

Delegated Report

Planning Ref: 24/01124/FUL
Applicant: Mr David Richardson
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Barwell Constitutional Club, 20 Chapel Street, Barwell

Proposal: Erection of 2no. two storey dwellings (revised scheme of 23/00716/FUL)

Case Officer: Ashleigh Gade (Senior Planning Officer)

1. Recommendations

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

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the erection of two, two-storey, three-bedroom semi-detached dwellings at Barwell Constitutional Club, 20 Chapel Street, Barwell.
- 2.2. The proposed semi-detached dwellings would share a new access point from Chapel Street, central to the front boundary. Each dwelling is provided with two off-street parking spaces. These parking spaces are located to the front of the dwelling on Plot 1 adjacent the north-western side boundary and to the side of the dwelling on Plot 2 parallel to the south-eastern side boundary.
- 2.3. The proposed plots have long rectangular shapes with some deviation of the boundary to the rear between Plots 1 and 2 to balance rear garden sizes.
- 2.4. The proposed semi-detached dwellings have a width of 5.73 metres and depth of 14.52 metres per dwelling, for a total combined footprint across both dwellings of 116.67 square metres. The dwellings have a gable main roof form and a flat-roof rear living room area with triangular roof lanterns. The proposal has an eaves height of 5 metres and a ridge height of 8 metres.
- 2.5. The proposed dwellings are to be constructed of red facing brick, blue-black slate roof tiles, and white uPVC windows and composite white doors with composite stone cills and headers.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary and local centre area of Barwell. The land has historically been associated with the Barwell Constitutional

Club and previously served as outdoor amenity space associated with the Constitutional Club.

- 3.2. The application site comprises overgrown vegetation with some miscellaneous debris toward the rear of the land. The existing boundary treatments comprise metal fencing to the front, north-western side and rear boundaries of the site and wooden fencing to the south-eastern side boundary.
- 3.3. The proposed access to the site is from Chapel Street which is an adopted and unclassified road subject to a speed limit of 30mph. This section of Chapel Street is one-way traffic with parallel parking on the western side.
- 3.4. To the north-west of the site is the Barwell Constitutional Club building and Stanley Street Car Park. The Constitutional Club building is a two-storey white painted brick and rendered building with a tiled roof that has a number of smaller scale additions to the rear. The side elevation of the Constitutional Club comprises blank two storey walls with numerous attached air conditioning units.
- 3.5. To the south-east of the site is the only residential property immediately adjacent to the application site. The existing dwelling at 30 Chapel Street is a two-storey detached dwelling of brick construction with white render on the first floor of the principal elevation. The dwelling has previously been extended to the front.
- 3.6. To the north of the site, across Chapel Street, is Barwell Methodist Church. To the south of the site is the George Ward Community Centre.
- 3.7. The character of the surrounding area is varied, though buildings are typically rendered or have red facing brick, and most have grey tiled roofs. The dwellings in the surrounding areas are typically terraced, with some isolated examples of semi-detached or, less frequently, detached dwellings. The roof forms of dwellings in the locality are typically gabled.

4. Relevant Planning History

4.1 23/00716/FUL

- Proposed 3no. residential dwellings with associated vehicular access, parking, amenity space and other works
- Refused
- 29.04.2024

The application was refused based on poor residential amenity for future occupiers of the proposed dwellings. The reason for refusal stated:

1. The development is not judged to meet the standards of good design and represents overdevelopment of the site, leading to adverse impact upon the amenity of future residents through the relationship between Plots in terms of over dominance and enclosure. Therefore, the development is not in accordance with Section 12 and Paragraph 135 of the National Planning Policy Framework, Policy

DM10 of the Site Allocations and Development Management Policies DPD, Policy 22 of the Earl Shilton and Barwell Area Action Plan and the Good Design Guide.

It is noted that the refusal was appealed following determination. The appeal was dismissed by the Inspector on 28.10.2024 based on the harm of living conditions for future occupiers of the development outweighing the moderate benefits of the proposal.

