

Delegated Report

Planning Reference	25/00481/FUL
Applicant(s)	Mr Peter Barker
Ward	Barwell
Application Site	22 Elwell Avenue, Barwell, Leicester
Proposal	Erection of one dwelling
Case Officer	Sullivan Archer (Senior Planning Officer)



Hinckley & Bosworth
Borough Council

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 provision of a detached, two-storey, three-bedroom dwelling within the existing residential garden space associated with, and to the west of, 22 Elwell Avenue, Barwell. The property would externally measure 6.9m in width by 8.2m in depth, which would create a total footprint of 58.3sqm. The development would feature a hipped roof that is partially clipped on its western side elevation. The hipped roof would have a ridge height of 8.3m and an eaves height of 5.3m. Based on the proposed plans, the property would be predominantly constructed with a rendered finish, but the proposed dwelling would feature a brick finish to 1m in height and brick quoins along the sides of the proposed dwelling.
- 2.2. This scheme is a resubmission of refused planning application 24/00396/FUL and the proposed details represent the third revision of the submitted scheme since the submission of this application to the Local Planning Authority, following proactive discussions between the Council and the Applicant in light of the concerns raised by the Case Officer regarding inconsistencies within the submitted site plans, and the development's harm to the character of the surrounding area and residential amenity.
- 2.3. It is noted however that the proposed elevations are still inconsistent with the proposed floor plans and proposed site plan. The proposed elevations suggest that the structure would be 0.4m deeper at 8.6m in comparison to the other submitted details, which suggest the proposal would have a depth of 8.2m.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the north of, and within the identified settlement boundary of, Barwell and comprises a corner plot that is bounded by Elwell Avenue to the north and Bradgate Road to the west.

- 3.2. The site comprises residential garden space that is associated with 22 Elwell Avenue. The land is relatively flat and is bordered by a mature hedgerow along its western boundary and post and rail fencing on its northern boundary. 22 Elwell Avenue is a two-storey, semi-detached, two-bedroom property that is immediately to east of the site. The property is constructed with a clipped hipped roof, a rendered finish, and red brick detailing, which positively contributes to the strong uniform character of Elwell Avenue and Bradgate Road. More typical, buff and red brick, two-storey, gable-ended dwellings can be experienced to the east of the application site towards Apple Tree Close.

4. Relevant Planning History

4.1 24/00396/FUL

- Erection of 2 dwellings (re-submission of 21/00356/FUL)
- Refused
- 04.03.2025

The application was refused for the following reasons:

1. By virtue of the design, appearance, and layout of the development, the proposal is not well designed and fails to preserve the distinct character of the surrounding area. Due to the size and scale of the scheme, the development represents overdevelopment of the plot. Given the above, the proposal causes significant harm to the character of the site and the surrounding area, and these adverse impacts are exacerbated by the prominent location of the development on a corner plot.

As a result, the proposal is contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapter 12 of the National Planning Policy Framework (2024), and the Good Design Guide (2020). These significant adverse impacts significantly and demonstrably outweigh the benefits of the proposal in these site-specific circumstances. In accordance with Paragraph 139 of the National Planning Policy Framework (2024), the development is refused.

2. The development fails to provide a high standard of residential amenity for the future occupiers of the scheme and the existing residents of 22 Elwell Avenue due to the inadequate provision of private outdoor amenity space. The adverse impacts to the residential amenity of the future occupiers of the scheme are exacerbated by the failure to provide the minimum internal space requirements detailed within the Nationally Described Space Standards (2015). The residential amenity of the future occupiers of Plot 2 is significantly and adversely impacted by the significant overbearing impact of the two-storey blank side elevation of 1 Bradgate Road on the principal habitable windows to the living room and Bedroom 2.

As a result, the proposal is contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (2024), and the Good Design Guide (2020). These significant adverse impacts significantly and demonstrably outweigh the benefits of the proposal in these site-specific circumstances.

