

COMMITTEE REPORT

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| 20250173 | 20a Vulcan Road, Land Adjacent | |
| Proposal: | Change of use from public open space to dwellinghouses; construction of two-storey building to contain five flats (5 x 1 bed) (Class C3) (Amended plans received 13 August 2025) | |
| Applicant: | Mr J Sindhi | |
| App type: | Operational development - full application | |
| Status: | Minor development | |
| Expiry Date: | 30 April 2025 | |
| SPV | TEAM: PD | WARD: North Evington |



Summary

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

The Site

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

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

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

The Proposal

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

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

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

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

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

Amended plans were submitted to reduce the scale of the property adjacent to 20a Vulcan Road and to provide updated information with relation to Biodiversity Net Gain. The mix of units was also changed from 4 flats (2 x 1 bed, 2 x 2-bed) to 5 flats (5x 1-bed).

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

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

Policy Considerations

National Planning Policy Framework (NPPF) 2024:

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

Development Plan Policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

National Planning Practice Guidance:

- Natural Environment - Biodiversity, geodiversity and ecosystems

National Planning – Statutory Guidance

- Technical housing standards – Nationally Described Space Standards

Representations

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

- Loss of light to neighbouring properties and to back yards leading to a loss of residential amenity and the ability to enjoy properties.
- Increased demand for on-street parking in an area which already experiences a severe lack of on-street parking
- Increased risk to pedestrians and concerns about blocked routes for emergency vehicles through increased illegal parking
- Loss of amenity to existing residents through increased vehicular comings and goings associated with new properties
- Disruption to local residents from construction of the building.

- Potential structural damage to adjacent house during construction process given the historic relationship between the properties
- Impact on ability of adjacent owner to maintain their property
- Proposal represents the overdevelopment of the plot
- Local area is already densely populated, this would worsen matters
- Proposal would have a harmful visual impact on the street scene
- Proposal would detract from the character and appearance of 1 Vulcan Road, which is a detached property of character and a local landmark
- Lack of rainwater run-off attenuation and potential increased risk of surface water flooding to nearby properties.
- Loss of existing planters and space for wildlife

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

Consultations

Environmental Health (Noise Team)

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

Local Highway Authority

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

Lead Local Flood Authority

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

Consideration

Principle of development

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

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

Design

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

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

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

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

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

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

Living conditions (*The proposal*)

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

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

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

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

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

The comments of the Environmental Health Officer are considered to be reasonable in respect of the acoustic performance of the glazing. As such a

condition is proposed to require glazing to be installed in accordance with details contained in the noise impact assessment.

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

Residential amenity (*neighbouring properties*)

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

1 Sherrard Road

The building would be the same depth as 1 Sherrard Road above ground floor level and as such, would not affect light or outlook from principal rooms in this property. There would be an overshadowing impact on the small yard at this property, where there is already an overbearing impact from the main property and the flank wall of 3 Sherrard Road. This overshadowing would lead to a loss of residential amenity in the yard area. Notwithstanding this, any development of this plot will have a significant impact on light levels in this yard – the only way to avoid this would be to significantly reduce the scale of the building, which would limit the amount of housing which could be provided and would involve a building which would not sit well within the plot or street scene. As such this loss of amenity is considered to be acceptable when balanced against the benefits associated with the proposal.

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

Properties to north-east on Mount Road & Sherrard Road

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

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

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

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

Given the constraints of the site, it would not be possible to develop the plot without causing some loss of residential amenity to the occupiers of neighbouring

properties and on balance I consider the loss of amenity would not be significant and would be balanced out by the benefits associated with provision of housing.

20a Vulcan Road

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

Highways and Parking

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

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

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

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

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

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

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

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

Waste storage and collection

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

Drainage

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

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

Nature conservation

The Preliminary Ecological Appraisal has found there to be no protected species living on the site or that would be affected by the proposal. The loss of wildlife and amenity value provided by the existing planters is limited, but given the constraints of the site, there are no realistic opportunities to retain or replicate these. However, there is an opportunity to provide additional habitats and as such, I consider it reasonable to attach a condition requiring details of swift boxes and integral bat bricks to be submitted before the building is occupied.

Biodiversity Net Gain

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

Other matters

Party Wall Issues:

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

Mountcastle Road

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

It is acknowledged there are similarities with that application, but that proposal was on a corner with two road frontages and the design did not harmonise with the local street scene. There were also concerns over the site layout. Overall, I do not consider this recommendation is inconsistent with that decision.

Council guidance

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

Conclusion

For the reasons set out above I consider this application to be acceptable and recommend it is APPROVED subject to the following conditions:

CONDITIONS

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

6. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

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

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

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

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

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

- 2407/01/100, Location Plan and Site Plan, Received on 29 January 2025
- 2407/01/401, Landscaping Scheme, Received on 5 March 2025
- 2407/01/400, Sustainable Drainage Strategy, Received on 5 March 2025

- 2407/01/102, Proposed Site Plan, Rev. P1, Received on 13 August 2025
 - 2407/01/300, Proposed Ground Floor Plan, Rev. P1, Received on 13 August 2025
 - 2407/01/301, Proposed First Floor Plan, Rev. P2, Received on 13 August 2025
 - 2407/01/302, Proposed Second Floor Plan, Rev. P2, Received on 13 August 2025
 - 2407/01/303, Proposed Roof Plan, Rev. P1, Received on 13 August 2025
 - 2407/01/350, Proposed Elevations, Rev. P1, Received on 13 August 2025
 - 2407/01/351, Proposed Elevations, Rev. P1, Received on 13 August 2025
 - 2407/01/352, Proposed Sections, Rev. P1, Received on 13 August 2025
- (For the avoidance of doubt).

NOTES FOR APPLICANT

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

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

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

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

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

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

Policies relating to this recommendation

2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

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| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_CS06 | The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents. |
| 2014_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 2014_CS17 | The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network. |