

Recommendation: Refusal	
20250490	4-10 Macdonald Road
Proposal:	Demolition of single storey rear extension at no.10; change of use of dwellinghouse (no.10) to shop at ground floor (Use Class E) and flat at first floor (1-bed) (Class C3); installation of extended shop front with shutter and canopy; construction of single storey extension at side and rear of nos 8 & 10; alterations
Applicant:	Mr Kamlesh Pabari
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20250490
Expiry Date:	16 July 2025
SS1	WARD: Belgrave



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Summary

- The application is brought to committee as the agent is an employee of the Council;
- The main issues are the loss of a family dwelling; the principle of expansion of the shop in this location; proposed living conditions; noise/disturbance impacts; waste management; flood risk; highway safety; and design;
- 1 supportive comment was received;
- The recommendation is refusal on the grounds of loss of family dwelling; unacceptability in principle; and lack of consideration of flood risk.

The Site

The application site includes nos.4-10 Macdonald Road which is within a 2-storey terraced row. The site includes a ground floor grocery store with ancillary storage and a separate flat above (nos.4-8), and a 2-storey dwellinghouse (no.10).

The site includes a shopfront and canopy at ground floor. Produce/goods for sale is also kept outside the front of the shop on the street.

At the rear, the site is largely built over other than alley ways behind nos 8 and 10 which are being used as storage space for plant, equipment and bins associated with the shop.

In current policy terms the site is within a residential area, with almost all of the rest of the south side of the street being in residential use. To the immediate east however, and across the road to the north, the policy designation is the Belgrave Road district centre and there are a variety of commercial uses. Belgrave Road itself is nearby to the east and is a main route between the north of the city and the city centre.

In terms of emerging policy, the emerging Local Plan policies map indicates that the district centre is to be extended to include the shop.

The eastern part of the site is in Flood Zone 3 and the western part in Flood Zone 2. All of the site is also in a critical drainage area and drainage final hotspot area.

The site is in an air quality management area.

Background

The following applications have been granted at the site.

19870054 Change of use of 6 Macdonald Road and single storey extension at rear to form enlarged ground floor shop with self-contained flat over

19871488 Alterations to form new shop front

19920043 Change of use from first floor living accommodation (Class C3) to storage

19920044 Single storey store at rear of shop

19920936 External staircase at rear

20080604 Change of use from house (Class C3) to retail (Class A1) on ground floor to form an extension to shop at 4-6 Macdonald Road; Self-contained flat (1 x 1 bed) (Class C3) at first floor; shopfront with security shutters; alterations at rear

There have also been refusals:

19770129 Change of use of front room of dwellinghouse to showroom for display of fancy goods (*reasons for refusal: 1. Site in a residential area where commercial use would be inappropriate 2. Detriment to neighbouring amenity 3. Undesirable loss of part of a residential unit*).

19920245 New external staircase at rear of shop (*reason for refusal: extension would be overdevelopment of the site and harm use of neighbouring amenity space*)

19921056 Internally illuminated fascia sign (*reason for refusal: harm to visual amenity of the domestic street scene*).

The Proposal

The proposal includes the demolition of the rear ground floor bathroom of the two storey dwellinghouse (no.10).

A single storey extension would be constructed to the rear of the shop, c.23sqm in floor area, in place of the existing rear alley ways and over the existing rear yards. It would have an alley way to the right hand side.

The existing two storey dwellinghouse would become part of the existing shop at ground floor, and a 1-bed flat at first floor. The shop would add 48sqm of floorspace to become 269sqm in total. The flat would measure 38sqm in floor space and have a bedroom to front, lounge/kitchen facing the rear and a shower room and storage to the rear. There would be a shared yard to the rear including a bin storage area.

To the front, the existing signage, canopy, shopfront windows, and roller shutters would be extended to the side as part of the shop extension.

The submission included documents relating to flood risk and noise impacts of the application.

Policy Considerations

National Planning Policy Framework 2024 (NPPF)

Paragraph 2 (Primacy of development plan)
Paragraph 11 (Sustainable development)
Paragraph 61 (Housing supply)
Paragraph 85 (Economic growth)
Paragraph 90 (Support town centres)
Paragraph 91 (Sequential test)
Paragraph 92 (Accessible sites)
Paragraph 95 (App refused where sequential test failed)
Paragraph 116 (Unacceptable highways impact)
Paragraph 117 (Highways requirements for development)
Paragraph 135 (Good design and amenity)
Paragraph 139 (Design decisions)
Paragraph 140 (Clear and accurate plans)
Paragraph 181 (Flood risk considerations and SuDS)
Paragraph 187 (Natural environment considerations)
Paragraph 198 (Noise and light pollution)
Paragraph 200 (Agent of change)

