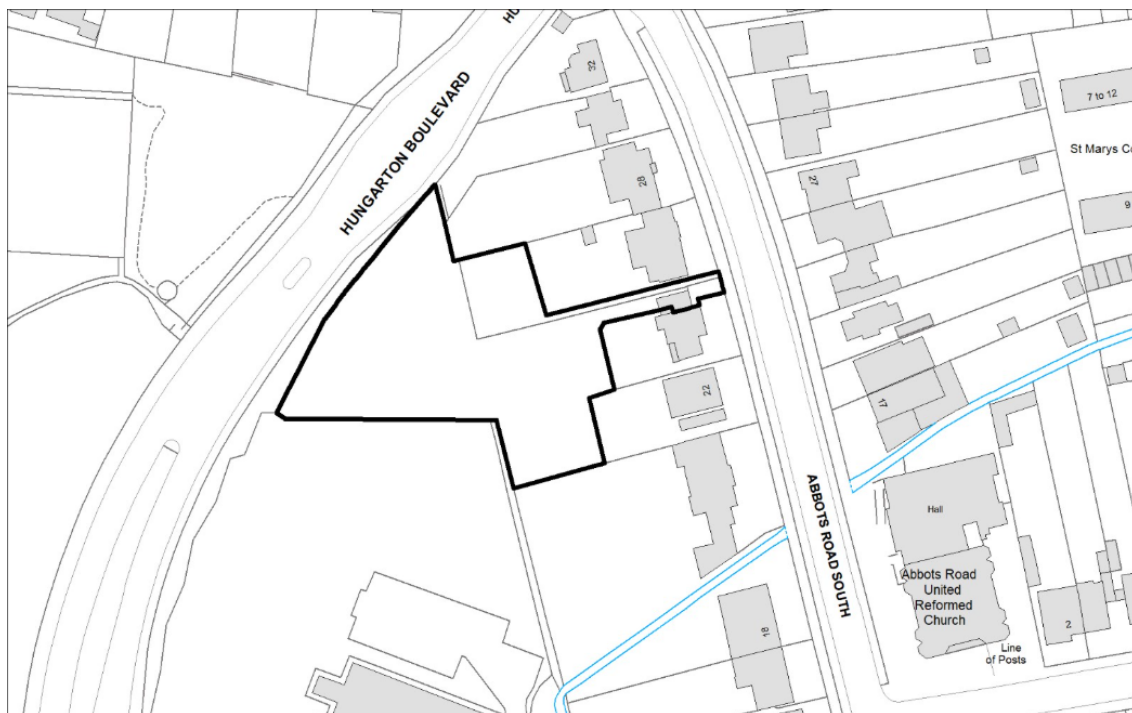


COMMITTEE REPORT

Recommendation: Conditional approval	
20260225	24 Abbots Road South, Land Rear of
Proposal:	Construction of five two-storey houses (2x3 beds, 3x4 beds) with associated landscaping, cycle and waste storage, boundary treatment, parking and access
Applicant:	Sehaj Real Estate Ltd
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20260225
Expiry Date:	3 July 2026
CY1	WARD: Knighton



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Summary

- Councillor Bonham has requested the application be brought to committee due to concerns over the access and safety.
- The application is for the construction of 5 dwellings
- Objections from 17 households have been received with concerns regarding principle of the development, amenity, highway impact, and drainage.
- 1 petition with 20 signatures has also been received objecting to the development with the same concerns as above
- The application is recommended for approval subject to conditions

The Site

The application relates to a plot of land to west of Abbots Road South bordering Hungarton Boulevard with an access road off Abbots Road South between dwellinghouses 24 and 26.

The site is within a Critical Drainage Area and small parts of the site lie in an area with a low risk of surface water flooding. 'Low' means between 0.1% (1 in 1000) and 1% (1 in 100) chance of a flood each year.

Background

Permission was granted in 2010 (Ref 20100547) to convert the rear of the site into part of the garden space for 24 Abbots Road South. Prior to this it is understood the site was vacant land, previously part of Monks Rest Gardens and cut off when Hungarton Boulevard was constructed. Until the 2026 Local Plan was recently adopted, this area was designated as Green Space. Under the new Local Plan the site is 'white land' not subject of any policy designation.

The Proposal

The application is for the construction of five two-storey detached dwellings. The dwellings would have the following composition:

Plot	Gross Internal Area (m2)	Number of Bedrooms	Number of Bedspaces	Garden Space (m2)	Parking Spaces
1	145	3	5	125	2
2	145	3	5	125	2
3	150	4	6	239	2
4	150	4	6	228	2
5	150	4	6	265	2

The vehicular and pedestrian access would be from a ~5m wide access point. An area is proposed for bins on collection day adjacent to number 26.

Amendments were received on the 9th of April clarifying details requested by the Sustainability Officer.

Further amended plans correcting the discrepancy regarding boundary treatments raised by the Highway Officer.

Additionally an email was provided on the 1st of June from the applicant's ecologist justifying why 10% biodiversity net gain could not be provided on the site.

Policy Considerations

National Planning Policy Framework 2024

2026 Local Plan

Policy VL01. Presumption in Favour of Sustainable Development

Policy SL01. Location of Development

Policy Ho02. Housing Development on Unallocated Sites

Policy Ho03. Housing Mix
Policy Ho05. Housing Densities
Policy Ho08. Internal Space Standards
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 DQP05. Backland, Tandem and Infill development
Policy DQP06. Residential Amenity
Policy DQP07. Recycling and Refuse Storage
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
Policy DI01. Developer Contributions and Infrastructure
Policy DI02. Electronic Communications

Other legal or policy context

Nationally Described Space Standards
Leicester Local Housing Needs Assessment
Leicester Strategic Flood Risk Assessment

Consultations

Highways – no objections subject to conditions requested below plus conditions securing EV charging, private access, drainage, signage for the dwellings, and a travel pack sent to each resident on occupation.

