONDITIONS

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

2. Prior to works above ground level a sample brick panel of approx. 1sqm shall be constructed on site (including brick type, mortar and bonding) and shall be made available for inspection by the local planning authority. The works shall be carried out in full accordance with the approved details and retained as such. (In the interests of visual amenity, the character and appearance of the Stoneygate Conservation Area and in accordance with Leicester Local Plan 2026 policies DQP01 and HE01.)

3. Prior to the commencement of works full joinery details including horizontal and vertical cross sections of all windows (scale 1:2 / 1:5 as appropriate) and door (scale 1:5 / 1:10 as appropriate) types shall be submitted to and approved in writing by the local planning authority (LPA) and the works carried out in accordance with the approved details and retained as such. (In the interests of visual amenity, the character and appearance of the Stoneygate Conservation Area and in accordance with Leicester Local Plan 2026 policies DQP01 and HE01.)

4. Notwithstanding the approved plans (Proposed Elevations) no permission is granted or implied for alterations to the front door facing Stoneygate Road. (In the interests of visual amenity, the character and appearance of the Stoneygate Conservation Area and in accordance with Leicester Local Plan 2026 policies DQP01 and HE01.)

5. The development shall be carried out in full accordance with the following approved plans:
PROPOSED GROUND FLOOR PLAN, received 12/06/2026
PROPOSED ELEVATIONS, received 12/06/2026
(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 considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.

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

14. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 6:24pm.

Wards:
See individual reports.

Leicester City Council

Planning & Development Control Committee **Date: 2 September 2026**

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.

1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

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

3 Sustainability and environmental impact

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

3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.

3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”

3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:

a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

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

6 Finance

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

6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.

6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council’s adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.

7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.

7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.

8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).

8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are ‘qualified’, so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.

8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

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

10 Consultations

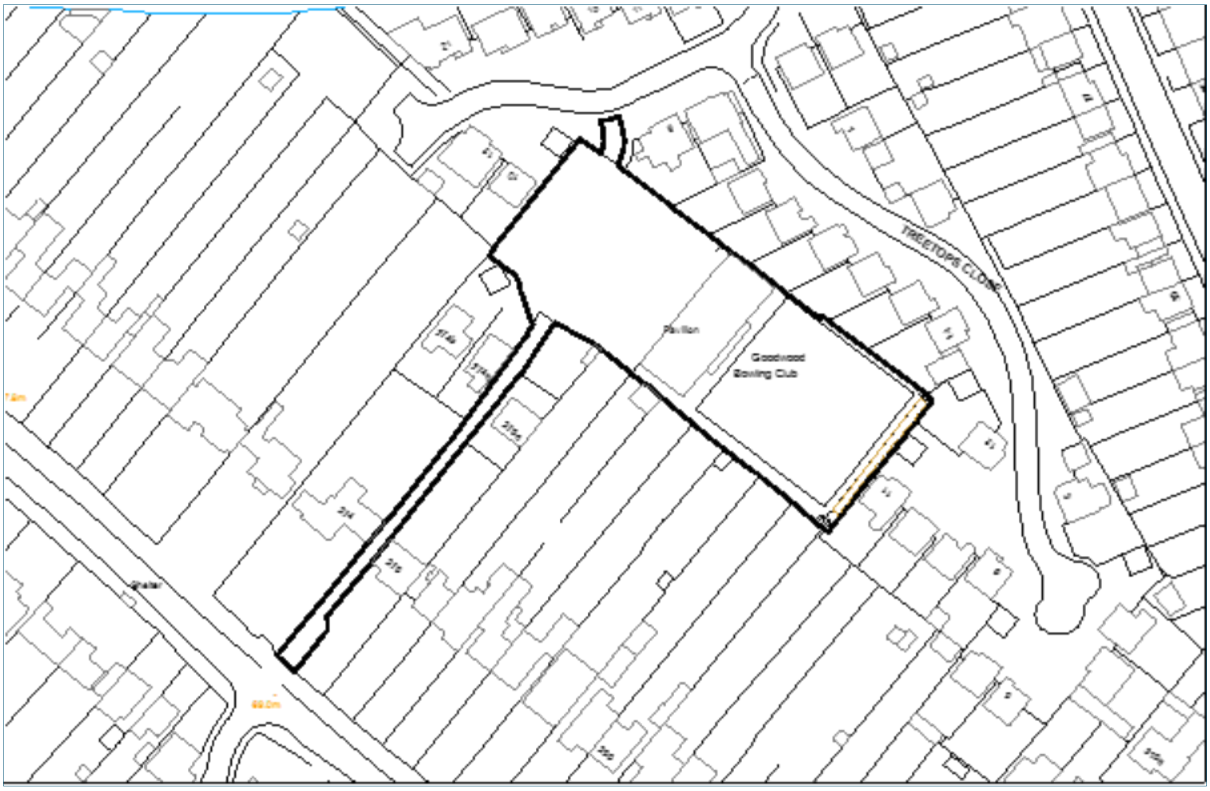
Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

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

COMMITTEE REPORT

20252051	**8A Crofters Drive, Goodwood Bowls and Social Club**	
Proposal:	Variation of Conditions 2 of planning permission 20021239 to allow permanent opening hours of the clubhouse from 0800 to 2300 Mondays to Saturdays, 0800-2230 Sundays; variation of condition 4 to allow the use of clubhouse for uses not connected to Bowls Club during hours of 0800 to 2230 on Mondays to Saturdays and 0800 to 2030 on Sundays	
Applicant:	Mr John Steer	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	29 July 2026	
CH1	TEAM: PE	WARD: Thurncourt



Summary

- Referred to committee at the request of Councillor Osman.
- The main issues raised are the impact on residential amenity,
- The application is recommended for refusal.

The Site

The application relates to a single storey building used as a club house for the associated bowling club. There is a vehicular access point to the site from Crofters Drive and a separate vehicular exit point onto Uppingham Road.

The site is located in a residential part of the city and within a critical drainage area.

Background

19970564	Variation of planning condition 5 of approval 95/0103/5 to allow the clubhouse to open between the hours of 0800-2300 Mondays to Saturdays, except for 8 Saturdays a year when the use shall not be carried on outside 0800 to 23.30 hrs, and between the hours of 0800 - 2230 on Sundays.	Temporary Conditional Approval
19981004	Variation of condition 1 of planning permission 19970564 to allow permanent use of the clubhouse between the hours of 0800 to 2230 on Sundays and from 0800 to 2300 hours Monday to Saturdays, except for 8 Saturdays per year, when the use will be carried on between 0800 to 2330 hours.	Conditional Approval
20011147	Variation of condition 1 attached to planning permission 19981004 (to allow opening hours of clubhouse 0800 to 2230 on Sundays; 0800 to 2300 from Monday to Saturday; 0800 to 2330 on 8 occasions per year; 0800 to 2400 hours on one Saturday in November and until 0100 hours on new years day).	Conditional Approval
20021239	Variation of condition 2 attached to planning consent 19981004 (as amended by planning permission 20011147) to allow permanent opening hours of clubhouse from 0800-2300 Mondays to Saturdays, 0800-2230 Sundays; 0800 to 2330 on 8 occasions per year; 0800 to 2400 hours on one Saturday in November and until 0100 hours on new years day.	Conditional Approval
20038009A	Variation of condition 2 attached to planning consent 19981004 (as amended by planning permission 20011147) to allow permanent opening hours of clubhouse from 0800-2300 Mondays to Saturdays, 0800-2230 Sundays; 0800 to 2330 on 8 occasions per year; 0800 to 2400 hours on one Saturday in November and until 0100 hours on new years day.	Appeal Dismissed

The Proposal

The application is submitted under s73 of The Town and Country Planning Act 1990 to vary Conditions 2 and 4 of planning permission 20021239 relating to the operating hours and the use of the building.

The application in question relates solely to the use of the building as a social club and does not have any control over the use of the site as a whole.

The currently applicable conditions state:

> **2.** The use shall not be carried on outside the hours of 0800 to 2230 on Sundays; 0800 to 2300 on Mondays to Saturdays; except for 10 occasions per year, when on 8 occasions the use shall not be carried on outside the hours of 0800 to 2330; on one Saturday in November when the use shall not be carried on outside the hours of 0800 to 2400 and on New Years Day when the use shall not be carried on after 0100 hours. The dates when the premises are to be used after 2300 hours shall be notified in advance with the City Council as Local Planning Authority in advance.
>
> **4.** The premises shall only be used for purposes associated with the use of the building as a bowls club and shall not be let out privately for weddings, parties or other functions.

The application seeks to vary the wording of these conditions to the below:

> ***2.*** The use shall not be carried on outside the hours of 0800 to 2230 on Sundays; 0800 to 2300 on Mondays to Saturdays.
>
> **4.** When the building is used for purposes other than associated with use as a bowls club the hours of use shall not be carried on outside the hours of 0800 to 2030 on Sundays; 0800 to 2230 on Mondays to Saturdays;

The application was originally submitted to also amend condition 3 of the parent application which related to amplified music and stated:

> **3.** There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties.

It was proposed to amend the wording to the following to allow for a greater degree of enforceability and protection of the neighbouring properties:

> **3.** Any noise originating from the operation of the premises shall be inaudible within any noise sensitive premises. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Class C1 (Hotels & Hostels), Class C2/C2a (Residential Institutons) or Class C3 (Houses) of the Town and Country Planning (Use Classes) (England) Order 1987 (as amended), or b) is as a flat or static residential caravan.

However, following the receipt of an objection from the service director, Environmental Health regarding the lack of an acoustic assessment the decision was made by the agent and applicants to withdraw the proposal to amend this condition.

Policy Considerations

<u>National Planning Policy Framework (NPPF) 2026</u>

A new NPPF was published on 17 August 2026. National Planning Policy Framework - GOV.UK This has replaced paragraph numbers with policies. The relevant policies are listed below.

S3: Presumption in favour of sustainable development
1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
b. Outside settlements, policy S5 should be applied; and
c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

DM3: Determining development proposals
1. When considering development proposals, local planning authorities should:
a. Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;
b. Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;
c. Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;
d. Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal;
e. Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and
f. Not refuse applications for development which should clearly be approved, having regard to their accordance with the development plan, the policies in this Framework and any other material considerations.

DM6: Use of planning conditions and obligations
1. Planning conditions should only be attached to planning permissions and other associated consents for development where they are:
a. Necessary to make the development acceptable in planning terms;
b. Relevant to the development and to planning considerations generally;
c. Sufficiently precise to make them capable of being complied with and enforced; and
d. Reasonable in all other respects.

2. Conditions should not be used to:
a. Require payments of money; or
b. Require that land is formally given up to another party (such as highways to the local highway authority); or

c. Restrict national permitted development rights unless there is clear justification to do so.

3. Where national model conditions are relevant to the development, they should be used unless there are strong reasons for using a different condition. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. Applications to discharge conditions should be dealt with in a timely manner to avoid unnecessary delays to development.

4. Planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition. Where national model planning obligations are relevant to the development, they should be used unless there are strong reasons for using a different planning obligation.

DM7: Relationship with other regulatory regimes

1. Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.

2. Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed (see policy PM13).

3. The parallel processing of planning and other regulatory consents is encouraged where this can help to align and expedite the consenting of development.

4. Where compliance under a separate regulatory regime requires subsequent changes to an approved development proposal, such changes should be approved unless they would mean the development is no longer acceptable when assessed against development plan and national decision-making policies.

DP3: Key principles for well-designed places

1. Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

2. To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location:

a. Liveability: support healthy, mixed, vibrant and integrated communities, which will function well over the lifetime of the development, by incorporating a range of uses and tenures, employing features which promote social interaction, and which are

robust, durable and easy to look after;
b. Climate: contribute to climate change mitigation and adaptation and the transition to net zero by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating;
c. Nature: incorporate and/or connect to a network of high quality, accessible, multifunctional green infrastructure to provide opportunities for recreation and healthy living, strengthen habitats, improve climate change resilience and improve air and water quality. This should include maintaining and enhancing tree cover and incorporating sustainable drainage systems in accordance with policies N3 and F8;
d. Movement: provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport;
e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme;
f. Public Space: include spaces that are safe, secure, inclusive, and accessible for all ages and abilities, including for groups such as women and girls; and which facilitate and encourage social interaction, play and healthy lifestyles (for example by providing high quality, clear and legible pedestrian and cycle routes, a variety of recreational spaces and places to meet, integrating lighting and making building entrances and windows face onto streets and other public spaces to provide natural surveillance); and
g. Identity: create visually attractive, distinctive and characterful development to establish
or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.

3. Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

4. The principles set out in the Design and Placemaking planning practice guidance should be used to inform how this policy is applied in the absence of locally-produced design policies, guides, codes or masterplans.

5. Substantial weight should also be given to outstanding or innovative designs which promote high levels of sustainability, or which help raise the standard of design more generally in an area, so long as they are consistent with the overall form and layout of their surroundings.

P3: Living conditions and pollution

1. Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its

vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

2. Within this context development proposals should:
a. Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;
b. Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);
c. Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;
d. Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);
e. Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature; and
f. Assess and mitigate impacts where the development could have an unacceptable adverse effect on water quality, especially in relation to sensitive water bodies such as chalk streams.
3. In applying this policy, it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively, as set out in policy DM7. This means that it will be appropriate to take into account emissions limits set through those other regimes.

TR6: Assessing transport impacts
1. Development proposals that are likely to generate significant amounts of movement should be supported by:
a. A transport statement or transport assessment (depending on the extent and significance of the transport issues involved), which is proportionate to the nature and scale of the development, so that the likely impacts of the proposal for transport can be assessed and monitored; and
b. A travel plan, which indicates how sustainable transport objectives will be delivered, monitored and managed over time.

2. Transport assessments and statements, and travel plans, should reflect the transport vision for the development and the transport strategy for the area in which it is located, and how these are intended to be achieved (including, in the case of travel plans, identifying fallback options if initial measures do not deliver the expected outcomes).

3. In assessing movement patterns and potential impacts, including whether they are considered to be severe, reasonable future scenarios should be considered, taking into account impacts at relevant times of the day, potential cumulative impacts, multimodal trip generation and the promotion of sustainable modes of travel, and realising the transport vision for the development itself. Development proposals should be considered having regard to these potential impacts and the other policies in this Framework which are relevant (including TR3, TR4 and DP3(2)(d)).

4. Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.

2026 Local Plan

Policy VL01 Presumption in Favour of Sustainable Development
Policy CCFR05. Managing Flood Risk and Sustainable Drainage Systems (SuDS)
Policy DQP06. Residential Amenity
Policy CT01. Culture, Leisure and Tourism
Policy T06 Highways Infrastructure.

Further Relevant Documents
GOV.UK Planning Practice Guidance – Noise https://www.gov.uk/guidance/noise--2
Planning Circular 11/95

Consultations

Noise and Pollution Control – Object as no acoustic assessment has been submitted with the application.

Representations

16 Objections have been received from twelve city addresses The objection comments are summarised below as follows:

- Impact from the additional noise created from non bowling activities,
- Impact of amplified music created from the events in question,
- Increase in traffic movements around the immediate area,
- Insufficient parking requirements within the site meaning visitors to the site park on the adjacent streets,
- Lack of traffic control,
- The current one way entry/exit system is not being adhered to,
- Impact on neighbour amenity from the extended operating hours,

- Additional light pollution,
- Increase in the number of non bowling related events,
- Potential increase in anti-social behaviour,
- Incorrect neighbour notification carried out regarding the application.

The following comments have been received which are not material planning considerations and are matters which the Local Planning Authority have no control over:

- Maintenance operators are attending the site outwith the set operating hours,
- Damage to neighbouring vehicles and property from users of the site,
- The members of the bowls club do not live on the adjacent streets,
- The operators of the bowls club are in breach of HSE and Fire Regulations,
- Requirement for Crofters Drive to be provided with double yellow line.

23 comments in support of the application have been received from 21 city addresses.

Cllr Osman has requested that the application be determined at the planning committee to assess the impact on residential amenity and has expressed his support.

Consideration

As this is an application for the variation/removal of conditions attached to a planning permission, the use of the building and site as a bowls club has already been established. The issues under consideration are the impact on residential amenity and the highway from the proposed non bowling activities.

Residential Amenity

Condition 2 Operating hours

Policy DQP06 of the Leicester Local Plan 2026 states that proposals should not cause unacceptable harm to the living conditions of existing and future residents and includes situations where the new use is more sensitive than nearby existing uses and could be adversely affected by them.

The following will be taken into account, both individually and cumulatively with the existing situation, in assessing impacts on residential amenity:
a) Noise, light, vibrations, smell and pollution (air, water and ground) caused by the development and its use
b) Any impact to the visual quality of the area
c) The management of waste and potential litter problems
d) Additional parking and vehicle manoeuvring
e) Privacy, overshadowing, overlooking, overbearing impact and adequate natural light
f) Safety and security

The proposal to amend condition 2 relating to the hours of operation of the building sets out to reduce the existing hours of operation of the building in relation to 8 occasions. As such it is considered that any potential impacts on the neighbouring properties would be reduced from the implementation of the amended condition.

Concerns have been raised by objectors regarding the proposed change to the operating hours of the building. However, these comments all relate to the extension of the operating hours whereas the proposal as amended seeks to reduce the permitted operating hours of the building.

<u>Condition 4 Use of the Building</u>

Policy CT01 (Culture, Leisure and Tourism) of the Leicester Local Plan state that Planning permission will be granted for cultural, leisure and tourism facilities where they do not generate significant volumes of additional traffic unless it can be demonstrated that the additional traffic can be appropriately mitigated and they do not have an adverse effect upon residential amenity

The building is currently conditioned that it can only be used for uses associated with the bowling club and no other use as specified below:

> ***4.*** *The premises shall only be used for purposes associated with the use of the building as a bowls club and shall not be let out privately for weddings, parties or other functions.*

As such any function held within the property must be associated with the use of the site as a bowling club. This does allow live music events or parties to be held if they were run by the bowling club as fundraising events but does not allow the property to be hired out to any third parties for private functions.

It is proposed the building to be used for additional uses to this such as private functions and weddings to allow for increased revenue to be generated in respect of the ongoing financial viability of the bowls club. As such the applicant have requested the condition to be amended to the following;

> **4.** When the building is used for purposes other than associated with use as a bowls club the hours of use shall not be carried on outside the hours of 0800 to 2030 on Sundays; 0800 to 2230 on Mondays to Saturdays;

This would allow for private functions to be held at the property during reduced hours to any other incidental use (by the bowls club). An objection comment has been received from Pollution (noise and light) due to the lack of submitted information in relation to any potential impact on the neighbouring properties in relation to noise. Several of the objections received have raised the concern of amplified music being heard from the building through any potential alternative uses of the site from weddings or parties. There is a condition on planning permission 20021239 relating to amplified noise being heard at the neighbouring properties which states:

> ***3.*** *There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties.*

However, due to the wording of the original condition lacking a clear definition of noise levels and properties affected it would not be possible to enforce against this. An acoustic assessment was requested from the noise and pollution team but due to the financial implications of obtaining such a report this was not considered to be viable by the applicants.

