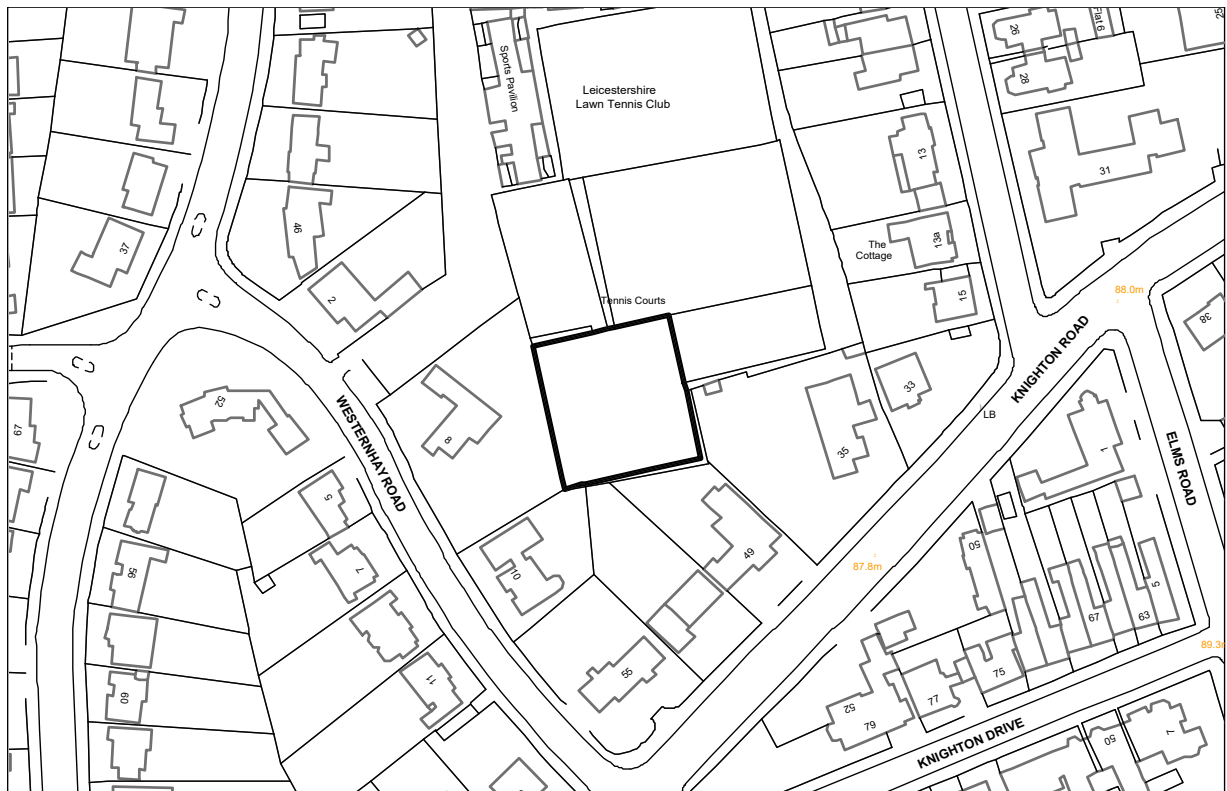


Recommendation: Conditional approval	
20260635	4 Westernhay Road, Lawn Tennis Club
Proposal:	Construction of 2 covered padel courts (Class F2)
Applicant:	Mr Umar Boodhoo
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20260635
Expiry Date:	30 June 2026
CY1	WARD: Knighton



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Summary

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

The Site

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

Background

Permission has been granted recently for the following works:

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

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

[20191328](#), Erection of two flags and flag poles to front entrance of tennis club.

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

The Proposal

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

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

Policy Considerations

National Planning Policy Framework 2024

DM1: Preparing development proposals

1. Proposals for major development should:

- a. Be informed by early engagement with neighbours and the local community, as well as with the local planning authority, statutory consultees, infrastructure providers, registered providers of social housing and other relevant bodies where appropriate, to identify and seek to resolve key planning matters prior to the submission of a planning application. This pre-application engagement should be proportionate to the nature of the proposal and those likely to be affected by it; and
- b. Be accompanied by a concise planning statement setting out:
 - i. How the development proposal is consistent with relevant development plan and national decision-making policies;
 - ii. The outcome of pre-application engagement and the extent to which the proposal has changed in response to this engagement;

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

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

DM3: Determining development proposals

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

DM6: Use of planning conditions and obligations

1. Planning conditions should only be attached to planning permissions and other associated consents for development where they are:
 - a. Necessary to make the development acceptable in planning terms;
 - b. Relevant to the development and to planning considerations generally;
 - c. Sufficiently precise to make them capable of being complied with and enforced; and
 - d. Reasonable in all other respects.
2. Conditions should not be used to:

- a. Require payments of money; or
 - b. Require that land is formally given up to another party (such as highways to the local highway authority); or c. Restrict national permitted development rights unless there is clear justification to do so.
3. Where national model conditions are relevant to the development, they should be used unless there are strong reasons for using a different condition. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. Applications to discharge conditions should be dealt with in a timely manner to avoid unnecessary delays to development.
4. Planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition. Where national model planning obligations are relevant to the development, they should be used unless there are strong reasons for using a different planning obligation.

