

Delegated Report

Planning Reference 25/00063/FUL
Applicant(s) Mrs Zoe Moss
Ward Earl Shilton



Hinckley & Bosworth
Borough Council

Application Site Land adjoining 81 Hinckley Road,
Earl Shilton

Proposal Erection of a bungalow

Case Officer Sullivan Archer

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons 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 two-bedroom bungalow at land adjoining 81 Hinckley Road, Earl Shilton. To facilitate this development, a detached garage and timber shed have recently been removed from the site.
- 2.2. The development externally measures 8m in width by 11m in depth, which creates a total footprint of 88sqm. The proposal features a tiled gable-fronted dual pitched roof with a ridge height of 5.3m and an eaves height of 2.6m. The property is constructed with a facing brick finish and a partial timber cladding to the gable on the front elevation. The scheme's size is inconsistent within the submitted plans.
- 2.3. Originally, the proposal was for a 7.1m high four-bedroom dormer bungalow that externally measured the same as the current proposal. The scheme was reduced in massing and height following raised concerns by the Case Officer.

3. Description of the Site and the Surrounding Area

- 3.1. The 232sqm application site is located to the west of, but within the identified settlement boundary of, Earl Shilton. The existing site consisted of an 11sqm concrete garage and timber shed and overgrown garden area. During the determination of the planning application, the concrete garage was removed from the site. The application site is accessed via private drive onto Hinckley Road, which serves the neighbouring property, 81 Hinckley Road.

3.2. Hinckley Road is wholly residential in character and is characterised by predominantly two storey dwellings that utilises a mixture of brick and rendered finishes. Due to the variety of styles and designs of buildings there is no discernible unique character to the street scene in this area.

3.3. The application is located on the site of Coopers Mill, a post-medieval windmill that was possibly demolished in the 1890s, which is recorded on the Leicestershire Historic Environment Record. 81 Hinckley Road is formerly a miller's cottage that was built in around 1780 to serve the mill. The former miller's cottage is of some historic value due to the age of its fabric and retention of its traditional form. It also has evidential value via its association with the former windmill. As such, the cottage is of sufficient local heritage significance to warrant identification as a non-designated heritage assets in terms of the National Planning Policy Framework.

4. Relevant Planning History

4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

5. Publicity

5.1 The application has been publicised by sending out letters to local residents.

5.2 A Borough Councillor has called the planning application in for determination by the Planning Committee had the recommendation been for approval. In addition eight objections to the proposal have been received from five separate residential addresses. The reasons for objecting to the development include: harm to the character of the area, to the historic environment, to the environment, to the residential amenity of neighbouring properties and the future occupiers of the scheme, and to highway safety. Concerns were also raised in relation to archaeology, asbestos, child safety, insufficient off-street parking, and the storage and collection of waste and refuse.

5.3 Several members of the public raised land ownership concerns with the scheme. The Applicant has confirmed to the Council that there is an ongoing boundary dispute regard the site and rights of access.

5.4 No further responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Drainage Department
- HBBC's Environmental Services' Environmental Services Department
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)

- 6.2 The Local Highway Authority referred to standing advice.

Archaeology and Conservation

- 6.3 The County Council's Archaeology Department's requested that a Written Scheme of Investigation (WSI) was required via a pre-commencement condition to ensure that satisfactory archaeological investigation and recording takes place within the site. The Council's Conservation Officer supported the recommendations of the County Council's Archaeology Department.
- 6.4 In the opinion of the Council's Conservation Officer, the proposal would not cause any harm to 81 Hinckley Road and would retain the significance of the cottage as a non-designated heritage asset.