Abbots Road South is an unclassified residential cul de sac subject to a 30mph speed limit. Vehicular access onto Abbots Road South is from the classified Scraftoft Lane to the south. The road also meets Hungarton Boulevard (A563) to the north where the road forms a turning head allowing through movements for only pedestrians and cyclists. There are no parking restrictions on Abbots Road South.

The site is considered to be in a sustainable location within walking, cycling, and public transport distance of a range of local facilities and amenities.

The proposal relates to the proposed construction of five dwellings on the land accessed via the existing driveway to No.24 Abbots Road South. The loss of parking associated with the existing dwelling is intended to be overcome by the provision of a new vehicular crossover and parking spaces on the front of the property. This requirement was pointed out in the pre application advice and indeed the vehicular crossing has been constructed, however no details as to the replacement off street

parking for the existing property No 24, have been submitted. As such I have suggested a condition be imposed to cover this.

The proposed development would take advantage of the existing dropped kerbs and provide a 4.25m wide shared private driveway between No's 24 and 26 into the site. The submission talks of the shared private access drive complying with section DES 07 of the Leicester Street Design Guide for a residential shared private drive serving up to 5 dwellings with the addition of 0.7m being provided (minimum requirement 0.5m) to the side which is bounded by a wall fence or hedge. However the plans indicate fences to both sides of the shared private access drive, therefore to comply with DES 07, 1 metre should be available in addition to the drives 4.25 metre width. However given the cul de sac nature of Abbotts Road South and the No 24's position close to the end of the cul de sac coupled with the vehicular crossing depth of circa 4.6 metres on approach to the site entrance, I consider of the need to provide the full 1 metre in would not offer any gains over the 0.7 metres that is proposed, so will accept in this instance.

The inter visibility available to drivers on the road and the accesses is satisfactory and complies with the speed reading submitted.

A site inspection revealed a discrepancy against the plans. The proposed site layout plan indicates a new fence to the southern side of the shared private access drive. This detail is mimicked in plans on pages 21 and 22 of The Transport Assessment. Page 29 then sets out a plan which gives detail of the fence at a height of 1.8 metres. However, the site inspection revealed a new fence has been erected, however its height is of the order of 0.9 and 1 metre. This height offers a degree of intervisibility between drivers egressing the site and pedestrians using the footway fronting the site. Is it the intention of the Applicant to maintain said intervisibility and similarly are they able to provide something similar to the northern side of the shared private drive. I have added a Note to the Applicant to this effect.

The shared private access drive at 4.25 metres does make manoeuvring tight into and out of the individual property access points/parking spaces. The applicant talks and shows parking spaces at 5.5 metres long and 2.5 metres wide which ideally would be fine when considered against guidance, however if just space along these lines was provided, occupiers/visitors would not be able to manoeuvre easily into and out of them, particularly if another vehicle is parked to one of the spaces fronting the property. However the Applicant has gone through an exercise showing swept paths of vehicles using the proposed houses driveways. To do this drivers have to use space outside the 2.5 metres by 5.5 metres referred to. Hard and Soft landscape plan 2026/01/20 shows block paving to the plot frontages which exceeds the car parking sizes, however allows for satisfactory turning and as such I recommend a condition requiring parking as per the block paving to be provide and thereafter maintained to allow for satisfactory parking and turning for the development.

Sustainable Design – no objections subject to conditions following the submission of revised and additional details.

The proposed U-values for the fabric elements and the air-permeability value for this development are set out below, in comparison with the values for the

notional building and the limiting parameters under the Building Regulations Part L 2021. All either meet or exceed the notional value.

	<i>Proposed for this development</i>	<i>Value for notional building, Part L1</i>	<i>Limiting parameter, Part L1</i>
<i>Ext. walls U-value (W/m2K)</i>	<i>0.18</i>	<i>0.18</i>	<i>0.26</i>
<i>Roof U-value (W/m2K)</i>	<i>0.11</i>	<i>0.11</i>	<i>0.16</i>
<i>Ground floor U-value (W/m2K)</i>	<i>0.13</i>	<i>0.13</i>	<i>0.18</i>
<i>Windows U-value (W/m2K)</i>	<i>1.2</i>	<i>1.20</i>	<i>1.60</i>
<i>Air permeability (m3/h-m2) @50Pa</i>	<i>4.00</i>	<i>5.00</i>	<i>8.00</i>

A clear and concise feasibility study was presented for renewable technologies. As a result, ASHP will be used in each dwelling for heating and hot water.

Ventilation: Natural ventilation in all dwellings.

Lighting: LED lighting in all dwellings as standard.

Renewable / Low Carbon Technology & Energy Supply Heating: ASHP will provide a sustainable solution for heating and hot water.

Renewables: Each dwelling will have a suitably sized solar PV array of between 1.2 and 1.5 kWp, as shown on the plans and further clarified in the energy statement, further improving the DER.

Carbon Emissions: The 18% improvement against the target fabric energy efficiency is indicative of good practice in design. 3

Sustainable Construction Methods and Waste Management: The intent to use sustainable materials and construction methods has been outlined in the supplementary document "Confirmation of the Approach to Ensuring Sustainable Sourcing of Construction Materials" and provided that this is put into practice, demonstrates good practice.