Local Plan 2006

AM01 (Impact of development on pedestrians)
AM12 (Residential car parking provision)
PS10 (Residential amenity and new development)
PS11 (Protection from pollution)
H05 (Loss of housing)
H07 (Considerations for flattened developments)
BE10 (Shopfront design)
BE11 (Shopfront security)

Core Strategy 2014

CS02 (Flood risk)
CS03 (Designing quality places)
CS06 (Housing strategy)
CS08 (Existing neighbourhoods)
CS10 (Employment opportunities)
CS11 (Retail hierarchy)
CS14 (Transport network)

Emerging Local Plan

Proposed Policies Map

TCR01 (Hierarchy of town centres)

TCR08 (Town centre development outside of defined centres)

Ho09 (Loss of family dwellings)

Further Relevant Documents

Residential Amenity SPD 2008

Department for Communities and Local Government - Nationally described space standard (NDSS)

Local Plan Appendix 001 – Vehicle Parking Standards

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

GOV.UK Planning Practice Guidance – FRA Standing Advice

<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>

GOV.UK Environment Guidance – Bats: Advice For Making Planning Decisions

[Bats: advice for making planning decisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/bats-advice-for-making-planning-decisions)

Leicester & Leicestershire Housing & Economic Needs Assessment (as updated June 2022) (HENA)

Consultations

Noise Pollution

The noise pollution officer requires amendments/further information to the noise report, including the following queries:

- Section 6 suggests that acoustic measurements have been taken but doesn't provide any information on what this was taken with i.e. was it a calibrated sound level meter? Who conducted the testing? When were measurements taken and over what time period?
- Who wrote the report? It should be completed by a qualified person.
- Section 7 gives an assessment summary with Low/Moderate/High options but it doesn't appear the relevant one has been selected?
- There is no mention of traffic noise in the report. This is likely to have moderate to low impact as it not on the main Melton Road, however this should be addressed in the report.
- The insulation proposals do seem to address a worst-case however this should be informed by measured levels set out in the noise monitoring. If no noise monitoring was undertaken the report should justify this.

Highways Authority

The Highways Authority advised that the proposal would not have any significant impact on highway conditions and raised no objections.

Lead Local Flood Authority

The Lead Local Flood Authority object. The reason given is that the Flood Risk Assessment needs to be updated to include the modelled flood levels to inform the proposed flood resistance/resilience measures in accordance with government guidance. Further information is also required in terms of the site details, flood risk assessment, drainage strategy and water quality control assessment.

Representations

Councillor Adatia made a representation in support of the application, on the following grounds:

- The owners have been established 42 years as a family run business. They serve the local community with their produce. By expanding the shop, this will give the owners the opportunity to stock more of a variety of items, specifically tailored to the local market. This will also create new jobs in the area, and the property will still have a flat above to cater for the housing demands.

Consideration

Principle of Development

Loss of 3-bed dwellinghouse

The proposal would see the loss of the 3-bed dwellinghouse, no.10, as it would be converted to be used as a shop and 1-bed flat.

Core Strategy policy CS06 sets out that careful consideration will be given to residential conversions, to ensure no adverse impact on the character of the area. It explains that, in particular, the conversions of existing large houses will be resisted where it would be still appropriate for family use and meet the demand for this type of accommodation. Policy CS08 requires all new housing to accord with Policy CS06 and sets out that in Inner Areas, it is the Council's priority to retain good quality existing housing for which there is demand. In particular in Spinney Hills, Belgrave, and other neighbourhoods where there is an identified demand, large houses appropriate for family use should be retained, and conversion to other types of accommodation resisted.

Local Plan saved policy H07 permits the conversion of existing buildings to self-contained flats provided the proposal is satisfactory in respect of a number of criteria. This includes consideration of the loss of family accommodation, having regard to the size and nature of the accommodation and the effect on the character of the surrounding area.

Emerging Local Plan Policy Ho09 sets out that planning permission will not be granted for the conversion of 2 or 3 bedroom houses into flats. The policy explains this will be informed by the Local Housing Needs Assessment 2022 or any future update to housing need evidence and that, where the proposal is for the conversion of a residential property which has 2 or 3 bedrooms to flats, the Council will not support the proposal subject to new evidence.

Having regard to the HENA, June 2022, the greatest housing need in Leicester is for additional three-bedroom homes. Furthermore, it sets out that based on the evidence, it is expected that the focus of new market housing provision will be on 2-bed and 3-bed properties.