A noise assessment is required so that a specialist acoustic surveyor can carry out an assessment of the construction of the building and identify any potential conditions that can be attached to a planning permission to be able to control the impacts of the proposed additional events. The lack of submission of an assessment means that it is not possible to ascertain whether any additional private events would have a negative impact on the neighbouring properties. It is therefore considered that the proposal is contrary to Policy DQP06 (Residential Amenity) of the Leicester Local Plan 2026 and policies DP3 and P3 of the NPPF 2026.

Highways

Policy T06 of the Leicester Local Plan requires that the transport impact of development to be mitigated, through the appropriate parking provision as set out in the council's standards.

The use of the building for additional private events has the potential to intensify the use of the building through increased footfall of users within the site creating an unacceptable impact on neighbouring properties. However, the building will be limited to the number of users able to be in place at any one time within the building through separate legislations and licences already in place for incidental uses which could already be carried out within the confines of the existing condition. As such it is considered that any possible non bowling related activities held within the building would not significantly increase the potential users of the building than can already be permitted within the building.

The proposal could also generate additional parking requirements at the site. The car park currently has available spaces for 72 vehicles. The required standard as specified within the Vehicle parking standards SPG for a use of this nature would be 1 space per 22m² of floor area. Although this document is no longer in force, the calculations and information within can still be used as guidance for calculating requirements. Given the building in question measures approximately 484m² in floor area and taking the calculation of 1 space per 22m² of floor area, that would equate to a figure of 22 car parking spaces would be required for the use of the building. Allowing for additional spaces for the use of the bowling green, it is considered that the car park as it stands would be able to accommodate any additional parking requirement needed for alternative uses to be held within the building.

Comments have been received relating to users of the site parking out of the boundaries of the bowling club. Unfortunately, insisting on any user of the club having to park within the confines of the site is outwith the remit of the Local Authority and any condition as such would not meet the required tests as set out in policy DM6 of the National Planning Policy Framework and planning circular 11/95.

It is therefore considered that the proposal would not be contrary to policy T06 of the Leicester Local Plan 2026 or policy TR6 of the NPPF 2026 and refusal could not be justified for this reason.

Other matters

One comment has been received commenting on the neighbour notification process carried out by the Planning Authority. Section 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the Local Authority to notify any adjoining neighbouring property. The comment received stated that their opinion was that all properties located on the adjacent streets should have been notified. From looking at the properties who received a notification I am content that the Authority carried out the notification process in line with the requirements of the above order.

Comments have been received relating to the existing access and exit arrangements and the use of these as a one-way system. The initial set up of the one-way system was the subject of a condition on planning permission 20021239. However, there was no requirement within the condition for the one-way system to be continued in perpetuity once it had been implemented and so the Planning Authority have no control over this matter.

Conclusion

Having regard to the above I consider that due to the lack of any acoustic reports relating to the potential noise from any private functions held within the building, it has not been possible to fully identify if there would be any unacceptable impact on the amenity of the neighbouring properties immediately adjacent to the site from any additional noise created from amplified music or voices. I therefore recommend REFUSAL for the following reason.

REASONS FOR REFUSAL

1. The proposed use of the building for additional non bowling related activities, by reason of the lack of an acoustic report, fails to address whether or not the use of the building for private functions would have any negative impact on the amenity of the occupiers of neighbouring properties from amplified sounds emanating from the building. As such the application is considered to be contrary to Policy DQP06 (Residential Amenity) of the Leicester Local Plan 2026 and policies DP3 and P3 of the National Planning Policy Framework 2026.

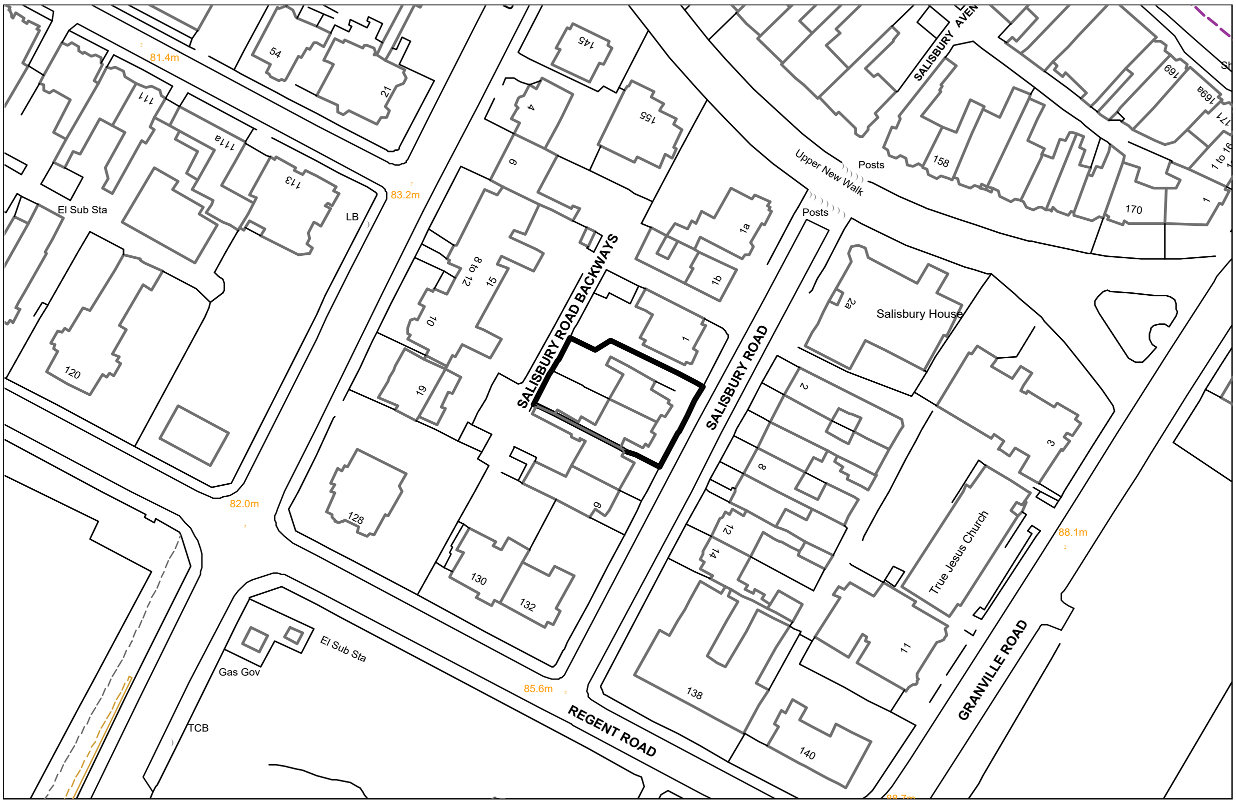
NOTES FOR APPLICANT

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. 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.

Item 5b

Recommendation: Conditional approval	
20251752	**3-5 Salisbury Road**
Proposal:	Change of use from university teaching and administration building to fifteen student flats (15 x studio) (sui generis), bin and cycle stores to side (subject to legal agreement)
Applicant:	Mr D Shah
View application and responses:	**https://planning.leicester.gov.uk/Planning/Display/20251752**
Expiry Date:	31 July 2026
CY1	WARD: Castle



Summary

- This application has been brought to the attention of committee by request of Councillor Kitterick who raises concerns regarding the internal sizes of the proposed flats
- The main considerations are amenity, highways, and sustainable design
- The application is recommended for approval subject to conditions and a legal agreement to cover NHS and open space contributions

The Site

The application relates to a pair of semi-detached properties previously in use by the University of Leicester for teaching and administration purposes. In terms of designation in the 2026 Local Plan, the site lies within the City Centre, and Central Development Area within New Walk Character Area specifically. The site also lies within New Walk Conservation Area and accompanying Article 4 direction. As an area with a high level of Houses in Multiple Occupation (HMOs) the area is subject to a further Article 4 direction being placed to restrict the permitted change from family dwellings to HMOs.

Lastly, the site is within a critical drainage area and above the former racecourse which ran from the 18th-19th century.

Background

There was an application in 1988 for the change of use from educational/student residences to academic teaching offices. This was approved and implemented under application 19881380.

Until recently, the site was formerly known as the Marc Fitch Historical Institute. According to the Leicester University Website, it was used as a centre and library for local history but in 2020-2021 this was relocated and sold by the University. The application form states that the site has been vacant since the beginning of 2025 however with reference to the listing on ‘LoopNet’, the site appears to have been vacant since late 2022 when it was listed for rent. Despite the listing stating that this could be used as education or office space, I consider the nature of the former use was for educational purposes only and the existing use of the site falls within Class F1 rather than Class E.

Other previous minor planning applications include the removal of existing staircase and door; alterations at side of building (20150313) and the installation of a Boiler flue at rear of university building (20150313) both approved and implemented in the mid-2010s.

The Proposal

The proposal is to change the use from a university teaching and administration building to fifteen student studio flats. A communal lounge is proposed on the ground floor. Bin and cycle stores are proposed for the side. The existing 5 parking spaces (including 1 disabled space) at the rear will be retained.

Policy Considerations

<u>National Planning Policy Framework 2026</u>

DM1: Preparing development proposals

1. Proposals for major development should:

   a. Be informed by early engagement with neighbours and the local community, as well as with the local planning authority, statutory consultees, infrastructure providers, registered providers of social housing and other relevant bodies where appropriate, to identify and seek to resolve key planning matters prior to the submission of a planning application. This pre-application engagement should be proportionate to the nature of the proposal and those likely to be affected by it; and

b. Be accompanied by a concise planning statement setting out:

i. How the development proposal is consistent with relevant development plan and national decision-making policies;

ii. The outcome of pre-application engagement and the extent to which the proposal has changed in response to this engagement; and

iii. The proposed use of any planning obligations to make the proposal acceptable in planning terms.

2. Proposals for other types of development should be supported by the minimum necessary information requirements to enable a decision. In certain circumstances, set out elsewhere in this Framework, this should include pre-application discussions (see policies CO2 and P4). Pre-application engagement may also be required where proposals raise complex planning matters, such as the potential effect on heritage assets.

DM3: Determining development proposals

1. When considering development proposals, local planning authorities should:

a. Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;

b. Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;

c. Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;

d. Consult statutory or internal consultees only where it is necessary to do so.

Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal;

e. Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and

f. Not refuse applications for development which should clearly be approved, having regard to their accordance with the development plan, the policies in this Framework and any other material considerations.

DM6: Use of planning conditions and obligations

1. Planning conditions should only be attached to planning permissions and other associated consents for development where they are:

a. Necessary to make the development acceptable in planning terms;

b. Relevant to the development and to planning considerations generally;

c. Sufficiently precise to make them capable of being complied with and enforced; and
d. Reasonable in all other respects.

2. Conditions should not be used to:
a. Require payments of money; or
b. Require that land is formally given up to another party (such as highways to the local highway authority); or
c. Restrict national permitted development rights unless there is clear justification to do so.

4. Planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition. Where national model planning obligations are relevant to the development, they should be used unless there are strong reasons for using a different planning obligation.

DM7: Relationship with other regulatory regimes
1. Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.

2. Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed (see policy PM13).

S3: Presumption in favour of sustainable development
1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

S4: Principle of development within settlements
1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

2. In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:
a. Have a substantial adverse impact in relation to:
i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

CC2: Mitigation of climate change

1. In order to contribute to climate change mitigation and the transition to net zero, development proposals should, where relevant to the proposal:

a. Accord with policies TR3 and TR4 so that sustainable patterns of movement are prioritised, opportunities are taken to improve walking, wheeling, cycling and public transport, and infrastructure is provided to support the transition to zero-emission vehicles;

b. Support good access to facilities in order to limit the need to travel, whether through the development’s location, through development densities which improve catchment populations for local services, or by incorporating community facilities and premises to support local employment opportunities;

c. Use design approaches which conserve energy and other resources in accordance with policy DP3(2)(b);

d. Take advantage of opportunities to reuse existing structures and materials, including by reusing non-contaminated excavated soil and hardcore within the site;

e. Take advantage of opportunities to draw low carbon energy from decentralised networks (such as district heat networks), where these are available, and to co-locate energy and heat generators and users, especially to take advantage of suppliers of surplus heat and energy;

f. Contribute to the creation or restoration of habitats which can act as carbon stores, such as through woodland planting and peatland restoration, while avoiding harm to habitats which can act as important carbon stores, including peatland and salt marsh; and

2. Substantial weight should be given to the benefits of improving the energy efficiency of existing buildings and/or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels where these do not already benefit from permitted development rights) where this would be achieved through proposals for development.

CC3: Adaptation to climate change

1. Development proposals should take into account the current and potential impacts of climate change over the lifetime of the scheme, and in order to minimise vulnerability to these impacts should, where relevant to the proposal:

a. Be located where the risk of flooding is minimised, or can be managed and the development made safe without increasing risk elsewhere, in accordance with policies F4, F5, F6, F7 and F8;

c. Incorporate sustainable drainage systems to manage surface water flow rates and reduce volumes of runoff in accordance with policy F8;

d. Use design approaches which minimise risks from overheating in accordance with policy DP3(2)(b), and include green infrastructure and suitable tree planting in accordance with policies DP3(2)(c) and N3; and

2. Substantial weight should be given to the benefits of improving the resilience of existing buildings and public spaces to anticipated climate change impacts where this would be achieved through proposals for development.

HO7: Meeting the need for homes
1. In applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under policy HO1.

HO9: Specialist forms of accommodation
1. Development proposals to address specialist housing needs should provide living conditions and access to services which are appropriate to the needs of their residents and users. This includes (c.) Purpose-built student and large-scale shared living accommodation:

> i. Being supported by a management plan or other supporting evidence which shows how the development will provide a safe and secure environment for residents; and
> ii. Being located where residents will be able to access frequently-used services (and, for student accommodation, relevant education facilities) easily and safely by walking, wheeling, cycling and public transport; Providing adequate living and storage space and sufficient shared cooking, laundry and amenity areas (other than where cooking and laundry facilities are provided within student rooms, in which case these do not need to be available on a shared basis); and iii.
> Being supported by a management plan which shows how the development will be managed and maintained to ensure the continued quality of the accommodation, communal facilities and services.

L2: Making effective use of land
1. Substantial weight should be given to the benefits where a development proposal would achieve one or more of the following:

> b. Making better use of vacant and underutilised land and buildings (such as: by bringing back into residential use empty homes and other suitable buildings; converting space above shops; redeveloping underutilised retail and business sites; and building on or above service yards, lock-ups, car parks and other transport infrastructure which are no longer required);

L3: Achieving appropriate densities
1. Development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site's connectivity and the importance of securing well-designed, attractive and healthy places.

2. To contribute to making efficient use of land:

> a. Within settlements, development proposals for residential and mixed-use development should contribute to an increase in the density of the

area in which they are situated. The only exception is where there is a clear justification that this is either inappropriate or not possible (for example, where the prevailing density is already very high, the nature of the accommodation required precludes higher densities, or where it would conflict with other policies in this Framework). In considering the potential to increase densities, the existing character of an area should be taken into account, in accordance with policy DP3, but should not preclude development which makes the most of an area's potential; and

c. Where development proposals for residential or mixed-use schemes are within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B), a density of at least 35 dwellings per hectare should be achieved within the net developable area of the site. Higher densities – of at least 45 dwellings per hectare – should be achieved where the service frequency is at least twice that of the minimum required for a well-connected station. Exceptions to meeting these minimum standards should be made only in the case of:

i. Sites which fall below the threshold for major development where it can be demonstrated that meeting the standard is either inappropriate or not possible;

3. The minimum densities in paragraph 2(c) of this policy should be exceeded where possible, especially in areas of high connectivity, to optimise the efficient use of land. The Connectivity Tool (Connectivity Tool - GOV.UK) should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.

4. Development proposals that do not make efficient use of land in accordance with paragraph 2 of this policy should be refused.

DP3: Key principles for well-designed places

1. Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

2. To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location:

a. Liveability: support healthy, mixed, vibrant and integrated communities, which will function well over the lifetime of the development, by incorporating a range of uses and tenures, employing features which promote social interaction, and which are robust, durable and easy to look after;

b. Climate: contribute to climate change mitigation and adaptation and the transition to net zero by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating;
c. Nature: incorporate and/or connect to a network of high quality, accessible, multi functional green infrastructure to provide opportunities for recreation and healthy living, strengthen habitats, improve climate change resilience and improve air and water quality. This should include maintaining and enhancing tree cover and incorporating sustainable drainage systems in accordance with policies N3 and F8;
d. Movement: provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport;
e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme;
f. Public Space: include spaces that are safe, secure, inclusive, and accessible for all ages and abilities, including for groups such as women and girls; and which facilitate and encourage social interaction, play and healthy lifestyles (for example by providing high quality, clear and legible pedestrian and cycle routes, a variety of recreational spaces and places to meet, integrating lighting and making building entrances and windows face onto streets and other public spaces to provide natural surveillance); and
g. Identity: create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.

3. Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

4. The principles set out in the Design and Placemaking planning practice guidance should be used to inform how this policy is applied in the absence of locally-produced design policies, guides, codes or masterplans.

5. Substantial weight should also be given to outstanding or innovative designs which promote high levels of sustainability, or which help raise the standard of design more generally in an area, so long as they are consistent with the overall form and layout of their surroundings.

DP4: The design process

1. Design quality should be considered throughout the evolution, assessment and delivery of development proposals, including through any pre-application engagement; as outlined in Part 2 of the Design and Placemaking planning practice guidance.

2. The local planning authority should:

b. Ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, including the approved use of materials where appropriate; and

c. Not allow the quality of approved development to be materially diminished between permission and completion, as a result of changes proposed following its initial approval (for example through changes to approved details).

TR3: Locating development in sustainable locations

1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

a. Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;

b. Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;

c. Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;

d. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution; and

2. The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.

TR6: Assessing transport impacts

1. Development proposals that are likely to generate significant amounts of movement should be supported by:

a. A transport statement or transport assessment (depending on the extent and significance of the transport issues involved), which is proportionate to the nature and scale of the development, so that the likely impacts of the proposal for transport can be assessed and monitored; and

b. A travel plan, which indicates how sustainable transport objectives will be delivered, monitored and managed over time.

2. Transport assessments and statements, and travel plans, should reflect the transport vision for the development and the transport strategy for the area in which it is located, and how these are intended to be achieved (including, in the case of travel plans, identifying fallback options if initial measures do not deliver the expected outcomes).

3. In assessing movement patterns and potential impacts, including whether they are considered to be severe, reasonable future scenarios should be considered, taking into account impacts at relevant times of the day, potential cumulative impacts, multimodal trip generation and the promotion of sustainable modes of travel, and realising the transport vision for the development itself. Development proposals should be considered having regard to these potential impacts and the other policies in this Framework which are relevant (including TR3, TR4 and DP3(2)(d)).

4. Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.

HC3: Community facilities and public service infrastructure serving new development

1. Proposals for housing, employment or other development which would give rise to significant numbers of additional people living in, working in or visiting an area should:

a. Be informed by an understanding of the need for any associated improvements to community facilities and public service infrastructure, whether on or off-site; and

b. Provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements (which may be through Community Infrastructure Levy payments, where applicable).

2. Where the development plan does not set locally-specific standards for recreational land and facilities, all development proposals should use relevant national standards and best practice to identify improvements in the quantity and quality of provision which should be provided or contributed towards, as appropriate to the nature of the development and taking into account existing levels of provision in the area.

3. Planning conditions and obligations should be used to secure the timely delivery of community facilities and public service infrastructure required to serve

new development, so that these facilities are available for use when the development (or an agreed proportion of the development) is first occupied or comes into use.

P3: Living conditions and pollution

1. Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

2. Within this context development proposals should:

  a. Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;

  b. Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);

HE4: Securing the conservation of heritage assets

1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

  a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and

  b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.

4. Proposals for enabling development, which would otherwise conflict with other policies in this Framework and/or those in the development plan, but which would secure the future conservation of a heritage asset, should be considered on the basis of whether the conservation benefits outweigh the disbenefits of departing from the policies concerned.

HE5: Assessing effects on heritage assets

1. Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.

2. Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:

   a. Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or

   b. Have no effect on the significance of a heritage asset; or

   c. Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or

   d. Cause the total loss of the significance of a heritage asset.

3. In making this assessment it is the effect on a heritage asset's significance rather than the scale of the development which should be considered.

4. Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.

5. Where a development proposal involves, or has the potential to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation. These should be used to help understand the asset's significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development.

HE6: Proposals affecting designated heritage assets

1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

2. Development proposals which would have a positive effect on a designated heritage asset should be supported.

3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.

HE9: Conservation areas
1. Development proposals within or affecting the significance of conservation areas should:

a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible;

3. Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.

<u>Local Plan 2026</u>

Links to the relevant Local Plan Policies are provided below
Policy VL01. Presumption in Favour of Sustainable Development
Policy SL01. Location of Development
Policy Ho08. Internal Space Standards
Policy Ho09. Student Residential Accommodation Development
Policy CCFR01. Sustainable Design and Construction
Policy CCFR02. Energy Statement
Policy CCFR03. Low Carbon Heating and Cooling
Policy CCFR05. Managing Flood Risk and Sustainable Drainage Systems (SuDS)
Policy HW01. A Healthy and Active City
Policy DQP01. Design Principles
Policy DQP04. Landscape Design
Policy DQP06. Residential Amenity
Policy DQP07. Recycling and Refuse Storage
Policy CDA01. Central Development and Management Strategy
Policy CDA02. New Development Within the Character Areas
Policy CHA09. New Walk
Policy HE01 - The Historic Environment
Policy TCR03. City Centre
Policy T01. Sustainable Transport Network
Policy T02. Climate Change and Air Quality
Policy T03. Accessibility and Development
Policy T07 Car Parking
Policy DI01. Developer Contributions and Infrastructure

<u>Other guidance and legislation</u>
Nationally Described Space Standards 2015
Waste Management Guidance 2015
National Planning Practice Guidance – Noise

Consultations

Local Lead Flooding Authority – no objection
Local Highway Authority – no objections subject to conditions

- securing a management plan to be provided covering beginning and end of term traffic and parking
- securing the cycle storage
- securing parking spaces
- requesting travel packs for residents

NHS – requests a contribution of £6,000 To provide the required GP facilities (at De Montfort Surgery) to meet the population increase of 15 patients

Parks and Open Space – requests a contribution of £9,275 to be used towards the following open space improvements:

- for landscaping works/replanting of shrub beds on New Walk
- towards the provision of Calisthenic fitness equipment at Victoria Park

Sustainable Design – requests further information regarding the following:

- Provides a commitment to a maximum U value of 1.60 for the replacement glazing in line with the requirements.
- Reviews the use of gas space and water heating – a commitment to ASHP and electric water heating at this stage is expected as standard practice.
- Confirm why the carbon emissions performance has not been provided on request.

Representations

One objection has been received from Councillor Kitterick, with concerns that the flats would not meeting Nationally Described Space Standards and would provide poor living conditions for occupiers.

Consideration

<u>Principle of Development</u>
As noted above the site is within the City Centre and New Walk Character Area. City Centre policy TCR03 seeks to provide a wide range of uses including both the existing educational use and proposed housing use. Policy CHA09, like TCR03, supports both education and residential uses. Neither Policy places a higher emphasis on either use therefore I consider the loss of one of these uses for another in this location would meet the requirements of those two policies.

Additionally, I am mindful of that the length of the vacancy and marketing period in this instance is significant and demonstrates to me that there is little demand to retain the site as an educational use. The proposal would bring the site back into use which is consistent with another part of policy CHA09 which supports the renovation and reuse of empty buildings, especially where they contribute to the historic character of the area.

Noting these policies support housing and noting that the site has been vacant and marketed for almost 4 years, I consider that the loss of the educational use is acceptable in principle.

As noted in policy SL01, there is demand for student housing with a requirement of 4,800 units required over the plan period. Student housing policy Ho09 states the following:

> *"New student development will be supported where:*
> *a) It is accessible by sustainable means from the city centre and is within reasonable walking and cycling distance of at least one of the two main university campuses (Policy T01)*
> *b) It lies outside and does not abut an Article 4 direction area, controlling HMO conversions*
> *c) A travel plan manages beginning/end of term traffic*
> *d) A parking management plan specifies the level of parking provision which is acceptable for all forms of vehicles including bicycles and powered two wheelers (Policy T07)*
> *e) It includes communal facilities which are appropriate to the scale of development*
> *f) A mix of uses is encouraged on the ground floor*
> *Occupation will be limited to students in perpetuity."*

Given the site is within the City Centre and is two blocks away from the University of Leicester I consider the development would comply with part (a) of Ho09. The site is however within an article 4 area controlling HMO conversions contrary to part (b). nevertheless, paragraph 5.44 in the supporting text clarifies that this part is to prevent the further loss of family housing and prevent additional HMOs. Noting the size of the property, its former use being educational, and its proposed use not being an HMO, I do not consider the development would conflict with the aims of part (b) of the policy. I consider a condition can be secured to ensure the site is only used by students.

The additional occupiers will bring further demand to NHS services and nearby parks and open spaces. These consultees have requested contributions to mitigate any negative impacts which I consider are acceptable and can be secured via legal agreement.

<u>Character & appearance</u>
The only external changes to the property are the addition of bin and cycle stores to the side. No details have been provided on these however I consider these can be secured via condition. With this condition, I consider that the character and appearance of the area will be maintained and the development would comply with Policies HE01, DQP01, and DQP07.

<u>Residential amenity of proposed occupiers</u>
Concerns have been raised regarding the flats not meeting Nationally Described Space Standards requirements.

However Policy Ho08 adopts NDSS standards for Class C3 dwellings only, and expressly excludes student accommodation so this is not an available policy option. For student accommodation it is noted that the premises are used on a temporary basis, usually only during term time, and students often have a primary residence (e.g a family house) elsewhere which they also reside in.

The site is an existing heritage asset and no changes have been made externally, thus preserving its character. Inside minimal alterations are proposed which will reduce the consumption of new materials in line with policy CHA09. With reference to the floorspace schedule and the proposed floor plans, the flats would all exceed 20m2 with the average size being 27m2. An indicative furniture layout has also been provided for each flat which shows there is space for a bed, bathroom, and kitchen, along with spaces which could be used for storage and studying. In addition, a communal lounge is provided on the ground floor for residents measuring 20m2.

The site is located within the City Centre which has a wide range of cultural and leisure facilities along with a short walk to the university campuses which provide ancillary space for students such as student unions and libraries. There is also a wide range of open space available to occupiers such as Victoria Park and the smaller open spaces on New Walk such as the museum, Oval, and De Montfort Park. As part of the application, it is also recommended that the applicant provides financial contributions for public space enhancements which will further mitigate against a lack of provision of open space on site and the internal sizes of the flats.
Taking this together and noting the high demand for student housing stated in policy SL01, I consider that the rooms are an acceptable size and would provide acceptable living conditions for the proposed occupiers.

A 10m2 area for bins would be provided, and the site plan states this would accommodate 10 bins. Waste management guidance requires 540L of storage for recyclable and 918L for non-recyclable waste to be provided. The area designated for waste storage would be able to accommodate 2x 1100L bins, thereby exceeding the storage requirement. As noted in the design section, screening/ a bin store is required for the bins in line with policies DQP01, DQP07, and HE01, but I consider this can be secured via condition.
All flats would have large windows ensuring that the outlook and natural light would be adequate. The property is raised and set back from the public realm ensuring that acceptable levels of privacy to the front ground floor flats are retained. Flats 3 and 5 to the rear would be overlooked by two parking spaces which could result in limited disturbance if let out to other occupiers, noting the request from the Highway Officer to allocate these parking spaces I consider allocating these spaces to flats 3 and 5 would satisfy this concern. With this in mind, I consider the development would provide acceptable levels of amenity in line with policy DQP06.

Highway & parking matters
The application site is located on Salisbury Road, an unclassified cul de sac subject to a 30mph speed limit. To the north of the site, the road culminates at Upper New Walk, a pedestrian/cycle route which links into the city centre. Car parking spaces front the site, with Pay & Display restrictions applying Mon-Sat

7.30am – 6.00pm. Elsewhere on Salisbury Road, parking is prohibited, indicated by the use of double yellow lining.

Five off-street car parking spaces are available within the site to the rear of the property, accessed by Salisbury Road Backways which appears to be an existing situation.

To minimise the number of vehicles manoeuvring to and from the site, the Highway Officer considers parking spaces should be allocated. Further, to manage the number of vehicles attending the site, a Management Plan is requested to be submitted and approved to deal with traffic generated by dropping-off and collection at the beginning and end of terms. I consider these elements can both be secured via condition.

The proposal includes the provision of secure covered cycle parking for 12 cycles. This is acceptable and in line with policies T01 and T03 which recommend the use of sustainable methods of travel. Further to this, it is also requested that a Travel Pack be provided for residents of the development prior to occupation to ensure that information is available to encourage sustainable modes of travel and to reduce reliance on the private care. Again, I consider these elements can be secured by conditions.

<u>Sustainable Design and Drainage</u>

Sustainable Design –

A Sustainability and Energy Statement has been provided with the application which notes a range of measures proposed to improve the buildings performance.

The Sustainability officer considers that maximising natural ventilation with windows to the rear of first and second floor corridors and large openable windows in bedrooms is a positive aspect of the refurbishment and the proposed mechanical ventilation using extract fans in bathrooms and extract hoods in kitchens is appropriate. They consider that the installation of LED lighting throughout with PIR occupancy sensors is a welcomed energy efficiency measure and (noting the works are only internal) the expectation is that any waste produced is suitably separated for recycling and onward disposal in accordance with the relevant legislation. I also consider these are positive additions to the proposal.

With the development being within the New Walk Conservation Area it is accepted that solar PV has been considered by the applicant and deemed unsuitable for this development.

The development is shown to meet the requirements of Part L of building regulations except for glazing where a range of 1.4-1.8 is proposed despite the maximum value set out in Part L being 1.6. I consider this is acceptable noting that if we were to request a lower threshold, this could (like the installation of solar PV) result in physical alterations to the scheme that impact the conservation area.

The Sustainability Officer has requested that the heat pumps are provided rather than the retained gas heating system, or more justification is provided for the lack of these. The applicant has opted to retain the existing gas heating system noting that the option for Air Source Heat Pumps could be revisited at detailed design stage if conditions are favourable. Additionally, the Sustainability Officer has requested the carbon emissions performance of the refurbishment.

As noted above, the site is a heritage asset and has been vacant for some time. I allocate significant weight to the sensitive reuse of this site especially noting that it would fulfil a need for student development within the City. I also consider that whilst this is a major development, the floorspace of the building is small, being less than 1000m2. With this in mind I consider that the sustainability measures proposed are proportionate for the size of development and acceptable in this instance. I recommend these are secured via condition.

Drainage –
The site is in Flood Zone 1 and is also shown to be at very low risk from surface water flooding. A Sustainable Drainage Strategy Note has been submitted, which states that the surface water runoff is discharged into the public sewer system as existing and the proposed conversion does not involve any external alterations or extensions which would allow the applicants the opportunity to introduce any suitable sustainable drainage measures onto the site such as permeable paving, attenuation tanks or rain gardens. The LLFA have no objections to this but recommend that water butts as rainwater harvesting could considered. I consider a condition can be included for a rainwater butt to be installed at the rear of the property.

<u>Ecology</u>
The application is exempt from the mandatory biodiversity net gain requirements and due to the minor physical works proposed there are no concerns regarding protected species. I consider the development complies with policies NE01 and NE02 of the 2026 Local Plan.

<u>Contributions</u>
The NHS have requested a developer contribution of £6,000 to mitigate the increased demand for their services that would arise from the change of use.
The parks/green spaces service have requested a developer contribution of £9,275 as the proposed residential development, within the Castle ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the other needs of the new residents are limited and therefore the service will be looking to make qualitative improvements to existing open space provision to minimise the impact of this development.
These contributions will be secured by a S106 legal agreement.

Conclusion

The development would result in the sensitive reuse of a vacant heritage asset and provide student housing for which there is a need, in a sustainable location and in close walking distance to both universities. The living standards are considered acceptable for the temporary nature of occupancy, and the level of sustainability measures are considered proportionate for the proposed development. Contributions are proposed towards open space improvements and for the NHS and can be secured via a legal agreement.

I recommend the application is APPROVED subject to conditions below and a LEGAL AGREEMENT to cover the open space and NHS contributions:

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 accommodation shall only be occupied by students enrolled on part or full-time courses at further and higher education establishments, or students working at a medical or educational institution as part of their medical or education course. The owner, landlord, or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course/s and establishment attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times. (To enable the local planning authority to consider amenity standards for any alternative residential use in accordance with Leicester Local Plan 2026 policies Ho03, Ho08, DQP01, DQP03 and DQP06 and the need for parking provision in accordance with Leicester Local Plan 2026 policies Ho09, and T07.)

3. Prior to occupation of the approved development, details of the bin store or details providing screening for the onsite bin store area as shown on the approved site plan shall be submitted to and approved by the local planning authority and shall subsequently be complete and ready for use. The approved facilities shall be retained thereafter for use in connection with the approved use of the development and all refuse bins shall be kept within the screened designated area other than on refuse collection day. (To ensure adequate facilities for the storage and collection of refuse and to preserve the character of the conservation area in accordance with Leicester Local Plan 2026 policies DQP01, DQP06, DQP07, and HE01.)

4. The development hereby permitted shall at all times be managed and operated in full accordance with a Management, Parking and Travel Plan, the details of which shall be submitted to and approved in writing by the local planning authority before the first occupation of the development. The plan shall set out procedures for:
(a) how the arrival and departure of students at the start and end of tenancies will be managed;
(b) how servicing and deliveries will be managed;
(c) the level of parking provision for all forms of vehicles including bicycles and powered two wheelers;
(d) the allocation of parking spaces to specific flats (including a plan showing the allocation of the two parking spaces by flats 3 and 5 to be allocated to these two flats specifically);
(e) maintaining the external areas of the site;
(f) dealing with any issues or complaints arising from the occupiers of nearby properties, including details of how management contact details will be made available to neighbours.

The plan shall be adhered to for the lifetime of the development. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with the aims of Leicester Local Plan 2026 policies Ho09, DQP06, T03, and T07.)

5. Prior to, or at the time of, the first and subsequent occupation of each flat, the occupiers of that flat shall be provided with a ‘Residents Travel Pack’, details of which shall have previously been submitted to and approved in writing by the local planning authority (for the avoidance of doubt, the details submitted with this application are insufficient to meet this requirement). The contents of the Travel Pack shall consist of paper and/or electronic information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with Leicester Local Plan 2026 policies Ho08, T01, T02 and T03.)

6. Prior to occupation of the development secure and covered if necessary cycle parking for 12 cycles shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority. The cycle parking shall be retained thereafter for use in connection with occupation of the approved development. (In the interests of the satisfactory development of the site and to preserve the character of the conservation area in accordance with Leicester Local Plan 2026 policies Ho08, T01, T03, and HE01.)

7. Prior to the first occupation of the development, full design details of on-site installations to provide energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. These measures shall represent the further development of the strategy for securing energy efficiency as identified in the Energy Statement received on the 19th June.
The development shall be carried out in accordance with the approved details and retained as such. (In the interests of securing energy efficiency in accordance with Policies CCFR01 and CCFR02 of the Core Strategy.)

8. Prior to first occupation of the proposed flats, at least one water butt shall be connected to the rear guttering of the property and shall be managed and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with Leicester Local Plan 2026 policy CCFR05.)

9. The development shall be carried out in full accordance with the following approved plans:
D1010, Site plan, Received 3 November 2025
B020, Existing floor plans (4 pages), Received 3 November 2025
D1004, Proposed elevations (2 pages), Received 3 November 2025
3896-05, Proposed floor plans, Revision b, Received 24 November 2025

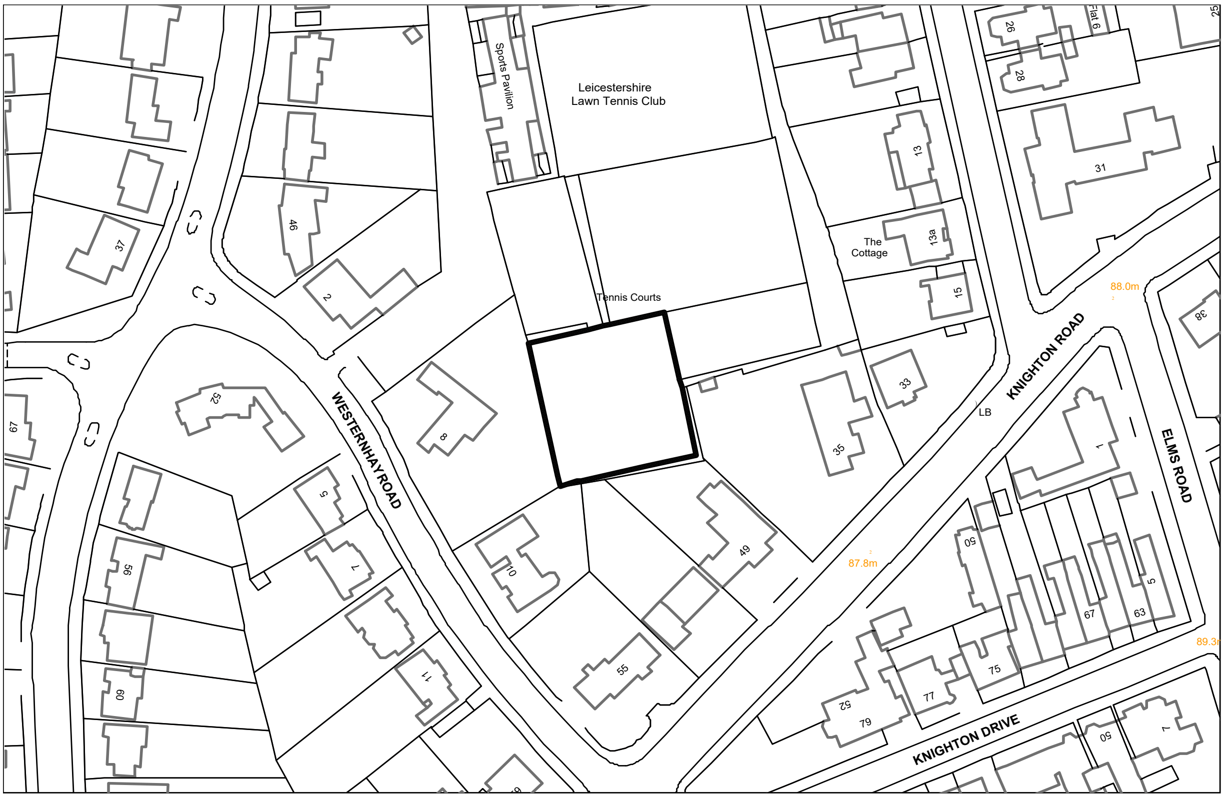
D1006, Proposed elevations, Received 27 November 2025
(For the avoidance of doubt.)