4.2 21/10167/PREHMO

- Erection of five single storey dwellings with associated parking and amenity space
- Response confirmed that residential development was acceptable in principle, subject to design and management of amenity impacts.
- 23.08.2023

4.3 02/00480/COU

- Change of use from vacant land to amenity area in connection with adjacent licensed club
- Planning Permission
- 19.06.2002

5. Publicity

5.1 The application was first publicised by sending out letters to local residents and the posting of a site notice within the vicinity of the site in January 2025.

5.2 A total of two responses were received from individual addresses to the first publication of the proposal. One response objected to the proposal and one response neither supported nor objected to the proposal.

5.3 The responses received from the address in objection to the proposal are summarised below:

- The development will have serious impact on amenity and lighting, leading to severe deterioration in our quality of life and mental wellbeing.
- Development breaches minimum separation distances between neighbouring habitable room windows and brick walls/rooflines.
- Concerns regarding proximity of plot 2 to neighbouring boundary line and a number of principal habitable room windows on the neighbouring western aspect.
- The developer has not shown the neighbouring western windows on the drawings so that relevant positioning can be easily determined.
- The proposal would result in loss of light to numerous windows due to high pitched roofs and have an overbearing view as the pitched roof would loom neighbouring line of sight from habitable room windows.
- The neighbouring study window would have no outlook and no access to any form of skylight or daylight.

- The statement from the appeal decision dated 28.10.2024 "...the harm to living conditions arising from the poor outlook and light would mean that the proposed development would fail to provide a high standard of amenity for its future occupiers which is an aim set out in the NPPF" applies to the impact plot 2 would have on the existing neighbouring dwelling.
- The proposal is contrary to the Good Design Guide Section 4 – New Residential Development and Infill/Backland sites which requires "at a minimum, it will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise."
- The proposal contravenes the 25-degree test under the BRE29 document guidance and also the 45-degree tests; horizontal and vertical.
- The proposal cannot adequately meet the principles of DM10(a) of the SADMP.
- Plot 2 will overshadow the neighbouring dwelling's private garden and outdoor seating area immediately outside the dwelling's lounge window which will give a sense of overbearing and being closed in.
- Plot 1 would have insufficient amenity for future occupiers as it has a lounge window facing a two-storey elevation of the club, a design which has been deemed unacceptable by the appeal decision.
- Plot 1 has large patio doors that open out onto the seating and smoking area of the club which will be noisy.
- Plot 1 fails the 45-degree ruling to the side wall of the club. Plot 1 has patio doors which fall within 45-degrees of Plot 2. Plot 2 has a northern aspect window which breaches the 45-degree rule to Plot 1 and again from the western elevation bedroom window to Plot 1.
- The site has few permeable surfaces and areas of landscaping. Request results and approval of an appropriate sustainable drainage scheme to show there is appropriate drainage to the site.
- Concerns regarding impact on sight lines when leaving neighbouring driveway due to proposed hedge and positioning of cars close to neighbouring boundary which could obscure pedestrians from view.
- Request consideration be given to how and where construction vehicles and staff would gain access to the site without causing a highway hazard and adding additional parking issues for local residents.
- Request that controlled hours of operation are enforced.

5.4 The response received from the address neither objection nor supporting the proposal is summarised below:

- No objection subject to a condition that no work associated with the construction of the development, other than internal work inaudible at the site boundary, take place on any Sunday (to prevent noise affecting Sunday services at Barwell Methodist Church).

5.5 The application in its originally publicised form was for two detached bungalows. The proposal was subsequently amended in February 2025 and re-publication was withheld at this point due to discussions between the Applicant and the LPA confirming that further amendments would follow.