Ecology

- 6.5 The County Council's Ecology Department raised a holding objection to the proposal, subject to the provision of a Preliminary Roost Assessment and details to demonstrate that the development can fulfil its mandatory biodiversity net gain requirements. No further information has been submitted by the Applicant.
- 6.6 Therefore, the Applicant has failed to demonstrate that protected species and their habitats are not adversely affected by this proposal, which is contrary to, and in conflict with, the statutory requirements of Paragraphs 98 and 99 of the ODMP Circular 06/2006 (Biodiversity and Geological Conservation), as well as Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
- 6.7 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 2: Development in Earl Shilton
- 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 (2019)
- Planning Practice Guidance (PPG)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The application site is within a sustainable location in the identified settlement boundary of Earl Shilton. As a result, the provision of a residential property in this location is considered to be acceptable in principle, subject to the assessment of all other material considerations. The key issues in respect of this application are therefore:

- Housing land supply
- Impact upon the historic environment
- 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 are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 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 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.
- 8.7 Footnote 7 of the NPPF confirms that areas and assets of particular importance includes, but is not limited to, habitat sites.
- 8.8 As the Applicant has failed to demonstrate protected species and their habitats are not adversely affected by this proposal, the policies within the NPPF that protect areas and assets of particular important are considered to provide a strong reason for the refusal of the development. As a consequence, the 'tilted' balance in Paragraph 11(d) of the NPPF is disengaged within the determination of this planning application in these site-specific circumstances.
- 8.9 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).

- 8.10 Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF apply in these site-specific circumstances.
- 8.11 The development is for one residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.12 Whilst the Council is unlikely to be able to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.
- 8.13 To summarise, the Council is unlikely to be able to deliver a five-year supply of land for housing. Due to this and the age of the relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered. However, the policies within the NPPF that protect areas and assets of particular importance are considered to provide a strong reason for the refusal of the development.
- 8.14 As a consequence, the 'tilted' balance in Paragraph 11(d) of the NPPF is disengaged within the determination of this planning application in these site-specific circumstances. Whilst the Council is unlikely to be able to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Impact upon the Historic Environment

- 8.15 Chapter 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.16 Paragraph 216 of the NPPF highlights that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.17 Policy DM11 of the SADMP states that the Council will protect, conserve the historic environment throughout the Borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.18 Policy DM12 of the SADMP states that proposals which seek to improve identified neutral and negative areas inside designated conservation areas, which also lead to the overall enhancement of the conservation area, will be supported and

encouraged. Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible.

- 8.19 Although the Borough Council's Local Heritage Assets List is yet to be formally ratified, the formal selection criterion was adopted in 2017, and this forms the basis of identifying and assessing the significance of any non-designated heritage assets when considering proposals. As specified within Planning Practice Guidance, local planning authorities may identify non-designated heritage assets as part of the decision-making process.
- 8.20 81 Hinckley Road is a dwelling that is adjacent to the application to the site, which was built around 1780 to serve the Coopers Mill, a post-medieval windmill that was possibly demolished in the 1890s. The Council's Conservation Officer has confirmed that the former miller's cottage at 81 Hinckley Road is of some historic value due to the age of its fabric and the retention of its traditional form, and its evidential value through its association with the former windmill. Therefore, 81 Hinckley Road is considered to be of sufficient local heritage significance to warrant its identification as a non-designated heritage asset.
- 8.21 Notwithstanding the above, the current development proposal is not considered to result in any direct impacts upon the local heritage significance of the former miller's cottage. There are no clear or obvious physical above ground remains of the former mill on the application site, so the relationship between the application site and the cottage, and their associated former functions are only evidential rather and cannot be appreciated in visual terms. Whilst the proposal replaces the former garage with a larger structure, which is likely to affect the setting of the former miller's cottage, this is not considered to have any effect on the ability to understand its local heritage significance.
- 8.22 As a result, the development is not considered to result in any unacceptable or significant adverse impacts to the character, appearance, or setting, and thus significance of the non-designated heritage asset in accordance with Policies DM10, DM11, and DM12 of the SADMP.

Design and Impact upon the Character of the Area

- 8.23 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.
- 8.24 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.