DM7: Relationship with other regulatory regimes

1. Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.
2. Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed (see policy PM13).
3. The parallel processing of planning and other regulatory consents is encouraged where this can help to align and expedite the consenting of development.
4. Where compliance under a separate regulatory regime requires subsequent changes to an approved development proposal, such changes should be approved unless they would mean the development is no longer acceptable when assessed against development plan and national decision-making policies.

S3: Presumption in favour of sustainable development

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

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

S4: Principle of development within settlements

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

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

a. Have a substantial adverse impact in relation to:

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

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

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

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

CC2: Mitigation of climate change

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

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

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

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

- d. Take advantage of opportunities to reuse existing structures and materials, including by reusing non-contaminated excavated soil and hardcore within the site;
 - e. Take advantage of opportunities to draw low carbon energy from decentralised networks (such as district heat networks), where these are available, and to co-locate energy and heat generators and users, especially to take advantage of suppliers of surplus heat and energy;
 - f. Contribute to the creation or restoration of habitats which can act as carbon stores, such as through woodland planting and peatland restoration, while avoiding harm to habitats which can act as important carbon stores, including peatland and salt marsh; and
 - g. Not involve the extraction of fossil fuels unless it is in accordance with policy M5.
2. Substantial weight should be given to the benefits of improving the energy efficiency of existing buildings and/or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels where these do not already benefit from permitted development rights) where this would be achieved through proposals for development.

CC3: Adaptation to climate change

1. Development proposals should take into account the current and potential impacts of climate change over the lifetime of the scheme, and in order to minimise vulnerability to these impacts should, where relevant to the proposal:
- a. Be located where the risk of flooding is minimised, or can be managed and the development made safe without increasing risk elsewhere, in accordance with policies F4, F5, F6, F7 and F8;
 - b. Comply with policy F9 where development would be located in an area vulnerable to coastal change, as specified in that policy;
 - c. Incorporate sustainable drainage systems to manage surface water flow rates and reduce volumes of runoff in accordance with policy F8;
 - d. Use design approaches which minimise risks from overheating in accordance with policy DP3(2)(b), and include green infrastructure and suitable tree planting in accordance with policies DP3(2)(c) and N3; and 29
 - e. Incorporate proportionate measures to mitigate against wildfires, where opportunities to do so exist and wildfires pose a particular risk (for example as a result of the combined effect of topography, prevailing wind direction and being located within or adjacent to heavily vegetated areas). Such measures should be designed to limit fuel loads for fires, and to create defensible spaces, such as by avoiding timber panel fences and incorporating firebreaks into development layouts and planting schemes.
2. Substantial weight should be given to the benefits of improving the resilience of existing buildings and public spaces to anticipated climate change impacts where this would be achieved through proposals for development.

E2: Meeting the need for business land and premises

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

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

DP3: Key principles for well-designed places

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

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

- a. Liveability: support healthy, mixed, vibrant and integrated communities, which will function well over the lifetime of the development, by incorporating a range of uses and tenures, employing features which promote social interaction, and which are robust, durable and easy to look after;
- b. Climate: contribute to climate change mitigation and adaptation and the transition to net zero by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating;
- c. Nature: incorporate and/or connect to a network of high quality, accessible, multi functional green infrastructure to provide opportunities for recreation and healthy living, strengthen habitats, improve climate change resilience and improve air and water quality. This should include maintaining and enhancing tree cover and incorporating sustainable drainage systems in accordance with policies N3 and F8;
- d. Movement: provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport;
- e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public

and private areas, create focal points and, where appropriate, enhance views into and out of the scheme;

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

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

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

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

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

DP4: The design process

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

2. The local planning authority should:

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

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

TR3: Locating development in sustainable locations

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

- a. Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;
- b. Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;
- c. Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;
- d. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution; and

TR6: Assessing transport impacts

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

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

HC7: Development affecting existing recreational land and facilities

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

- a. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a location which offers comparable or improved accessibility for the community it serves; or
- c. The development is for public service infrastructure, and the resulting loss would be replaced by equivalent or better provision in terms of quantity and/or quality; or
- d. The development is for alternative open space, sports and recreational buildings and land, the benefits of which clearly outweigh the loss of the current or former use.