- 5.6 The submission of a fully revised set of documentation was received by the LPA on 26 September 2025. The amended plans and documentation received 26 September 2025 altered the proposal to its currently proposed form; the erection of 2 no. two storey semi-detached dwellings.
- 5.7 The application was thereafter re-publicised in its amended form by sending out letters to local residents and the posting of a site notice within the vicinity of the site in October 2025.
- 5.8 A total of two responses from individual addresses were received to the re-publication of the amended proposal. Both responses objected to the scheme.
- 5.9 It is noted that the responding address that neither objected nor supported the application following the first publication did not respond to the re-publication, and the second objection received during re-publication was from a new respondent.
- 5.10 In summary, across the two publications of the application a total of three responses from individual addresses were received. Of these, two responded in objection to the proposal and one responded neither in objection nor support of the proposal.
- 5.11 The responses received in objection to the proposal following re-publication are summarised below:
- The application is better design than the previous however the space available would be better served by one single dwelling.
 - This will take up valuable parking spaces for other people in the street. Parking is already difficult and having a plan that appears to reduce parking by several cars is not acceptable to residents of the street.
 - If only one car space was lost the plan could be viable.
 - The plan disregards the needs of the majority of the street who live in terraced housing and need to park on the street.
 - Being two storey instead of the original single storey means more chance of the neighbouring house being overlooked.
 - The development will have serious impact on amenity and lighting to the neighbouring dwelling, leading to a severe deterioration in quality of life and mental wellbeing.
 - Concerns regarding the proximity of the plots to the boundary with the existing dwelling and subsequently to a number of principal habitable room windows on the neighbouring dwelling's western aspect.
 - The revised plans show the proposed plots will block every single window on the neighbouring dwelling's western elevation with two being principal windows to habitable rooms and in very close proximity.
 - The positioning of the trees along the fence with the neighbouring dwelling would further reduce light unless maintained to a certain height. The previous hedge when it grew above 8ft in height resulted in huge loss of light into the study window.

- The development would have a significant adverse effect on the neighbouring dwelling's access to daylight. Certain western elevation windows to the southern end of the neighbouring dwelling would also overlook into the immediate garden space of the nearest plot and possibly directly into the home via the skylight to the rear of the property.
- The development breaches guidelines set out in the Good Design Guide Section 4 – New Residential Development and Infill/Backland Sites: "...at a minimum, it will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise."
- The development contravenes the 25-degree test under the BRE29 document guidance and also the 45-degree tests; horizontal and vertical.
- The high pitched roofs would be an overbearing view as the expanse of brick walls and tiles will loom in the line of sight from numerous principal habitable room windows on the neighbouring dwelling, including the ground floor study window and first floor most northern bedroom window.
- The neighbouring study window would have no outlook at all and no access to any form of skylight or daylight. The development would have a tunnelling impact on a room where a great deal of time is spent daily for work purposes and homework for children.
- The development would give a sense of overbearing and being closed in to the neighbouring dwelling particularly with the George Ward Centre already looming to rear of the garden, making the space feel very enclosed.
- The statement from the appeal decision dated 28.10.2024 "...the harm to living conditions arising from the poor outlook and light would mean that the proposed development would fail to provide a high standard of amenity for its future occupiers which is an aim set out in the NPPF" applies to the impact the development would have on the existing neighbouring dwelling.
- The rear western elevation bedroom window on the neighbouring dwelling will look directly into the nearest plots rear garden and possibly into living space via the skylights, giving the young occupant of the room a view of adult private spaces within the proposed property.
- The proposed development cannot adequately meet DM10(a) of the SADMP.
- The proposed development is a blatant disregard and direct breach of private amenity space and separation distances clearly stipulated in the Good Design Guide.
- The proposal will impact sight lines when leaving the neighbouring property due to the proposed hedge close to the boundary which could obscure pedestrians from view.
- The proposed trees are 1 to 1.5 metres distance from the neighbouring dwelling but for these types of trees the recommended distance is more like 7 metres. They are not suitable choices so close to neighbouring foundations.
- Request that consideration be given to how and where construction vehicles and staff would gain access to the site for unloading and parking, without causing a highway hazard and adding additional parking issues for local residents.
- Request that controlled hours of operation be enforced.

- 5.12 It is noted that following the re-publication of the proposal in October 2025 minor amendments were made over two following submissions received by the LPA on 31 December 2025 and 10 February 2026. These amendments involved the flipping of the first-floor internal layout, the increase to one principal elevation window on each dwelling and the additional and subsequent minor relocation of bin collection points for each dwelling adjacent to the internal driveway.
- 5.13 Planning Practice Guidance (PPG) confirms that an application can be amended after it has been submitted. Where an application has been amended, it is at the discretion of the LPA as to whether further publicity and consultation is necessary in the interests of fairness.
- 5.14 The minor amendments made to the proposal in the December 2025 and January 2026 revisions did not fundamentally change the nature or scale of the proposal nor make material changes to its design or layout. In consideration of fairness, the proposal remained substantially consistent with that which neighbours were consulted upon in October 2025.
- 5.15 The previous responses received to publication of the proposal continue to apply and have been taken into consideration by the Planning Officer in coming to the recommendation outlined within this report.