3. The Applicant has failed to demonstrate that the development can provide mandatory biodiversity net gain, which is contrary to, and in conflict with the mandatory requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

4.2 **21/00356/FUL**

- Erection of 2 dwellings
- Permitted
- 30.06.2021

5. **Publicity**

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site. No responses have been received.

6. **Consultation**

- 6.1 There have been no objections from Barwell Parish Council, Leicestershire County Council as the Local Minerals and Waste Planning Authority, nor the Council's Drainage and Environmental Health Departments. Leicestershire County Council as the Local Highway Authority referred to standing advice.
- 6.2 Leicestershire County Council's Ecology Department had no objection to the development, subject to a planning condition securing a biodiversity enhancement scheme. The Ecology Department confirmed that off-site compensation would be required for the development to meet its statutory requirement for biodiversity net gain.

- 6.3 No further responses have been received.

7. **Policy**

- 7.1 Core Strategy (2009):

- Policy 3: Development in Barwell
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

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 ('ESBAAP') (2014):

- Policy 22: Development and Design

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide ('LHDG') (2024)
- Nationally Described Space Standards ('NDSS') (2015)

8. Appraisal

8.1. The application site is within the identified settlement boundary of Barwell and the principle of residential development in this location was established via planning applications 21/00356/FUL and 24/00396/FUL. The key issues in respect of this application are therefore:

- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Housing Land Supply

8.2 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.

- 8.3 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.
- 8.4 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.
- 8.5 The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.
- 8.6 In light of 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 would be triggered within the determination of this application in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.7 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.
- 8.8 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.9 The development would be for one residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy would not be applicable for this scheme.

- 8.10 Whilst the Council are unable to deliver a five-year supply of land for housing, the small benefit of providing one dwelling within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.11 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.12 Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.13 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.14 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.
- 8.15 Policy 22 of the ESBAAP requires development to ensure that it does not result in detriment to the character of appearance of the host building or the surrounding area. Furthermore, Policy 22 requires development to respect the local distinctiveness of existing buildings and landscape settings, and its design should respect the scale, proportions, and heights of existing buildings, neighbouring structures, and the overall street scene.
- 8.16 Guidance Point C1 of the National Design Guide ('NDG') confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others.
- 8.17 Guidance Point I1 of the NDG highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, vistas, landmarks, and landscaping, amongst others.

- 8.18 Pages 14 and 15 of the Good Design Guide highlights the five key components of design are: access, layout, space, appearance, and landscape. The Good Design Guide confirms that new development should look to respond appropriately to the existing layout of buildings, streets, and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another. Ultimately, the Good Design Guide states that consideration should be given to the ongoing maintenance of the street scene from the outset.
- 8.19 The Good Design Guide states that corner plots play an important role within the street scene, and overdevelopment of these plots can create an oppressive quality, which can lead to a significant change in the prevailing character of a place. The Good Design Guide also confirms that roofscapes are a key character forming feature of detail in residential design.
- 8.20 The site is located on a corner plot and is currently utilised for residential garden space in an area that is wholly defined by residential properties. It is therefore considered that the residential use of the site would be unlikely to result in any adverse impacts to the character of the area in principle.
- 8.21 In the immediate surrounding area to the site, Elwell Avenue and Bradgate Road have a prominent and discernible character that includes two-storey semi-detached dwellings with clipped gable roofs, red brick and rendered finishes, brick arch detailing to windows and doors, and a central chimney. These features positively contribute to the character of the area and its distinct sense of place. Notably, due to the design of the properties in the surrounding areas, there isn't a dwelling on the corner plot of Elwell Avenue and Bardon Road on the street along with this character area.
- 8.22 It is appreciated that there are residential properties that can be experienced within the vicinity of the site that do not strictly accord with all the key characteristics of the area, such as properties 16A, 16B, and 16C, and 20A and 20B Elwell Avenue. However, it is considered that their designs appear incongruous to the distinct character of the area and result in a detrimental impact on the wider street scene. Ultimately, the presence of the anomalous poorly designed buildings in the vicinity of the site would not justify any further deterioration of the character of the surrounding area.
- 8.23 One of the reasons that the previous planning application 24/00396/FUL was refused was due to the scheme's significant harm to the character of the site and the surrounding area. In comparison to this previous application, whilst the cumulative footprint of the development would be 0.3sqm larger, the proposal would now be 1.9m narrower and 1.6m deeper and include a step back on its western elevation. The property would also now be constructed with a partially clipped gable roof design on its western elevation, and the front door would now face towards Elwell Avenue.
- 8.24 The relocation of the door to the front elevation of the property would be considered to represent an improvement in comparison to the previous design.