- 8.25 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.
- 8.26 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.
- 8.27 There are limited public views of the site because the proposal is set over 40m to the southeast of Hinckley Road behind the adjacent property, 83 Hinckley Road. Whilst this is likely to reduce the visual impact of the development, this does not suggest that the development cannot cause harm to the character of the area. Importantly, as a result of this siting and distance from the public highway, the scheme is considered to represent back land development.
- 8.28 The Good Design Guide states that development in 'back land' locations will require clear and convincing justification in relation to its context. Some sites may be able to accommodate this type of development, whereas others will not. The Applicant has not provided justification for a development in this location.
- 8.29 Notwithstanding this, there is evidence of back land development adjacent to the site at 81 Hinckley Road, and the residential properties served by Nursery Gardens to the east, and the residential properties served by Field Way to the west. These properties have a variety of single storey and two storey massing, and therefore the principle of a dwelling with a single storey massing in this back land location is not considered to result in any significant harm to the character of the area in principle.
- 8.30 However, there are inconsistencies with the size of the application site within the submitted plans, which were originally raised by the Local Planning Authority on 10 March 2025 and have not been clarified by the Applicant since this time. By the estimates of the Local Planning Authority, these inconsistencies vary the width of the site by 1.5m and the depth of the site by 0.7m. As the true extent of the application site is unknown, this is likely to result in a significant impact on the acceptability of the scheme.
- 8.31 For example, as detailed later in this Report, both the internal floor area and the private outdoor amenity space are only just considered to meet minimum requirements of the Nationally Described Space Standards and the Council's Good Design Guide.
- 8.32 Therefore, any reduction in the current measurements of the site is likely to result in significant harm to the residential amenity of the future occupiers of the scheme. This is exacerbated by the existing concerns with the insufficient depth of the private outdoor amenity space and the off-street parking spaces.

- 8.33 In addition, the front of the proposed dwelling is entirely surfaced in hardstanding to accommodate the proposed off-street parking spaces. This is not considered to represent good design and is contrary to the Good Design Guide, which demonstrates the contrived nature of the development.
- 8.34 Without any evidence to the contrary, and based on an inspection of the application site in person by the Case Officer, the application site is considered to be very constrained, and the proposal represents the overdevelopment of the site to the significant detriment of the character of the site and the surrounding area, and to the residential amenity of the future occupants of the scheme.
- 8.35 Furthermore, the design and appearance of the development is considered to be very rudimentary, and only features very limited and small fenestration and no architectural detailing. The crude appearance of the scheme is considered to be poorly designed and fails to reflect local design policies and government guidance on design. This is considered to result in significant harm to the character of the site and the surrounding area.
- 8.36 In summary, the proposal represents the overdevelopment of a constrained site and by virtue of this and the scheme's substandard design and appearance, the development fails to reflect local design policies and government guidance on design and is considered to result in significant harm to the character of the site and the surrounding area. Therefore, the proposal is contrary to, and in conflict with Chapter 12 and Key Policy Paragraph 135 of the NPPF, Policy DM10 of the SADMP, Policy 22 of the ESBAAP, the National Design Guide, and the Good Design Guide. In accordance with Key Policy Paragraph 139 of the NPPF, it is recommended that the planning application is refused.

Impact upon Residential Amenity

- 8.37 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.
- 8.38 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.
- 8.3 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.