6. Consultation

- 6.1 The application was originally sent to consultees on 7 January 2025. As noted in the previous section of this report, the proposal was subsequently amended. All consultees were therefore re-consulted on the amended proposal on 1 October 2025.
- 6.2 Leicestershire County Council (LCC) Ecology initially requested additional Biodiversity Net Gain (BNG) information from the application, which was subsequently provided. LCC Ecology had no objections to the BNG details provided in the subsequent amended submission and maintained their recommendation regarding the imposition of relevant conditions and informatives.
- 6.3 LCC Highways, the Local Highway Authority (LHA), advised during the initial consultation that the proposal was acceptable in highways terms, subject to the imposition of conditions and an informative.

The LHA noted that the width of the proposed access was acceptable and that the proposal demonstrates sufficient vehicular visibility splays given that Chapel Street is a one-way street. The planting demonstrated on the site plan was permitted provided it would remain below 0.6 metres in height.

The LHA advised that the Applicant would be required to remove and amend the existing white lining delineating on-street parking spaces within the vicinity of the proposed access and may be required to relocate the existing road sign in this area to an appropriate location. This would be addressed as part of post-planning technical approval with the LHA.

The LHA advised that no personal injury collisions had been recorded on Chapel Street in the previous five years.

The LHA confirmed that the number of proposed off-street parking spaces met LHDG requirements, and that the size and layout of the spaces were sufficient for their intended purpose.

The LHA advised that they had no further comments to provide on the amended plans during re-consultation, and that their previous comments continued to apply including the recommended conditions and informative.

- 6.4 Hinckley and Bosworth Borough Council (HBBC) Environmental Services (Pollution) advised that acoustic treatments agreed during assessment of the previous application 23/00716/FUL would be applicable again to this application.

It was confirmed during re-consultation that for the proposal in its current form this would now include: a 3.4 metre high acoustic fence along the western boundary of the site from 1 metre to the front of the front elevation of the dwelling on Plot 1 to 1 metre behind the rear elevation of the Constitutional Club and then reduced to 2 metres for the remainder of the western boundary, a 2 metre high acoustic fence along the full southern boundary, the placement of suitable noise screens around air conditioning units on the side elevation of the Constitutional Club, and acoustic ventilation installed in all bedrooms.

HBBC Environmental Services advised that the full technical details of fencing and ventilation could be submitted in compliance with a suitable worded condition.

- 6.5 HBBC Waste had no objections or comments during initial consultation. Following re-consultation, HBBC Waste advised that the collection point for domestic recycling, garden waste and refuse would need to be from the adopted highway boundary.
- 6.6 HBBC Drainage had no objection to the proposal and provided standard notes for the Applicant on soakaway drainage and permeable paving.
- 6.7 No responses were received from Barwell Parish Council.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 3: Development in Barwell
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 Earl Shilton and Barwell Area Action Plan (AAP) (2014)
- Policy 22: Development and Design
- 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:
- HBBC Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2024)
 - Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

- 8.1. The key issues in respect of this application are:
- Principle of development
 - Housing land supply
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety
 - Impact on ecology and biodiversity

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, 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.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan

Document (SADMP). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF.

- 8.6 Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Nevertheless, in accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.7 The application site is located within the identified settlement boundary and within the identified local centre of Barwell. It is therefore considered that the proposal is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within subsequent sections of this report.