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 2026 is considered to be a positive outcome of these discussions.

2. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.
Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:
Development below the de minimis threshold, meaning development which:
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Recommendation: Conditional approval	
20260635	**4 Westernhay Road, Lawn Tennis Club**
Proposal:	Construction of 2 covered padel courts (Class F2)
Applicant:	Mr Umar Boodhoo
View application and responses:	**https://planning.leicester.gov.uk/Planning/Display/20260635**
Expiry Date:	30 June 2026
CY1	WARD: Knighton



Summary

- The application has been brought to planning committee due to the number of objections raised
- The main concerns are the impact of the use of the padel courts on the amenity of neighbouring residents
- The application is recommended for approval subject to conditions

The Site

The application relates to the southernmost set of pitches at Leicestershire Lawn Tennis Club. They are currently artificially turfed. The site is designated as open space and is surrounded by residential dwellings. It backs onto Stoneygate Conservation Area in the south-east, is located within a critical drainage area, and the eastern part of the pitch to be developed has a low risk of surface water flooding.

Background

Permission has been granted recently for the following works:

20260082, Installation of replacement floodlighting to tennis and squash club. Granted conditional approval this year. This did not include floodlighting to the court area that is subject of this application.

20220246, Installation of 12x7m high columns with floodlights to outdoor tennis courts. Granted conditional approval but not implemented.

20191328, Erection of two flags and flag poles to front entrance of tennis club.

20162425, construction of two storey extension to existing squash court building to form one additional squash court and lobby space and access ramp to entrance of existing squash court. Granted conditional approval in 2017. This application was varied twice under applications 20180756 and 20181809 and has been implemented.

The Proposal

The application is for the construction of two covered padel courts on the southern-most tennis courts. Each court would measure 20m x 10m. The building covering the courts would measure 20m x 24.6m in footprint, with heights ranging from 7m to 9m.

Around the south and east, and part of the northern wall a noise wall is proposed. This would be 4m tall. The top section of the western and south portions of the barrier is angled towards the proposed padel court to provide an inward cantilever so that it finishes 1m closer to the padel courts. The Noise Impact Assessment states this will increase the acoustic performance of the barrier.

Policy Considerations

National Planning Policy Framework 2024

DM1: Preparing development proposals

1. Proposals for major development should:

   a. Be informed by early engagement with neighbours and the local community, as well as with the local planning authority, statutory consultees, infrastructure providers, registered providers of social housing and other relevant bodies where appropriate, to identify and seek to resolve key planning matters prior to the submission of a planning application. This pre-application engagement should be proportionate to the nature of the proposal and those likely to be affected by it; and

   b. Be accompanied by a concise planning statement setting out:

      i. How the development proposal is consistent with relevant development plan and national decision-making policies;

      ii. The outcome of pre-application engagement and the extent to which the proposal has changed in response to this engagement;

and iii. The proposed use of any planning obligations to make the proposal acceptable in planning terms.

2. Proposals for other types of development should be supported by the minimum necessary information requirements to enable a decision. In certain circumstances, set out elsewhere in this Framework, this should include pre-application discussions (see policies CO2 and P4). Pre-application engagement may also be required where proposals raise complex planning matters, such as the potential effect on heritage assets.

DM3: Determining development proposals

1. When considering development proposals, local planning authorities should:

a. Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;

b. Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;

c. Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;

d. Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal;

e. Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and

f. Not refuse applications for development which should clearly be approved, having regard to their accordance with the development plan, the policies in this Framework and any other material considerations.

DM6: Use of planning conditions and obligations

1. Planning conditions should only be attached to planning permissions and other associated consents for development where they are:

a. Necessary to make the development acceptable in planning terms;

b. Relevant to the development and to planning considerations generally;

c. Sufficiently precise to make them capable of being complied with and enforced; and

d. Reasonable in all other respects.

2. Conditions should not be used to:

a. Require payments of money; or

b. Require that land is formally given up to another party (such as highways to the local highway authority); or c. Restrict national permitted development rights unless there is clear justification to do so.

3. Where national model conditions are relevant to the development, they should be used unless there are strong reasons for using a different condition. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. Applications to discharge conditions should be dealt with in a timely manner to avoid unnecessary delays to development.

4. Planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition. Where national model planning obligations are relevant to the development, they should be used unless there are strong reasons for using a different planning obligation.

DM7: Relationship with other regulatory regimes

1. Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.

2. Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed (see policy PM13).

3. The parallel processing of planning and other regulatory consents is encouraged where this can help to align and expedite the consenting of development.

4. Where compliance under a separate regulatory regime requires subsequent changes to an approved development proposal, such changes should be approved unless they would mean the development is no longer acceptable when assessed against development plan and national decision-making policies.

S3: Presumption in favour of sustainable development

1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

b. Outside settlements, policy S5 should be applied; and

c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal.

S4: Principle of development within settlements

1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

2. In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

a. Have a substantial adverse impact in relation to:

i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or

ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).

b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

CC2: Mitigation of climate change

1. In order to contribute to climate change mitigation and the transition to net zero, development proposals should, where relevant to the proposal:

a. Accord with policies TR3 and TR4 so that sustainable patterns of movement are 28 prioritised, opportunities are taken to improve walking, wheeling, cycling and public transport, and infrastructure is provided to support the transition to zero-emission vehicles;

b. Support good access to facilities in order to limit the need to travel, whether through the development's location, through development densities which improve catchment populations for local services, or by incorporating community facilities and premises to support local employment opportunities;

c. Use design approaches which conserve energy and other resources in accordance with policy DP3(2)(b);

d. Take advantage of opportunities to reuse existing structures and materials, including by reusing non-contaminated excavated soil and hardcore within the site;

e. Take advantage of opportunities to draw low carbon energy from decentralised networks (such as district heat networks), where these are available, and to co-locate energy and heat generators and users, especially to take advantage of suppliers of surplus heat and energy;

f. Contribute to the creation or restoration of habitats which can act as carbon stores, such as through woodland planting and peatland restoration, while avoiding harm to habitats which can act as important carbon stores, including peatland and salt marsh; and

g. Not involve the extraction of fossil fuels unless it is in accordance with policy M5.

2. Substantial weight should be given to the benefits of improving the energy efficiency of existing buildings and/or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels where these do not already benefit from permitted development rights) where this would be achieved through proposals for development.

CC3: Adaptation to climate change

1. Development proposals should take into account the current and potential impacts of climate change over the lifetime of the scheme, and in order to minimise vulnerability to these impacts should, where relevant to the proposal:

a. Be located where the risk of flooding is minimised, or can be managed and the development made safe without increasing risk elsewhere, in accordance with policies F4, F5, F6, F7 and F8;

b. Comply with policy F9 where development would be located in an area vulnerable to coastal change, as specified in that policy;

c. Incorporate sustainable drainage systems to manage surface water flow rates and reduce volumes of runoff in accordance with policy F8;

d. Use design approaches which minimise risks from overheating in accordance with policy DP3(2)(b), and include green infrastructure and suitable tree planting in accordance with policies DP3(2)(c) and N3; and 29

e. Incorporate proportionate measures to mitigate against wildfires, where opportunities to do so exist and wildfires pose a particular risk (for example as a result of the combined effect of topography, prevailing wind direction and being located within or adjacent to heavily vegetated areas). Such measures should be designed to limit fuel loads for fires, and to create defendable spaces, such as by avoiding timber panel fences and incorporating firebreaks into development layouts and planting schemes.

2. Substantial weight should be given to the benefits of improving the resilience of existing buildings and public spaces to anticipated climate change impacts where this would be achieved through proposals for development.

E2: Meeting the need for business land and premises

1. To support business growth, substantial weight should be given to:

a. The economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt; especially where this would support the economic vision and strategy for the area, the implementation of the Industrial Strategy, support improvements in freight and logistics and/or reflect proposals for Industrial Strategy Zones and AI Growth Zones; and

DP3: Key principles for well-designed places

1. Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

2. To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location:

a. Liveability: support healthy, mixed, vibrant and integrated communities, which will function well over the lifetime of the development, by incorporating a range of uses and tenures, employing features which promote social interaction, and which are robust, durable and easy to look after;

b. Climate: contribute to climate change mitigation and adaptation and the transition to net zero by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating;

c. Nature: incorporate and/or connect to a network of high quality, accessible, multi functional green infrastructure to provide opportunities for recreation and healthy living, strengthen habitats, improve climate change resilience and improve air and water quality. This should include maintaining and enhancing tree cover and incorporating sustainable drainage systems in accordance with policies N3 and F8;

d. Movement: provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport;

e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme;

f. Public Space: include spaces that are safe, secure, inclusive, and accessible for all ages and abilities, including for groups such as women and girls; and which facilitate and encourage social interaction, play and healthy lifestyles (for example by providing high quality, clear and legible pedestrian and cycle routes, a variety of recreational spaces and places to meet, integrating lighting and making building entrances and windows face onto streets and other public spaces to provide natural surveillance); and

g. Identity: create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.

3. Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

4. The principles set out in the Design and Placemaking planning practice guidance should be used to inform how this policy is applied in the absence of locally-produced design policies, guides, codes or masterplans.

5. Substantial weight should also be given to outstanding or innovative designs which promote high levels of sustainability, or which help raise the standard of design more generally in an area, so long as they are consistent with the overall form and layout of their surroundings.

DP4: The design process

1. Design quality should be considered throughout the evolution, assessment and delivery of development proposals, including through any pre-application engagement; as outlined in Part 2 of the Design and Placemaking planning practice guidance.

2. The local planning authority should:

a. Ensure that they have access to, and encourage the appropriate use of design review and other design tools and processes (especially for strategic sites and other significant projects), and take into account their outcomes, including any design recommendations made by design review panels;

b. Ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, including the approved use of materials where appropriate; and c. Not allow the quality of approved development to be materially diminished between permission and completion, as a result of changes proposed following its initial approval (for example through changes to approved details).

TR3: Locating development in sustainable locations

1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

a. Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;

b. Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;

c. Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;

d. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution; and

TR6: Assessing transport impacts

3. In assessing movement patterns and potential impacts, including whether they are considered to be severe, reasonable future scenarios should be considered, taking into account impacts at relevant times of the day, potential cumulative impacts, multimodal trip generation and the promotion of sustainable modes of travel, and realising the transport vision for the development itself. Development proposals should be considered having regard to these potential impacts and the other policies in this Framework which are relevant (including TR3, TR4 and DP3(2)(d)).

4. Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.

HC7: Development affecting existing recreational land and facilities

1. Development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, unless:

a. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a location which offers comparable or improved accessibility for the community it serves; or

c. The development is for public service infrastructure, and the resulting loss would be replaced by equivalent or better provision in terms of quantity and/or quality; or

d. The development is for alternative open space, sports and recreational buildings and land, the benefits of which clearly outweigh the loss of the current or former use.

P3: Living conditions and pollution

1. Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

2. Within this context development proposals should:

a. Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of acceptable living conditions;

b. Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);

c. Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;

d. Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);

e. Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature; and

f. Assess and mitigate impacts where the development could have an unacceptable adverse effect on water quality, especially in relation to sensitive water bodies such as chalk streams.

3. In applying this policy, it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively, as set out in policy DM7. This means that it will be appropriate to take into account emissions limits set through those other regimes.

F8: Sustainable drainage systems and watercourses

1. Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. The systems employed should provide multifunctional benefits where possible, facilitating improvements in water quality, biodiversity and amenity.

2. Sustainable Drainage Systems should:

a. Be designed in accordance with the National Standards for Sustainable Drainage Systems;

b. Have maintenance arrangements in place to ensure an acceptable standard of operation for the anticipated lifetime of the development; and

c. In the case of proposals for major development, take account of advice from the Lead Local Flood Authority.

3. Development proposals should not enclose existing watercourses where this is not already the case, unless there are compelling reasons to do so; and should where possible remove existing culverts and renaturalise existing river channels, unless to do so would increase flood risk, result in other environmental harm or cause harm to heritage assets.

N2: Improving the natural environment

1. To contribute positively to the natural environment, and support nature's recovery, development proposals should:

a. Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply);

b. Take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible;

c. Take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site, drawing on the measures proposed by Local Nature Recovery Strategies, National Forest Strategies and Community Forest Plans, where present, and other relevant assessments;

d. Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings;

e. Use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits: such as for biodiversity; surface water and pollution management (including maintaining flow rates and water quality); climate change mitigation and adaptation, and recreation;

f. Minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective; and

g. Ensure that green infrastructure and other features to support nature are located and designed to minimise risk of future failure, and that appropriate measures are in place for any necessary long-term management.

3. Development proposals may incorporate biodiversity enhancements which exceed the statutory objective for biodiversity net gain, but this should only be a requirement where it is set out in up-to-date development plan policies for specific site allocations. Decision makers should not give weight to other development plan policies which require biodiversity gains which go beyond the statutory framework, including where a policy requires gains for development proposals which are exempt.

HE4: Securing the conservation of heritage assets

1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and

b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.

2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.

3. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should not be taken into account in any decision relating to the asset.

4. Proposals for enabling development, which would otherwise conflict with other policies in this Framework and/or those in the development plan, but which would secure the future conservation of a heritage asset, should be considered on the basis of whether the conservation benefits outweigh the disbenefits of departing from the policies concerned.

HE5: Assessing effects on heritage assets

1. Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary. 2. Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:

a. Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or

b. Have no effect on the significance of a heritage asset; or

c. Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or

d. Cause the total loss of the significance of a heritage asset.

3. In making this assessment it is the effect on a heritage asset's significance rather than the scale of the development which should be considered.

4. Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.

5. Where a development proposal involves, or has the potential to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation. These should be used to help understand the asset's significance and the

potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development.

HE6: Proposals affecting designated heritage assets

1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

2. Development proposals which would have a positive effect on a designated heritage asset should be supported.

3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.

5. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:

> a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;
>
> b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
>
> c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and
>
> d. The harm or loss is outweighed by the benefit of bringing the asset back into use.

HE7: Decisions on non-designated heritage assets

1. Development proposals which would have a positive effect on a non-designated heritage asset should be supported.

2. Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

3. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

HE9: Conservation areas

1. Development proposals within or affecting the significance of conservation areas should: a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.

2. Not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.

3. Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.

Local Plan 2026

Web links to relevant local Plan Policies are provided below:

Policy VL01. Presumption in Favour of Sustainable Development
Policy CCFR01. Sustainable Design and Construction
Policy CCFR02. Energy Statement
Policy CCFR05. Managing Flood Risk and Sustainable Drainage Systems (SuDS)
Policy HW01. A Healthy and Active City
Policy DQP01. Design Principles
Policy DQP03. Inclusive Design
Policy DQP04. Landscape Design
Policy DQP06. Residential Amenity
Policy HE01 - The Historic Environment
Policy CT01. Culture, Leisure and Tourism
Policy NE01. Protecting designated sites, legally protected and priority species, and priority habitats
Policy NE02. Biodiversity Gain
Policy T01. Sustainable Transport Network
Policy T02. Climate Change and Air Quality
Policy T03. Accessibility and Development
Policy T06. Highways Infrastructure
Policy T07 Car Parking

Further Relevant Documents
Climate Ready Leicester Plan 2023-28
Leicester City Council – Leicester Street Design Guide 2020
The National Heritage List for England
Planning (Listed Buildings and Conservation Areas) Act 1990

GOV.UK Planning Practice Guidance – Noise https://www.gov.uk/guidance/noise--2
Stoneygate Conservation Area Character Appraisal

Consultations

Pollution (Noise) – no objections subject to condition securing development that would not exceed the LA max levels proposed within the Noise Report provided by the applicant. Noted that the noise officer has also reviewed the Noise Report provided by objectors. More information regarding this is within the residential amenity section below.

Lead Local Flood Authority (LLFA) – no objection subject to the following being secured via condition:

- Achieve a reduction in surface water runoff rate through use of SuDS, where practically possible
- Define the operational lifetime of the development
- Provide an Exceedance Statement
- Clarify how surface water runoff from the proposed roof area will be managed
- Provide Discharge Rates: existing and proposed
- Provide Drainage Layout Plan
- Consider/intsall SuDS Recommendations
- If applicable, provide written justification confirming why SuDS are not to be integrated
- SuDS: Provide Product Specification and/or Design Details
- SuDS: Provide Maintenance plan
- Provide a written statement which defines how the first 5mm of rainfall will be retained on site (where practically possible). This must include a written justification, if retention of the first 5mm of rainfall is not possible

Representations

8 objections have been received from 7 addresses within the local authority boundary with the following concerns:

- Principal of Development
    - Other opportunities for Padel on courts that are further away from residents in the Tennis Club
    - Other Padel Courts are available together with current applications for additional Padel Courts:
        - Manor Padel Club – Located on a Rural Business Park
        - The Rally Hub – located on an industrial estate
- Design
    - Impact on the openness of the area
- Impact of courts on neighbouring amenity
    - Notes Padel Courts are within 100m of neighbouring properties which is contrary to advice by Padel Magazine and the Dutch Tennis and Padel Court Federation

- The structures will overshadow dwellings and have overbearing impact
    - Objectors have submitted their own Noise Impact Assessment as noted above which concludes that the average noise levels would exceed 50db in garden areas contrary to Sports England guidance
    - Note other authorities have refused applications due to noise or issued Noise Abatement Orders due to high levels of noise
    - Hours of use on the application differ from the Tennis Club website
- Sustainable Design and Drainage
    - Previous flooding due to lack of compliance with SuDS
- Ecology
    - States that Padel Courts are responsible for bird deaths due to glazed facades
    - Buildings will disorient animals when migrating through the site
    - Lack of information provided regarding the green wall and how this will improve biodiversity
    - Foundations of the buildings could damage surrounding vegetation
- Highways and Parking
    - Increased traffic and parking due to new members and spectators
- Other matters
    - Impact on property market values
    - Noting the submission of supporting letters with the application that don't take the above matters into account
    - Club is expensive to join

53 comments from 21 addresses within the authority boundary have been received during the application supporting the application for the following reasons:

- That the club is one of the oldest in the world and supports local communities such as nearby schools including through use of the park and stride initiative
- The development will further support the local community
- The development will increase visitors to the local area and introduce more demographics to sport
- The development will boost local economy
- The development would add a new type of sport to the area
- The development would complement the existing sports facilities in club
- There is existing infrastructure that can accommodate the development, and it is in a sustainable location
- The development is necessary to future-proof the club and ensure it remains viable
- The development is designed to reduce the impact on residents as much as possible
- The development will be good for people's health and wellbeing
- Current Padel facilities are a drive away

The submission has also included letters of support from nearby stakeholders including one from Shockat Adam MP. However, as this was prior to the application being submitted, it is unclear what form of the application they would have commented on. Therefore, I have not afforded these any weight.

