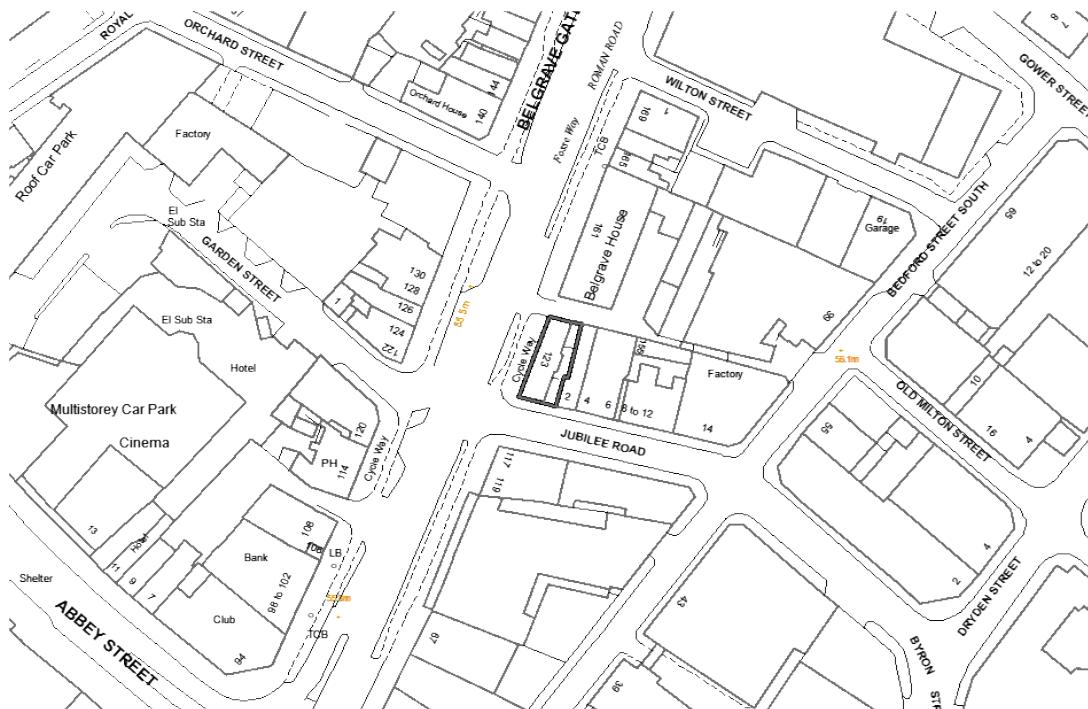


## COMMITTEE REPORT

<b>20250364</b>	<b>123 and 123A Belgrave Gate</b>	
Proposal:	Change of use of first floor, second floor and roof space from offices to 5 flats (2x2 bed, 3x1 bed); construction of first and second floor extension at rear, dormer at rear, roof lights at front (Class C3); bin and cycle storage, alterations (Amendments)	
Applicant:	Valance property limited	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	2 June 2025	
AVB	TEAM: PD	WARD: Castle



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### Summary

- The application is brought to committee as the applicant is related to an elected member.
- The main issues are principle of development, design/appearance, impact on local heritage asset, living conditions and residential amenity of neighbouring properties.
- No representations have been received from neighbours.
- The application is recommended for conditional approval.

### The Site

The application relates to a brick built three storey building on a corner plot. It is vacant but was last used as retail on ground floor and offices on upper floors. It

fronts Belgrave Gate which is an important thoroughfare in the city centre and strategic regeneration area, and also fronts Jubilee Road.

The property is on the Local Heritage Asset Register and is subject to an Article 4 Direction. The site is in an air quality management area, an area with roman archaeological records, an archaeological alert area and is within a critical drainage area.

The neighbouring properties (2-14 Jubilee Road) to the east on Jubilee Road are locally listed buildings. The building further along to the south on Belgrave Gate is the Grade II listed building 'Kingstone Store'.

## Background

Most recent:

20061993 - Change of use of first, second and third floors from offices to four self-contained apartments (2 x 1 bed & 2 x 2 bed) (Class C3); dormer windows to rear (amended plans) (contribution secured by condition) was approved but not implemented.

20051098 - Change of use of first/second/third floors from office to four self-contained flats (Class C3) was approved but not implemented.