Housing Land Supply

- 8.8 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.9 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.10 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.11 The Planning Policy team have reviewed the revised NPPF and implications for the Council's Five Year Housing Land Supply. As of April 2024, the Council had 5.26 years of housing supply. However, the Council can no longer demonstrate a 5 year housing land supply and the latest figures are expected to show up to 3.95 years of supply as of April 2025.
- 8.12 Given this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.13 Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135 and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.14 The proposed development is for two dwellings. Notwithstanding that the Council is unlikely to be able to deliver a five-year supply of land for housing, the benefits associated with the provision of two residential properties within the application site is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.15 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.16 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.17 The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.
- 8.18 The Good Design Guide states that infill development sites provide a specific set of challenges and opportunities for new development. They provide a jigsaw piece of a wider picture and as such must be carefully considered in relation to their potential impact on their setting. For infill development, building plots should be of similar size and shape to the wider context to allow sufficient space between buildings, and built development should be of similar footprint, plot position and layout to the wider context. Wherever possible, development should respect building lines.
- 8.19 The character of the surrounding area is varied given the local centre location and the mix of commercial, community and residential development in the surrounds.

Most dwellings in the locality are terraced with some examples of semi-detached dwellings and isolated examples of detached dwellings.

- 8.20 The surrounding dwellings along Chapel Street are typically located close to their front boundaries either with limited set back or directly adjacent the pavement. The exception to this is the dwelling immediately neighbouring the application site to the south-east which is set significantly further back on its site than any of the surrounding buildings.
- 8.21 The design of dwellings in the surrounding area is generally comprised of two storey building height with gabled roof forms. Most dwellings are constructed of red facing brick or have rendered principal elevations and have roof tiles in varying colour finishes including red, brown, grey and black.
- 8.22 The application site is neighboured to the north-west by the Barwell Constitutional Club and to the south-east by an existing dwelling at 30 Chapel Street. The Constitutional Club building is a large two-storey building taller than the building at 30 Chapel Street and located directly adjacent the pavement of Chapel Street, while the dwelling at 30 Chapel Street is set back significantly into its site. Both have gabled roof forms and are of brick construction with tiled roofing, though the facing bricks of the Constitutional Club building have been painted.
- 8.23 The proposed development is for the erection of two x two storey semi-detached dwellings. The resulting plots are generally rectangular in shape with some deviation toward the rear to balance rear garden sizes. This is generally consistent with the shape of plots in the surrounding area.
- 8.24 The proposed dwellings are semi-detached and are two-storey with an eaves height of 5 metres and a ridge height of 8 metres. The Street Scene diagram demonstrates that the proposed dwellings will be of a comparable height to the existing neighbouring dwelling at 30 Chapel Street, with a slight increase in height to mark the transition between these buildings and the much taller Barwell Constitutional Club.
- 8.25 The proposed dwellings are set back from the front boundary to match the building line of the existing dwelling at 30 Chapel Street. It is noted that alternative sitings to transition evenly between the deeper setting of 30 Chapel Street and the Constitutional Club building, or to match the Constitutional Club building line would have introduced additional residential amenity impacts.
- 8.26 Therefore, notwithstanding that the remainder of the street scene is set close to the pavement adjacent Chapel Street, it is considered appropriate that the proposed dwellings reflect the building line of 30 Chapel Street as the sole residential neighbour.
- 8.27 The proposed semi-detached dwellings are of brick construction with red facing brick. The building has a slate tiled roof with a gable roof form. The principal elevation of the building includes window headers that reflect the architectural details of terraced

buildings in the wider surrounds along Chapel Street. The windows and doors of the dwellings are to be white.

- 8.28 The proposed boundary treatments for the development have not been confirmed in full at this stage. Nonetheless, it is known that a form of acoustic fencing will be required between 3.4 metres and 2 metres in height along the north-western side boundary and at 2 metres in height along the rear boundary. The plans also indicate that new 1.8 metre fencing will be installed between proposed Plot 1 and 2, and that existing 1.8 metre fencing along the south-eastern boundary will be retained where possible and replaced where necessary. The final details of these treatments can be secured by condition.
- 8.29 It is therefore considered that the proposal sufficiently responds to the context of its surroundings as an infill site and is of a layout, scale and design that complements the character of the surrounding area in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Residential Amenity

- 8.30 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.31 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.
- 8.32 The Good Design Guide outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.33 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8 metres from the blank side of a single storey neighbouring property, this rises to 14 metres for a two-storey property. The separation distance between two principal habitable room windows should be a minimum of 21 metres. The Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.34 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size and shape.
- 8.35 The site neighbours Barwell Constitutional Club which is a use with the potential to cause noise disruption to future occupiers of the proposed dwellings. The site also

neighbours the George Ward Community Centre to the rear. Furthermore, the Constitutional Club building has air conditioning units mounted on its side elevation which would be located directly adjacent to the proposed dwelling on Plot 1.