Consideration

Principle of Development

Residents have noted there are other locations to play Padel. With reference to the two provided, these are outside of the authority area and have one court each. I do not consider this to be an oversupply of courts. With reference to live applications within the authority, until a formal approval assessment has been made on these, I do not consider they can be taken into account. Regarding the other locations available on site for padel courts, I can only assess the application that has been provided in front of me. Providing that this is considered acceptable, it would be unreasonable to refuse the application on the basis that more preferable locations exist.

The site is designated as open space and provides access for residents in and around Leicester to sports facilities in line with policy HW01. Policy OSSR02 seeks to ensure open spaces are protected. It states:

> *Development of open space shown on the Policies Map and other open space, such as privately-owned sports pitches and sites below 0.5 ha not shown on the Policies Map, will not be permitted unless:*
> *a) The open space is surplus to requirements in relation to its current open space typology, taking into consideration the quantity, quality, and accessibility of existing open spaces by reference to the Council's Open Space, Sport and Recreation Study; and, in addition*
> *b) The open space is not needed for another type of open space; or*
> *c) The loss resulting from the proposed development would be replaced by equivalent or better open space provision in terms of typology, quantity, quality and accessibility; or*
> *d) The development is for alternative sports and recreational provision to that currently provided for on the open space, or ancillary development associated with the open space, the needs for which clearly outweigh the loss of the current or former use; or*
> *e) The development enhances and/or retains public access to and within the open space; or*
> *f) The development enhances or creates additional recreational and/or biodiversity value, and/or the development delivers flood alleviation measures.*

A Design and Access Statement has been provided addressing the points in Policy OSSR02. It is stated that there is a surplus of tennis courts on this particular site and there is a demand for padel from the users of the club. This demand is also reflected in the number of supporting comments received. The courts that are being removed are some of the poorest quality in the club and these would be replaced with brand new padel facilities which would be covered and so more suitable for use all year round. As such the development is considered to meet parts a-d of the policy above.

Regarding part (e), the Design and Access Statement states that courts could be used by local schools. However, objections have been received stating the club is private and expensive to join. Whilst community use would be welcomed, a condition would be required to secure this. Given that the proposal is a minor development and would fulfil the requirements of part (a) of the policy, along with the majority of part (d), this condition would not be required to make the development acceptable, and therefore such a condition would not meet the requirements set out in National Planning Policy Framework policy DM6.

Regarding part (f) drainage details are to be considered below along with biodiversity.

With this in mind, I consider the development is acceptable in principle subject to the following considerations below.

Conservation Area, Character & Design

The site sits just outside the western boundary of the Stoneygate Conservation Area at Stoneygate Avenue. The location of the structure is sited on courts as far away as possible from the Conservation Area. Given the structures are mostly glazed, fairly lightweight, reversible, and would have a limited visual impact on the Conservation Area, I'd consider any harm does not equate to substantial and that harm would be outweighed by the fulfilment of a demand for Padel in the authority area. Noting the size of the development, I recommend a condition is attached to secure the proposed materials.

I consider the development would comply with Local Plan policies HE01 and DQP01, and NPPF policies HE5, HE6, HE9 and HE10 and is acceptable in terms of the impact on the character and appearance of the area including Stoneygate Conservation Area.

Residential amenity

Neighbouring properties –

Concerns have been raised regarding the distance of the courts from the residential properties noting that padel guidance recommend these are over 100m away. This guidance is not adopted by the LPA therefore providing the development satisfies amenity concerns, it would be unreasonable to refuse the application on this basis.

A daylight assessment has been provided which concludes that the development would meet BRE guidance and the loss of any natural light would be low.

The building proposed would be 7-9m in height which would be equivalent to a 2.5-3 storey block of flats.

8 Westernhay Road is a bungalow located to the west of the application site. The padel building would be 19m away from the nearest corner of the dwelling which is at an indirect angle from the padel building. I consider the padel building is a

sufficient distance away from this section of the house and the overall dwelling and would not result in an unacceptable impact on the rear facing habitable rooms. The padel building is around 9.2m away from the property's rear boundary and garden however I note the garden is 'L' shaped with over 750m2 of garden space, and a large section is to the southern side of the dwelling away from the padel building. As such I consider that occupants of this property would still have high-quality living conditions and the impact of the padel court would not result in significant harm.

10 Westernhay Road is to the south-west of the application site, and to the south of number 8 Westernhay Road. This property is further away than number 8. From the nearest corner of the padel building to the nearest corner of the dwelling measures 26m. The distance from the padel building to the rear boundary of this dwelling is 16.5m and only a small boundary of the 250m2 garden is impacted. I consider these distances are significant enough to ensure that the impact on number 10 is protected and there would be no unacceptable levels of overlooking or loss of natural light to this property.

53 Knighton Road is to the south of the application site, like number 10, only a small element of the boundary is connected to the Tennis Club, but the garden is much longer (over 30m). The distances from the padel building to the rear boundary and rear elevation are 14.5m and over 40m respectively. I consider the impact to this property is also acceptable.

49 Knighton Road is an 'L' shaped building to the south-west of the application site. The distances from the padel building to the rear boundary and nearest rear elevation are 11m and 20m respectively, with the majority of the garden space and property then set further back than this. As with the properties above I consider this distance is acceptable.

35 Knighton Road is located to the south-west of the application site and to the north of 49 Knighton Road. The court would be 29m away from the rear elevation of the property which I consider to be acceptable. Whilst the court would be only be around 3m from the rear boundary this would only be a small section. Given the size of the garden and the openness around to all other sites I do not consider this would equate to harm.

The proposal would also include a 6m high noise wall. Given its distance from the dwellings above, I do not consider this would result in an overbearing impact or loss of natural light.

Noise -
The site as existing is surrounded by residential properties. From historic imagery it appears that both the initial courts and the houses on Stoneygate Avenue were constructed around the same time in the late 19th century and both the residential development area and tennis club grew in tandem. As such, this has always been the prevailing ambient noise environment and this is indicated within the Noise Impact report carried out by AAC which was submitted with this application. Section 3.1 of the report states that the site was surveyed in early April over a four-day period and indicates measured background sound levels of between 38

and 57 dB(A) during 07:00 – 23:00. This suggests that average sound levels in the nearest residential gardens may already exceed LAeq 50 dB(A) during the day (due to traffic and other noise sources), with existing tennis-related impact noise already forming part of the soundscape. With reference to the full dataset supplied in Appendix B, the higher threshold of the average sound levels mostly drop to around LAeq 45-46 dB(A) after 20:00.

I note that the report states that the Local Authority has defined the assessment criterion as LAeq 50 dB(A). This is not correct, as we have not specified this criterion. However as demonstrated above, it is likely that this level is exceeded during the day.

The Noise Officer has noted that an average sound level at noise-sensitive receptors would not, in isolation, accurately assess the impact of padel. Padel is a fast-paced sport characterised by impulsive noise sources, including bat-to-ball impacts, ball strikes on the toughened glass walls. The key objective is to ensure that the introduction of padel courts does not result in unreasonable disturbance to nearby residents.

The Design and Access Statement shows the courts will be semi-enclosed and floodlit. It is therefore likely that the courts will be used year-round. Depending on utilisation rates, the frequency of impact noise could increase significantly and has the potential to affect nearby residents. Any mitigation proposed should therefore be demonstrated to be effective.

In appendix C, noise contour plots indicate that, with the proposed acoustic fencing and enclosure, average sound levels within nearby gardens are generally predicted to be between 45 and 50 dB(A), with some areas falling within the 50–55 dB(A) contour (page 29 of the AAC NIA). The average sound level for padel noise contour plots indicate areas of the gardens falling within the 45–55 dB(A) bands. The modelling appears to indicate that the introduction of padel, with the proposed mitigation in place, does not materially increase average background sound levels.

One concern by the Noise Officer is that the assessment appears to focus on the rear elevations of dwellings as the receptor locations and does not fully assess the gardens. For example, the noise impact report does not include the gardens as noise sensitive locations but rather the rear of the properties as seen on page 29 of the AAC NIA. However as noted above, the garden spaces are large in size and therefore if higher noise levels were found in small parts of the gardens, this would not result in a harmful impact on proposed residents as the majority of each property would have acceptable noise levels.

Whilst the Noise Officer was satisfied with the proposed average noise levels, upon reviewing both the initial AAC report, and then the Marbech Report provided by objectors, they raised concerns regarding the maximum (LAmax) levels. LAmax contour plots (page 30 of the AAC NIA) show maximum noise levels of between 55–60 dB(A) and 60–65 dB(A) across parts of the rear gardens, with most areas falling within the 55–60 dB(A) band. AAC's unattended monitoring identified daytime LAmax levels ranging from 51–76 dB(A), with ten recorded impact events exceeding 55 dB(A) during the attended monitoring. This indicates that impact noise from authorised existing tennis activity is already present within the local soundscape. However, the frequency of such events is likely to increase due to the nature of padel.

A condition was initially requested by the Noise Pollution Officer to ensure that the LAmax levels would not exceed those predicted by AAC. Conditions must meet the requirements set out in part DM6 of the NPPF:

Planning conditions should only be attached to planning permissions and other associated consents for development where they are:

a. Necessary to make the development acceptable in planning terms;
b. Relevant to the development and to planning considerations generally;
c. Sufficiently precise to make them capable of being complied with and enforced; and
d. Reasonable in all other respects.

Discussions were had with the Noise Officer as to whether a condition would meet part c of the policy above and it was not considered this could be achieved. Ultimately the noise officer is satisfied that AAC's assessment appears to demonstrate that, with the proposed acoustic fence and semi-enclosure in place, average noise levels in the area would remain broadly comparable to existing conditions. I do however consider that to give further confidence and protection when background noise levels are lower, a condition should be applied to ensure that the noise wall is installed prior to the courts being used, and conditions are secured to limit hours of use to 08:00 to 20:00. Whilst these hours are more limited than the proposed hours set out in the Noise Assessment, I am mindful that average background noise levels reduce after 2000 hours and consider Padel related noise could result in an unacceptable impact on residents in this context.

Lighting –
Lighting is proposed to the courts, but no details have been provided of this. To ensure that the lighting does not result in excessive light spillage or glare to the detriment of existing residents I recommend that details of lighting is secured via condition and the lighting is turned off when not in use, this is consistent with applications 20260082 and 20220246.

With the proposed conditions, I consider that the development would comply with policy DQP06 and would not result in significant harm to the amenity of neighbouring occupiers sufficient to justify refusal of the proposal.

<u>Highways and Parking</u>
The proposal would remove two tennis courts and replace them with two padel courts. These have similar match times and a similar number of players. Therefore, I do not consider that the development would result in a significant change on existing traffic or parking requirements for the Tennis Club. Concerns have been raised regarding additional parking demand due to spectators. However, there is no designated area of plans provided for spectators to view the padel games.

Sustainable Design and Drainage
The site is in Flood Zone 1 and is also shown to be at low risk from surface water flooding. Surface water runoff on the existing courts is managed using infiltration. SuDS are proposed. However, it is unclear how surface water runoff from the proposed roofs over the padel courts will be managed and what SuDS methods will be provided.

I note that within this part of the city infiltration is not always feasible therefore, whilst the LLFA have not raised objections to the development, they have recommended that infiltration testing for additional infiltration is provided prior to the application being determined as this will influence the surface water drainage strategy for the site, for example whether soakaways would be a feasible method of SuDS. I am however mindful that there are other forms of drainage and SuDS that can be used in the event that infiltration is not feasible, especially in this instance where there is a wide amount of open space left around the courts. Therefore, in this instance, I consider infiltration testing can be incorporated into the recommended conditions rather than prior to the application being determined. I recommend a note to applicant to this effect.

With these conditions I consider the development would comply with Local Plan policies CCFR05 and part (f) of OSSR02 and NPPF policy F8.

Nature conservation/Trees/landscaping

The application is exempt from biodiversity net gain requirements, but concerns have been raised regarding damage to vegetation. I also note that the area where the courts are located is currently made up of artificial grass. It is unclear what the unusable 'L' shaped strip of land around the court will be used as, whether this will remain as artificial turf which would no longer be needed. I recommend a landscape ecological management plan is secured by condition and approved prior to occupation. This can include details of landscaping in this area and provide further information on how this will be maintained. Concerns have also been raised regarding the lack of detail regarding the vegetation on the noise wall, I consider this can also be covered within a LEMP. With this condition I consider that the development would meet the requirements of Local Plan policies DQP04, NE01, NE02, and OSSR02 part (f) and NPPF policies DP3 and N2.

Concerns have also been raised regarding concerns that birds may collide with the glazed elevations of the proposed glazed facades. Whilst this a recognised issue in certain circumstances, the size of the structure is not considered likely to result in significant adverse impacts on bird populations. No evidence has been provided to demonstrate that the proposal would give rise to unacceptable ecological harm. Concerns have also been raised regarding migration paths of other species who may navigate the site. There are no changes proposed to boundary treatment and planting around the site and as noted above the area where the development is proposed has no biodiversity value. I consider that species will still be able to manoeuvre through the site easily through the areas remaining undeveloped and that ecological features such as bird, bat, and hedgehog boxes are included within the LEMP and will improve habitats on the site.

Lighting is proposed which could have an impact upon protected species. I consider this another reason to secure lighting details via condition prior to occupation.

With these conditions, I consider that the development would not have a significant adverse effect on biodiversity.

<u>Other matters</u>
Impact upon views and property values are not material planning considerations.

Conclusion

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

CONDITIONS

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

2. The external elevations and roof of the development shall be constructed in facing materials outlined in the approved plans and shall be retained as such. (In the interests of visual amenity, the character and appearance of the Stoneygate Conservation Area, and in accordance with Leicester Local Plan 2026 policies DQP01 and HE01.)

3. Prior to occupation of the development the acoustic wall shall be installed in full accordance with the details set out in the approved plans and of the Noise Assessment by AAC received by the local planning authority on the 5th of May. The wall shall be maintained at the same minimum acoustic performance throughout the lifetime of the development. (In the interests of the amenity of occupiers of neighbouring properties and in accordance with Leicester Local Plan 2026 policy DQP06.)

4. The courts hereby approved shall not be used outside the hours of 08:00 to 20:00. (To ensure acceptable levels of noise and in the interests of residential amenity for neighbouring residents and to reduce potential harm to protected species in accordance with 2026 Local Plan policy DQP06.)

5. Prior to the occupation of the proposed development, details of lighting shall be submitted to and approved by the Local Planning Authority. The lighting shall be installed in accordance with these details and retained as such. No lighting shall be used outside the hours of 08:00 to 20:30 daily (To ensure acceptable levels of lighting, in the interests of visual amenity

for neighbouring residents and in the interests of protected species in accordance with 2026 Local Plan policies DQP06 and NE01.)

6. Prior to the works above slab level, 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 dwelling shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in full 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 Leicester Local Plan 2026 policy CCFR05.)

7. Prior to the works above slab level, details of drainage shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the drainage has been installed in full accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with Leicester Local Plan 2026 CCFR05.)

8. Prior to the occupation of the proposed courts, 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 by 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 those to the acoustic wall), 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 if changing; (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) details of the make and type of [2]x swift bird boxes and [2] x bat boxes to be erected on the building and [2] hedgehog boxes under the guidance and supervision of a qualified ecologist. 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 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity and to enhance biodiversity on site in accordance with policies DQP04, NE01 and NE02).

9. The development shall be carried out in full accordance with the following approved plans:
649 - 100, Proposed Plan, Revision D, Received 5 May 2026
649 - 101, Proposed Site Section, Revision B, Received 5 May 2026
649 - 102, Proposed Site Elevation - Sheet 1, Revision B, Received 5 May 2026
649 - 103, Proposed Site Elevation - Sheet 2, Revision B, Received 5 May 2026
649 - 104, Proposed Site Elevation - Sheet 3, Revision B, Received 5 May 2026
649 - 105, Proposed Plan, Revision D, Received 5 May 2026
649 - 106, Proposed Section A-A & B-B, Revision B, Received 5 May 2026
649 - 107, Proposed Elevations, Revision B, Received 5 May 2026
649 - 108, Proposed Elevations , Revision B, Received 5 May 2026
649 - 109, Proposed Elevations, Revision B, Received 5 May 2026
649 - 110, Proposed Plan With Dimensions, Revision D, Received 5 May 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/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 is considered to be a positive outcome of these discussions.

2. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.
Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:
Development below the de minimis threshold, meaning development which:
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

3. Any development where surface water runoff will be managed through discharge into a public sewer will require approval from Severn Trent Water (STW). It is recommended that STW are consulted regarding the

proposed connection. An application for connection will need to be completed and submitted to STW once planning approval is granted.

4. The LLFA recommend that infiltration testing (in accordance with BRE Digest 365 (2016)) is completed as early as possible in the design process, as it will determine whether ground conditions a suitable for soakaways and help avoid unnecessary delays in the planning process. In the event infiltration testing concludes that ground conditions are unsuitable for soakaways, the applicant will be required to submit an alternative surface water drainage proposal (in accordance with the drainage hierarchy) to support the planning application for the proposed development. This will have a subsequent set of requirements that would need to be satisfied.