An overview of the SWMP for the construction phase has been provided which outlines the intent to follow the waste hierarchy and use local solutions where possible, demonstrating sufficient commitment to good practice.

Flooding – no objections subject to conditions securing SuDS product specifications and/or design details and updated SuDS Maintenance plan to confirm maintenance responsibility

The proposed development is considered at reduced risk of pluvial flooding. However, the proposed development is within a Critical Drainage Area (CDA). Impermeable surfaces are set to increase and therefore, measures in the form of Sustainable Drainage Systems (SuDS) are required to limit surface water volumes and discharge rates and compensate for any additional surface

water runoff. Within the Flood Risk Assessment and the Detailed Drainage Design plan, SuDS measures including permeable paving, rain gardens, a geocellular tank and an orifice flow control device are proposed.

Detailed drainage calculations have been provided. These demonstrate the proposed drainage system is designed to:

- Manage all storm events up to the 1 in 30-year return period with the appropriate peak rainfall intensity climate change allowance with no modelled flooding on site. This is to ensure the drainage system is designed to meet STW's (Severn Trent Water) adoption criteria*
- Withstand a 1 in 100 year return period storm event with a 40% peak rainfall intensity climate change allowance. Where modelled flooding occurs, this must be retained safely within the site. This is to ensure the proposed development is resilient to the impacts of climate change*

The site is in Flood Zone 1 and the northern and western sections of the proposed development is shown to be at low risk from surface water flooding. A flood risk assessment has been provided which assesses the risk from all sources of flooding. Surface water is proposed to be managed through permeable paving, geocellular tank, rain gardens and a hydro-brake flow control device, prior to discharge into the existing surface water sewer. Further information and clarifications are required, listed in the "requirements for the applicant" section below.

- SuDS product specifications and/or design details*
- Updated SuDS Maintenance plan to confirm maintenance responsibility*

Trees – no objection subject to condition

I have looked through the supplied Arboricultural Method Statement, due to the format of the document, specific conditioning is hard. all recommendations contained within are suitable and if the document could be conditioned I would have no objection to this proposal proceeding.

Representations

20 objections have been received from 17 different households within the City boundary with the following concerns:

Principle of Development

- No development was acceptable under previous application 20100547
- Loss of green space

Amenity

- Vehicle noise, vibration, headlights, loss of privacy, loss of security and prolonged construction disturbance to numbers 22, 24 and 26 generated by vehicles to and from the access road
- Loss of privacy
- Overbearing impact
- Loss of outlook

- Constrained amenity space for new residents
- Noise impacts from Hungarton Boulevard and access road
- Poor outlook for new residents, particularly from telecoms on Hungarton Boulevard and Hungarton Boulevard Highway
- Impact of construction on neighbours
- Bin store would result in odour pollution and vermin problems

Design

- Dwellings would not be the same character as the older houses which are all varied in style
- Overdevelopment

Sustainable design and drainage

- The loss of permeable land will increase flooding

Highways

- Access is too narrow for ten vehicles and not compliant with the Leicester Street Design Guide
- Poor visibility to and from the site
- Impact on highway safety
- No parking spaces for neighbours
- Traffic is currently generated by a nursery, a church, and a community hall, with elderly and vulnerable users
- Previous road accidents on Abbots Road South

Ecology and landscape

- Permission 20100547 stated trees should remain, but these have been cleared and permitted development rights were removed for outbuildings

Other matters

- Comparable backland and cul-de-sac schemes have been consistently refused or dismissed, including:
 - o 18 Abbots Road South - Refused (20031699)
 - o 20 Abbots Road South - Withdrawn 66 Abbots Road North – Appeal Dismissed (20138005A)
 - o 49 Nursery Road - Appeal Dismissed (20118017A) 190 Scraftoft Lane – Appeal Dismissed (20148001A)
 and notes caselaw ‘North Wiltshire Principle (1993) – Duty to Apply Previous Decisions Consistently’ and ‘Davies v Crawley BC (2001) – The Consistency Doctrine’
- The developer purchased No. 24 and demolished its garage to engineer an access strip where none existed. Unnatural infill that is contrived and cramped
- Plot has been increased in size by buying neighbours gardens under the premise of garden extension not property development and is restricted as such
- Hungarton Boulevard has had a harmful impact on existing residents for over 20 years
- The space was part of the Monks Rest garden estate, development would result in the loss of historic green infrastructure

- Case law and appeals have condemned similar schemes
- Homes were purchased on basis that the rear land was undevelopable
- The developer is not liked by some neighbours
- Developer is currently working unsociable hours
- Workers are intimidating
- Supporting comments are not from direct neighbours

1 petition has been received with 20 signatures with concerns included in the points above

Councillor Bonham has requested the application be determined at the planning committee to allow residents within the vicinity to have the opportunity to directly put to the committee their material objections including to loss of amenity and outlook overdevelopment, road safety. Councillor Bohnam has specific concerns regarding the constrained width of the shared access drive not meeting the minimum standards set out in the Leicester Street Design guide 2020, and safety concerns if no additional width were provided in the immediate vicinity of the shared driveway where it joins the pavement of Abbotts Road South, and concerns regarding visibility.

6 supporting comments have been received stating that the existing site has been unattended and unmanaged for years with illegal dumping and rodent problems and welcomes the development. The comments also consider that the development would be good for the economy generating additional footfall in the area and to nearby facilities

Consideration

Principle of development

Leicester City Council does not currently have a 5-year housing land supply so the benefit of housing supply is a significant factor to be weighed in the planning balance.