## The Proposal

The proposal, as originally submitted, comprised two retail units at the ground floor level and five flats at the upper floors. The proposal, as amended, now consists of one retail unit at ground floor level, with basement operating ancillary to the retail use. The amended proposal includes the following elements:

- Alterations to windows and doors on the front elevation of ground floor retail unit.
- Basement to be used ancillary space to the ground floor retail unit.
- Rear ground floor area to provide separate bin storage for commercial and residential flats, along with cycle storage.
- First Floor – Two self-contained flats
  - Flat 1 (1 bed) (45.5sqm) would have open plan living/dining/kitchen, one bedroom, store and bathroom.
  - Flat 2 (2 bed) (61.7sqm) would have open plan living/dining/kitchen, two bedrooms, two bathrooms and storage.
- Second floor – Two self-contained flats.
  - Flat 3 (1 bed) (39.7sqm) would have open plan living/dining, kitchen, one bedroom, store and bathroom.
  - Flat 4 (2 bed) (62.4sqm) would have open plan living/dining/kitchen, two bedrooms, two bathrooms and storage.
- Roof space – One self-contained flat
  - Flat 5 (1 bed) (50sqm) would have open plan kitchen/living, one bedroom, bathroom and storage.
- Construction of first and second floor rear extensions to provide internal staircase and additional floorspace for Flats 2 and 4. The proposed

extension would have flat roof in line with the existing roof and include roof lantern.

- Construction of rear dormer to accommodate Flat 5 with windows to the rear elevation.
- Replacement of existing roller shutters with new timber doors on the side elevation facing Jubilee Road
- Infill the existing gap and installation of two new timer windows to the side elevation facing Jubilee Road

The following documents were submitted to support the application:

- Heritage Statement
- Air Quality Assessment
- Preliminary Bat Roost Assessment (March 2025)
- Bat Emergence Survey Report (May 2025)
- Noise Impact Assessment
- Approved Document Part O Compliance Report (Overheating Report)

During the course of this application the applicant began works at the ground floor level, where the existing windows and doors on the front elevation facing Belgrave Gate were removed and replaced with new shopfront windows and doors. However, following intervention from the officers, the applicant is now in the process of removing the new shopfront elements and will be reinstating windows and door that reflect the original design.

## Policy Considerations

### National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 61 (Housing supply)

Paragraph 73 (Small housing sites)

Paragraph 90 (Support town centres)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Unacceptable highways impact)

Paragraph 117 (Highways requirements for development)

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

Paragraph 125 (Urban land considerations)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 198 (Noise and light pollution)

Paragraph 199 (Air quality considerations)

Paragraph 200 (Agent of change)

Paragraph 202 (Heritage as an irreplaceable resource)

### Core Strategy 2014 and Local Plan 2006

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

## Further Relevant Documents

Department for Communities and Local Government - Nationally described space standard

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

## Consultations

### Noise Pollution

Acceptable subject to the conditions in regards with the noise recommendations as per the report, hours of use and compliance with the measures within the overheating report.

### Air Quality

Acceptable subject to site specific mitigation measures are implemented during construction works as per the report.

### Local Highways Authority

Acceptable subject to condition regarding cycle parking

## Consideration

### Principle of Development

The site is in a highly sustainable location close to the city centre, within the Strategic Regeneration Area and Central Commercial Zone. The proposed scheme will provide a small number of flats in a sustainable location and would be an efficient re-development of a brownfield site whilst keeping the ground floor in commercial use. Accordingly, the development is considered to comply with NPPF paragraphs 61, 73, 124 and 125, and Core Strategy policies CS01, CS04 and CS06.

### Character and Appearance, & Built Heritage Consideration

The site is a locally listed building and during the course of the application, the applicant removed the existing doors and windows on the front elevation at ground floor level and installed new shopfront windows and door. However, the applicant has been advised that the new windows and doors are not in keeping with the character and appearance of the original features. They have therefore agreed to remove the recently installed shopfront and reinstate a historic arrangement or an improved version of it. The applicant is currently in the process of removing the unauthorised works and has agreed to pre-commencement condition to secure the detailed design and materials of the replacement windows and doors. A condition is recommended to ensure these details are submitted and approved.

The proposal also includes the infilling of an existing gap on the side elevation with new windows. The proposed brick infill would match the existing brickwork, and the new timber-frames would reflect the design and style of existing openings, which is considered acceptable. The applicant has submitted joinery details for the new windows, which are deemed appropriate and in keeping with the character and appearance of the building and surrounding area. A condition requiring submission of brick sample and mortar details is recommended to ensure the works preserve the appearance of the locally listed building.

The applicant also proposed removal of the existing external roller shutter on the side elevation and its replacement with new timber doors, which represents a visual improvement. As full details have not yet been provided, a condition is recommended to secure these.

