

Delegated Report

Planning Ref: 25/00152/FUL

Applicant: Mr D Jinks

Ward: Barlestone, Nailstone and Osbaston

Site: Land adj. 19 Newbold Road Barlestone



Hinckley & Bosworth
Borough Council

Proposal: Erection of 2 dwellings and alterations to the existing access (re-submission of 21/00901/FUL).

1. Recommendations

- 1.1. Grant planning permission subject to:
 - Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application is a full planning application for the construction of two dwellings including alterations to the existing access.
- 2.2. This is a re-submission of application 21/00901/FUL which was granted planning permission in February 2022. This permission has now lapsed and so a new application is required.
- 2.3. The proposal comprises a pair of two storey semi-detached houses, set back a short distance from the highway boundary in a staggered arrangement. The proposed units measure approximately 12.25 metres in width x 10.1 metres in depth with an eaves height of 5 metres and ridge height of 9.5 metres.
- 2.4. There is an existing vehicular access to the site off Newbold Road which is to serve the proposed development. The scheme includes alterations to the access and removal of the existing hedgerow fronting the highway to provide improvements to visibility. Additional parking spaces and a larger turning area is proposed within the site to allow vehicles to enter and leave the site in a forward direction as per the previous permission ref 21/00901/FUL
- 2.5. The surrounding properties facades compose mostly of brick, predominantly under a plain tiled or concrete tiled roof. Additionally, there are a number of properties that have a painted rendered façade.
- 2.6. The application is accompanied by the following reports and documents:
 - Design, Access and Planning Statement
 - Block Plan
 - Site Location Plan
 - Topographical Plan
 - Elevations and Floor Plans
 - Existing and Proposed Street Scenes
 - Preliminary Ecological Appraisal
 - Small sites BNG
 - Planting Plan
 - Ecological Appraisal
 - BNG Metric

3. Description of the site and surrounding area

- 3.1. The site area is 970sq.m approximately. It is currently vacant with the majority of the site being grassland and vegetation. The majority of the surrounding buildings are residential with the village centre being located to the north west of the site.
- 3.2. The existing boundaries of the site are comprised of hedgerow planting, timber fencing, masonry walling. The proposed site has a slight gradient from the north east to the south west, the proposed dwellings will incorporate the existing topography of the site reducing the amount of excavation and infilling required. The proposed site has one access point from Newbold Road, this is an existing access which will require upgrading to current highways requirements.

4. Relevant planning history

- 4.1. 21/00901/FUL - Erection of 2 dwellings and alterations to existing access – APPROVED
- 18/00465/FUL Renewal of the above permission (15/00058/FUL) – APPROVED
- 15/00058/FUL: Erection of 4 dwellings and associated access – APPROVED

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 1 letter of objection has been received from a third party setting out the following concerns:
- The area for the planned development has visibility issues for access/egress to the highway
 - The site is positioned on a bend where there have been numerous near-misses regarding traffic movement
 - This particular area of the village suffers from congestion, poor parking and speeding traffic issues.
 - Careful consideration should be given to the proposal.

6. Consultation

- 6.1. No objection has been received from the following consultees:
- HBBC Environmental Health
 - HBBC Drainage
 - LCC Minerals and Waste
 - Local Highway Authority – subject to conditions
 - Severn Trent Water – subject to condition
 - Barlestone Parish Council
- 6.2. LCC Ecology – Further information required. A working small site metric has been provided for this development scheme. Clarity on the proposed created habitats is required. The post-development scheme indicates 'other neutral grassland' will be created which enables the scheme to achieve in excess of 10% BNG. However, the user comments indicate some of this grassland comprises gardens. If these gardens are private residential, this habitat should be amended from 'other neutral grassland' to 'vegetated garden' as habitat within private gardens cannot be legally secured for 30 years. The BNG metric should be updated to reflect this and landscape scheme amended to account in necessary to address any resulting BNG loss. Prior to commencement of works, a Biodiversity Gain Plan must be submitted, along with a Habitat Management and Monitoring Plan (HMMP) detailing how net gain will be achieved and secured for a period of 30 years.