The 2026 Local Plan policy SL01 states:

Leicester City Council will work towards a target of providing a minimum requirement of 20,730 dwellings over the plan period from 2020-36 (1,296 dwellings annually) to contribute towards identified need within the city.

Under the 2026 Local Plan the site is unallocated land. SL01 goes on to state that 1,875 dwellings are to be expected to come forward via windfall sites (areas where housing is not specially allocated) and windfall sites will be supported where in accordance with Policy Ho02 and DQP05. The criteria within these two policies is considered in the latter sections below. Subject to these criteria being met, the application is acceptable in principle.

In addition, policy Ho03 states development will seek to achieve a mix of house types, tenures and sizes, taking into account the evidenced needs, site specific circumstances and the housing mix identified in the Local Housing Needs Assessment and outlined in table 3 of the Local Plan. Despite the size of the site the

proposal would provide a mix of 3 and 4 bedroom housing which is welcome noting that the authority has a need of over 21,000 3-bedroomed dwellings and over 3,700 4-bedroomed dwellings over the plan period.

Concerns have been raised regarding the proposals acceptability in principle citing a previous application from 2010. That application was determined when the site was designated as greenspace. Under the 2026 Local Plan the site no longer has any policy allocation or protection and applications must be determined in accordance with the adopted policies at the time of determination. The previous policies the Core Strategy and the 2006 Local Plan have now been superseded by the New Local Plan.

Design

Policy Ho02 states

The council will support proposals in accordance with Spatial Strategy Policy SL01 which contribute towards meeting the local development needs. Planning permission will be granted for new residential development on unallocated sites where:

c. The proposals are in accordance with the design principles set out in Policy DQP01 and other design policies in the plan, and take account of relevant design guides/codes which may be published as supplementary planning documents, in order to provide a high-quality living environment and create sustainable communities

d. The proposal respects the character of the area in compliance with the Plan's environmental, design and heritage policies

As noted in the 2010 application and by objectors, the site was formerly part of the Monks Rest garden estate, and cut off from the rest of the site when Hunagrton Boulevard was constructed several decades ago. Whilst this may have been part of the site historically, I do not consider that the site now forms part of the character of Monks Rest Gardens nor has it done so for some time and does not provide any meaningful visual amenity or significance.

Policy DQP05 states that for backland development:

e) The number of dwellings, size, scale, design, existing and proposed landscaping, car parking arrangements, and take account of the relationship to, and character of, neighbouring property and the area. Backland development in particular should take into account space around all dwellings, existing and proposed.

g) Development shall be designed and assessed to allow for reasonable extensions to dwellings including through permitted development. Development that does not reasonably allow for permitted development will not normally be accepted

The dwellings themselves are slightly smaller than those in the vicinity but the plot sizes are generous and in accordance with the existing urban grain. The proposed

dwellings would be able to facilitate additional extensions under permitted development rights as required by policy DQP05 parts (e) and (g). As such I consider the proposal to be in accordance with good urban design principles in terms of scale and massing and would not be considered overdevelopment.

Concerns have been raised that the dwellings would not be the same character as the older houses which are all varied in style, and are instead fairly uniform. Given this is backland development and the buildings would not form part of Abbots Road South I do not consider that it is necessary for the buildings to take specific detailing cues from the buildings on Abbots Road South. The buildings present modern development and are not prominent in public views. Given the site is backland and due to the land level changes and distance from Hungarton Boulevard I do not consider they would adversely impact the character of Abbots Road South.

Each dwelling already has a porch proposed therefore I consider any further front extensions would require further assessment from the local authority. I recommend permitted development rights for porch extensions be restricted in this instance.

Residential amenity (*neighbouring properties*)

Policy DQP05 states that for back land development:

f) Privacy, light, outlook and residential amenity shall be maintained for existing and new dwellings by careful regard to separation distances, window positions, orientation of dwellings, levels, screening and landscaping

Policy DQP06 states the following impacts need to be considered for new development:

- 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*

Impact on neighbours' principal room outlook, natural light, and privacy:

All dwellings are sited an acceptable distance away from neighbouring properties sufficient to not significantly impact upon outlook and natural light to their principal room windows. The side elevation of plot 1 is sited over 17m away from 20-24 Abbots Road South. The side elevation from plot 3 is sited over 30m away from 26 and 28 Abbots Road South.

The side elevations have windows but these are proposed to be obscure glazed as they do not serve principal rooms. Given the separation distance between plot 1 and 22-24 Abbots Road South I recommend a condition is recommended to secure those windows as obscure glazed for privacy purposes. I do not consider that the residents living in 26 and 28 however would be harmfully overlooked from the side windows on plot 3 to their principal room windows.

Due to the separation distances of built form as detailed above, I do not consider that the proposed development would result in a harmful loss of light to adjacent neighbours. Furthermore any overshadowing towards rear gardens would be limited and not significant enough to cause harm.

Impact on neighbours' garden outlook, natural light, and privacy:

Plot 1 and plot 3 are around 1m away from the boundaries shared with 22 and 28 Abbots Road South respectively. Again, it is the side elevations that are adjacent to the boundaries and obscure glazed windows are proposed. In addition to securing this via condition for plot 1, the same can be secured for plot 3 to ensure there is no overlooking to the gardens of 26-28.

Due to the configuration of plots 1 and 3 only part of the dwellings sit in close proximity to the neighbouring boundaries and as such only a small percentage of the gardens would lose some natural light and outlook. Whilst this will result in a change for residents that are used to long views over the application site, taking into account the scale of their gardens I do not consider that this would result in harm to the residents of 22 and 28.