- 8.39 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.
- 8.40 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. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m.
- 8.41 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.
- 8.42 83 Hinckley Road is located to the northwest of the site, the rear gardens of 85 Hinckley Road and 11 Doctors Fields abut the western boundary of the site, and 81 Hinckley Road and its associated land are located to the north and east of the site.
- 8.43 Based on historic satellite imagery, the separation distances from the site to 83 and 85 Hinckley Road and 11 Doctors Fields are in excess of the minimum separation distances required by the Good Design Guide. No windows are proposed on the north-western or south-eastern side elevations of the development and details of the proposed boundary treatment to the north-western and rear western boundaries of the site can be secured via planning condition. In light of this and the single storey nature of the proposal, the scheme is not considered to result in any loss of light or loss of privacy, or have any overbearing or overlooking impacts to 83 and 85 Hinckley Road or 11 Doctors Fields.
- 8.44 Based on historic satellite imagery, the main bulk of 81 Hinckley Road is approximately 6m further to the west than the boundaries of the application site. However, the associated garage of this neighbouring property was converted into the master bedroom via planning permission 01/01020/FUL. As a result, the principal habitable window to this room is at ground floor level and faces towards the application site. Based on the approved plans, this existing window is 1.3m from the eastern side elevation of the 81 Hinckley Road.
- 8.45 Based on the Proposed Site Plan, the development is separated from this neighbouring dwelling by 8m and the centre of the proposed principal habitable window for Bedroom 2 is approximately 22 degrees from the principal habitable window of the master bedroom for 81 Hinckley Road. This is less than the minimum 21m separation distance required by the Good Design Guide.
- 8.46 Whilst the Good Design Guide suggests that an exception to this requirement is if the two windows are separated by a road, there is only a 3m wide private access track between the two properties and not a public highway. In addition, the Good Design Guide confirms that every application will be assessed on its own merits depending on the individual characteristics of the site.

- 8.47 Furthermore, as highlighted previously within this report, there are several inconsistencies with the size of the application site within the submitted plans, and the true extent of the application site is unknown. In addition, the submitted Site Plans do not accurately reflect the on-site location and layout of the existing neighbouring property, 81 Hinckley Road. The Local Planning Authority raised this concern on 10 March 2025, and no further clarification has been received by the Applicant.
- 8.48 In light of the above, and without any evidence to the contrary, the development does not meet the minimum separation distances between principal habitable windows required by the Good Design Guide and the Applicant has failed to demonstrate that the proposal does not result in any significant adverse impacts to neighbouring residential amenity, nor to the future occupiers of the scheme as a result of overlooking and loss of privacy.
- 8.49 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible. Based on the Proposed Site Plan, the proposal has a floor space of 75.9sqm, which just exceeds the minimum 70sqm floor space standards for a two-bedroom single storey dwelling. Both bedrooms are 12sqm in size and are also considered to just meet the NDSS' 11.5sqm minimum floor area requirement for double bedrooms
- 8.50 To comply with the Good Design Guide, two-bedroom houses should also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m. Based on the submitted details, the proposal provides a private outdoor amenity area of 66.7sqm, which has a depth that ranges between 6.7m and 7m. Whilst this just complies with the minimum area requirements, the majority of this outdoor amenity space is not considered to meet minimum depth requirements of the Good Design Guide.
- 8.51 As highlighted previously within this report, there are several inconsistencies with the size of the application site within the submitted plans, and the true extent of the application site is unknown. Therefore, the Applicant has failed to demonstrate that the development provides a high level of residential amenity for the future occupiers of the scheme, nor the internal or external minimum area requirements of the NDSS or the Council's Good Design Guide. This is considered to cause significant harm to the future occupiers of the scheme.
- 8.52 The visual outlook of the principal habitable windows to both bedrooms face directly onto hardstanding and the proposed off-street parking provision. This poor visual outlook is not considered to provide a high level of residential amenity for the future occupiers of the scheme. This is considered to cause significant harm to the future occupiers of the scheme.

- 8.53 By virtue of these factors, the Applicant has failed to demonstrate that the development provides a high level of residential amenity for the future occupiers, nor that the proposals do not result in any significant adverse impacts to neighbouring residential amenity. As a result, the proposal is considered to be contrary to, and in conflict with, Chapter 12 and Key Policy Paragraph 135 of the NPPF, Policy DM10 of the SADMP, Policy 22 of the ESBAAP, the National Design Guide, and the Council's Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.54 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.
- 8.55 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.
- 8.56 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.
- 8.57 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).
- 8.58 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.59 The proposal utilises an existing unamended access from a private drive onto Hinckley Road, which is an adopted and classified 'C' road. This access already serves an existing dwelling and the existing garage within the application site.
- 8.60 As a result, it is not considered that the provision of a dwelling in this site following the removal of the former garage would significantly intensify the use of this existing access to the extent that would have a significant adverse or unacceptable impact on highway safety or on the road network. Therefore, the proposed access to the site is considered to be compliant with Paragraph 116 of the NPPF and Policy DM17 of the SADMP.

