

Delegated Report

Planning Ref: 25/00979/FUL

Applicant: Mr Michael Smith

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Kirkwood 63 Heath Lane Earl Shilton

Proposal: Erection of single dwelling at the rear of site to replace the existing garage

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application seeks full planning permission for the erection of a single dwelling to replace an existing garage to the rear of Kirkwood, 63 Heath Lane, Earl Shilton.

2.2. The proposed dwelling would have a width of 6.13m and depth of 9.39m. It would have a dual-pitched roof form which would have an eaves height of 2.48m and a ridge height of 5.90m. The front door of the property with accompanying sidelights and a singular opening would sit to the front elevation, which on the site would be a side elevation alongside three Velux rooflights to the roofline. Two singular windows would sit to the rear elevation alongside three Velux rooflights to the roofline, a set of French doors to the ground floor western side elevation with a singular opening to its gable, and two singular openings to the ground floor of the eastern side elevation with a singular opening to its gable would be within the side elevation which faces Gartree Crescent. Red facing-brick would be present to the walls, brown tiles to the roof and uPVC to the windows.

2.3. The proposed dwelling would be accessible via the existing garage access on Gartree Crescent and would accommodate a parking provision for two vehicles.

3. Description of the site and surrounding area

3.1. The site lies centrally and towards the northern boundary of Earl Shilton. The site measures approximately 185m² and encompasses what was previously the rear garden areas of 63 and 65 Heath Lane. A single garage currently occupies the site and fronts Gartree Crescent, with an existing dropped kerb access. Closeboard fencing divides the site from Gartree Crescent to the east and no. 8 to the south.

3.2. To the north of the site are No's 63 – 67 Gartree Crescent, with the site lying adjacent to the rear boundary of their gardens. 63 and 65 are traditional post-war two-storey dwellings, and 67 is a more modern 1.5-storey dwelling.

3.3. Gartree Crescent is a cul-de-sac off Heath Lane and is characterised by a mix of sizes and designs of dwellings. Two-storey dwellings are sited at the end of the cul-de-sac, with bungalows flanking the Crescent at either side. The site flanks Gartree Crescent on the west side, and the immediate design context therefore closely relates to the existing bungalows, No's 1, 7 and 8. Land levels fall slightly from south to north, so that the site is on slightly lower ground than neighbouring No's 7 and 8 Gartree Crescent. The predominant building materials are red brick with brown clay roof tiles.

4. Relevant planning history

- None relevant.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. Following the publication three objections from neighbouring properties have been received which are summarised below;

- Privacy concerns, particularly due to the elevation of the land;
- The development would significantly overshadow garden;
- Not be in keeping with the areas design and appearance;
- Overdevelopment;
- There are 3 properties with the same people living there for over 50 years and their privacy must be respected. **{Article 8} (Planning Officer comment – Neighbouring residential amenity will be appropriately addressed within the appraisal.)**;
- The soak away looks less than 2.5 meters from the boundary;
- The site doesn't look big enough for the new build;
- One of the main concerns is what looks like corrugated Asbestos sheeting on the roof of the old garage which is to be demolished. Residents need assurance correct removal of the sheeting is going to be carried out correctly to protect the people in the Crescent. H S E should be contacted **(Planning Officer comment – Whilst this is not a planning matter attention is drawn to the informative within para. 11.3)**;
- Additional parking cannot be safely accommodated;
- This isn't a Heath Lane development, access/entry would be via Gartree Crescent and would impact all houses in the cul-de-sac;
- Gartree Crescent currently acts as street parking for several houses on Heath Lane, this means exiting the cul-de-sac can already be dangerous because of cars parked down one side of the crescent as well as directly opposite and adjacent to the road mouth, an additional house would only make this worse;
- A previous planning application from the property across the road was refused due to lack of access from Heath Lane;
- There does not appear to be any yellow planning notices displayed in the vicinity **(Planning Officer comment – The site/nature of development does not trigger any of the public notice requirements as outlined within Section 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, adjacent properties were informed by letter)**

6. Consultation

6.1. Earl Shilton Town Council;

- No comments have been received.

6.2. HBBC Drainage;

'Notes to applicant:

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 area, 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.

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

6.3. HBBC Environmental Services (Pollution):

'No objection.'

6.4. HBBC Waste:

- No comments have been received

6.5. LCC Ecology:

'No objection (for recommended conditions or informatics- see below)

REASON FOR RECOMMENDATION:

- A Biodiversity Net Gain Statement and Bat Report completed in September 2025 has been received and reviewed, it is accepted and outlined below.
- **Habitats** – The site consists of vegetated garden and two trees, where the trees will be retained under the proposals.
- **Bats** – A single building was assessed for its bat roost potential, it was concluded to have 'negligible' potential for roosting bats and no further surveys required.