Impact of new access road on neighbouring properties

Concerns have been raised from residents regarding vehicle noise, vibration, headlights, loss of privacy and loss of security to numbers 22, 24 and 26 generated by vehicles to and from the access road. The proposal would retain the existing boundary treatment by 26 and propose a 1.8m boundary treatment for 24, dropping to 1m where the access road meets Abbots Road South. I consider these boundary treatments would provide acceptable privacy and security. Regarding disturbance from vehicular traffic, the road would only hold around ten vehicles so the impact would not be considered significant, and not dissimilar from corner properties.

Other concerns regarding amenity

Construction noises are temporary and an inevitable consequence of development. However I recommend a condition to ensure that development only takes place during reasonable hours which can be secured via condition.

Concerns have been raised regarding the bin store attracting vermin and resulting in odour problems. I consider that the bins would only be stored in that location for 1 day per week and back in the respective plots outside of refuse collection periods which would not conflict with DQP06. Any concerns of rodent activity should be reported to the Environmental Health team.

Concerns have been raised regarding noise impacts due to loss of vegetation. This vegetation has already been cleared and there were no planning restrictions in place to protect these features.

With the suggested conditions, I consider the development would meet the requirements of DQP05 part (f) which seeks to protect residential amenity to existing occupiers and DQP06 which seeks to protect overall residential amenity.

Living conditions (*The proposal*)

The dwellings would be accessed via a long access road off Abbots Road South. A condition is recommended for details of lighting to be secured along this new access road to ensure visibility for vehicles and pedestrians when entering and leaving their properties, whilst ensuring the lighting does not result in high levels of pollution for existing and proposed residents and protected species.

Space is provided for bins to be stores at the rear of each dwelling. An area is provided for bins next to 26 Abbots Road South on collection days. The area shows space sufficient for 10 bins allowing space for both waste or recycling every fortnight, and optional fortnightly garden waste. As such the area provided is likely larger than required and acceptable. I recommend a condition is attached to secure this area.

Internally the space for each dwelling far exceeds the total minimum recommended sizes for 3-4 bedroomed dwellings. For context NDSS minimum requirements are 93m² and 106m² for the proposed dwellings meaning an extra 40-50m² is proposed. Garden spaces are also extremely generous, particularly plots 3-5.

A statement has been provided confirming that the development is capable of complying with Optional Requirement M4(2) and delivers inclusive and adaptable dwellings in accordance with Building Regulation Approved Document M Volume 1. M4(2). This meets policy Ho03 which states all new dwellings should meet this standard. I recommend a condition is attached to secure this.

Each dwelling would have acceptable natural light, outlook, and privacy to all habitable rooms.

As such I consider that the development would be in accordance with policies DQP05(f) and DQP06 and would provide acceptable living conditions for future residents.

Highways and Parking

DQP05 states that for backland development:

- b) Satisfactory access in terms of highway safety, highway function, perceived and actual safety can be provided*
- c) Development should minimise the number and frequency of vehicle accesses off an existing highway*

I am also mindful of NPPF paragraph 116 which states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

One access point from Abbots Road South has been proposed for all five dwellings. 10 parking spaces are provided meaning the average comings and goings from the access road is low. Despite concerns regarding the access road not being wide enough, the highway officer has been consulted on the scheme and does not consider that the development would be unacceptable due to the width being 0.3m more than the desired minimum requirements as set out in the street design guide.

Whilst the development would result in an increase of traffic in the area, Abbots Road South is a medium length road with around 34 properties at current and has minimal on-street parking taking place on average, with sufficient on-street capacity should additional parking be required in close proximity to the site. It is noted that traffic is generated from other uses within the vicinity such as a nursery, church, and community hall, but these uses tend to operate either outside of peak hours (church/ community hall) or form part of a trip to/from other destinations such as an office. The addition of 5 dwellings is not considered to result in a severe impact on the highway.

Objectors have stated there have been previous road accidents on Abbots Road South. With reference to CrashMap data no accidents have been reported on Abbots Road South from 2014-2024. One 'slight' accident did occur on Scraptoft Lane adjacent to the Abbots Road South junction in 2022 over 200m from the application site. In CrashMap the severity of the crash is graded either 'slight', 'serious', or 'fatal'.

Concerns have been raised regarding visibility to and from the site. Boundary treatment is proposed to be lower adjacent to 24 Abbots Road South and the Highway Officer is satisfied that this is acceptable.

Signage has been requested by the Highways Officer to ensure access is clear when entering the site. As this would need to be located outside of the application site, this cannot be conditioned. However the agent has confirmed that they would be happy to discuss this separately with the Highway Officer.

The site is considered to be in a sustainable location within walking, cycling, and public transport distance of a range of local facilities and amenities in accordance with policies T01, T02, and T03. EV charging points are proposed along with resident travel packs which can be secured via condition.

Sustainable Design and Drainage

Sustainable Design

CCFR01 states that all development should be designed, constructed, and maintained to minimise operational energy use and carbon emissions, while also preventing overheating. An Energy Statement has been provided proposing features such as air source heat pumps, solar panels, and LED lighting e.g which the Sustainability Officer has reviewed and is content on balance with the details provided subject to a condition securing these details.

I am mindful that, indicatively, solar panels are proposed on the rear part of the roof where occupiers could construct a dormer extension in accordance with permitted development rights. When discharging this condition, this may no longer be the case, nevertheless, I consider that a condition should be secure to restrict this where the dormer would result in the removal of solar panels.