Further response received September 2025 – No objections subject to conditions.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas: Transport
- Policy 16: Housing Density, Mix and Design

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Barlestone Neighbourhood Plan

- Policy H1- Residential Site Allocations
- Policy H2 – Settlement Boundary
- Policy H3- Windfall Sites
- Policy H4 – Housing Mix
- Policy H6 – Design Standards
- Policy ENV 8 – Biodiversity and Habitat Connectivity
- Policy ENV 9 – Bat Conservation
- Policy ENV 11 – Flood Risk
- Policy TR1 – Traffic Management
- Policy TR2 – Electric Vehicles

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Housing Needs Study (2024)
- Leicestershire Minerals and Waste Local Plan

8. Appraisal

8.1. The following represent the key issues in this case:

- Principle of development
- Design and Layout
- Impact upon highway safety
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity

- Minerals
- Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Barlestone Neighbourhood Plan.
- 8.4. The Emerging Local Plan is due to cover the plan period 2024-2045. The previous public consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS), was published on 06 March 2025 and can be found on the website. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation scheduled for September/October 2025, and the Regulation 19 consultation scheduled for around March/April 2026. Given the early stage of the Emerging Local Plan and outstanding evidence still to be undertaken, the emerging policies are attributed very limited weight.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located on land within the settlement of Barlestone. The proposed access for the site is to be taken from Newbold Road.
- 8.6. Barlestone is defined as a Key Rural Centre (Stand Alone) and these settlements are considered to be the most sustainable and able to accommodate additional development outside of the Hinckley Urban Area.
- 8.7. Policy H1 of the Barlestone Neighbourhood Plan allocates three sites for residential development. The application site is included within the boundary for Site 2, however, the written description of the allocation includes only the land behind 11-19 Newbold Road for 5 residential units which is the separate development to the rear. The allocation does not therefore strictly apply to this development.
- 8.8. Policy H2 of the Barlestone Neighbourhood Plan states that:

'Development proposals on sites within the Settlement Boundary will be supported where they respect the character of that area of Barlestone and comply with other Plan policies. Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.'
- 8.9. This proposal accords with Policy H2 of the Barlestone Neighbourhood Plan, as the site is located within the settlement boundary for Barlestone and is in close proximity to shops and services.

8.10. Policy H3 regarding windfall site also supports small residential development within the Settlement Boundary subject to the housing mix, highway and design grounds. These matters are assessed below.

8.11. The principle of development is therefore considered to be acceptable.

Housing land supply and housing mix

8.12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.13. The Planning Policy team are currently reviewing the revised NPPF and implications for the Council's Five Year Housing Land Supply. A revised position will be published once the monitoring for the 2024/25 year has been completed. It is however very likely that, with the revised housing need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five Year Housing Land Supply once the revised position is published.

8.14. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. In accordance with paragraph 11d) of the NPPF, the Council should grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

8.15. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

8.16. Paragraph 61 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.

8.17. Paragraph 79 of the NPPF sets out that:

“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;

- where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 78 of this framework, in addition to the requirement for an action plan.

- where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”

- 8.18. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.19. Policy H4 of the Barlestone Neighbourhood Plan states that new development should provide for a mixture of housing types having regard to identified local housing needs. The provision of bungalows suitable for elderly people and dwellings of 2/3 bedrooms will be particularly supported. The inclusion of four-bedroom or larger houses in housing developments will be supported where they are subservient in number to one, two and three-bedroom accommodation and where there is a proven housing need.
- 8.20. The plans submitted with the application illustrate that the properties are 2 bedroomed semis with a third small room/office. These dwellings are considered to meet the local housing need identified within the Neighbourhood Plan and therefore are deemed acceptable in this regard.

Design and Layout

- 8.19. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.20. Paragraph 139 of the latest NPPF states that:
- ‘Development that is not well designed should be refused. Significant weight should be given to:*
- Development which reflects local design policies and government guidance on design, taking into account any local design guidance and SPDs such as design codes and/or*
 - Outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’*
- 8.21. Design objectives for Barlestone within the Council’s Design Guide SPD are as follows:
- Protect the main approaches to the village with the visual links to the countryside, exploring ways of reintroducing more traditional rural and agricultural vernacular forms.
 - Protect the landscape setting of the church, and the dispersed form/character of Church Farm and its outbuildings.
 - Avoid extensions to ribbon development along main routes such as Newbold Road.
 - Reintroduce more traditional built form into the village core, along areas such as Main Street, reflecting the historic precedent for smaller-scale vernacular cottages and picking up on important detailing from surviving structures such as the Methodist chapel.”
- 8.22. Policy H6 of the Barlestone Neighbourhood Plan states that development proposals will be supported where they meet the following nine design principles to a degree that is proportionate to the scale of the development:
- a) Proposals should respect the character and historic context of nearby existing development within the village. Proposals should demonstrate how they meet the design features as described in the Character Assessment (Appendix 5) and incorporate local

materials where practicable. Contemporary and innovative materials and design will be supported where positive improvement can be demonstrated without detracting from the historic context. Care should be taken to ensure that the development does not disrupt the visual impact of the street scene or adversely affect any wider landscape views;

b) Sufficient off-road parking should be provided at a minimum of the standards in the Leicestershire Highways Design Guide. In particular, there should be adequate parking areas for residents and visitors within each development;