BNG Specific

- Pre-development habitat maps and condition assessment sheets have been supplied. No objections.
- Currently, the 10% Biodiversity Net Gain will not be met on site with a - 11.57% decrease in Habitat Units.
- The post development value of the site will still need to achieve a 10% net gain by discharge of the Biodiversity Gain Plan condition. The Biodiversity Net Gain Statement and Bat Report is stating this will be achieved by purchase of off-site units from a biobank.
- The baseline values have been assessed which are accepted, at post-development, values will be confirmed at the discharge of the Biodiversity Gain Plan condition

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- **HMMP** - 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.*
- *(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)*

6.6. LCC Highways:

'The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.'

7. **Policy**

7.1. Earl Shilton and Barwell Area Action Plan DPD (ESABAAP) (2014)

- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design

7.2. Core Strategy (2009)

- Policy 2: Development in Earl Shilton

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

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

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (2024)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon ecology
- Flood risk and drainage

Assessment against strategic planning policies

8.2

The site falls within the settlement boundary of Earl Shilton. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and Paragraph 11 of the NPPF. Development within the settlement boundary of Earl Shilton is supported by Policy 2 of the Core Strategy and the site is in a

sustainable location in close proximity to services. The sustainable principle of development is acceptable subject to all other material planning matters being appropriately addressed.

Housing Land Supply

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

8.4 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 within the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply (5YHLS). 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), the Council will be unable to demonstrate a 5YHLS once the revised position is published.

8.6 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.

8.7 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 clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.8 Section 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 is to meet as much of the area's identified housing need as possible with 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. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.

8.10 The development is for one singular residential property within a rural area, 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.

8.11 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant

benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and impact upon the character of the area

8.12 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.13 Policy 22 of the EABAAP seeks to ensure that developments do not have a detrimental impact upon the character or appearance of the host building or the surrounding area and respect the scale, proportions, height and materials of the existing building, neighbouring structures and overall street scene.

8.14 Objections have been received that the proposal would not be in keeping with the areas design and appearance, would result in overdevelopment and that the site would be too small to accommodate a new build.

8.15 The Councils Good Design Guide seeks to ensure that back land development does '*not result in the overdensification of the land, leading to a loss of character.*' And that '*Where these conditions can be demonstrated, existing access arrangements should be used to serve new development wherever possible, to avoid unnecessarily 'puncturing' the character of the street scene and allowing highways to dominate.*' And that; '*Development should respect wider building lines and not back onto the street. Boundary treatments should also be carefully utilised to assimilate new development into its context, reflecting those seen in the wider frontage and seeking to avoid gaps that break down sense of place.*

8.16 The site is currently unused garden land bound by reinforced close board fencing, and contains a single garage built in grey blockwork. It is not considered that the site currently contributes positively to the street scene.

8.17 The proposed dwelling would be single-storey in scale with a dual-pitched roof form comparable to the neighboring bungalows which flank Gartree Crescent on its east and west sides, which would create a consistent scale and design for this part of the street scene. Red-facing brickwork, brown tiles and uPVC would be present to the openings. These proposed materials are considered to be acceptable and to complement the materials of the area, subject to samples being submitted prior to the commencement of development to ensure that they are suitable materials and in keeping with the surrounding street scene

8.18 The Local Planning Authority acknowledge that the proposal would be orientated with the front door to the south, not echoing the orientation of the surrounding street scene, particularly 7 and 8 Gartree Crescent. However, the diagonal siting of the dwelling within the plot and its frontage does respect the staggered building line of the surrounding dwellings despite sitting at an oblique angle to Gartree Crescent. The proposal would retain its existing access whilst being set back appropriately from the public highway and being of an appropriate design as to not lead to a loss of character within the street scene.

8.19 Whilst concerns have been raised that the plot is not large enough to accommodate a new dwelling, the submitted plans demonstrate that the site is suitable for such development. Internal and garden space standards are assessed in the following section.

8.20 Overall, the proposal would satisfy Policy DM10 of the SADMP, Policy 22 of the EABAAP and the Councils Good Design Guide.

Impact upon neighbouring residential amenity

8.21 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

8.22 Policy 22 of the Earl Shilton and Barwell AAP seeks to ensure that developments do not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.23 Objections to the proposals has been received on the grounds of loss of light, loss of privacy, the feeling of enclosure and the disruption of construction works.