P3: Living conditions and pollution

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

2. Within this context development proposals should:

- a. Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of acceptable living conditions;
- b. Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting);
- c. Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies;

- d. Mitigate and reduce to a minimum potential adverse impacts resulting from noise, not result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas (those areas that have remained relatively undisturbed by noise from human sources and are prized for their recreational and amenity value for this reason);
 - e. Limit any adverse impact from artificial light on local amenity, intrinsically dark landscapes (those areas entirely, or largely, uninterrupted by artificial light) and nature; and
 - f. Assess and mitigate impacts where the development could have an unacceptable adverse effect on water quality, especially in relation to sensitive water bodies such as chalk streams.
3. In applying this policy, it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively, as set out in policy DM7. This means that it will be appropriate to take into account emissions limits set through those other regimes.

F8: Sustainable drainage systems and watercourses

1. Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. The systems employed should provide multifunctional benefits where possible, facilitating improvements in water quality, biodiversity and amenity.
2. Sustainable Drainage Systems should:
 - a. Be designed in accordance with the National Standards for Sustainable Drainage Systems;
 - b. Have maintenance arrangements in place to ensure an acceptable standard of operation for the anticipated lifetime of the development; and
 - c. In the case of proposals for major development, take account of advice from the Lead Local Flood Authority.
3. Development proposals should not enclose existing watercourses where this is not already the case, unless there are compelling reasons to do so; and should where possible remove existing culverts and renaturalise existing river channels, unless to do so would increase flood risk, result in other environmental harm or cause harm to heritage assets.

N2: Improving the natural environment

1. To contribute positively to the natural environment, and support nature's recovery, development proposals should:
 - a. Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved

or enhanced (including through requirements for biodiversity net gain where these apply);

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

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

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

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

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

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

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

HE4: Securing the conservation of heritage assets

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

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

the positive contribution they can make to local character and distinctiveness; and

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

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

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

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

HE5: Assessing effects on heritage assets

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

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

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

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

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

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

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

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

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

HE6: Proposals affecting designated heritage assets

1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.
2. Development proposals which would have a positive effect on a designated heritage asset should be supported.
3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.
4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.
5. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:
 - a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;
 - b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and
 - d. The harm or loss is outweighed by the benefit of bringing the asset back into use.

HE7: Decisions on non-designated heritage assets

1. Development proposals which would have a positive effect on a non-designated heritage asset should be supported.
2. Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.
3. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

HE9: Conservation areas

1. Development proposals within or affecting the significance of conservation areas should: a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.
2. Not all elements of a conservation area will necessarily contribute to its significance. Where a development proposal would result in the loss of a building or other element which contributes to the character or appearance of a conservation area that is desirable to conserve, the assessment of impact should take into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole, and the effects of this considered in accordance with policies HE5 and HE6.
3. Proposals which conserve those elements of a conservation area that make a positive contribution to the area (or which better reveal its significance) should be supported.

Local Plan 2026

Web links to relevant local Plan Policies are provided below:

[Policy VL01. Presumption in Favour of Sustainable Development](#)

[Policy CCFR01. Sustainable Design and Construction](#)

[Policy CCFR02. Energy Statement](#)

[Policy CCFR05. Managing Flood Risk and Sustainable Drainage Systems \(SuDS\)](#)

[Policy HW01. A Healthy and Active City](#)

[Policy DQP01. Design Principles](#)

[Policy DQP03. Inclusive Design](#)

[Policy DQP04. Landscape Design](#)

[Policy DQP06. Residential Amenity](#)

[Policy HE01 - The Historic Environment](#)

[Policy CT01. Culture, Leisure and Tourism](#)

[Policy NE01. Protecting designated sites, legally protected and priority species, and priority habitats](#)

[Policy NE02. Biodiversity Gain](#)

[Policy T01. Sustainable Transport Network](#)

[Policy T02. Climate Change and Air Quality](#)

[Policy T03. Accessibility and Development](#)

[Policy T06. Highways Infrastructure](#)

[Policy T07 Car Parking](#)

Further Relevant Documents

Climate Ready Leicester Plan 2023-28

Leicester City Council – Leicester Street Design Guide 2020

The National Heritage List for England

Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

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

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

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

Representations

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

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

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

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

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

The submission has also included letters of support from nearby stakeholders including one from Shockat Adam MP. However, as this was prior to the

application being submitted, it is unclear what form of the application they would have commented on. Therefore, I have not afforded these any weight.