The proposed rear extension will not be readily visible from the public realm. The proposed UPVC features are considered on this elevation. The proposed dormer by virtue of its size, scale and height is considered subservient to the main roof and would not appear dominant within the surrounding built environment. However, the roof tiles and new rooflights must be sympathetic to the existing building and a condition is recommended to secure these details.

Given the scale of development proposed, I do not consider that it would have a significant impact on the character of the area or on the setting of any nearby heritage assets. The development would be acceptable in regard to NPPF paragraphs 135 and 202 and Core Strategy policies CS03 and CS18.

#### Air Quality

The applicant has submitted Air Quality Assessment (AQA) by Redmore Environmental, which has been updated to include an assessment of the construction phase due to the high sensitivity of the local environment around the proposed site.

The AQA has determined that the site is low risk in accordance with guidance from the Institute of Air Quality Management (IAQM), with an acknowledgement of the high sensitivity of the area. Table 17 in the AQA provides a list of site-specific mitigation measures required to reduce this risk to negligible, which I consider to be acceptable. I have therefore attached a condition that the proposed mitigation measures should be followed as per the report.

#### Residential amenity

2 Jubilee Road, located to the rear of the application site, is in use as residential flats. The proposed side and rear extensions, given their modest size, scale and height would not result in a significant detrimental impact on the residential amenity of the neighbouring flats at No. 2 Jubilee Road. There is no principal room windows on the side and rear elevations of No. 2 facing the application site. I therefore consider that the proposed rear dormer extension, due to its location and size would not have an unacceptable impact on the residential amenity of the neighbouring flats at No. 2 Jubilee Road.

The proposed flats at first and second floor level would have windows to the front and side elevations, with no windows proposed on the rear elevation. As such, the development would not result in overlooking or loss of privacy. The proposed rear dormer, by virtue of its modest size and location would not cause significant detrimental impact on the residential amenity of the nearby residential properties.

Buildings on the opposite sides of Belgrave Gate and Jubilee Road face the application site. The windows serving the proposed flats would look towards these properties. However, those building do not currently appear to be in residential use. Should they be converted to residential use in the future, the relationship would still

provide an acceptable level of separation, consistent with expectations in an urban environment where properties face each other across a street.

I therefore consider that the proposed development would not have significant detrimental impact on the residential amenity of the nearby residential properties and complies with Local Plan policy PS10.

#### Proposed Living Conditions

The proposed flats would all meet the nationally described space standards, and have usable layouts and storage space.

Flats 1, 2, 3 and 4 at first and second floor level have windows to the front and side elevation which would provide good light and outlook to their habitable rooms. Flat 5 would have dormer windows to the rear elevation and roof lights to the front. The proposed roof light and windows to the rear will provide good light and outlook. Overall, I consider that the proposal would provide a satisfactory standard of living for future occupiers, in accordance with Local Plan policy H07.

With regard to waste management, there would be good indoor refuse capacity, and the proposal would provide separate bin storage areas for the commercial and residential uses. I consider the storage arrangements to be acceptable and I have recommended a condition to secure these details.

The applicant has provided a Noise Assessment prepared by Impact Acoustics (Ref: IMP7901), which evaluates external and internal noise transmission. A revised Overheating Report by Build Energy has also been provided, setting out appropriate mitigation strategies.

Environment Health officers are satisfied with the findings of these reports and the proposed recommendations. I have therefore recommended condition to secure their implementation.

The Environment Health officers have also recommended restricting the hours of use for the retail unit at ground floor level. However, as this is a long-established retail use. I consider it unreasonable to impose such a condition. Nevertheless, I have restricted the use of the ground floor to retail purposes within Use Class E, as other uses within this class have the potential to cause greater impact on the residential amenity of the proposed flats. I have therefore recommended a condition to secure this.

I consider that the proposal will provide satisfactory living environment for the future occupiers and complies with Local Plan policy H07.

#### Highways

The application site fronts onto Belgrave Gate. In the vicinity of the site, Belgrave Gate is a single width two-way road subject to a 30mph speed limit with footways on both sides and dedicated cycle and bus lanes.

There is no car parking provision associated with the site. However, this is not considered to be an issue given the existing use of the building, the sustainable

location of the site, the availability of alternative modes of transport and its close proximity to local services and amenities. The proposal includes five cycle parking spaces, which would be easily accessible for future occupiers of the flats, and which comply with the City Council's standards for this location. I have recommended a condition to secure these details.

#### Nature Conservation

Core Strategy policy CS17 states that the council will expect development to maintain, enhance and/or strengthen connections for wildlife.