- 8.25 However, the proposed partial clipped roof design of the development would still be considered to be inharmonious to the discernible character of the surrounding area, which utilises a fully clipped roof design. The harmful impact of this roof design would be heightened by the corner plot position of the development. Nevertheless, it is appreciated that the provision of a partially clipped gable roof design would be considered to represent an improvement in comparison to the hipped roof proposed within the previously refused application.
- 8.26 Moreover, although the scheme would now feature some architectural detailing such as quoins and brick window arches, the scheme would not include a central chimney, nor would it utilise brick window arch detailing that would reflect the discernible window detailing in the surrounding area. These factors would be considered to fail to preserve the distinctive character of the area, and this would be considered to result in harm to the character of the area. This harm is heightened due to the prominent location of the development on a corner plot. However, it is acknowledged that a planning condition could be utilised to require details of architectural detailing to be submitted to the Local Planning Authority for approval to ensure that the development has a satisfactory external appearance that respects the discernible character of the surrounding area.
- 8.27 In addition, whilst the proposed materials for the development have not been confirmed at this stage, these could be secured via planning condition to preserve the character of the street scene.
- 8.28 In summary, although the proposed design of the scheme would be considered to represent an improvement on the previously refused application 24/00396/FUL, the proposed roof design and appearance of the property would be considered to result in harm to the character of the surrounding area. This would be considered to be contrary to, and in conflict with, Policy DM10 of the SADMP and Policy 22 of the ESBAAP.
- 8.29 However, it is acknowledged that the harm of the appearance of the development could be reduced through the use of planning conditions. Given the above, the harm of the development should be weighed against the benefits of the scheme in the planning balance.

Impact upon Residential Amenity

- 8.30 Key Policy 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 Policy 22 of the ESBAAP requires development to not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. Policy 22 of the ESBAAP also states that the amenity of occupiers of the proposed development should not be adversely affected by activities in the vicinity of the site.
- 8.33 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. 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.
- 8.34 The application site is wholly surrounded by dwellinghouses. It is noted that the properties to the north and west are separated from the application site by Elwell Avenue and Bradgate Road and therefore the proposal would not be considered to result in significant adverse impacts to these neighbouring properties in these site-specific circumstances. The two closest neighbouring residential properties would therefore be the host dwelling, 22 Elwell Avenue, to the east, and 1 Bradgate Road to the south. The only windows that face towards the application site from both neighbouring properties are obscure glazed.
- 8.35 The proposal would feature a window to the kitchen diner area on the ground floor and to the bathroom on the first floor on its southern rear elevation that faces towards 1 Bradgate Road. The bathroom window could be obscure glazed via planning condition to prevent any overlooking or loss of privacy. Given the above, and the siting and orientation of both properties, the development would not be considered to result in any significant adverse impacts to the residential amenity of the occupants of 1 Bradgate Road in these site-specific circumstances.
- 8.36 The proposal would only feature one window on its eastern side elevation that faces towards 22 Elwell Avenue, which would serve the landing on the first floor. This window could be obscure glazed via planning condition to prevent any overlooking or loss of privacy. The scheme would also ensure that the existing two-bedroom property is provided with an area of private outdoor amenity space that meets the Council's Good Design Guides minimum requirements. Although the development would extend 1.2m beyond the rear elevation of 22 Elwell Avenue, the two properties are separated from each other by 2.5m. In light of the above, and by virtue of the siting and location of these two dwellings, the proposal would not be considered to result in any significant adverse impacts to the residential amenity of the occupants of 22 Elwell Avenue in these site-specific circumstances.
- 8.37 By virtue of these factors, the scheme would not be considered to result in any significant adverse impacts to neighbouring residential amenity in these site-specific circumstances.