Consideration

Principle of Development

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

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

Development of open space shown on the Policies Map and other open space, such as privately-owned sports pitches and sites below 0.5 ha not shown on the Policies Map, will not be permitted unless:

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

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

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

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

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

Conservation Area, Character & Design

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

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

Residential amenity

Neighbouring properties –

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

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

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

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

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

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

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

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

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

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

Noise -

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

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

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

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

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

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

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

Whilst the Noise Officer was satisfied with the proposed average noise levels, upon reviewing both the initial AAC report, and then the Marbech Report provided by objectors, they raised concerns regarding the maximum (L_{max}) levels. L_{max} contour plots (page 30 of the AAC NIA) show maximum noise levels of between 55–60 dB(A) and 60–65 dB(A) across parts of the rear gardens, with most areas falling within the 55–60 dB(A) band. AAC's unattended monitoring identified daytime L_{max} levels ranging from 51–76 dB(A), with ten recorded

impact events exceeding 55 dB(A) during the attended monitoring. This indicates that impact noise from authorised existing tennis activity is already present within the local soundscape. However, the frequency of such events is likely to increase due to the nature of padel.

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

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

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

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

Lighting –

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

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

Highways and Parking

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

Sustainable Design and Drainage

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

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

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

Nature conservation/Trees/landscaping

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

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

hedgehog boxes are included within the LEMP and will improve habitats on the site.

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

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

Other matters

Impact upon views and property values are not material planning considerations.

Conclusion

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The external elevations and roof of the development shall be constructed in facing materials outlined in the approved plans and shall be retained as such. (In the interests of visual amenity, the character and appearance of the Stoneygate Conservation Area, and in accordance with Leicester Local Plan 2026 policies DQP01 and HE01.)
3. Prior to occupation of the development the acoustic wall shall be installed in full accordance with the details set out in the approved plans and of the Noise Assessment by AAC received by the local planning authority on the 5th of May. The wall shall be maintained at the same minimum acoustic performance throughout the lifetime of the development. (In the interests of the amenity of occupiers of neighbouring properties and in accordance with Leicester Local Plan 2026 policy DQP06.)
4. The courts hereby approved shall not be used outside the hours of 08:00 to 20:00. (To ensure acceptable levels of noise and in the interests of residential amenity for neighbouring residents and to reduce potential harm to protected species in accordance with 2026 Local Plan policy DQP06.)
5. Prior to the occupation of the proposed development, details of lighting shall be submitted to and approved by the Local Planning Authority. The lighting shall be installed in accordance with these details and retained as such. No lighting shall be used outside the hours of 08:00 to 20:30 daily (To ensure acceptable levels of lighting, in the interests of visual amenity

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

6. Prior to the works above slab level, full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No dwelling shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in full accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with Leicester Local Plan 2026 policy CCFR05.)
7. Prior to the works above slab level, details of drainage shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the drainage has been installed in full accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with Leicester Local Plan 2026 CCFR05.)
8. Prior to the occupation of the proposed courts, a detailed Landscape and Ecological Management Plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting (including those to the acoustic wall), including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments if changing; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots), (viii) a detailed plan of the biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction, ix) details of the make and type of [2]x swift bird boxes and [2] x bat boxes to be erected on the building and [2] hedgehog boxes under the guidance and supervision of a qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity and to enhance biodiversity on site in accordance with policies DQP04, NE01 and NE02).

9. The development shall be carried out in full accordance with the following approved plans:
- 649 - 100, Proposed Plan, Revision D, Received 5 May 2026
 - 649 - 101, Proposed Site Section, Revision B, Received 5 May 2026
 - 649 - 102, Proposed Site Elevation - Sheet 1, Revision B, Received 5 May 2026
 - 649 - 103, Proposed Site Elevation - Sheet 2, Revision B, Received 5 May 2026
 - 649 - 104, Proposed Site Elevation - Sheet 3, Revision B, Received 5 May 2026
 - 649 - 105, Proposed Plan, Revision D, Received 5 May 2026
 - 649 - 106, Proposed Section A-A & B-B, Revision B, Received 5 May 2026
 - 649 - 107, Proposed Elevations, Revision B, Received 5 May 2026
 - 649 - 108, Proposed Elevations, Revision B, Received 5 May 2026
 - 649 - 109, Proposed Elevations, Revision B, Received 5 May 2026
 - 649 - 110, Proposed Plan With Dimensions, Revision D, Received 5 May 2026
- (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.
2. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.
Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:
Development below the de minimis threshold, meaning development which:
- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
3. Any development where surface water runoff will be managed through discharge into a public sewer will require approval from Severn Trent Water (STW). It is recommended that STW are consulted regarding the

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

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