- 8.36 To mitigate these potential impacts from surrounding uses, Council's Environmental Health Officer has advised that acoustic fencing will be required from 3.2 metres to 2 metres in height along the north-western side boundary and at 2 metres in height along the southern rear boundary. The proposal will also need to provide ventilation to all bedrooms. The existing air conditioning units on the side elevation of the Constitutional Club will need to be fitted with suitable noise screens. The final details of these mitigation measures are to be secured by condition.
- 8.37 The proposed dwelling on Plot 1 would neighbour the existing Barwell Constitutional Club building. It would have two principal habitable room windows on its principal elevation and three to the rear. It would have a secondary habitable room window and non-habitable room bathroom window on its side elevation, facing the side elevation of the Constitutional Club.
- 8.38 The two principal habitable room windows on the principal elevation of the Plot 1 dwelling would be impacted at a 45-degree angle by the Constitutional Club building. At the point where the 45-degree angle would reach the Constitutional Club building, the building has a single-storey massing that raises to two-storey where it meets the original main two-storey building adjacent Chapel Street.
- 8.39 The proposal has been amended to reduce the number of habitable rooms facing this elevation, and to place the first floor ensuite bathroom in the most impacted position to reduce amenity impacts to habitable room windows.
- 8.40 The principal habitable room windows on the principal elevation of Plot 1 are therefore separated from the two-storey section of the Constitutional Club building by 6 metres for the ground floor living room and 11 metres for the first-floor bedroom at the 45-degree angle.
- 8.41 It is otherwise considered that outlook from these windows over the wide frontage of the site to Chapel Street would be of acceptable quality and distance, notwithstanding the interruption to the right of sightlines by the Constitutional Club building. It is further noted that the 45-degree angle and location of the neighbouring building in this instance is toward the north, where it is considered the least amount of natural light ingress would originate from. There is no interruption to light ingress from the east.
- 8.42 It is further noted that while sufficiency against the 45-degree rule is best practice, its application within the Council's Good Design Guide is only specified for residential extensions to existing properties.
- 8.43 The proposed rear habitable room windows for Plot 1 exceed the required separation distance from the Community Centre to the rear and are adjacent no neighbouring buildings at a 45-degree angle.

- 8.44 The proposed dwelling on Plot 2 would neighbour an existing dwelling at 30 Chapel Street. It would have two principal habitable room windows on its principal elevation and three to the rear. It would have a secondary habitable room window and non-habitable room bathroom window on its side elevation, facing the north-western side elevation of the dwelling at 30 Chapel Street.
- 8.45 The existing dwelling at 30 Chapel Street has four windows along its north-western side elevation, facing the proposed dwelling at Plot 2. As per plans and details available to the LPA from planning application 17/00388/HOU and 03/00675/FUL these windows are secondary bedroom windows, a bathroom window, and on the ground floor the window to an ancillary gym room.
- 8.46 The permission for 17/00388/HOU approved an extension to the front of the dwelling at 30 Chapel Street which allowed for the integral garage to be brought forward. To the rear of this, the gym room was proposed with a side elevation window. The resident of the dwelling at 30 Chapel Street states that this room is now used as a study rather than as a home gym.
- 8.47 The existing ground floor window on the side elevation of 30 Chapel Street would be separated from the two storey wall of the proposed dwelling on Plot 2 by 6.2 metres. This is in shortfall of the separation distances typically sought for habitable room windows, though it is noted that the proposal has maximised the separation distance from this boundary within the confines of the existing plot width.
- 8.48 Notwithstanding this shortfall, it is noted that the neighbouring window is already heavily impacted by the existing boundary fencing. The separation distance from the window to the existing boundary fencing is less than 1 metre and its near-total coverage by the existing boundary fencing would already severely restrict light ingress.
- 8.49 It is not considered that at a separation distance of 6.2 metres the two-storey form of the proposed dwelling would significantly increase the restriction to outlook or light that already exists to the neighbouring ground floor window.
- 8.50 The two principal habitable room windows on the principal elevation of the Plot 2 dwelling would also be impacted at a 45-degree angle, though at increased distance than those on Plot 1. It is therefore considered that they would also remain sufficient outlook and access to light from the eastern orientation as outlined earlier in this section with regard to Plot 1.
- 8.51 The proposed rear habitable room windows for Plot 2 exceed the required separation distance from the Community Centre to the rear and are adjacent no neighbouring buildings at a 45-degree angle.
- 8.52 It is further noted that the proposal does not impact the 45-degree angle on the principal or rear elevation principal habitable room windows of the existing neighbouring dwelling at 30 Chapel Street.