- 8.38 However, it is noted that the proposed window to the kitchen is less than 7m from the two-storey blank side elevation of 1 Bradgate Road. This is significantly below the Council's Good Design Guide's minimum separation distance requirements, and therefore the development would be likely to result in an overbearing impact and poor visual outlook to the future occupiers of the scheme.
- 8.39 However, it is appreciated that this window would be a secondary window to the kitchen diner area. On this basis, the harm to the future occupiers of the scheme caused by this matter would not be considered to result in significant harm to the residential amenity of the future occupiers of the scheme in these site-specific circumstances. In addition, whilst this overbearing impact would also affect the private outdoor amenity space of the proposed property, given the size of the proposed garden, this would not on balance be considered to result in significant harm to the residential amenity of the future occupiers of the scheme in these site-specific circumstances. A planning condition is recommended to remove Permitted Development Rights from the property to prevent the expansion of the property to the detriment of the residential amenity of the future occupiers of the property and the occupiers of neighbouring dwellings.
- 8.40 The proposal would be considered to comply with the minimum standards detailed within the Nationally Described Space Standards, which would therefore protect the residential amenity of the future occupiers of the scheme.
- 8.41 In summary, the proposal would not be considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupiers of the scheme in these site-specific circumstances in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.42 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.
- 8.43 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 highway authority (currently this is the Leicestershire Highway Design Guide ('LHDG')) (2024).
- 8.44 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms. Any reduction below minimum standards will require robust justification.
- 8.45 Figure 44 (Dimensions) of the LHDG requires minimum parking sizes to be 2.4m in width by 5.5m in depth, and an additional 0.5m in width is required the parking space

is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.

- 8.46 The scheme would utilise an existing vehicular access onto Elwell Avenue and would create a new vehicular access onto Elwell Avenue for the host dwelling. The proposed vehicular access and the proposed intensification of the use of the site would not be considered to result in any significant adverse impacts to highway safety or the road network in these site-specific circumstances.
- 8.47 Both properties would be provided with an area of off-street parking behind their vehicular accesses onto Elwell Avenue. These area of off-street parking would measure 6.1m in width by 5.7m in depth for the proposed dwelling and 6.7m in width by 5.5m in depth for 22 Elwell Avenue. These areas of hardstanding would therefore be able to accommodate two off-street vehicle parking spaces for each property, which would accord with the quantum and dimension requirements of Table 28 and Figure 44 of the LHDG.
- 8.48 In light of the above, the proposal would not be considered to create an unacceptable impact on highway safety or the road network and would provide an adequate level of off-street vehicle parking for the dwellings in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.49 To conclude, the 'tilted' balance of Paragraph 11(d) of the NPPF would be engaged within the determination of this application whereby 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 this Framework taken as a whole.
- 8.50 The scheme would result in a neutral impact to highway safety, the road network, and the residential amenity of neighbouring properties and the future occupiers of the scheme. These factors would not be considered to represent a positive of the development, and therefore they would attract neutral weight in the planning balance. Nevertheless, it is noted that the scheme's neutral impact to residential amenity would represent an improvement on, and would address a reason for the refusal of, the previous application 24/00396/FUL within the site.
- 8.51 Leicestershire County Council's Ecology Department also raised no objection to the development and confirmed that the scheme could meet its statutory requirement for biodiversity net gain via off-site compensation. This would address one of the previous reasons for refusal from the previous application 24/00396/FUL within the site. The scheme's provision of biodiversity net gain would be considered to attract limited positive weight in the planning balance in these site-specific circumstances.
- 8.52 The proposal would also have the potential to provide social and economic benefits through the construction and provision of new housing and the future occupant's opportunity to act as new customers and employees for local businesses and