8.24 The Councils Good Design Guide states that 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.*'

8.25 The Councils Good Design Guide states that "*Habitable rooms within rear elevations of neighbouring properties should never be less than 21m apart.*"

8.26 Six Velux windows would sit to the front and rear elevations hosting the first floor bedrooms. The Velux windows would be situated less than 21.00m from the nearest habitable windows at No. 65 not complying with the Councils Good Design Guide, nevertheless they would all have a minimum sill height of 1.70m above first floor level which would ensure the privacy of the surrounding occupiers is retained. The only two non-Velux window openings proposed to first-floor level would be situated over 21.00m away from the nearest neighbouring windows satisfying the Councils Good Design Guide. All other additional openings are proposed at ground-floor level and would be screened by boundary treatment or face the street where existing dwellings already have publicly visible front windows.

8.27 The Councils Good Design Guide states that "*A habitable room within a rear elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 12m for a two storey property.*"

8.28 The proposed dwelling would be situated a minimum of 13.55 metres from the nearest two-storey dwelling, 65 Heath Lane not resulting in adverse loss of light or overdominance to this property. It would, however, be situated a minimum of 7.12 metres from the nearest single storey dwelling, 8 Gartree Close breaching the guidance set out within the Councils Good Design Guide. The dwelling by way of its single-storey nature, orientation and positioning almost in line with the principle elevation is not, however, considered to result in an unacceptable loss of light to No.8 Gartree Close as the affected window to the side elevation of no.8 is non-habitable. Furthermore, the proposal complies with the 45 degree rule. The amenity of the potential future occupiers of the dwelling would be acceptable given the affected window is a secondary lounge window.

8.29 Due to the backland nature of the development, it is necessary to assess the noise impacts between the new dwelling and the surrounding residential accommodation. The proposed use would be residential and therefore the level of additional noise is not considered to be detrimental. HBBC Environmental Health – Pollution have raised no objections to the proposal. Any future issues could be controlled by them separately using statutory nuisance legislation.

8.30 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within the Councils Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.

8.31 The dwelling is proposed with two bedrooms one with a double bed and the other with two singles, which could accommodate four-persons.

8.32 The THS seeks to ensure that proposals for two-bedroom, four-person two-storey accommodation should provide a minimum floor space of 79.00sqm and 2.00sqm of built-in storage.

8.33 Whilst the built in storage space along with the bedroom dimensions would be sufficient, the dimensions as proposed fail to meet the minimum gross internal floor areas for a single storey, two bedroom property by 22.3m², due to the removal of the dormers from the existing design, following privacy concerns. Despite this, in these site specific circumstances the Local Planning Authority are nonetheless satisfied that the proposed dwelling would provide an albeit not high, however adequate level of residential amenity for the future occupants of the scheme.

8.34 The Councils Good Design Guide states that '*Gardens are an important part of the quality of life afforded by a house. Over-development leaving a significantly reduced garden area can affect its appeal in the longer term. Homeowners should ensure that a single extension or cumulative smaller extensions do not result in a significant loss of total garden space as this can render the plot out of keeping with its context.*

A general guideline for garden sizes is:

- *A minimum garden length of 7m*
- *80sqm: three bedroom house*
- *60sqm: two bedroom house.*

8.35 The proposal would provide a more than adequate rear amenity space which would exceed 7.00m in width and 60.00sqm.

8.36 By virtue of the above factors the proposal would satisfy Policy DM10, Policy 22 of the ESABAAP, and the Councils Good Design Guide subject to a condition being imposed removing the dwellings permitted development rights under Schedule 2 Part 1 (Classes **A** to **E**) 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). The imposing of this condition is considered to be justified due to the small nature of the plot alongside its sitting next to existing residential dwellings which the extension of would lead to harm upon the occupiers of the neighbouring dwelling unless appropriately assessed by the LPA.

Impact upon highway safety

8.37 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. 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.

8.38 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.

8.39 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

8.40 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).

8.41 Objections have been in respect to highway safety and parking provision. Reference has also been made to a previously refused planning application (Reference; 05/00033/OUT) which was allegedly refused on highways grounds due to a lack of access from Heath Lane.

8.42 The LHDG requires two-bedroom dwellings to provide an off-street parking provision for a minimum of one vehicle and requires that parking spaces have minimum dimensions of 2.40m in width by 5.50m in depth, and an additional 0.50 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 1.00m in width where the space is bounded on both sides.

8.43 Two off-street parking spaces would serve the dwelling, the spaces would measure 2.40m x 5.50m and would be set away from the boundary treatments either side satisfying the LHDG. Although, concerns have been raised in respect to highway safety the Local Highways Authority (LHA) have raised no concerns and therefore refusal on highways grounds would be unduly unjustified.