- 8.61 The scheme includes the provision of two off-street vehicle parking spaces, which accords with the quantum of parking required by Table 28 (Residential Parking Standards) of the LHDG. However, based on the Proposed Site Plan whilst the width of the parking spaces is likely to accord with Figure 44 of the LHDG, the LHDG requires a minimum depth for off-street parking spaces to be 5.5m.
- 8.62 The depth of the off-street parking spaces within this development ranges from 3.8m to 5.4m. It is appreciated that 7.5m of the width of the front of the site could achieve a minimum depth of 4.9m. Nevertheless, the site is still provided with substandard off-street vehicle parking spaces, and this is exacerbated by the inconsistencies with the size of the application site within the submitted plans
- 8.63 In addition, there is a discrepancy between the submitted plans and the submitted legal documentation in relation to the Applicant's right of access to the site. Based on the Applicant's submitted legal documentation, and without any evidence to the contrary, the site is not considered to have sufficient turning facilities to enable vehicles to use the existing access without having to reverse onto, or off of, the classified 'C' road. This is considered to create danger to the users of the site, and motorist and pedestrian users of Hinckley Road.
- 8.64 Given the above, the Applicant has failed to demonstrate that the proposal has adequate off-street vehicle parking provision and associated turning facilities that enable vehicles to access and egress the site in first gear. Therefore, the Applicant has failed to demonstrate that proposal does not result in a significant adverse impact upon highway safety. By virtue of these factors, the development is contrary to, and in conflict with Policies DM17 and DM18 of the of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the Leicestershire Highway Design Guide (2024).

Planning Balance

- 8.65 In summary, the policies within the NPPF that protect areas and assets of particular important are considered to provide a strong reason for the refusal of the development and the 'tilted' balance in Paragraph 11(d) of the NPPF is disengaged.
- 8.66 This is because the Applicant has failed to demonstrate that protected species and their habitats are not adversely affected by this proposal.
- 8.67 As a result, the development is contrary to, and in conflict with, the statutory requirements of Paragraphs 98 and 99 of the ODMP Circular 06/2006 as well as Chapter 15 of the NPPF, and Policy DM6 of the SADMP. This is considered to attract significant weight in the planning balance.
- 8.68 In addition, the proposal represents the overdevelopment of a constrained site and by virtue of this and the scheme's substandard design and appearance, the development fails to reflect local design policies and government guidance on design.

- 8.69 Therefore, the scheme is considered to result in significant harm to the character of the site and the surrounding area, which is contrary to, and in conflict with Chapter 12 and Key Policy Paragraph 135 of the NPPF, Policy DM10 of the SADMP, Policy 22 of the ESBAAP, the National Design Guide, and the Good Design Guide. In accordance with Key Policy Paragraph 139 of the NPPF, it is recommended that the planning application is refused. This is considered to attract significant weight in the planning balance.
- 8.70 Furthermore, the Applicant has failed to demonstrate that the development provides a high level of residential amenity for the future occupiers, nor that the proposals do not result in any significant adverse impacts to neighbouring residential amenity.
- 8.71 This is contrary to, and in conflict with, Chapter 12 and Key Policy Paragraph 135 of the NPPF, Policy DM10 of the SADMP, the National Design Guide, and the Council's Good Design Guide. This is considered to attract significant weight in the planning balance.
- 8.72 Moreover, the Applicant has failed to demonstrate that the proposal has adequate off-street vehicle parking provision and associated turning facilities that enable vehicles to access and egress the site in first gear. Therefore, the Applicant has failed to demonstrate that proposal does not result in a significant adverse impact upon highway safety.
- 8.73 By virtue of these factors, the development is contrary to, and in conflict with Policies DM17 and DM18 of the of the SADMP and the LHDG. This is considered to attract significant weight in the planning balance.
- 8.74 However, Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.
- 8.75 Whilst a Design and Access Statement and a Planning Statement were submitted as part of this planning application, these documents are duplications of one another and do not refer to any local or national planning policies or legislation.
- 8.76 In spite of this, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services.
- 8.77 Nevertheless, these benefits when associated with one dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.