Implementation of New National Scheme of Delegation

Decisions to be taken by:

Planning and Development Control Committee
2nd September 2026

Council
17th September 2026

Lead director/officer:

PDCC: Andrew L Smith, Director of Planning, Development and Transportation

Council: Kamal Adatia, Monitoring Officer

Useful information

Ward(s) affected: All

Report author: Grant Butterworth

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Version: 1

1. Summary

1.1 From 31 October 2026 all Councils shall be bound by a new National Scheme of Delegation that will replace local arrangements. Applications are to be categorised either as Schedule 1 applications (have to be delegated to officer level) or Schedule 2 applications (applications that are presumed to be delegated unless specific criteria are met). Additional provisions are required for 'Own Interest' applications (Council/Council Officers/Member applications).

1.2 This report sets out the proposed response to these requirements and our proposed arrangements for handling Schedule 2 and Own Interest applications. The overall approach seeks to align as closely as possible to the current local Scheme of Delegation (attached at Appendix 1) currently in operation.

1.3 In order to comply with the new legislative requirements, the Constitution will need to:-

- include a legally compliant Scheme of Delegation including confirmation of nominated officers and members
- include updated Good Practice Guidance on how the new arrangements should be implemented
- include provision to align with the new national limit on the size of Planning Committees to a maximum of thirteen Members.

1.4 For the avoidance of doubt, the Council's Scheme of Delegation for planning decisions should adhere to the new National Scheme of Delegation. Within Leicester City Council's Constitution, those delegation arrangements are contained within the Terms of Reference of the Planning and Development Control Committee. The proposed constitutional amendments therefore revise the Committee's Terms of Reference so as to incorporate the amended Scheme of Delegation set out in Appendix 2.

2. Recommended actions/decision

For Planning and Development Control Committee:

I. To consider the proposals set out in this report and make comment for Council's consideration

For Council:

I. To comply with the National Scheme of Delegation and Planning Committee requirements, approve the following amendments to the Constitution:

a) Insert the new provisions, explanatory text and Scheme of Delegation as set out in Appendix 2 of this report into Part 3 of the Terms of Reference within the Constitution

b) Replace the existing Good Practice Guidance with the new Good Practice Guidance set out in Appendix 3 of this report into the Constitution
c) Other minor and consequential amendments to the Constitution.

3. Scrutiny / stakeholder engagement

- Member received Training on Planning- May/June 2026
- As this is a legislative requirement, no further stakeholder engagement undertaken

4. Background and options with supporting evidence

4.1 Planning Committees play a critical role in maintaining public trust and ensuring local democratic oversight within the English planning system. Planning Committees remain central to transparent, consistent, and high-quality decision-making.

4.2 In the King's Speech in 2026, the Government announced that it would modernise the way Planning Committees operate to best deliver for communities and support development. To achieve this, the Government introduced measures through the Planning and Infrastructure Act 2025 (the Act) to:

a) give a new power to the Secretary of State to set out which planning functions should be delegated to Planning officers for a decision and which should instead go to a Planning Committee or sub-committee
b) give a new power to the Secretary of State to control the size and composition of Planning Committees
c) impose a new requirement for Members of Planning Committees to be trained, and certified, in key elements of planning

4.3 The measures in the Act are enabling powers, with the detailed provisions to be set out in subsequent Regulations. In May 2025 the Government launched consultation to seek views on what detailed provisions should be included in the Regulations.

4.4 On the 26th March 2026 guidance was published to support Local Planning Authorities (LPAs) implement the changes in (a) and (b) above by the Autumn, anticipated to be no later than the 30th September 2026.

4.5 On the 1st June 2026 additional guidance was issued to confirm the required **implementation date of 31st October 2026**.

4.6 For clarity, this will mean any planning application decisions made by a Local Planning Authority on and beyond 31st October 2026 must be determined under the new legislative requirements and this report aligns the Council's Constitution in this respect.

Paragraphs 4.7- 4.30 detail the changes proposed:

4.7 In summary, the National Scheme of Delegation aims to improve clarity and consistency in planning decisions by ensuring Planning Committees focus on significant proposals, while routine or technical decisions are handled by Planning officers.

4.8 Under powers in the Town and Country Planning Act 1990 (TCPA 1990), the Secretary of State has introduced the 2026 Regulations, which:

• Require certain applications to always be decided by officers (Schedule 1).

• Presume most other applications (Schedule 2) will be decided by officers unless they meet specific criteria (as part of the "Gateway Test")

• Allow referral to a Planning Committee only if both a nominated officer and Committee Member agree.

4.9 For completeness and reference, the current Scheme of Delegation adopted in June 2021 is set out at **Appendix 1** to this report.

4.10 **Appendix 2** sets out the proposed changes to the Terms of Reference by adopting a new national Scheme of Delegation.

4.11 **Appendix 3** sets out the associated Good Practice Guidance with track changes which also includes minor inconsequential textual amendments and clarifications with regards to voting procedures and recording mandatory training.

4.12 The main changes to the provisions relate to two new Schedules of application types set out by the Government as below:

Paragraphs 4.13 to 4.15 provides further details on Schedule 1.

4.13 **Schedule 1** of the Regulations sets out all the functions which must be delegated to officers in all cases (noting the Own Interest application provisions). These include a number of categories of applications for planning permission for:

- An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development)
- An application made under section 26H(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (certificate of lawfulness of proposed works)
- A householder application
- A minor commercial application
- A minor residential application
- An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission
- An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle
- In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—

(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);
(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations)

- An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development) non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)

- An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development) certificates of lawfulness of proposed used or development (under section 192(2) of the Town and Country Planning Act 1990)
- The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990
- A reserved matters approval application in respect of an outline planning permission other than a large outline permission
- An application made under article 27 (1) of DMPO (applications made under a planning condition)

4.14 However, the application will fall within Schedule 2 where:
- a local authority considers that a Schedule 1 application for planning permission is connected to a Schedule 2 application, or
- an application would otherwise fall under Schedule 1 but is made (whether or not jointly with any other person) by or on behalf of a Local Authority, a Member or an officer (as defined) of that Local Authority or an entity owned or controlled (whether wholly or partly) by that Authority or any of its Members or officers, or
- in the view of the Nominated Member and the Nominated Officer, the Authority or any of its Members or officers have a Disclosable Pecuniary Interest, or prejudicial Other Disclosable Interest.

4.15 The majority of the above applications are currently determined by officers under delegated powers. The key change proposed is that there is no ability for Members to call in Schedule 1 applications or for officers to refer such applications to Planning Committee even where they have generated significant local interest (previously six objections or via Councillor call-in).

Paragraphs 4.16 - 4.18 provide further details on Schedule 2

4.16 The functions that fall within **Schedule 2** of the Regulations are:
- applications for planning permission not listed in Schedule 1
- An application for listed building consent made under section 10(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (making of applications for listed building consent)
- An application made under section 19(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (variation or discharge of conditions of listed building consent)
- applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)
- An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission
- An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)

- (1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—

(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);

(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).

- applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- A reserved matters approval application in respect of a large outline permission
- An application made under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)
- An application made under of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order).

4.17 The Government's new overriding presumption is that the functions listed in Schedule 2 will be delegated to officers. A function can be referred to a committee only where:

a) at least one of the criteria in Regulation 5(2) (set out in para 4.19 below) is met **or** it is an application made by or on behalf of a Local Authority, a Member or officer (as defined) of that local authority or an entity owned or controlled (whether wholly or partly) by that Authority or any of its Members or officers ('own interest applications') or is an application in which a Member or officer has a relevant "interest" (as defined); and

b) the Nominated Officer and Nominated Member of the Planning Committee both agree to the referral.

4.18 Nominated officers and nominated Members should make every effort to reach agreement on which cases should be referred to Planning Committee. However, where agreement is not possible, the case must be delegated to officers by default.

4.19 **Criteria which must be met before a case can be considered for referral:**

In determining whether a referral is made, the Government presumption is that decisions are delegated to officers and should only exceptionally be referred to Planning Committee. At a minimum, at least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:

A. where the application raises an economic, social or environmental issue of significance to the local area

B. where the application raises a significant planning matter having regard to the development plan and any other material considerations

4.20 The Government advises that applications for development which do not raise a significant planning matter (criterion B) can only be referred to the Committee under criterion A if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and Member to assess whether the development proposal raises any such issue, thus providing an opportunity for local democratic oversight where necessary.

4.21 For the purpose of criterion B, the Government indicate that the following circumstances are unlikely to raise a significant planning matter:

- The proposal broadly complies with local plans and national policy
- where a specific planning matter was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise)

4.22 **Own Interest Applications:**

Where applications (whether they fall under Schedule 1 or 2) are made by the Authority itself or an officer (as defined) or Member of the Authority or an entity owned or controlled (whether wholly or partly) by that Authority or any of its Members or officers, or is an application in which a Member or officer has a relevant “interest” (as defined) it may be appropriate for some applications to be referred to a Planning Committee even if they do not raise any significant planning, economic, social or environmental issues. These cases can be referred to the Committee with the agreement of both the Nominated Officer and Nominated Member.

4.23 **Treatment of reserved matters applications**

The guidance states that the government recognises that in some cases outline planning applications may relate to large scale phased development taking place over many years. As such each reserved matters application can represent substantial development in its own right, and may, in some cases, merit Committee scrutiny. For this reason, as set out above, the Regulations distinguish between those reserved matters applications which relate to phased outline planning permissions and those which do not, with the former being placed in Schedule 2 and the latter in Schedule 1.

4.24 The default position with decision making with Schedule 2 applications remains delegated; however, if Schedule 2 applications meet at least one of the thresholds set out in 4.19 (A) and (B), or if it is an Own Interest application, then the application would be subject to the ‘Gateway Test’. This is explained further below.

Sections 4.25 to 4.30 details the process and governance:

4.25 In order to implement an appropriate process, detailed guidance is set out in the revised Good Practice Guide at Appendix 3 of this report. The process will be implemented by the following Nominated Officers/Members:

<u>Nominated Officer</u>

The Head of Planning or the Director of Planning, Development and Transportation. In their absence, substituted by a Group Manager of the Planning Service.

<u>Nominated Member</u>

The Chair of the Planning and Development Control Committee or, the Vice Chair. In their absence a substitute Member drawn from the Planning Committee nominated by the Chair.

4.26 Schedule 2 introduces a structured filter for potential Committee involvement, but **delegation to officers remains the default unless clearly justified.** A record of the cases the Nominated Officer and Nominated Member have considered for referral and outcome of their decisions will be retained and published by Governance Services. These outcomes will also be reported to PDCC and made available on the Council's website.

4.27 **Proposed Approach for Triaging Schedule 2 Submissions**

The volume of Schedule 2 applications is significant and therefore arrangements need to be made to practically manage the volume of submissions considered by the Nominated Member and Nominated Officer. Noting the overall presumption to delegate decisions to officers, and the criteria set out in the legislation, it is proposed that officers apply the criteria (as set out in the new Good Practice Guidance) after the close of the publicity period of relevant schedule 1 (those identified in paragraph 4.14 above) and all Schedule 2 applications. This criteria is aligned with the current Scheme of Delegation in that Schedule 2 applications which attract six or more objections, or referral requests from Councillors giving a clear planning reason for determination by Planning Committee. Those applications which trigger potential for Planning Committee will fall to be considered as part of the Gateway Test by the Nominated Officer and Nominated Member.

4.28 **Proposed Approach for Gateway Test**

Currently Planning and Development Control Committee meets every three weeks. It is intended to hold the Gateway Test meeting between the Nominated Officer and Nominated Member on a similar three week cycle. As noted above, the outcome of the Gateway Test meetings will be recorded and reported accordingly.

Section 10 of the revised Good Practice Guidance sets out the detailed procedures to be applied in the Gateway Test.

4.29 **Size of Planning Committee**

An additional legislative change required is that the make-up of Planning Committee should not exceed 13 Councillors. At present, the Council's Constitution does not specify the number of constituent Members, however the legislation now places a restriction on maximum numbers and therefore this must be included in the Constitution. Note that for many years the Council's PDCC has comprised 11 Members as a maximum.

4.30 **Enforcement Matters**

The current scheme of Delegation includes provision for Member referral of Enforcement matters in certain circumstances. This provision has not been used for many years. As the determination of pursuing Enforcement cases is not solely based upon material planning considerations but has also to be founded upon legal and evidential requirements the provision is not considered to be appropriate for Member determination and is proposed to be removed.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no direct financial implications arising from this report.
Signed: Stuart MacEvoy
Dated: 11th August 2026

5.2 Legal implications

The new National Scheme of Delegation comes into effect on 31 October 2026. The Council is required to comply with the new national scheme and the constitutional changes set out in this report are required to ensure the Council's compliance. Failure to comply with the new scheme may give rise to potentially invalid decisions or decisions that could be judicially reviewed or challenged on appeal.
Signed: Zoe Iliffe, Principal Lawyer (Property Highways & Planning)
Dated: 19/8/26

5.3 Equalities implications

Under the Equality Act 2010, public authorities have statutory duties, including the Public Sector Equality Duty (PSED) which means that, in carrying out their functions they have to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't. Protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The report sets out amendments to the Council's Scheme of Delegation and associated guidance to reflect new national planning requirements. The changes are procedural and are not expected to have a disproportionate impact on any protected characteristic group. Planning decisions will continue to be made in accordance with statutory requirements, with decisions based on material planning considerations. Any future procedural changes arising from the implementation of the new arrangements should be monitored to ensure they do not create unintended barriers to participation or disadvantage for any protected group.
Signed: Surinder Singh
Dated: 13th August 2026

5.4 Climate Emergency implications

The report concerns amendments to the Council's Constitution and planning decision-making procedures to comply with new national legislation. It does not introduce changes to planning policy or directly affect carbon emissions, energy use, climate resilience or the Council's Climate Emergency commitments. Climate change considerations will continue to be assessed as part of the determination of planning applications through the application of national and local planning policy. Applications raising significant environmental issues may still be referred to Planning Committee under the proposed Gateway Test arrangements. Therefore, no significant direct climate change implications are considered to arise from this report.
Signed: Phil Ball

Dated: 14/08/2026

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

6. Background information and other papers:

N/A

7. Summary of appendices:

Appendix 1 – Current Scheme of Delegation

Appendix 2 – Changes to the Constitution Terms of Reference

Appendix 3 – Good Practice Guidance with track changes

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a "key decision"? If so, why?

No as the proposals are procedural and follow government legislation requirements.

Appendix 1: Current Scheme of Delegation
[TO BE SUPERSEDED BY PROPOSALS IN THIS REPORT]

Scheme of Delegation June 2021

The Constitution sets out matters reserved to Planning and Development Control Committee

Subject to these matters as set out in the Constitution, all matters within the terms of reference of the Planning and Development Control Committee which are not reserved to full Council or this Committee are delegated to officers except:

A. Decisions on applications for planning permission, works to, or removal of TPO trees or listed building consent where:

- There have been written objections from six or more different addresses within the city and the officer recommendation is for approval. For the avoidance of doubt, a petition will count as one such submission regardless of the number of signatories
- There has been a request from a Member before the end of the publicity period giving a clear planning reason why an application needs considering by the Committee
- It is a Member's or City Council officer's own planning application or any application in which a Member has a disclosable pecuniary interest or other disclosable interest
- The Head of Planning considers that the application should be considered by the Committee

B. Decisions to serve or not serve a formal enforcement notice where:

- There has been a written request from a Member before a formal decision has been made giving a clear planning reason why the matter needs considering by the Committee and taking the matter to a Committee would in the Opinion of the Head of Planning not cause a delay which would hinder a notice being served or increase the risk of the breach becoming immune from Planning Enforcement action.
- The Head of Planning considers that the matter should be considered by the Committee
- The officer recommendation is not to take enforcement action where there have been recorded complaints/allegations about a breach from six or more addresses within the city

C. Decisions to confirm Provisional Tree Preservation Orders where there has been an objection to the order, or where the proposed decision is not to confirm the Provisional Tree Preservation Order and there has been a representation in support of confirming the Order.

Appendix 2: Proposed Amendments to Terms of Reference (Part 3 of the Constitution) setting out the new Scheme of Delegation

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To delete:

~~**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**~~

~~**All matters within the Terms of Reference of the Planning and Development Control Committee are delegated to the Director of Planning, Development and Transportation under the Scheme of Delegation approved by the Committee.**~~

~~**Functions of the Committee**~~

~~**To exercise the powers and duties of the Council with regard to development control and to exercise all Non-Executive powers and duties as the Local Planning Authority and those Non-Executive Highways functions of the Council which are not within the remit of the Licensing and Public Safety Committee.**~~

~~**MATTERS RESERVED TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE: -**~~

~~**1. Matters of strategic significance relating to the Committee's Terms of Reference.**~~

~~**2. To keep under review, comment and advise on policies proposed or made through executive powers**~~

~~**3. To recommend to Council the making of byelaws within the Committee's Terms of Reference.**~~

~~**4. Making opposed regulations, orders, plans and schemes within the Committee's terms of reference.**~~

~~**5. Such other matters as the Committee may from time-to-time reserve to itself for decision.**~~

And replace with:

The Constitution sets out matters reserved to Planning and Development Control Committee.

Subject to these matters as set out in the Constitution, all matters within the terms of reference of the Planning and Development Control Committee which are not reserved to Full Council or this Committee are delegated to officers except:

A. Decisions on Schedule 1 applications for planning permission (defined as "own interest applications") where:

- **It is a Council own, Member or Council officer's (as defined below) own planning application**

- **or any application in which the Council, Member or Officer has a Disclosable Pecuniary Interest or prejudicial Other Disclosable Interest**

AND The Nominated Officer AND Nominated Member both agree that the application should be considered by the Committee.

B. **Decisions on Schedule 2 applications for planning permission, works to, or removal of TPO trees, advertisement or listed building consent where:**

- It is a Council own, Member or Council officer's planning application **or**
- any application in which the Council, Member or Council officer has a Disclosable Pecuniary Interest or prejudicial Other Disclosable Interest **or,**
- There have been written objections based on material planning considerations from six or more different addresses within the City and the Officer recommendation is for approval. For the avoidance of doubt, a petition will count as one such submission regardless of the number of signatories **or,**
- There has been a referral request from a Member before the end of the publicity period giving a clear planning reason why an application needs considering by the Committee, however supporting information on other impacts may be submitted for consideration.

AND the Nominated Officer AND Nominated Member agree that the application should be considered by the Committee following the Gateway Test.

C. **Decisions to confirm Provisional Tree Preservation Orders where there has been an objection to the order, or where the proposed decision is not to confirm the Provisional Tree Preservation Order and there has been a representation in support of confirming the Order.**

MATTERS RESERVED TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE: -

1. Matters of strategic significance relating to the Committee's Terms of Reference.
2. To keep under review, comment and advise on policies proposed or made through executive powers

Membership

Planning Committee membership should comprise no more than 13 Councillors, in accordance with the National Scheme of Delegation.

Decision taking and Recording

The process of assessment and determination of route for decision will be undertaken in line with the provisions set out in the Good Practice Guidance for Member involvement in Planning and Development Management Decisions as Appended to the Constitution (Constitution Appendix 4).