CCFR01 goes on to state that: *All new residential development should achieve a minimum 10% and all new non-residential development should achieve a minimum 20% reduction in carbon emissions beyond the requirement of Part L of the Building Regulations 2013 through passive, fabric, and energy efficient design measures alone.* Where the optional requirement applies, the estimated consumption of wholesome water calculated in accordance with the methodology in the water efficiency calculator, should not exceed 110 litres/person/day. Details of fittings are outlined in table 2.2 of the document and pasted below for clarity. I consider this can be secured via condition.

Table 2.2 Maximum fittings consumption optional requirement level

Water fitting	Maximum consumption
WC	4/2.6 litres dual flush
Shower	8 l/min
Bath	170 litres
Basin taps	5 l/min
Sink taps	6 l/min
Dishwasher	1.25 l/place setting
Washing machine	8.17 l/kilogram

Drainage

CCFR05 states that a flood risk assessment must be submitted for development in floodzones 2 and 3 and in flood zone 1 where the site is over 1 ha, despite this not being the case for this development a flood risk assessment has been submitted with required details regarding drainage and sustainable urban drainage systems (SuDS).

CCFR05 also states:

In assessing development, the following principles will be applied:

e) Development should identify and pursue opportunities to reduce flood risk both on- and off-site. This may be through reconfiguration of an existing developed site, enhancement of blue-green infrastructure, or installation of SuDS. Opportunities for working in partnership with the Flood Risk Management Authorities should be explored.

f) For all development, SuDS are expected to be used to reduce surface water runoff and deliver other benefits, such as improving water quality, providing visual amenity, contributing towards achieving biodiversity net gain and having low maintenance requirements. It shall be demonstrated that the

proposed SuDS will be managed and maintained throughout the lifetime of the development.

DQP05 part (h) recommends *that proposals for backland and infill development must be adequately drained following SuDS principles with no net increase on green field run off rates.*

The LLFA has assessed the application is satisfied that the scheme would mitigate against flooding in line with policy CCFR05. Regarding part DQP05 part (h), the estimated run off at current is approximately 5l/s/ha. Within section 6.13 of the Flood Risk Assessment, it is stated that the proposed impermeable area of 0.17ha would aim to have a peak surface water discharge rate of 0.6l/s (3.5l/s/ha) which is an improvement on existing but note this may not be feasible due to the chance of blockage. A Flow Control device is therefore proposed to reduce blockages, with a controlled discharge rate of 2l/s applied.

Details requested regarding SuDS product specifications and/or design details and updated SuDS Maintenance plan to confirm maintenance responsibility can be secured via a pre-commencement condition.

I am mindful that the Highway Officer had concerns regarding drainage entering onto the public highway. The LLFA have confirmed to me that within the Detailed Drainage Design plan provided by the applicant, the proposed permeable paving can prevent surface water runoff onto the highway. As such I do not consider this condition necessary.

Nature conservation/Trees/landscaping

Ecology survey

Onsite habitat:

The presented Preliminary Ecological Appraisal and Ground Level Tree Assessment (Arbtech, February 2026) was undertaken at the end of October which is outside of the optimum survey period. However, it is reported that the majority of the site was cleared prior to the survey and therefore the ecologist has used historical aerial imagery, historical photographs, evidence of tree stumps and ongoing site clearance to inform pre-degradation habitat value and type. There is a small area of 'other neutral grassland' on site, however due to the small size of this habitat and wider site clearance it would not be pragmatic or hugely beneficial to request updated survey effort within the optimum survey period on this occasion. Also, it is stated within the report that 'It is not thought that this will have impacted the outcome of the survey due the surveyor skill and the low value of habitats present.'

Invasive species:

Recommendations have been included within the report to prevent the spread of three-cornered leek, an invasive non-native species present on Schedule 9 of the Wildlife and Countryside Act 1981 which prohibits release into the wild. Failure to follow the recommendations and cause spread of this species into the surrounding

area could constitute an offence. These recommendations can be secured via condition.

Bats:

The ecologist had undertaken a Ground Level Tree Assessment of trees present in neighbouring properties to assess potential bat roosting features, but it is noted that several trees (T1-4) in the neighbouring properties have been removed since the survey was undertaken. The ecologist has recommended precautionary working measures should works to other neighbouring trees be required - these are outlined in pages 20-21 of the report.

It has been recommended that a sensitive lighting plan (in line with Guidance Note 8 Bats and Artificial Lighting) is designed to minimise negative impacts on bats and other nocturnal wildlife. Details of this can be secured via condition.

Other species:

No nesting birds were recorded on site during the survey. An advisory note re birds is recommended should the application be approved.

Precautionary working methods have been recommended within the report to protect reptiles, amphibians, badger, dormice and hedgehog. Details can be secured via condition.

Repeat Ecology Survey:

The ecologist has recommended a validity period of 12-18 months. Should the development not commence within 18 months of the survey then further surveys should be submitted. I consider this can be secured via condition.

Biodiversity Enhancements:

The ecologist has recommended a range of biodiversity enhancements to support various species which should be implemented and included as a condition in any planning permission granted. The below specific enhancements should be determined by an ecologist, and a location plan with specifications of biodiversity enhancements should be submitted to and agreed in writing with the local planning authority.

These include:

- One integrated bat box per building
- One bird box/integrated swift brick per building
- Incorporation of bee bricks into the fabric of the new buildings would
- Installation of hedgehog houses and gaps under boundary fencing to enable hedgehogs to move freely through the site.
- Creation of hibernaculum (log/brush piles) for amphibian and reptiles

A Construction Environment Management Plan (CEMP) has been recommended by the ecologist to protect wildlife and habitat (including nearby priority deciduous woodland habitat) during the development. This can be included as a pre-commencement condition.