- 8.53 To comply with the Good Design Guide, three-bedroom dwellings should provide a minimum of 80 square metres of private outdoor amenity space with a minimum length of 7 metres.
- 8.54 Both dwellings provide sufficient size and depth of private outdoor amenity space to exceed the requirements of the Good Design Guide.
- 8.55 To support the residential amenity of future occupiers of the scheme, Section 4 of the Good Design Guide seeks to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) wherever possible.
- 8.56 The NDSS requires that a three-bedroom, two-storey dwelling provide 93 square metres of internal floor space and 2.5 square metres of built-in storage space. All dwellings with two or more bedrooms should provide at least one double bedroom. The NDSS requires that double bedrooms have a floor area of at least 11.5 square metres and a minimum width of 2.75 metres for the first double bedroom and of 2.55 metres for every other double bedroom thereafter. For single bedrooms, the NDSS requires a floor area of at least 7.5 square metres and a minimum width of 2.15 metres.
- 8.57 The proposal demonstrates sufficient dimensions and space in each dwelling for two double bedrooms and one single bedroom. The overall floor area of each dwelling exceeds the minimum overall floor area and built-in storage requirements of the NDSS.
- 8.58 It is therefore considered that on balance and given the site-specific context the proposal would not result in significant adverse impacts to residential amenity of neighbouring properties or to future occupiers of the scheme in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.59 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.60 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.61 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety,

and that the residual cumulative impacts of development on the transport network are not severe. Policy DM18 of the SADMP requires that new development provide an appropriate level of parking provision.

- 8.62 All proposals for new development should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Currently, this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.63 Table 13 of the LHDG requires that an access serving 2-5 dwellings have a width of 4.25 metres for a minimum distance of 5 metres behind the highway boundary. Table 6 of the LHDG outlines the minimum visibility distance that must be achieved by visibility splays, which is 43 metres where 85th percentile speeds are measured between 26-30mph.
- 8.64 The proposed access from Chapel Street is to serve both proposed dwellings. It has a width, distance beyond the highway boundary, and vehicular visibility splays in accordance with Tables 6 and 13 of the LHDG. The LHA have confirmed that pedestrian visibility splays for the proposal will be acceptable where the proposed landscape planting at the front of the site is maintained at a maximum height of 0.6 metres.
- 8.65 The LHA have advised that there have been no Personal Injury Collisions (PICs) recorded on Chapel Street within the past five years.
- 8.66 Table 28 of the LHDG requires that dwellings with up to three bedrooms provide a minimum of two off-street parking spaces. The LHDG requires that parking spaces have minimum dimensions of 2.4 metres in width by 5.5 metres in depth, and an additional 0.5 metres in width is required if the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side and an additional 1 metre in width where the space is bounded on both sides.
- 8.67 Should parking be proposed in a tandem arrangement, the LHDG requires that the length of each space provided be increased to 6 metres. Only the first two tandem parking spaces will count toward required minimum parking standards.
- 8.68 Both proposed dwellings are provided with two off-street parking spaces. Plot 1 is provided with two side-by-side parking spaces to the front of the dwelling, adjacent to the north-western side boundary. Plot 2 is provided with two tandem parking spaces to the side of the dwelling, parallel to the south-eastern side boundary.
- 8.69 The LHA have confirmed that the proposed parking spaces meet size and layout requirements, with the exception that they do not demonstrate additional 0.5 metre buffer zones to the sides which are bound by a wall, hedge, fence, or similar. Notwithstanding this, the LHA are satisfied that the space provided is sufficient for its intended purpose.
- 8.70 It is therefore considered that the proposal would not create an unacceptable impact on highway safety or the wider road network in accordance with Policies DM17 and DM18 of the SADMP, and the requirements of the LHDG.