The Applicant has provided Preliminary Bat Roost Assessment (Marcy 2025) and further Bat Emergence Survey Report (May 2025), which confirms that that the structure contains no bat roosts. However, some bird nests were identified in the structure at the site confirming the presence of birds in the building. In addition to this, birds are likely to be present within the local landscape with ample habitat surrounding the site available to support their presence.

The applicant's Ecologist has made recommendations in section 6.0 of the report to include enhancements to support local protected & priority species. Specifically, 2 x bat bricks and 2 x bird boxes which is welcomed. The applicant has submitted the locations of the 2x bat bricks to the side and 2x large bird boxes and bird bricks to the rear elevation of the site which is acceptable.

The applicant's Ecologist has recommended a validity period of 24 months for the report. A condition is therefore proposed to ensure compliance with these recommendations.

#### Conclusion

The proposal is acceptable in terms of the main issues for the reasons given above. I therefore recommend approval 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. Prior to the commencement of development, full joinery details including horizontal and vertical cross sections of all windows (scale 1:5) and doors (scale 1:5) types on the restored front elevation shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained thereafter. (In the interests of visual amenity and character and appearance of locally listed building, and in accordance with Core Strategy policy CS03 and CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Prior to the commencement of development, the details of all external materials including bricks, bonding and mortar, roof tiles, roof lights, details of new door to the side elevation facing Jubilee Road shall be submitted to and agreed in writing with local planning authority. (In the interests of visual amenity and character

and appearance of the locally listed building, and in accordance with Core Strategy policy CS03 and CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not have its main use as a restaurant (Class E(b)), indoor sport facility (Class E(d)), provision of medical or health services (Class E(e)), creche, day nursery or day centre (Class E(f)), research/development of products or processes (Class E(g)(ii)) or light industry (Class E(g)(iii)) use, unless agreed in advance in writing by the Local Planning Authority. (To enable consideration of the residential amenity, parking and highway safety impacts of alternative Class E uses, in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).)

5. Prior to the first occupation of the development all details and recommendations in the submitted Environmental Noise Impact Assessment by Impact Acoustics (ref: IMP7901) received 07/07/2025 shall be fully implemented. The installations shall be retained and maintained thereafter. (To achieve satisfactory living conditions for future occupiers of the development and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

6. Prior to the first occupation of the development all details and recommendations for the ventilation strategy submitted within Approved Document Part O Compliance Report by Build Energy received 17/11/2025 shall be fully implemented. The installations shall be retained and maintained thereafter. (To achieve satisfactory living conditions for future occupiers of the development and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

7. The development shall be carried out in accordance with the recommendations within the approved Redmore Environmental Air Quality Assessment with particular reference to Table 17 and Section 5 - Construction Phase Assessment. (In the interests of residential amenity and in accordance with saved policy PS11 of the City of Leicester Local Plan and Core Strategy policy CS02)

8. The recommendations shall be implemented in accordance with the details submitted within Bat Emergence Survey report (Eco360, May 2025) received 20/05/2025. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and Core Strategy policy CS17).

9. Should the development not commence within 24 months of the date of the last protected species survey (Preliminary Roost Assessment dated March 2025) then a further protected species survey shall be carried out of all species by a

suitably qualified Ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing by the Local Planning Authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated biennially and any mitigation measures submitted and reviewed by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and Core Strategy policy CS17).

10. No part of the development shall be occupied until secure and covered cycle parking has shown on the approved plans be provided and retained thereafter. (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).

11. No part of the development shall not be occupied until the store for refuse bins has been provided in accordance with the approved plans. The bin store shall be retained thereafter for the storage of refuse in connection with the use and occupation of the development and all refuse bins shall be kept within the designated area other than on refuse collection days. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).

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

VD25785 A.08 - Existing and Proposed Site Plan received 07/04/2025  
VD25785 A.04 - Proposed Floor Plans received 13/11/2025  
VD25785 A.05 - Proposed Floor Plans received 02/07/2025  
VD25785 A.06 - Proposed Floor Plan received 02/07/2025  
VD25785 A.09 - Existing and Proposed Roof Plan received 07/04/2025  
VD25785 A.10 - Existing and Proposed Front Elevations received 19/11/2025  
VD25785 A.11 - Existing and Proposed Rear Elevations received 27/11/2025  
VD25785 A.12 and 13 - Existing and Proposed Side Elevations received 27/11/2025 and 16/12/2025  
Joinery Details received 29/09/2025  
(For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application). The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024 is considered to be a positive outcome of these discussions.

2. 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).

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

- 2006\_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006\_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006\_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\_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 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\_CS04 The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.
- 2014\_CS05 The Council will support the development of a high quality sustainable urban extension at Ashton Green.
- 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\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014\_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.