8.78 Furthermore, whilst the Council is unlikely to be able to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

8.79 By virtue of these factors, the significant adverse effects of the proposed development are considered to significantly and demonstrably outweigh the potential benefits associated with the provision of one dwellinghouse in Earl Shilton in these site-specific circumstances. In accordance with Key Policy Paragraph 139 of the NPPF, it is recommended that the proposal is refused.

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 is refused

11. Recommendation**11.1 Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. The proposal represents the overdevelopment of a constrained site. By virtue of this, and the scheme's substandard design and appearance, the development fails to reflect local design policies and government guidance on design and results in significant harm to the character of the site and the surrounding area. Therefore, the proposal is contrary to, and in conflict with Chapter 12 and Key Policy Paragraph 135 of the National Planning Policy Framework (2024), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 22 of the adopted Earl Shilton and Barwell Area Action Plan (2014), the National Design Guide (2019), and the Good Design Guide (2020). These significant adverse impacts of the development significantly and demonstrably outweigh the potential benefits associated with the provision of one dwelling in these site-specific circumstances. In accordance with Key Policy Paragraph 139 of the National Planning Policy Framework, the planning application is refused.
2. The Applicant has failed to demonstrate that the development provides a high level of residential amenity for the future occupiers of the scheme, or that the proposals do not result in any significant adverse impacts to neighbouring residential amenity. As a result, the proposal is considered to be contrary to, and in conflict with, Chapter 12 and Key Policy Paragraph 135 of the NPPF, of the National Planning Policy Framework (2024), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 22 of the adopted Earl Shilton and Barwell Area Action Plan (2014), the National Design Guide (2019), and the Good Design Guide (2020). These significant adverse impacts of the development significantly and demonstrably outweigh the potential benefits associated with the provision of one dwelling in these site-specific circumstances.
3. The Applicant has failed to demonstrate that the proposal has adequate off-street vehicle parking provision and associated turning facilities that enable vehicles to access and egress the site in first gear. Therefore, the Applicant has failed to demonstrate that proposal does not result in a significant adverse impact upon highway safety. By virtue of these factors, the development is contrary to, and in conflict with Policies DM17 and DM18 of the of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the Leicestershire Highway Design Guide (2024).

4. The Applicant has failed to demonstrate that protected species and their habitats are not adversely affected by this proposal. Therefore, the development is contrary to, and in conflict with, the statutory requirements of Paragraphs 98 and 99 of the ODMP Circular 06/2006 (Biodiversity and Geological Conservation), as well as Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 29.01.2025)
 - Block Plan (Rev 1) (submitted: 13.04.2025)
 - BNG Small Sites Metric (submitted: 17.02.2025)
 - Design and Access Statement (submitted: 29.01.2025)
 - Existing Elevations and Site Plan (Rev 1) (submitted: 13.04.2025)
 - Landscaping (submitted: 29.01.2025)
 - Parking Statement (submitted: 29.01.2025)
 - Photos (submitted: 29.01.2025)
 - Planning Statement (submitted: 29.01.2025)
 - Proposed Elevations and Site Plan (Rev 1) (submitted: 13.04.2025)
 - Site Location Plan (Rev 1) (submitted: 13.04.2025)