8.44 No parking restrictions are in place to Gartree Crescent and therefore the LHA have no control over who parks on the pavement. Any parking of vehicles on the pavement or any parking that is considered to be dangerous or that causes an obstruction to the safe and effective use of the highway, is an offence under the Road Traffic Act 1988. Such instances should be reported to the police on their non-emergency number 101 and are not a planning matter.

8.45 Further to the above, it is important to address that the 2005 application referenced was not refused on highways grounds. Even so, each application is assessed on their own merit.

8.46 A separate dropped kerb application to the Local Highway Authority would be required to implement the proposed dropped kerb an informative which has been implemented below within para. 11.3.

8.47 By virtue of the above, the proposed development would therefore provide a sufficient parking provision and would not have any adverse impacts upon highways safety, satisfying Policies DM17 and DM18 of the SADMP, the LHDG and Paragraph 115(b) of the NPPF.

Impact upon ecology

8.48 Policy DM6 of the SADMP states that proposals 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. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly
- f) It has been adequately demonstrated that the irreplaceable habitat

g) Appropriate compensation measures are provided on site wherever possible and off site where this is not feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

8.49 The submitted Biodiversity Net Gain Statement and Bat Report completed in September 2025 has been reviewed by LCC Ecology and has been accepted. The report outlines that the site consists of vegetated garden and two trees, where the trees will be retained under the proposals. The existing single garage building was assessed for its bat roost potential, it was concluded to have 'negligible' potential for roosting bats and no further surveys required.

8.50 The statutory framework for BNG 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. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to commencement of the development. However, the PPG is clear that BNG is not just a post-permission matter, that it 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.

8.51 Currently, the 10% BNG will not be met on site with a -11.57% decrease in Habitat Units. The post development value of the site will still need to achieve a 10% net gain by discharge of the Biodiversity Gain Plan condition. The Biodiversity Net Gain Statement and Bat Report is stating this will be achieved by purchase of off-site units from a biobank. The baseline values have been assessed which are accepted, at post-development, values will be confirmed at the discharge of the Biodiversity Gain Plan condition.

8.52 By virtue of the above, subject to mandatory BNG condition being implemented, the development would accord with Policy DM6 of the adopted Site Allocations and Development Management Plan (2016).

Flood risk and drainage

8.53 Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated.

8.54 According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of residential development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.

8.55 An objection has been received that the soak away is less than 2.50 meters from the boundary.

8.56 The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced.

8.57 The HBBC Drainage officer raises no objections to the development and recommends two informatics which are set out within para. 11.3.

8.58 By virtue of the above, the proposed development would therefore satisfy Policy DM7 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.

10. Planning balance/Conclusion

10.1 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

10.2 The benefits of the development are limited and are through the provision of one dwelling and its associated social/economic benefits through construction and occupation, but there would, be no material impact on the character of the area, highway safety, neighbouring amenity, ecology or drainage and therefore the proposal is considered to be acceptable

10.3 By virtue of the above the proposal would be in accordance with Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the SADMP, the NPPF. The proposal is therefore recommended approval subject to the below conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined 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, as follows:

- Location Plan, Drg No. 01-2429_00
- Existing and Proposed Block Plans Drg No. 02-2429_00 Rev A
- Proposed Drainage Plan, Drg No. 06-2429_00
All as received by the Local Planning Authority on the 3rd October 2025.
- Proposed Elevations and Floor Plans, Drg No: 01-2429 Rev D
as received by the Local Planning Authority on the 5th December 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

4. The windows to the ground floor serving the bathroom, kitchen/diner shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the windows 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).

5. All roof lights shall either have a sill height of a minimum of 1.7 metres above first floor level. Once so provided the roof lights 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).

6. No development above foundation level shall take place until a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be

completed in full accordance with the approved details prior to the first occupation of the dwelling to which it relates.

Reason: To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. 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 HMMP should be submitted concurrently with the application to discharge the Biodiversity Gain Plan.

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, Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990) and DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The dwelling hereby approved shall not be extended, altered, or subject to development within the individual residential curtilages, under Schedule 2 Part 1 (Classes **A** to **E**) 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), without the grant of planning permission for such extensions by the Local Planning Authority.

Reason: To ensure that the development does not have a detrimental impact on the character of the development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) **Your attention is drawn to the below Biodiversity Net Gain Informative.**
The Biodiversity Gain Plan should be submitted concurrently with the relevant Discharge of Condition application relating to a HMMP. Neither condition can be discharged in isolation.
- b) 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.
- c) 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 area, 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.
- d) Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
- e) This permission does not give the Applicant approval to work on the public highway. Therefore, prior to carrying out any works on the public highway the Applicant must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050 001.
- f) The existing structure may contain asbestos. The approved development should therefore be carried out in compliance with the Control of Asbestos Regulations 2012.