The existing dwelling has a limited amount of rear amenity space and poor outlooks. However, this is a typical layout of dwellings in this area, and despite such matters, the application dwelling (no.10) is currently a three-bedroom property, capable of functioning as a family dwelling.

Therefore, having regard to the above, the loss of the 3-bed dwellinghouse would fail to comply with the Council's housing strategy for the area, in conflict with Core Strategy policies CS06 and CS08, Local Plan policy H07 and Emerging Local Plan policy Ho09.

Principle of Expansion of Shop & Impacts to the Local Area

The site has been in use as a shop for a substantial amount of time and when the Emerging Local Plan is adopted, will be considered part of the Belgrave Road district centre. I acknowledge the benefits of the proposal in that the extension of the shop would allow a long established business to grow its stock/custom. and I note that the application form considers that the proposal would add 2.5 FTE jobs. This positive aspect of the proposal would comply with NPPF paragraph 85 which encourages expansion of existing businesses.

However, no.10 Macdonald Road is in a primarily residential area and will remain outside of the District Centre when the Emerging Local Plan is adopted. Following the permission in 1987, the shop has already, historically, encroached into the primarily residential area. I am concerned that the location of the shop is significantly incongruent in both appearance and function compared to the surrounding area. There is no loading bay for the retail store on the street which already causes delivery vans to be parked in front of the shop on double yellow lines (as seen on Officers site visit) and goods are stored on the public highway. Given the parking congestion in the area, proliferation of goods kept on the pavement for storage and sale, and relatively narrow pavement, the site does not contribute to an attractive or relaxed area for pedestrians, those with disabilities or local residents on the street. The extension of the shop along the street would exacerbate this situation. Furthermore, the existing rear alleyways are heavily used for bin storage, and storage of plant and equipment. This situation is not compatible with the area, given the close relationship the site has with surrounding residential uses. I consider that this proposal would raise conflict with Local Plan saved policy PS10, which requires consideration of the ability of the area to assimilate development, and the visual quality of the area, having regard to amenity of neighbouring residents.

Further to the above, whilst I acknowledge that it would be more straightforward for the business to expand into the neighbouring dwellinghouse rather than relocate into a larger unit which is entirely within the adjacent District Centre, I have no evidence to suggest that there are no alternative available units within the district centre that could accommodate an enlarged shop, such that the re-location would not be feasible. As such this further tempers the weight that can be given to the benefits of the expansion of the shop as this could be accommodated in a more appropriate location.

For the reasons given above and adding to the concern regarding the loss of the family dwelling, I consider that, in this particular case, the principle of the expansion of the shop into the residential area is not favourable.

Principle of Development - Conclusion

In conclusion, the loss of the family dwelling is an overriding and unacceptable impact of the proposal. Notwithstanding the benefit to the existing shop, the extension would be outside of a district centre and the site does not have a compatible relationship with the street or surrounding residential area. I therefore conclude that, overall, the development is unacceptable in principle.

Living Conditions for Proposed Flat

The proposed flat would have poor outlook to its lounge and its amenity area would be of poor quality. However, I consider this would be comparable to the existing residential units on site. The flat would meet the NDSS requirement. In this particular case, I would not recommend refusal on this basis.

Noise/Disturbance

Saved Local Plan policy PS11 and NPPF paragraph 198 requires development to avoid impacts to amenity in respect of noise and disturbance.

Whilst a document relating to noise impacts has been submitted, it has not been completed by a professional noise consultant and I agree with the noise pollution officer that it has several inconsistencies and omissions. I therefore do not give it any weight in my assessment.

The shop is a commercial use in close proximity to neighbouring residents, including the proposed 2 first floor flats directly above, no.12 Macdonald Road, and properties to the rear of the site on Buller Road. I consider that, if the proposal was otherwise acceptable, conditions could have controlled the hours of use of the shop to sociable hours, and restrict the use to a shop within class E.

Appropriate ceiling/floor insulation would need to be agreed to ensure the extension of use of the ground floor shop would not have noise impacts to the upper floor flats. If the application were otherwise acceptable, I consider a condition would have required an assessment of noise impacts and proposed insulation between the shop and upper floor flats to be completed by a qualified professional and agreed prior to occupation of the flat.

No information regarding proposed external plant associated with the shop has been submitted. I consider that, given the proximity to neighbouring residential uses, the site is not appropriate for external plant and if the application was otherwise acceptable this could have been confirmed by condition.

Overall, I consider that in the context of this application, given the existing situation, conditions described above could have controlled noise/disturbance impacts to the first floor flats, 12 Macdonald Road, and properties to the rear on Buller Road.