- services. However, when associated with one dwelling, these benefits would be modest and would not maintain or enhance the local community.
- 8.53 As such, these social and economic benefits of the development would be considered to attract limited positive weight in the planning balance
- 8.54 Notwithstanding the above, by virtue of the proposed roof design and appearance of the development, the scheme would be considered to result in harm to the character of the surrounding area.
- 8.55 However, it is acknowledged though that the proposal would be in a sustainable location within Barwell for new residential development, and the design of the development would represent an improvement on the scheme previously submitted as part of refused application 24/00396/FUL. Furthermore, it is noted that the harmful impacts related to the appearance of the dwelling could be reduced through the use of planning conditions in these site-specific circumstances. For example, a planning condition could be utilised to remove Permitted Development Rights from the property to prevent any further detrimental changes to the character of the property and the incredible unique character of the surrounding area.
- 8.56 To summarise, the proposal would result in harm to the character of the surrounding area. Nevertheless, it is acknowledged that the scheme would represent an improvement on the previously submitted development as part of 24/00396/FUL, and the harm of the current development could be reduced further through the use of planning conditions. In addition, the current proposal would address two of the three reasons for refusal of the previous planning application 24/00396/FUL. In light of the above, the requirements of the 'tilted' balance and the associated limited benefits of the scheme, the harm caused by the unsatisfactory roof design of the development would not be considered to significantly and demonstrably outweigh the potential benefits of the scheme in these site-specific circumstances. It would therefore be considered that the proposal would be acceptable in these site-specific circumstances in accordance with the 'tilted' balance of Paragraph 11(d) of the NPPF.

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 Plans (02F) (submitted: 28.10.2025)
- Site Location Plan (submitted: 13.05.2025)

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. Prior to any development above foundation level commencing on site representative sample of the types and colours of materials to be used on the

external elevations of the structures hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.

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. Prior to any development above foundation level commencing on site, details of amended architectural detailing for the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. These details should include, but not be limited to, the provision of chimney and brick detailing to windows and doors. The scheme shall be implemented in accordance with those approved details.

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).

5. Prior to any development above foundation level commencing on site a Biodiversity Enhancement Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. Enhancements should include, but not be limited to, integrated bird boxes and their make/model and locations. 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 the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the first occupation of the development hereby permitted a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be submitted to, and approved in writing by, the Local Planning Authority. All new planting should be composed of native species. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner.

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 Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. The development hereby permitted shall not be occupied until such time as the proposed new access, parking facilities have been implemented in accordance with the Proposed Plans (02F) (submitted: 28.10.2025). Thereafter the proposed new access and onsite parking provision shall be kept available for such uses in perpetuity.

Reason: In the interests of highway safety and 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 in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmac, 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 the National Planning Policy Framework (2024).

9. Notwithstanding the provisions of Classes A, AA, B, C, and D of Part 1 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) 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 protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The windows serving the bathroom and the landing on the first floor of the development hereby permitted shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below 1.7m above the floor of the room. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site

Allocations and Development Management Policies Development Plan Document (2016).

a. **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. Your attention is drawn to the Biodiversity Net Gain Condition 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.
3. The Applicant needs to apply to the Local Highway Authority for a Vehicle Access (Dropped Kerb) Permit before undertaking any works. The Applicant should note that the approval of planning permission does not guarantee permission for the required permit. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.
4. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved areas, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone, or in combination with infiltration systems and/or rainwater harvesting systems.
5. Any 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).
6. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

7. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.