c) The proposal does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise;

d) Proposals should be enhanced by landscaping with existing trees, protecting existing trees and hedges whenever possible to promote biodiversity. Where watercourses (either man-made or natural), dry ditches, or other water drainage exists, these must be retained. Wherever practicable, plots should be enclosed by native hedging, wooden fencing or walls in keeping with the local style;

e) Development should incorporate sustainable design and construction techniques, to a minimum of the standards contained within the relevant Building Regulations in force at the time of development and proportionate to the scale of the development, to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology such as solar panels and rainwater harvesters;

f) Proposals should provide species friendly features, such as holes in fencing for hedgehog movements and bat boxes as required with roof and wall construction following technical best-practice recommendations for integral bird nest boxes and bat breeding and roosting sites;

g) Development should incorporate sustainable drainage systems such as use of water butts, permeable surfaces and balancing ponds to retard surges and to minimise the vulnerability to flooding and poor drainage. All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate;

h) The lighting design, location, type, lux levels of development proposals should take account of best practice including advice from the Institute of Lighting Professionals;

i) Development proposals should make appropriate provision for the storage of waste and recycling.

8.23. The proposed dwellings will comprise design features including chimneys, arched brick headers, plinth brick cills and corbelled brick eaves detailing that are characteristic of the adjacent terrace together with the addition of entrance canopies.

8.24. The scale of residential development will be 2-storey, reflecting the surrounding built form of Barlestone and the existing dwellings which surround the site.

8.25. These proposed units are considered to be well related to, and have a similar height to, the existing two storey terraces immediately to the north west fronting onto Newbold Road and will complement the street scene.

8.26. Overall, the proposal is considered to be acceptable with respect to design and layout considerations and accords with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, Policy H6 of the Barlestone Neighbourhood Plan and the design requirements set out within the NPPF.

Impact upon highway safety

8.27. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance

adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.28. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. Paragraph 116(e) of the NPPF also states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.29. Paragraph 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.30. The local highway authority have been consulted on this application.
- 8.31. Access to the site is proposed off Newbold Road, a C classified road, subject to a 30mph speed limit. Site access details are provided as part of the application submission and remain the same as the site access arrangements accepted by the LHA as part of previous applications at the site.
- 8.32. Based on available records, there have been no recorded Personal Injury Collisions along Newbold Road within the vicinity of the site access during the last five years. On this basis, the proposals are unlikely to exacerbate an existing highway safety concern.
- 8.33. Two parking spaces are proposed for each 2/3 bed dwelling, as per the previous proposals, which is considered acceptable to the LHA.
- 8.34. A condition was requested requiring EV charging points, however, the condition was disputed by the applicant due to implementation issues. This is due to the vehicular parking spaces being positioned too far away from the dwellings. In this case whilst if carefully planned the distance is not prohibitive, the proposal is not unacceptable despite a lack of charging points. Subject to conditions, this application is considered to be acceptable in highway safety terms and compliant with relevant development plan policies and the requirements of the NPPF.

Impact upon neighbouring residential amenity

- 8.35. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.36. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.37. Paragraph 135 (f) of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.38. Paragraph 198 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the

potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 8.39. The Council's Environmental Health Team have been consulted on the application and raise no concerns or objections.
- 8.40. Garden amenity space is provided for the proposed properties on site and these are of an adequate size relative to the size of the dwelling. Separation distances where properties are designed in a 'back to back' arrangement are considered to be acceptable with respect to privacy and overlooking considerations and comply with the requirements of the Good Design Guide SPD. However, it is considered to prudent in this instance to remove permitted development rights for these dwellings in order to ensure that if extensions or alterations are sought in the future, the local planning authority can assess the residential amenity impact and have control over window positioning, size and height of any changes proposed by future occupiers.
- 8.41. Therefore, subject to conditions, this application is considered to be acceptable in amenity terms and in compliance with Policy DM7, Policy DM10 a and b of the SADMP, Policy H6 of the Barlestone Neighbourhood Plan, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 8.42. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.43. Policy ENV 11 of the Barlestone Neighbourhood Plan states that development proposals should demonstrate that:
- a) The proposal demonstrates resilience to future climate-change-driven flood risk during the lifetime of this Plan and beyond;
 - b) The location takes geology, flood risk from rivers, other watercourses and surface water into account;
 - c) A hydrological study, whose findings must be complied with in respect of design, groundworks and construction, is carried out;
 - d) The design includes, as appropriate, Sustainable Drainage Systems, other surface water management measures and permeable surfaces; the appropriate discharge of surface water is key to mitigating the risk of flooding as a result of development and the impacts of climate change;
 - e) The development does not increase the risk of flooding downstream;
 - f) The development is not in an area of land likely to be required for future flood resilience, whether by 'rewilding' or infrastructural works.