The decision taken will be captured in the associated delegated or committee report with respective sections titled:

- · Reason for determining under delegated powers
- · Reason for referral to Committee

Interpretation:

Schedule 1 Applications

As defined Regulation 4 in The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, or any other amendment to the legislation.

Schedule 2 Applications

As defined Regulation 5 in The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, or any other amendment to the legislation.

Nominated Officer

The Head of Planning or the Director of Planning, Development and Transportation. In their absence, substitute by a Group Manager of the Planning Service.

Nominated Member

The Chair of the Planning and Development Control Committee or, the Vice Chair or equivalent Member. In their absence a substitute Member drawn from Planning & Development Control Committee will be nominated by the Chair of that Committee.

Gateway test

The mechanism used to determine whether a Schedule 2 application, which is presumed to be determined by delegated powers, may instead be referred to Planning Committee. The test requires the Nominated Officer and Nominated Member to agree that the application meets at least one of the statutory referral criteria as below:

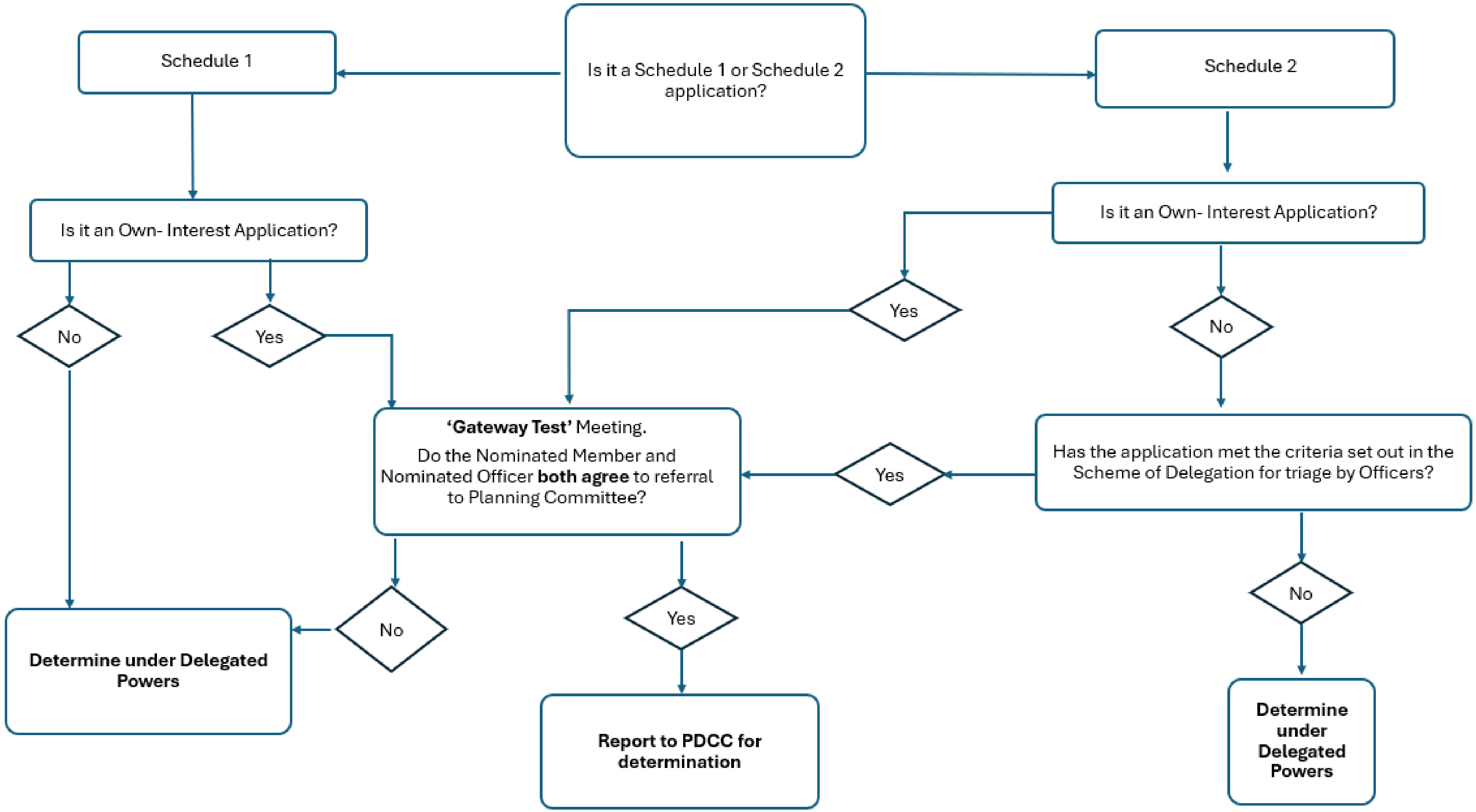
- One or more issues of economic, social or environmental significance to the local area, or
- One or more significant planning matters having regard to the development plan and any other material considerations.

Referral to Committee only occurs where both the Nominated Officer and Nominated Member agree the criteria are met; if they do not agree the application will be delegated to Officers.

“Council Officer” (for own interest purposes)

- a Senior Officer of the Council (Head of Service and above); or
- an ‘Officer of the Local Planning Authority’ (an officer within the Council who, in the opinion of the Head of Planning, is closely involved in the day-to-day work of the Council’s planning function).

PROCESS FLOWCHART



Appendix 3 - Proposed Changes to Good Practice Guidance to Replace Appendix 4 in the Current Constitution (changes shown in red underlined text)

LEICESTER CITY COUNCIL

GOOD PRACTICE GUIDANCE FOR MEMBER INVOLVEMENT IN PLANNING AND DEVELOPMENT MANAGEMENT DECISIONS

1. WHY GOOD PRACTICE GUIDANCE IS REQUIRED

1.1 As an Elected Member one of your key tasks may be to get involved in planning matters through representing your Constituents; or as a Member of the Council's Planning & Development Control Committee deciding planning matters (e.g. applications and enforcement); as an Executive Member considering development of the Council's planning policies; or when considering these at Full Council.

1.2 The key purpose of Planning Committee decision making is the consideration of private proposals and balancing these against the wider public interest. Committee Members should consider themselves strategic decision makers. Planning decisions can be controversial and sometimes questions are raised about planning decision making. The aim of this Guidance is to demonstrate that in the planning process in Leicester there has been objective transparency and any decision is justified based on material and relevant planning considerations.

2. WHEN THE GOOD PRACTICE GUIDANCE APPLIES

2.1 This Guidance applies at all times to Committee Members involved in the planning decision making process. This includes meetings of the Committee, meetings in connection with any pre-application process, meetings with Officers or the public e.g. consultative meetings.

2.2 It also applies to non-Committee Members when they have any involvement in a planning matter be it either their own Planning Application, or that of somebody else's (whether it affects their own property or not), or through being lobbied.

2.3 If you have any doubts about the application of the Guidance, you should take advice from the Head of Planning and/or the Monitoring Officer.

3. RELATIONSHIP WITH THE MEMBER CODE OF CONDUCT

3.1 The City Council's Member Code of Conduct (this is the document which, by law, must set out expected standards of behaviour of all Elected Members, breaches of which are reported to the Monitoring Officer and are dealt with under the Standards arrangements) must be complied with throughout the Committee decision making process therefore:

- Do apply the rules in the Member Code of Conduct first at all times. Members should pay particular regard to the rules concerning declaration of interests.

- Do then apply the advice contained in this Guidance which seeks to supplement the Members Code of Conduct for the purposes of planning decision making or involvement in planning matters as a non-Committee member.

3.2 If you do not follow this Guidance the following risks arise:

- The City Council is at risk of legal proceedings (Judicial Review) on the legality of any decision taken; and/or a complaint to the Ombudsman for maladministration and

- As a Member a complaint could be made against you regarding your conduct.

3.3 In the event of a conflict between this Good Practice Guidance and the Members' Code of Conduct the latter will prevail.

4. MEMBERS' OWN PLANNING APPLICATIONS

4.1 For obvious reasons any person who has a significant interest in the outcome of a planning decision should not take part in the decision making process. There is no objection to a Member (as a citizen) making their own planning application, but they should be open and transparent about it and declare the existence and nature of their interest.

4.2 Where a Member intends to submit a planning application the following applies:

- Consider employing an agent to act on your behalf in dealing with Officers and in relation to any public speaking at the Committee (but see below).

- Do not allow the application to be submitted on your behalf in a third parties name (including that of any agent engaged by you). Use your own name as the applicant.

- Ensure that you complete the Authority Employee/Member section of the planning application form

- Notify the Council's Monitoring Officer in writing of the application no later than submission of the proposal.

4.3 Once the application has been submitted, or where Pre-application advice is sought from the local authority:

- Do not participate or give the appearance of trying to participate in the making of any decision on the application by the City Council. This is a Disclosable Pecuniary Interest (DPI) and under the Localism Act 2011 participation is a criminal offence.

- Do not get involved in the processing of the application.

- Do not seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a Member.

- Always be open and transparent about the application particularly in your dealings with Planning Officers and do not assume the Officer knows that you are a Member.

- Note that the application/other relevant planning matter will always be reported to the Committee for decision. It is permissible for you to make written representations to Officers about your proposal.

- Think very carefully about whether you attend the Planning Committee that considers the matter. In circumstances where an Applicant has a right to speak, you will need to arrange for someone to speak on your behalf, save in circumstances where the Monitoring Officer has granted you a dispensation in accordance with the Member Code.

4.4 For obvious reasons any person who has a significant interest in the outcome of a planning decision should not take part in the decision making process. As such members should also follow the above guidance where they have a significant interest in a planning application which has been submitted but which is not their own application.

4.5 If you are unsure whether you have a significant interest in the outcome of a planning application you should seek advice from the Council's Monitoring Officer prior to taking any steps in relation to such an application.

5. COMMITTEE MEMBERS' OTHER INTERESTS

5.1 For Committee Members, and depending on the factual circumstances, an interest arising may require declaration or mention in accordance with the Member Code of Conduct, either as a DPI, an Other Disclosable Interest (ODI) or a concern about apparent bias or predetermination.

5.2 In accordance with the Code of Conduct and the Council's Constitution where a Member has a DPI or a 'prejudicial' ODI you may not vote or participate in a decision on the matter in respect of which the interest arises and must leave the room unless they have been given a dispensation by the Monitoring Officer in accordance with the Member Code of Conduct.

5.3 Declarations of bias and predetermination should also require the Member to refrain of taking part in decision-making, or the influencing of decisions (see section 8 below).

5.4 A declaration of a non-prejudicial ODI will merely require the Member to declare the interest but they may lawfully remain in the meeting and proceed to contribute to the decision-making.

5.5 Where a planning matter directly affects a Committee Member or their family/friends (e.g. a Planning Application next door to where the Member lives; or an application lodged by a family member), then advice should be taken from the Council's Monitoring Officer about involvement.

5.6 There are obvious dangers in the Member taking part in the planning decision-making process (see 5.1). Where a Committee Member has a DPI (note that a DPI can arise not only from a Member' own application but also one that directly affects them e.g. next door neighbour's application) or prejudicial ODI, as well as leaving the room they will also be unable to address the Committee on the application.

5.7 The Member can arrange for a representative to address the Committee on their behalf and such representations should be expressed as being made on behalf of Councillor X as a person directly affected by the application.

5.8 Similarly if the Committee Member wishes to submit a written representation, it should be expressed to be submitted from or on behalf of Councillor X as a person directly affected by the application. This practice should also apply to Committee Members who make declarations in respect of predetermination and apparent bias (see section 8).

6. ATTENDANCE OF NON-COMMITTEE MEMBERS

6.1 Elected Members who are not Members of the Planning Committee do, in certain circumstances, have the right to speak at a Committee meeting.

6.2 Where a non-Committee Member wishes to make representations to the Committee s/he needs to notify the Committee Chair and Democratic Services no later than 12 noon of the day of any Committee Meeting. It is a matter for the Chair's discretion to allow non-Committee Members to speak if they have not given the required notification.

6.3 Non-Committee Members will be required to make an appropriate declaration. Members who have a DPI or prejudicial ODI may only attend and speak if they have received a dispensation granted at the discretion of Monitoring Officer in accordance with the Member Code.

6.4 Non-Committee Members will sit in the public gallery and the Chair will call them to the Committee table to sit in the designated place.

6.5 A Member who wishes to speak must follow the Public Speaking Protocol where applicable. A non-Committee Member is expected to keep his/her representations within 5 minutes, as are all public speakers. After the non-Committee Member has spoken, the Chair will invite Officers as appropriate to respond but the non-Committee Member will not have a right of reply.

6.6 Subject to the DPI/ODI provisions of paragraph 6.3 above, exceptionally a Committee Member may wish to stand down to make representations to Committee as a Non-Committee Member. The same provisions as above will apply to Committee Members in these circumstances. The Committee Member will need to take extra care to ensure that they make the appropriate declarations.

6.7 Where a planning matter directly affects a non-Committee Member as an individual, such that they have a DPI or prejudicial ODI, it is not permissible for the Member to address Committee. As with clause 5.4 above (in respect of Committee Members) the Member can arrange for a representative to address Committee on their behalf.

7. MEMBER INVOLVEMENT IN WARD ISSUES

7.1 All Members will respect the expectation that in relation to planning issues in any Ward the primary responsibility for dealing with them is on the relevant Ward Members.

7.2 In the case of a Member who is also a Committee Member, and who intends to take part in the decision on the application if it comes before Committee, it is suggested that they should not deal with planning issues in their Ward. In such circumstances a fellow Ward Member should be asked to assist. Should the issue result in a Member attending at a Committee to make representations, the Chair will enquire of the Member whether or not they have had contact with the relevant Committee Member

7.3 There are circumstances where an applicant or objector may want to contact a Member outside of their Ward (e.g. in a situation where an objector does not have the support of Ward Members). Where any Member is approached to make representations to or attend a Planning Committee meeting on behalf of any one individual in relation to any planning issue not in their Ward, they are expected as a matter of courtesy to notify the Ward Members concerned. In the absence of such notification, the Chair has discretion whether or not to allow the Member concerned to attend and speak for that purpose at any Committee Meetings.

7.4 Any non-ward Members speaking at Committee in this capacity shall be speaking as a Member. According to law Members cannot choose to shed their elected Member status when addressing a Committee of their Council.

8. DECISION MAKING - BIAS AND PREDETERMINATION

8.1 Planning Committee decisions must only be made on the basis of material and relevant planning considerations/merits.

8.2 Predetermination arises when someone has a closed mind so that they cannot consider any subsequent information presented and they have made their mind up. This can lead to legal challenges.

8.3 To participate in decision making on planning matters, Committee Members must not have a closed mind. Decisions can only be taken once all Committee Members present have read, seen and heard all the information presented including the Officers Report, any Addendum Report and information provided under the public speaking provisions.

8.4 The Localism Act 2011 makes it clear that a Member does not have a closed mind on a particular issue just because they have indicated what view they may or may not take before the issue is decided. This means that a Committee Member is not prevented from participating in decision making in relation to a matter which they have campaigned on a particular issue or have made public statements about any approach provided at the time of decision making the Committee Member has not closed their mind.

8.5 For Committee Members to refrain from having a closed mind they must be amenable to changing their views in the light of all the information presented to them. In order to avoid perceptions of and challenges of pre-determination it is advisable for Committee Members to avoid making categorical public statements in relation to applications for Planning Permission, Listed Building and conservation area matters if they subsequently intend to participate in the decision making process at Committee.

8.6 Great care is needed where any application before the Committee involves the Council as developer/landowner. Council applications should not be given any preferential treatment.

8.7 Although a Committee Member can make representations (either on their own behalf or on behalf of a constituent) on an application that is anticipated to be decided by officers under delegated powers, should this application in the event be referred to Committee then the Councillor should not take part in the decision making.

8.8 Where an Elected Member makes representations or contact on a planning application (whether orally or in writing) which is to be decided either by Committee or by Officers, that Elected Member shall always make it known that they are a Member of the Council. If the purpose of the representation/contact is to articulate a view in a personal capacity they shall identify themselves as a Member, but go on to make it clear that they are writing in a personal (i.e. non-Council) capacity.

9. PRE-APPLICATION PRESENTATION/MEETINGS WITH APPLICANTS, DEVELOPERS AND OBJECTORS

9.1 It is recognised that pre-application discussions assist with the planning process provided they take place within clear parameters and governance arrangements.

9.2 Member engagement in pre-application discussions on major developments (10 or more dwellings or 1,000 square metres commercial or other floor space) is legitimate. The following safeguards have been developed to prevent any allegation of bias or predetermination being made against Committee Members:

- Do not agree to any formal meeting with applicants, developers or groups of objectors without consulting the Head of Planning (for ad hoc/informal meetings refer to Section 11 “Lobbying” below).

• A Planning Officer must always be present at any planned meetings (note that pre- application meetings with developers/ applicants are likely to be subject to a charge) It will be for the Officer to explain the constraints on Members. The Officer will prepare a written note of the meeting which will be publicly available (in circumstances where any applicant/developer asked for proposals to be treated as confidential any public note will cover non-confidential issues only and general advice given).

• Remember to follow the advice on lobbying (see below).

• Committee Members can ask questions and make preliminary comments on any proposals but should not give the impression/appearance from any such questions etc. that they have a predetermined view.

• Do report any prior significant contact with any applicant or other parties to the planning case Officer or Head of Planning and explain the nature and purpose of the contacts and your involvement. This will be recorded on the relevant file.

• Do make it clear that at any meeting/presentation it is not part of the formal decision making process and any view expressed by you as a Member is both personal and provisional since not all relevant information will be to hand and the views of other interested parties may not have been obtained.

9.3 The Head of Planning may arrange for appropriate presentations to be made in respect of significant Planning Applications which will be open to all Members. Such presentations will be of a fact finding nature to enable all Committee Cabinet Members to become familiar with what the application proposes and to ask questions. As mentioned above Committee Members can ask questions and make preliminary comment on any proposals but should not give the impression/appearance from any such questions etc. that they have a closed mind. In this way there is no objection or bar to them subsequently sitting on the Committee and making a decision on the application as presented.

10. REFERRAL OF APPLICATIONS FOR DECISIONS TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

10.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 introduced a new National Scheme of Delegation which seeks to significantly extend delegated decision taking. Planning applications are grouped into 2 schedules by the Regulations:

• Schedule 1 which must be determined under delegated powers and cannot go to Planning Committee.

• Schedule 2 which should also be determined under delegated powers unless the Nominated Member and Officer consider that it needs to go to Planning and Development Control Committee.

This section of the Good Practice Guidance sets out how the Scheme of Delegation confirmed by the Constitution will be applied.

10.2 Schedule 1 Applications

Schedule 1 applications are defined as: minor and other applications which are defined in Schedule 4 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

As provided for by the Regulations and the Constitution, Schedule 1 applications must be determined by Officers, pursuant to Regulation 4 except where:

- it is a Council own, Member or Council Officer's (as defined in 10.5.1) own planning application; or
- any application in which the Council, Member or Officer has a disclosable pecuniary interest or prejudicial other disclosable interest, **AND**
- The Nominated Officer AND Nominated Member both agree that the application should be considered by the Committee, based on the Own Interest Guidance in paragraph 9.5 below.