Biodiversity Net Gain

The presented Biodiversity Net Gain assessment report (Arbtech, February 2026) and accompanying Statutory Metric based upon the PEA surveys confirm onsite habitat presents a baseline biodiversity unit (BU) value of 1.16 BUs for area habitats and 0.01 BUs for linear (hedgerow) habitats.

The BNG report provides further details and evidence of the site clearance and habitat degradation that has used occurred between 21st April 2020 and 31st October 2025 (as mentioned above). In accordance with the guidance, the ecologist has used a range of evidence to determine the pre-degradation habitat type and condition, and had included this as the site's baseline.

The agent/applicant has presented email correspondence from an off-site unit provider (Wild Capital, February 2026) to provide evidence that the required BNG units are available for purchase to achieve the required net gain. In order to also secure separate on site gains, I recommend that a condition is secured for a Landscaping Ecological Management Plan to be submitted and approved prior to occupation. With this in mind the development would exceed a 10% net gain in Biodiversity and is acceptable.

Concerns were raised stating that in the earlier permission ref.20100547, it had been stated that trees should remain but these have been cleared however this was never secured as a planning condition so no planning breach has taken place.

Other matters

Regarding other concerns raised by objectors not otherwise addressed in the report:

- *Comparable backland and cul-de-sac schemes have been consistently refused or dismissed.*
- *Case law and appeals have condemned similar schemes*

Each application must be assessed on its own merits. All future applications will be subject to different policies due to the recent adoption of the 2026 Local Plan.

- *The developer purchased No. 24 and demolished its garage to engineer an access strip where none existed. Unnatural infill that is contrived and cramped.*
- *The developer is not liked by some neighbours.*
- *Plot has been increased in size by buying neighbours gardens under the premise of garden extension not property development and is restricted as such*
- *Workers are intimidating*

The way the land has come forward and the character of the developer/ construction workers are not planning matters.

- *Hungarton Boulevard has had a harmful impact on existing residents for over 20 years*

The boulevard is over 30 years old and is not part of the application.

- *Developer is currently working unsociable hours*

Any grievances regarding the current construction times can be passed to the environmental health team.

- *Homes were purchased on basis that the rear land was undevelopable*

All national and local planning policies are subject to change in accordance with new evidence and information that arises around planning matters. The allocation was changed in the new Local Plan. The Plan had extensive consultation prior to its adoption for residents to share concerns about allocation changes and any objections regarding the changes to the Local Plan were dealt with prior to the Planning Inspector finding the Plan sound and recommending adoption.

- *Supporting comments are not from direct neighbours*

Whilst I cannot share the addresses of objectors and supporters due to GDPR, I can confirm 3 of the supporting comments came from Abbots Road South and the others were in close proximity of the site.

Conclusion

Leicester City Council does not have a 5 year housing land supply so the 'tilted balance' should be applied in your considerations. The proposal would take underutilised land and provide 5 additional 3-4 bedroomed dwellings which are much needed by the authority. The application is acceptable in principle and whilst concerns have been noted regarding amenity and highway impacts i consider that on balance the development is acceptable and I recommend that this application 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. Development shall be carried out in full accordance with the materials outlined on the approved plans and retained as such. (In the interests of visual amenity, and in accordance with Leicester Local Plan 2026 policy DQP01.)
3. Prior to the occupation of the approved dwellings on plots 1 and 3 the new windows on the side elevations facing 22-24 Abbots Road South, and 26-28 Abbots Road South respectively shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) and shall be non-opening unless the

parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be retained as such thereafter. (In the interests of the amenity of occupiers of Abbots Road South and in accordance with Leicester Local Plan 2026 policy DQP06.)

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Class D, of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable and in accordance with Leicester Local Plan 2026 policy DQP01)
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. (In the interests of the amenity of occupiers of neighbouring properties and in accordance with Leicester Local Plan 2026 policy DQP06.)
6. Prior to works above slab level, full details of all proposed external lighting, including types of light appliances, the height and position of fittings, predicted illumination levels and light spillage diagrams, shall be submitted to and approved in writing by the local planning authority. The scheme should seek to conform with the recommendations of the Institute of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2021) and 'Bats and Artificial Lighting' (GN08:2025). The development shall be carried out in full accordance with the agreed details and retained as such. (In the interests of the amenity of future occupiers and of occupiers of neighbouring properties and in accordance with Leicester Local Plan 2026 policies DQP04 DQP05, DQP06, and NE01.)
7. Prior to the occupation of the development the approved waste collection point as shown on the approved plans shall be complete and ready for use in accordance with the approved plans. The approved facilities shall be retained thereafter for use in connection with the approved use of the development and made available for waste storage on the day before and day of collection. (To ensure adequate facilities for the storage and collection of refuse and in the interests of the amenity of the area in accordance with Leicester Local Plan 2026 policies DQP01, DQP06, and DQP07.)