Waste Management

The rear alley ways are currently being used as bin storage/general storage. Given this, I noted above my concerns in terms of the poor functioning of the site and impacts to the residential area. I am conscious that mixing of commercial and residential waste is not permitted by waste management authorities and open storage of commercial

waste including, potentially, food waste from the shop, in the small proposed amenity yard space, would be likely to lead to odour or other unpleasant impacts to the adjacent properties 7, 9 and 11 Buller Road, and 12 Macdonald Road. Whilst the existing situation is poor, the altered location of the rear yard would have a closer location to 12 Macdonald Road and 11 Buller Road in particular. The bin storage would also have an uncomfortable relationship with access to both flats although this is an existing situation.

I consider that were the proposal otherwise acceptable and notwithstanding the proposed floor plans, a condition would require a fully detailed waste management strategy with an alternative bin storage area to ensure impacts described above are avoided.

Flood Risk

The site is partially in Flood Zone 2 and partially in Flood Zone 3, which means that the site is at medium to high risk from fluvial flooding. The proposal includes an extension to the shop to create additional floorspace and change of use.

Core Strategy policy CS02 confirms that where development is proposed in flood risk areas, mitigation measures must be put in place to reduce the effects of flood water.

NPPF Paragraph 181 establishes that a site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3. It goes on to advise that development should only be allowed in areas at risk of flooding where it can be demonstrated that the development is appropriately flood resistant.

Government Planning Practice Guidance standing advice relating to flood risk assessments advises that flood water can put pressure on buildings, causing structural issues. The guidance confirms the list of topics that an FRA must cover, including: an assessment of the flood risk from all sources of flooding for the development, plus an allowance for climate change; the estimated flood level for the development, taking into account the impacts of climate change over its lifetime; and details of the flood resistance and resilience plans.

The standing advice goes on to advise that floor levels must be raised 0.6m above estimated flood levels, or if this is not possible, extra flood resistance and resilience measures must mitigate for this.

Whilst a document relating to assessment of flood risk impacts has been submitted, it has not been completed by a professional flood risk consultant and as advised by the Lead Local Flood Authority (LLFA), has not followed the government standing advice.

The LLFA confirm that the submission has not addressed mitigation from flood risks. No information has been provided regarding modelled flood level data to inform the finished floor levels, nor have any suitable flood resilience measures or plans been provided. There is a heading in the flood risk document titled "Flood Resilience/Resistance", however this does not provide any suitable measures.

I conclude that the submission has not considered whether the extension to the shop would be flood resilient and therefore the shop would be at unacceptable risk of flooding. I consider that this is unacceptable and contrary to national and local policy on flood risk.

Design of Shopfront/Extensions

The design of the shopfront/canopy would match the existing, and the design/scale of the rear extension would be modest. There would be no objection in design terms.

Highway Safety

I have noted above that the site does not have capacity to accommodate deliveries in a safe manner and this issue contributed to the unacceptability in principle of the development expanding along the residential street. However, specifically in terms of highway safety, the Highways Authority consider that the extension of the shop would be unlikely to result in severe highways impacts over and above the existing situation. I accept this conclusion.

Planning History

I acknowledge that planning permission was granted in 1987 for the extension of the shop into no.6, and then in 2008 for the extension of the shop into no.8. However the current application must be primarily assessed against current policies (and imminently emerging policies), and the conditions of the site and its surroundings at the current time. Planning history would not override these considerations.

Conclusion

Having regard to the above I consider that the loss of the family house would render the proposal an unsustainable and unacceptable development, and this would be an overriding consideration of the application. The modest benefit of the expansion of the shop would be significantly outweighed by this, particularly in the case of this site where the shop has an unsatisfactory relationship with neighbouring residential properties and where the proposed extension would be located outside of a designated retail centre. The applicant has failed to consider flood risk impacts which is significantly unacceptable.

I therefore recommend refusal.

REASONS FOR REFUSAL

1. The loss of the 3-bed family dwellinghouse would be unacceptable in light of the evidenced need for additional family dwellings in the city, harmfully affecting the Council's housing strategy for the area. The replacement of the family dwellinghouse with the extension to the ground floor shop would also be inappropriate in, and incompatible with, the otherwise predominantly residential area. The proposal would therefore conflict with Core Strategy 2014 policies CS06 and CS08, Local Plan 2006 saved policies H07 and PS10 and Emerging Local Plan policy Ho09.
2. The submission has failed to address whether the extension to the shop would be flood resilient and therefore the shop would be at unacceptable risk of fluvial flooding contrary to Core Strategy (2014) policy CS02, National Planning Policy Framework 2024 paragraph 181 and Government standing advice on preparing a flood risk assessment.

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given prior to the submission. The City Council has determined this application by assessing the

proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.