In which case they become treated as Schedule 2 applications in law as per regulation 5.

10.3 Schedule 2 Applications: Triage and Gateway Test Assessment

Schedule 2 applications are defined as: major applications, as defined in Schedule 5 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

This Guidance confirms those application types that should be determined by Officers, pursuant to Regulation 5, unless the Nominated Member and Officer agree to refer it to Committee.

As recommended in the Government Guidance accompanying the Regulations, where local planning authorities anticipate that there may be a significant number of cases which meet the criteria in Regulation 5(3) or which may fall under Regulation 6 (Own-Interest Application) and which could therefore be considered for referral to Committee, they may wish to put in place a triage system to ensure that the Nominated Officer and Nominated Member of the Committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

The **Triage assessment** to be applied confirms that the following categories of application should be determined by Officers and would be triaged for delegated decision:

- Applications with **fewer than** six objections from different addresses within the City boundary. (For the avoidance of doubt, a petition will count as one such submission regardless of the number of signatories);
- Applications where there has **not been** a referral request from a Member before the end of the publicity period giving a clear planning reason why an application needs consideration by the Committee,

Following the triage assessment, Schedule 2 applications:

- with **six or more** objections based on material planning considerations from different addresses within the City boundary (For the avoidance of doubt, a petition will count as one such submission regardless of the number of signatories); or
- where there has been a referral request from a Member before the end of the publicity period giving a clear planning reason why an application needs consideration by the Committee (noting that referral of applications by Members should be solely based on material planning considerations however supporting information on other impacts may be submitted for consideration).

Will be subject to a **Gateway Test** to decide whether they need to be reported to the Planning and Development Control Committee for decision.

The Gateway Test will be applied by the Nominated Officer and Nominated Member at a regular meeting, the minutes of which shall be recorded and published on the Council's website.

Committee referral by the Gateway Test will be confirmed when the Nominated Officer AND Nominated Member both agree that the application should be considered by the Committee. In making this assessment the nominated persons shall have regard to whether:

A. the application raises an economic, social or environmental issue of significance to the local area
B. the application raises a significant planning matter having regard to the development plan and any other material considerations

10.4 Decision taking and Recording

When using delegated powers or referring a matter to Committee for a determination, the Nominated Officer and the Nominated Member, when involved, and an Officer of the LPA must make sure that they take such decisions in the appropriate way and that they are recorded. This should be captured in the associated delegated or committee report with respective sections titled:

- Reason for determining under delegated powers
- Reasoning/outcome for referral to Committee

These reasons should be succinct but clear.

10.5 Own Interest Applications

These are applications made by or on behalf of:

a) the Council;
b) a Member of the Council;
c) an Officer of the Council; or
d) the Council or any of its Members or Officers otherwise has an interest (defined as a DPI or a prejudicial ODI) in the application.

The decision-making process for these applications should be one of ensuring openness and transparency. In deciding whether to refer to Committee, the Nominated Member and Officer should ensure that, because of the nature of the applicant, there is not a real (or reasonably perceived) risk of bias by determining the application under delegated powers, secondly that, because of the nature of the development, there is a good reason to refer it to Committee. Referral of Council applications should also focus on relevant material planning matters.

10.5.1 Own-Interest Applications: Applicant Considerations

In this context, category (c) will apply to:
· a Senior Officer of the Council; or
· an ‘Officer of the Local Planning Authority’.

The first would be defined as Service Head level and above.

The second, would be defined as an officer within the Council who, in the opinion of the Head of Planning, is closely involved in the day-to-day work of the Council’s planning function.

It is reasonable to conclude that other Officers of the Council would probably not be known to the planning service and therefore the risk of bias is not engaged.

For applications under categories b) c) and or d), other interests will include Disclosable Pecuniary Interests, or prejudicial Other Disclosable Interests.

10.5.2 Own-Interest Applications: Development Considerations

For any Own Interest application, with respect to whether there is a good reason to refer that application to Committee because of the nature of the development, the following criteria should be used:

Such an Own-Interest Application should only be agreed by the Nominated Member and Nominated Officer for referral to and determination by Committee if one of the following criteria applies:

· the proposal has been advertised under Article 15 of the DMPO because it does not accord with the provisions of the development plan; or
· one or more material planning considerations are raised that have the potential to have a significant impact.

This allows the circumstances of each application to be assessed and if it is for a development that complies with policy and there is not considered to be a material planning objection, it can be dealt with under delegated powers and ensure applications will be put to Committee where that serves a legitimate purpose but can be dealt with under delegated powers where Committee involvement is not necessary.

10.6 Lobbying

It is acknowledged that Elected Members can exercise their right, set out in paragraph 10.3 above, to request that an application falling within Schedule 2 should be considered by Committee. Such requests will be identified at the **triage assessment**, and subsequently taken through the **Gateway Test**.

The Nominated Member or the Nominated Officer or any other Officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and this Scheme of Delegation, shall **not be further** lobbied or otherwise contacted by any person or organisation, including by Members or Officers of the relevant authority, to use their power in a particular way once the matter is subject to the Gateway Test,~~.~~

The published Member Code of Conduct contains multiple provisions that mandate expected standards of behaviour from Members, including specific provisions regarding “Respecting the impartiality of Officers” as well as “Not use your position as a Member to improperly confer (or attempt to confer) upon yourself or any other person an advantage or disadvantage” and Members should familiarise themselves with these expectations.

The Officer Code of Conduct (as well as implied terms of trust and confidence within Employment contracts) similarly contains provisions that would clearly make it inappropriate to lobby at work for personal gain, or indeed to succumb to lobbying from others and thereby compromise the duty to act impartially.

Lobbying of (or by) Members or officers which transgresses these Codes will be reported and acted upon accordingly.

10.7 Process for Member Referral Requests

Members should contact the Head of Planning about any Schedule 2 applications included on the weekly list of applications circulated to them that they consider should be the subject of a Committee decision. ~~Under the current Scheme of Delegation~~ This needs to be before the publicity period has expired (normally 21 days). This should be because they consider that there is a planning reason why the matter needs to be considered by the Committee rather than under delegated powers in line with paragraph 10.2 of this Guidance. The referral process should not be used simply to produce a different outcome from that anticipated from an officer delegated decision. It is unlikely that there would be a good planning reason for relatively minor and straightforward proposals to be a matter for the Committee ~~eg house extensions~~ unless they raised wider issues relating to principle and/or policy.

10.8 This request is separate from the making of representations – for or against - that a Member may also make on their own or another's behalf. A committee referral request does not in itself indicate the Member's own view on the application. A member may or may not choose to express their own view on the proposals (see also 8.7 and 8.8 above). Contact should be written and by e-mail. The planning reasons for the request must be given. Where appropriate a Planning Officer is able to assist Members with the formulation of reasons which can include design, highway issues and impact on amenity of local residents.

10.~~3~~9 Members need to be aware that to meet Government targets decisions on applications are taken quite quickly after the circulation of a weekly list and they are advised therefore to check with case officers of timescales to ensure any requests they make can be considered.

10.~~4~~10 If any Member wishes their particular view to be considered and included in the Planning Officer's Report such representations must be made in writing to the planning officer as soon as practicable normally within the publicity period to ensure it can be considered before determination of the application.

11. LOBBYING OF COMMITTEE MEMBERS

11.1 Lobbying by the public or other Members is a legitimate political activity. Lobbying is the process by which the public or other Members may seek to persuade Committee Members to come to a particular decision, but this should not extend to seeking to influence the Nominated Officer and Nominated Member as provided for in 10.6 above. When Committee Members are lobbied, care needs to be taken to avoid any challenge of predetermination or bias or an allegation of breaching the Member Code of Conduct.

11.2 So:

- While you can listen to what people want to say to you about planning proposals and you can always give procedural advice as to how applications should be taken forward and agree to pass any comments on, it would be better when contacted directly to pass the matter on to a fellow Ward Member not on the Committee or indicate that contact be made with the Head of Planning or appropriate Planning Officer (see section 7).

- Do not favour any person, company, group or locality or make any commitment to a particular point of view on a planning application prior to its consideration by the Committee.

- Do not make up your mind or give the impression of making up your mind (particularly in relation to an external interest or lobby group) prior to the Committee Meeting and to hearing the Officer presentation and all information presented to the Committee. You should carefully consider whether accepting membership of, or attending external interest, advisory or lobby groups might lead to a position of conflict, or appearance of conflict, with your neutral decision making responsibility as a Committee Member (see 12.1 below).

- When you have received any direct representations in connection with any Planning Application before the Committee you should forward to **P**lanning Officers copies of any representations or lobbying material you receive (either for or against a proposal) where Planning Officers have not been copied into the material. You also need to declare the nature of all the representations and lobbying materials (e.g. e-mails) received, photographs or drawings received, attendance at meeting, any presentations, any meetings with the applicant or third party etc. You should also disclose to the Committee the general tenor of your response (i.e. supported/opposed/remained neutral and gave procedural advice/referred to another Councillor etc). If time is short you need not pass on the lobbying material to Planning Officers but can just declare this at Committee. Where the lobbying results in your having a closed mind you should, in addition, withdraw from sitting on the Committee for that item, preferably by prior arrangement.

11.3 Political group meetings prior to the Committee Meeting should not be used to determine how you or other Members should vote. The Ombudsman has ruled that the application of a group whip to a planning matter could constitute maladministration.

12. MEMBERSHIP OF OUTSIDE BODIES

12.1 If you are a Committee Member do not become a member of any organisation whose primary purpose is to promote, oppose or advise on development proposals, in Leicester, whether generally or specifically. The reason for this is the obvious risk of bias or predetermination.

12.2 As a Member there is no prohibition on joining general interest groups which might reflect your areas of interest and which concentrate on issues beyond particular planning proposals such as CPRE or local groups such as the Civic Society. Where you are a Committee Member it is suggested that you do not get involved in any representations made by an external interest groups you are involved in and make the appropriate declaration at any subsequent Committee Meeting. Such a declaration should explain the precise nature of your involvement or engagement with the item/application and should include a description of the views that you expressed on the matter.

13. COMMITTEE ADDENDUM REPORT

13.1 To enable any last minute issues to be considered, the Director prepares an Addendum Report. Committee Members will be provided with the report by e-mail and it will be available in Group Rooms in City Hall from 16.00 hours on the date of the Committee. Where the last minute issues lead to a fundamental change of recommendation (e.g. from refusal to approval or vice versa), the Addendum Report will recommend deferral unless the possibility has already been identified in the original report.

13.2 As necessary the Head of Planning or Planning Officer presenting the Report will refer to the Addendum Report when relevant as part of the oral presentation in connection with reports before the Committee.

13.3 Representations received after the Addendum Report has been finalised, may be summarised orally.

14. RUNNING ORDER OF COMMITTEE AGENDA

14.1 The Chair has discretion to determine the order in which Committee Reports are considered and s/he will consider this in relation to the number of members of the public/Members who are present who wish to speak on any particular report.

14.2 The Council has introduced Public Speaking Protocol for public speaking the Planning Committee. This sets out the process and procedure to be followed including the Order of speakers. Prior to any summing up by the Committee Chair, the Head of Planning will be entitled to provide final Officer comment.

14.3 Members of the Committee may seek points of factual clarification on the application under consideration from applicants (or their agents), Statutory Consultees or people making representations to the Committee meeting. It is not appropriate for Committee members to seek to negotiate to secure amendments to the application as the application is presented for determination at the meeting. In the event that the Chair feels a point of clarification is not appropriate then they will have the discretion to intervene.

14.4 Other than in accordance with the protocol for public speaking and in the circumstances described at 14.3 above an applicant shall have no general free-standing right to speak at Committee.

15. VOTING

15.1 Voting at the Planning Committee will be by a show of hands or by other appropriate method at the discretion of the Chair. The other provisions in the Council's Constitution with regard to voting (request for recorded vote, chair's casting vote etc.) will apply.

15.2 Committee Members are only permitted to vote on applications if they have been present for the whole of the deliberation made by the Planning Officer. If Committee Member(s) attends after consideration of an application has begun, they will not be permitted to vote on that particular application.

16. DEPARTURES FROM OFFICER RECOMMENDATIONS

16.1 Decisions on planning applications must be taken in accordance with the Development Plan unless material considerations indicate otherwise. From time to time The Committee may give different weight or take a different view of the planning considerations and, therefore, take a decision which differs from the Officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. In cases where the recommendation is to refuse but Members indicate they may be minded to grant planning permission the conditions attached to the permission or heads of terms for a s106 Obligation should also be considered.

16.2 In the above situations Members must be able to give a clear basis and reason for not accepting the Officer recommendation. This is important to ensure, as far as possible, that any decision made will be capable of surviving a legal challenge or is defensible on appeal. In the event that this occurs the Chair is advised to ensure the following steps are taken before the Committee decision is made.

16.3 The planning reasons for taking a different view reasons are clear and included as part of the mover's motion.

16.4 Where the Officer recommendation is to refuse but the mover' s motion is to grant the application, the reasons will explain why the Officer suggested reasons for refusal can be overcome and why the planning balance weighs in favour of the Application.

16.5 Officers are given the opportunity of advising on the reasons proposed, and if necessary to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the Council, should one be made. In some cases, Officers may suggest a short adjournment before they provide the advice to Members, and in exceptional cases (including where the Officer recommendation is to refuse planning permission and members are minded to grant permission,) Officers may advise that a report is brought back to Committee to include Officers understanding of the reasons, and any conditions or heads of terms for a s106 Obligation

16.6 A detailed record of the committee's reasons should be included in the minutes.

16.7 Where no amendment is moved and seconded but the Committee votes to reject the Officer recommendation, the Chair will ask the Committee to clarify the planning reasons for the vote and seek to follow the above process. If this is not possible, the application will be deferred until the next meeting of the Committee. At that subsequent meeting the Director will table his understanding of the reasons why the Committee rejected the recommendation and the Committee will then vote to confirm the reasons put forward by the Director or not as the case may be.

17. DELEGATION OF DECISIONS TO OFFICERS

17.1 The Committee may agree to delegate any further decision (e.g. finalisation of the wording of conditions or the detailed heads of terms of section 106 Agreements to be attached to the grant of Permission) to the Head of Planning even where the decision would normally be reserved to the Committee under the Scheme of Delegation of Development Control Decisions to Officers.

18. SITE VISITS

18.1 Officers will seek to ensure that full details and context of proposals can be reasonably ascertained from the information in the Committee Report and the photographs and plans available from the screen presentation.

18.2 Exceptionally site visits may be required where there is a need to view particular site factors in terms of the weight to be attached to them in making the decision.

18.3 Where, in such circumstances, a Committee Member feels a site visit is necessary it must make the request for a site visit to the Head of Planning no later than two days after the publication of the Agenda Papers (ie by 1700 on the Thursday) to allow arrangements to be made for the visit to be undertaken on the Monday preceding the meeting of the Committee.

18.4 All requests for site visits must detail the planning reasons and aspects of the site or the proposal which are considered to merit a site visit; the requests will be determined by the Head of Planning in consultation with the Chair with respect of the availability of appropriate presentational material and photographs.

18.5 Exceptionally, where there is a recommendation by Members during a meeting of the Committee Meeting to defer the application to allow for a site visit to take place, this must be moved and seconded and agreed by the Committee with valid planning reasons being given for the decision, which will be minuted. Information gained from the site visit should be reported back to the Committee so all Members have the same information.

18.6 Site visits do not have decision making status and will be arranged by the Head of Planning. All Committee Members will be notified of the visits by Democratic Support. A Planning Officer will be present throughout. Site visits are for Committee Members only, and no other Members or the Public will be permitted to participate (although applicants may attend to facilitate access only)

18.7 On no account should any Committee Member present at a site visit express a view on the merits of the application and wherever possible not engage in any dialogue with the Applicant/Owner, or any other third parties during the visit.

18.8 Committee Members should try and attend site Visits if at all possible 1300hrs the Monday preceding each Planning Committee will be the time generally reserved for visits. Where a Committee Member is not able to attend the site visit s/he may visit the site separately although Members should not enter onto the site without the Owner's consent. As with an organised site visit an individual Member should not engage in any dialogue about the application etc.

19. ATTENDANCE AT COMMITTEE

19.1 Planning Applications may in some cases come before the Committee on more than one occasion. For example, the Committee may decide to defer an application for further information.

19.2 It is important that Committee Members taking decisions are in possession of all the facts. Attendance of Members on all occasions when an application has been considered by Committee will not only demonstrate that Committee Members are fully informed but will also ensure high quality consistent and sound decisions are made minimising the risks of any legal challenge.

19.3 If as a Committee Member you have not been able to attend meetings in connection with an application that has been deferred you should only take part in such a decision making process if you are satisfied that you can reasonably and properly do so in all the circumstances. Advice on involvement can be obtained from the Head of Planning and the Monitoring Officer.

20. OFFICERS

20.1 Members and Officers have different but complementary roles. Both serve the public but Members are responsible to the electorate while Officers are responsible to the Council as a whole. Accordingly:

- Do not put pressure on Officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to the Head of Planning or the Director.

- In the first instance any contact by Members (Committee or non-Committee) about planning issues should be with the Head of Planning or other Officers authorised by the Director to have contact with Members. Note that any contact between a Member and Officer will be recorded.

21. APPEALS

21.1 The Director will prepare and where necessary present the City Council's case in an appeal based on the terms of the decision and the material considerations on which the decision was made. The best possible arguments and available evidence in support of the decision will be presented whether or not the Committee's decision was in accordance with the Director's recommendation.

21.2 Where the Committee's decision was not in accordance with the Director's recommendation and any subsequent appeal is to be determined at a Hearing or Public Inquiry, the Chair or, as appropriate, an alternative Committee Member may be required to be the Council witness. The Head of Planning will arrange appropriate Officer support but in accordance with professional requirements, this will be provided in a way so as Officers are not put in a conflict of interest situation arising from their professional opinion on the matter in question.

22. TRAINING

22.1 It is mandatory that Members serving on the Committee must attend annual refresher training and where appropriate initial training. Substitute Members have to comply with the training requirement.

22.2 Mandatory Training will be provided when a Member is appointed to the Committee. This includes mandatory annual refresher training, which will be arranged to take place as soon as possible after annual appointments to the Committee have been made.

22.3 A record of attendance will be maintained for all Members who have attended the mandatory training.

23 GIFTS AND HOSPITALITY

In addition to complying with the Council's Member Code of Conduct on gifts and hospitality, Members involved in planning decisions should not accept over frequent or over generous hospitality, especially from the same organisation or where offered by lobbyists. Members should ensure that the acceptance of hospitality does not constitute a conflict of interest.

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