8. The approved dwellings and their associated parking shall be constructed in full accordance with the ""Category 2: Accessible and adaptable dwellings M4(2) Optional Requirement"" of Part M of the Building Regulations.
On completion of the scheme and prior to the occupation of the development a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard. All requirements shall be retained thereafter. (To ensure the development enables access for all and is adaptable enough to match lifetime's changing needs in accordance with Leicester Local Plan 2026 policies Ho03, DQP01 and DQP03.)
9. Prior to any new dwelling being occupied, the electric vehicles charging points (fast type 2, 7kW) shall be provided as shown on the approved plans and thereafter be so maintained. (In the interest of sustainable development and in accordance with policies T01 and T02 of the City of Leicester Local Plan 2026.)
10. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in advance by the local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information. (In the interest of sustainable development and in accordance with policies T01 and T03 of the City of Leicester Local Plan 2026).
11. No part of the development shall be occupied until the shared private access drive has been provided as shown on the approved plans, including surfacing and thereafter be so maintained. (To ensure a satisfactory means of access to the highway, and in accordance with policies T01, T03, and DI06 of the City of Leicester Local Plan 2026.)
12. The turning space (adjacent plot 1 as shown on drawing 29847 08 020 02C) shall be provided prior to any dwelling being occupied and thereafter be maintained including being kept clear of parked vehicles at all times, in order to allow commercial and emergency vehicles to enter and leave the site in a forward direction. (To secure the satisfactory development of the site, in the interests in highway safety, and in accordance with policies T01 and T03 of the City of Leicester Local Plan 2026.)
13. Before the occupation of any dwelling, the whole of the dwellings frontage shall be block paved as shown on the hard/soft landscape plan (2026/01/020) to enable satisfactory parking and manoeuvrability so as to be able to turn within the site and once provided shall thereafter be so maintained. (To ensure that parking can take place in a satisfactory manner, and in accordance with policies T01 and T07 of the City of Leicester Local Plan 2026.)
14. Before any external works are begun the following shall be submitted to and approved in writing by the Local Planning Authority: Full design details of on-

site installations to provide energy efficiency measures, specifically the heat pumps and heat recovery technology; full design details of the solar PV array including confirmation of the final size and peak output.

No part of the development shall be occupied until evidence demonstrating the satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the Local Planning Authority. The energy efficiency measures shall be retained and maintained thereafter. (In the interests of securing energy efficiency and in accordance with policies CCFR01 and CCFR02 of the Leicester Local Plan 2026).

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes B and C of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained where the enlargement, improvement or other alteration would result in a loss of any solar panel. (Given the nature of the site, the form of development would reduce energy efficiency and in accordance with Leicester Local Plan 2026 policies CCFR01 and CCFR02.)
16. The approved dwellings and their associated parking shall be constructed in full accordance with the "Sanitation, hot water safety and water efficiency: Optional Requirement" of Part G of the Building Regulations. The estimated consumption of wholesome water calculated in accordance with the methodology in the water efficiency calculator, should not exceed 110 litres/person/day.
On completion of the scheme and prior to the occupation of the development a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard.
(To ensure sustainable design and water efficiency in accordance with Leicester Local Plan 2026 policy CCFR01)
17. Prior to the commencement of development details of SuDS product specifications and/or design details and an updated SuDS Maintenance plan to confirm maintenance responsibility shall be submitted to and approved in writing by the local planning authority. No property shall be occupied until the SuDS and drainage have been installed in accordance with the approved details and those already set out in the approved Flood Risk Assessment & Detailed Drainage Design received 19 February 2026. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CCFR05 of the Leicester Local Plan 2026).
18. Development shall be carried out in accordance with the mitigation recommendations laid out within the Preliminary Ecological Appraisal and Ground Level Tree Assessment received on the 19th February 2026. Should the development not commence within 18 months of the date of the last protected species survey (30/10/2025), then a further protected species

survey shall be carried out of the site including all trees and other features by a suitably qualified ecologist.

The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated every 18 months and any mitigation measures reviewed by the LPA 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 NE01 of the Leicester Local Plan 2026).

19. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP) carried out by a suitable qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with any mitigation recommended by the CEMP. (In the interests of preserving wildlife habitats, and in accordance with Leicester Local Plan 2026 policy NE01.)
20. Notwithstanding the 10% mandatory biodiversity net gain requirements to be carried out offsite, and prior to works above slab level, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP, shall be strictly adhered to and implemented in full for its duration and shall contain the following:
 - (a) new tree and shrub planting, including plant type, size, quantities and locations;
 - (b) means of planting, staking, and tying of trees, including tree guards;
 - (c) other surface treatments;
 - (d) fencing and boundary treatments;
 - (e) any changes in levels;
 - (f) the position and depth of service and/or drainage runs (which may affect tree roots).The approved landscaping scheme shall be carried out prior to occupation for hard landscaping, and within one year of occupation of the development for soft landscaping. 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 provide biodiversity on site and in accordance with Leicester Local Plan 2026 policies DQP01, DQP03, DQP04, DQP05 and NE02.)
21. Development shall be carried out in full accordance with the approved Arboricultural Method Statement and the tree protection retained in place until the development has been completed. (To minimise the risk of damage to trees and other vegetation in the interests of amenity and biodiversity, and in accordance with Leicester Local Plan 2026 policies DQP01, DQP04, and NE02).

22. The development shall be carried out in full accordance with the following approved plans:
2026/01/020 pages 2-14, and 17, received 14 April 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 2024 is considered to be a positive outcome of these discussions.
2. It is recommended that care is taken during works should any bats or birds or their roosts or nests be discovered on site. In such a case, it is recommended that advice from a qualified ecologist should be sought before proceeding with works, given environmental protection legislation. Further information on bats and the law can be found by searching for Bats: protection and licences - GOV.UK (www.gov.uk). Further information on birds and the law can be found by searching for Wild birds: protection and licences - GOV.UK (www.gov.uk)
3. To meet Condition 8 and 16 all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Optional Category 2, M4(2) and Optional Requirements in part G. The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Optional Category 2 M4(2) and Optional part Grequirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate as stated above.
4. Any development where surface water runoff will be managed through discharge into a public sewer will require approval from Severn Trent Water (STW). An application for connection will need to be completed and submitted to STW once planning approval is granted.