Proposals for flood risk resilience and mitigation infrastructural works, including landscaping for attenuation in the floodplain, roadside culverts, etc. and for natural mitigation measures (watercourse 'rewilding', tree planting, etc.) will be supported.

- 8.44. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere
- 8.45. The Council's drainage team have raised no objections to the proposals and no conditions have been requested in respect of flooding or drainage matters.
- 8.46. Therefore the proposal is considered to satisfy Policy DM7 of the SADMP, Policy ENV 11 of the Neighbourhood Plan and the requirements of the NPPF.

Ecology and Biodiversity

- 8.47. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management.
- 8.48. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.49. The Barlestone Neighbourhood Plan includes a number of policies relating to ecology and biodiversity – Policy ENV 8 and ENV 9. These policies seek to safeguard all significant habitats and species and improve habitat connectivity.
- 8.50. LCC Ecology were consulted on the application. Further information was requested. A working small site metric was provided for this development scheme, but clarity is required on the proposed created habitats. The post-development scheme indicates 'other neutral grassland' will be created which enables the scheme to achieve in excess of 10% BNG. However, the application indicates that some of this grassland comprises gardens. If these gardens are private residential, this habitat should be amended from 'other neutral grassland' to 'vegetated garden' as habitat within private gardens cannot be legally secured for 30 years. The BNG metric should be updated to reflect this and landscape scheme amended to account in necessary to address any resulting BNG loss.
- 8.51. Further information was subsequently provided by the applicant. The Ecology Team has stated that the mitigation measures identified in the revised Ecological appraisal and Biodiversity Net Gain Statement (Alca Ecology, August 2025) should be secured by a condition and implemented in full. This is necessary to conserve and enhance protected and priority species particularly those recorded in the locality. The LCC Ecology Team are now satisfied that submitted information is sufficient to approve the application subject to conditions set out at the end of this report.
- 8.52. Therefore, this application is considered to be acceptable with respect to ecological matters and is considered to be in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, Policies ENV8 and ENV 9 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

Minerals

- 8.53. The Minerals and Waste Team at LCC were consulted on this application as part of the consultation process and raise no objections. They stated that the development site lies within a mineral consultation area for sand and gravel. However, given the nature and scale of the proposed development and its location well within the urban environment, prior extraction of minerals would be unfeasible, and any adjacent underlying mineral would already be sterilised by the built development within the area.
- 8.54. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

Planning Balance

- 8.55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.56. The application site is located on land within the settlement of Barlestone. The proposed access for the site is to be taken from Newbold Road.
- 8.57. Further information was requested and subsequently provided by the applicant with respect to ecological requirements and BNG.
- 8.58. The proposal accords with development plan policy and is considered to be a suitable and acceptable form of development.
- 8.59. There are not considered to be any material planning considerations to warrant refusal of this application.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officer have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

- 10.1 **Approve Planning Permission subject to Conditions.**

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted application details, as follows:

- Site Location Plan Drawing No 14.127.OS

- Block Plan Drawing No 14.127.BP
- Existing, Proposed Street Scene, Sections, Wider Site Plan, Sheet 1 of 2 Drawing No 14.127.04B
- Proposed Floor Plans and Elevations Sheet 2 of 2 Drawing No 14.127.05

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016.

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Planning Drawing - Sheet 1 of 2 Site Plan drawing number 14.127.04 B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Planning Drawing - Sheet 1 of 2 Site Plan drawing number 14.127.04 B. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.

6. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.

7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.

8. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until a scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

9. All windows provided to bathrooms and en-suites for each dwelling hereby approved shall be glazed in obscure glass before the dwelling is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To help safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

10. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A – E of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the local planning authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

12. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological appraisal and Biodiversity Net Gain Statement (Alca Ecology August 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may/will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended). In accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, Policies ENV8 and ENV 9 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

13. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the revised Ecological appraisal and Biodiversity Net Gain Statement (Alca Ecology, August 2025), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, priority and threatened species in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, Policies ENV8 and ENV 9 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

14. Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, Policies ENV8 and ENV 9 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

Informatives:

Development Low Risk Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

IMPORTANT: Biodiversity Net Gain Plan Condition

The development is subject to the mandatory "biodiversity gain condition". A Biodiversity Gain Plan must be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of this development.

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply, these are listed below. However, based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

You should submit an application to discharge the Biodiversity Gain Plan condition to Hinckley and Bosworth Borough Council using a discharge of conditions application form. The current application fee is £145.

Further guidance on the submission of the Biodiversity Gain Plan can be found [here](#).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 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).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.