Impact on Ecology and Biodiversity

- 8.71 Paragraph 193 of the NPPF confirms that where significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.72 Policy DM6 of the SADMP states that developments must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.73 The application is subject to statutory Biodiversity Net Gain (BNG) requirements. The BNG statutory framework has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Notwithstanding this, the Planning Practice Guidance (PPG) is clear that BNG is a material consideration and that when determining a planning application LPA's need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.
- 8.74 The Applicant submitted BNG information demonstrating that the development would result in a deficit of BNG units on site. The Applicant has confirmed that off-site credits will be purchased to meet the required 10% net gain.
- 8.75 LCC Ecology had no objection to the provision of off-site credits.
- 8.76 The development will be subject to the mandatory Biodiversity Gain Plan condition.
- 8.77 It is therefore considered that the proposal complies with Paragraph 193 of the NPPF and Policy DM6 of the SADMP.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) 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 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report

11.2 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 complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Proposed Block Plan, Site Location Plan, Drg No. HPD011 Rev D
- Proposed Elevations and Floor Plans, Drg No. SD01 Rev C
- Proposed Roof Plan, Typical Section and Illustrative 3D Views, Drg No. SD02 Rev C

All received by the Local Planning Authority on 10.02.2026.

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

3. The materials to be used on the proposed development shall accord with the information as detailed on the Proposed Elevations and Floor Plans, Drg No. SD01 Rev C (submitted: 10.02.2026).

Reason: To ensure that the development has a satisfactory external appearance in accordance 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 Houseplans Direct Drawing No. HPD01/1 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 the National Planning Policy Framework (2024).

5. Notwithstanding the submitted plans, the proposed access shall be surfaced in a bound material for a distance of at least 5 metres behind the highway boundary with a 5.5 metre dropped crossing. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

6. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the unexpected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2024).

7. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2024).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Houseplans Direct Drawing No. HPD01/1. Thereafter, the onsite parking and turning provision shall be kept available for such uses 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 the National Planning Policy Framework (2024).

9. No development shall take place until a biodiversity enhancement plan has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) 13cm x 13cm holes at the base of new close board fencing. At least two integrated bat boxes, two bird boxes with the makes/models and their locations. The biodiversity enhancement scheme shall include planting of hedgerows and trees of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: In order to protect and enhance protected wildlife species and their habitats on the site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
 - a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
 - d) Description of the management operations necessary to achieving aims and objectives;
 - e) Preparation of a works schedule, including annual works schedule;
 - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
 - g) Details of the persons responsible for the implementation and monitoring;

- h) Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain.

Reason: To enhance biodiversity, and in accordance with the National Planning Policy Framework and Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

11. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments and accounting for acoustic boundary treatments as required to ensure appropriate noise mitigation, for the site, including an implementation scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development shall take place until a scheme for protecting the proposed dwellings from amenity impacts from the neighbouring non-residential use, including acoustic boundary fencing and ventilation to bedrooms, and including full technical details, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in accordance with the agreed details and all works shall be completed before the permitted development first comes into use and shall be maintained thereafter.

Reason: To ensure the development does not result in unacceptable amenity issues which would cause harm to the future occupiers of the dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development shall take place until a scheme for the installation of the electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number of units to be provided together with full detail of the location and fitting of the units and shall be implemented in accordance with the approved details.

Reason: To ensure that the proposals meet the requirements of Policy DM10(g) of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

14. Site preparation and construction shall be limited to the following hours:

Monday to Friday: 07:30 to 18:00

Saturday: 09:00 to 14:00

No working on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring occupiers from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary Licences/permits/agreements are in place. For further information, please telephone 0016 305 001. It is an offence under section 148 and Section 151 of the Highways Act 1980 to deposit mud on the highway and therefore you should take every effort to prevent this occurring.
3. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition and significant alteration or vegetation clearance should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
4. Your attention is drawn to the Biodiversity Net Gain note within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions.