

Delegated Report

Planning Ref: 25/00464/FUL

Applicant: Mr and Mrs Michael Burgess

Ward: Ambien



**Hinckley & Bosworth
Borough Council**

Site: Lodge Farm Market Bosworth Road Dadlington

Proposal: Demolition of existing light industrial/storage barn and erection of one dwelling

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 demolition of an existing light industrial/storage barn and erection of one dwelling at Lodge Farm, Market Bosworth Road, Dadlington.
- 2.2. This application follows the extant permission 24/00624/FUL for the conversion of existing barn (currently in use for light industrial/storage) to Class C3 dwelling (self-build). The agent has confirmed that although the fall-back position of implementing the permission 24/00624/FUL remains, this application aims to ensure a more sustainable development along with a more cost efficient build cost.
- 2.3. The proposed dwelling would have a depth of 8.59 metres for a width of 18.43 metres, with the inclusion of a plant room to its northern elevation with a depth of 1.65 metres for a width of 4.00 metres. The main structure would have a dual-pitched roof form which would have an eaves height of 3.91 – 4.17 metres and a ridge height of 5.34 metres, with a mono-pitched roof form to the plant room which would have an eaves height of 2.49 metres and a ridge height of 3.13 metres.
- 2.4. To the ground floor of the front elevation would sit two full height windows along with a door hosting bedroom 3, two full height windows with a dual door hosting the living space, and three full height windows hosting the W.C. and boot room. To the ground floor of the rear elevation would sit two sets of full length windows and dual doors hosting bedroom 1 and 2, and two sets of four bi-fold doors with windows atop of hosting the living/dining space. Lastly, to the first floor of the southern side elevation would sit an apex window.
- 2.5. Horizontal timber cladding is proposed to the external walls with insulated corrugated metal sheeting to the roof and grey/black aluminium to the openings.

3. Description of the site and surrounding area

- 3.1. The application site relates to an existing building located at Lodge Farm, currently in use for light industrial/storage purposes. The building is part of what was originally a farmstead comprising a main farmhouse and a series of former agricultural buildings since converted to residential use. The site is accessed from Shenton Lane and is approximately 0.5 miles north of the village of Dadlington. The site is located within the Countryside and is located within the boundary of Bosworth Battlefield.

4. Relevant planning history

23/00617/CLE

- Lawful Development Certificate for existing use of barn as light industrial/storage (Class Eg(iii) and B8)
- Certificate of Lawful Existing Use
- 01.08.2023

24/00624/FUL

- Conversion of existing barn (currently in use for light industrial/storage) to Class C3 dwelling (self-build)
- Planning Permission
- 30.08.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Following the publication no comments have been received.

6. Consultation

6.1. LCC Ecology:

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

REASON FOR RECOMMENDATION:

- *We have reviewed the above report and found this acceptable.*

ANY RECOMMENDED CONDITIONS TO BE APPLIED:

- *The development hereby approved shall be implemented in strict accordance with the measures stated in Page 25 onwards of the Preliminary Bat Roost Assessment and Bird Survey (C Smith, July 2025)*
- *Mitigation Licence - No development shall take place (including demolition works) until a copy of the Protected Species Licence has been submitted to the Local Planning Authority for the destruction of the confirmed bat roost, as outlined in the ecology report, "Preliminary Roost Assessment and Bird Survey C Smith, July 2025". This should include the mitigation strategy, and any mitigation plans showing features to be installed as compensation for the removal of the bat roost, as submitted as part of the licence application."*
Reason: to ensure that species and habitats are protected in accordance with national legislation.'

6.2. LCC Highways:

'There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.'

6.3. 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).

6.4. HBBC Environmental Services – Pollution;

'Section 6.7.5 of the Planning Statement states "The proposals provide opportunity for some new on site landscaping within the vicinity of the dwelling. It is submitted the final details of soft landscaping can be secured by planning condition if necessary."

If soft landscape areas are proposed I recommend a condition to consider land contamination due to the potential for past/present use to have impacted the soils. If no soft landscape areas are proposed I have no objection and no further comment: Recommended conditions if soft landscape areas are proposed:

CONTAMINATED LAND

C174. Land Contamination

- a) *No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with.*
- b) *The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.*

NTA 50 - Contaminated Land (1)

In relation to conditions X and X advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.

C75. Land Contamination Found Later

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

6.5. No comments have been received from:

- Sutton Cheney Parish Council
- HBBC Waste
- Severn Trent Water
- Battlefields Trust
- HBBC Planning Policy.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

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 archaeology
- Impact upon ecology
- Permitted development
- Planning balance

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

8.3. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

8.4. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

8.5. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and

provides allocations for housing and other development in a hierarchy of settlements within the Borough.

- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.9 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:
 - (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.10 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable.
- 8.11 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.12 The application site benefits from planning permission for the provision of a dwelling through the conversion of the existing outbuilding via planning permission 24/00624/FUL. The applicant therefore has a “fall-back position” for residential development of a similar quantum on the site.
- 8.13 It has been established in law that a fall-back is an important material consideration in the decision-making process. The “fall-back position” refers to what development could take place if planning permission under an application currently being

considered is not granted. Of particular note is the Court of Appeal decision in Mansell vs Tonbridge & Malling Borough Council [2017] EWCA Civ 1314. The judgement recognised that Permitted Development rights under Class Q may represent a realistic fall-back position when it comes to developing the site with an alternative form of development. Where a fall-back development is possible decision-makers must be satisfied this is a “real prospect” in order for it to be a material consideration. There is extensive case law regarding “real prospects”, whether a fall-back is realistic is based on the individual merits of the site/development.

- 8.14 In this case there is an extant grant of planning permission for the conversion of the existing building to a dwelling. When asked to confirm that the conversion remains a realistic fall-back position the agent confirmed that the conversion consent remains legitimate. This was further justified by way of site visit which confirmed that the existing building remains to be in a structurally sound condition.
- 8.15 The agent has advised that the revised scheme is a more sustainable development alongside having a more cost efficient build cost of which the former is a material benefit for the development. It is considered realistic that should the current application be refused, the site would be developed through the conversion of the existing buildings to a dwelling, thus the fall-back position is considered realistic. This is considered to be a significant material consideration within the planning balance.
- 8.16 Given the above, the principle of a new build dwelling in this location is contrary to Policy DM4 of the SADMP and the spatial strategy which seeks to direct development towards the most appropriate and sustainable locations where there are a range of services and good public transport links and to protect the intrinsic character of the countryside. However, the fall-back position is considered to be a material consideration which outweighs conflict with Policy DM4. Should the current application be refused there is a realistic prospect that the conversion of the building would occur, and a dwelling would be created in this location. The sustainability impacts would be identical. Matters of design and the impact on the countryside are assessed below.

Housing Land Supply

8.17 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.

8.18 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.

8.19 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are currently unable to demonstrate a 5-year supply of deliverable housing.

8.20 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.

8.21 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.

8.22 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.

8.23 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.

8.24 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.

8.25 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

8.26 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

8.27 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

8.28 Policy DM4 of the SADMP allows for sustainable development within the countryside for outdoor sport or recreational facilities when it meets the below requirements;

- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- ii) It does not undermine the physical and perceived separation and open character between settlements; and
- iii) It does not create or exacerbate ribbon development; with Core Strategy Polices 6 and 9; and
- iv) If within a Green Wedge, it protects its role and function in line
- v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

8.29 Criterion ii – v of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.

8.30 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.

8.31 The proposed structure is currently in use for light industrial/storage purposes and is to be demolished to accommodate for the erection of one dwelling. The proposed dwelling would replicate the width of the existing structure, but would be 1.14 metres larger in depth, with the inclusion of a plant room to its northern elevation which would have a depth of 1.65 metres for a width of 4.00 metres with a mono-pitched roof form. Despite the enlargements when compared to the existing structure, given their modest scale along with the complementary design, architectural detailing and appropriate use of external materials consistent with the extant planning permission for the previously approved conversion scheme (application reference; 24/00624/FUL) the proposal is considered to maintain the rural impression of the building whilst adding a contemporary twist.

2.6. A dual-pitched form is proposed to reflect that of the existing structure with a ridge height seeing an increase by 0.70 metres and the eaves by 0.60 – 0.62 metres in order to accommodate a first floor mezzanine level. The increase in not, however, considered to appear as a noticeable change when viewed in the context of the site. In addition, the proposed windows and door openings on the proposal are considered acceptable in design alongside the proposed log burner flue and would not cause detrimental impacts to the visual amenity of the area or the intrinsic beauty of the open countryside.

2.7. As such the proposal is considered to be in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

8.32 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.

8.33 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.34 The development site is located within close proximity to neighbouring residential properties, including the host dwelling on the site. The development is not, however, considered to cause detrimental impacts to the existing residential units at the site by way of its modest height and the orientation of windows and door openings, in relation to the neighbouring windows at two storey height. The proposal is not considered to cause detrimental impacts to neighbouring amenity in terms of loss of light, loss of privacy, overshadowing or overbearing impacts, similarly, the unit itself is not considered to be detrimentally impacts by the existing dwellings for the use of future occupiers.

8.35 It is therefore considered that the proposal is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

8.36 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. 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.

8.37 Ultimately, development should not be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 116 of the NPPF.

8.38 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.

8.39 Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.

8.40 The proposed dwelling would utilise the site's existing access to the north-west of Market Bosworth Road, which serves the current light industrial/storage use. The Local Highway's Authority were consulted as part of this application and have confirmed that they have no objections to the proposal. The site is not considered to cause detrimental impacts to highway safety and sufficient car parking and turning facilities are afforded to the proposed three bedroom dwelling, located on the existing land at the site. No hardstanding or further works have been proposed under this proposal and as such it is considered that the proposal is in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact upon archaeology

8.41 Policy DM13 of the SADMP confirms that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application and appropriate desk-based assessment, and, where applicable, the result of a field evaluation detailing the significance of any affected asset.

8.42 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.43 The development site is located within Bosworth Battlefield and whilst LCC Archaeology were not consulted as part of this application process, their previous comments submitted under application reference; 24/00624/FUL remain justified. Within the previous comments the Local Archaeology Authority confirmed that whilst they do not object to the proposal, a condition shall be attached to the decision to ensure that any works are to a satisfactory archaeological standard and is conducted in accordance with Policy DM13 of the SADMP. In addition, no harm to the heritage asset has been observed given the nature of the development being a conversion of an existing building, and the design of the proposal being in keeping with the rural character of the area, and such it is considered in accordance with Policy DM11 and DM12 of the SADMP.

Impact upon ecology

8.44 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 not is feasible.

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

8.45 Within the relevant Biodiversity Net Gain requirements developments are exempt if they are below the relevant threshold. The development threshold for this application relates to a development that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows.

8.46 The application relates to the rebuild of an existing building. The proposal is contained within the footprint of the existing building, with the exception of the proposed plant room extension (6.73m²). The site is already consists primarily of hardstanding. The plant room section of the proposal is located on an area of land which is currently used as garden land and is not considered to be a priority habitat. The development does not impact a priority habitat and impacts less than 25m² and as such it is exempt from BNG requirements.

8.47 Notwithstanding the above, as the originally submitted Preliminary Bat Roost Assessment and Bird Survey (PRA) classified the existing structure (to be demolished) as having a 'Moderate' potential for bats LCC Ecology placed a holding objection on the application until, a minimum of two additional surveys were submitted. In response to the above a further PRA was submitted to the Local Planning Authority on the 7th July 2025. LCC Ecology reviewed the report and as a result removed their holding objection, subject to a Mitigation Licence and

compliance with PRA conditions being imposed. An informative has also been added regarding nesting birds.

8.48 By virtue of the above, subject to conditions, the development would accord with Policy DM6 of the SADMP.

Permitted development

8.49 The Council have removed permitted development rights, via condition, as seen at the end of this report, relating to Schedule 2, Part 1, Class A-E of the General Permitted Development Order (2015). The justification behind this removal relates to ensuring that any future extensions, boundary treatments or alterations safeguard the character and appearance of the heritage asset of Bosworth Battlefiel and the general character of the wider countryside area.

Planning balance

8.50 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.

8.51 Whilst the principle of a new build dwelling in this location is contrary to Policy DM4 of the SADMP, the fall-back position is considered to be a material consideration which outweighs conflict with Policy DM4.

8.52 The sustainability impacts of this proposal versus the conversion permission would be identical. Whilst the building would have some differences to the existing building, it would remain proportionate to the size, scale, mass and footprint of the existing building, retaining its character similar to the existing agricultural building, and respecting the intrinsic character of the countryside and that of the immediate area.

8.53 There would be no material impact on highway safety, neighbouring amenity, ecology and biodiversity or archaeology. Therefore, in summary the sustainability harm of the development is outweighed by the fall-back position, 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 these clearly outweigh the harm identified related to the conflict with Policy DM4 of the SADMP considering the fall-back position.

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. Conclusion

10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings. It is considered that the proposed development would be in accordance with Policies DM1, DM10, DM11, DM12, DM13, DM17 and DM18 of the adopted 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:

- Site Location Plan, Drg No.292 PL-01 Rev B
- Proposed Floor Plan, Elevations, Drg No. 292 PL-03 Rev D
All as received by the Local Planning Authority on the 7th May 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the SADMP.

3. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure safe waste collection and a satisfactory form of development in accordance with Policies DM1 and DM10 of the SADMP.

4. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the

agreed WSI, which shall include the statement of significance and research objectives, and;

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the SADMP.

5. The development hereby approved shall be implemented in strict accordance with the measures stated in Page 25 onwards of the Preliminary Bat Roost Assessment and Bird Survey (C Smith, July 2025)

Reason: To ensure that species and habitats are protected in accordance with Policy DM6 of the SADMP.

6. No development shall take place (including demolition works) until a copy of the Protected Species Licence has been submitted to the Local Planning Authority for the destruction of the confirmed bat roost, as outlined in the ecology report, "Preliminary Roost Assessment and Bird Survey C Smith, July 2025". This should include the mitigation strategy, and any mitigation plans showing features to be installed as compensation for the removal of the bat roost, as submitted as part of the licence application.

Reason: To ensure that species and habitats are protected in accordance with Policy DM6 of the SADMP.

7. Notwithstanding the provisions of Schedule 2, Part 1, Classes A - E and Schedule 2, Part 2, Class A inclusive 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, or means of enclosure shall be carried out unless planning permission for such development has been granted by the local planning authority.

Reason: To safeguard the amenities of neighbouring properties, the character and appearance of the building and the surrounding countryside and to protect heritage assets in accordance with Policy DM4, DM10, DM11 and DM12 of the SADMP.

11.3 **Notes to applicant**

- a) 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.
- b) The collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please refer to the following downloads on the website.

http://www.hinckleybosworth.gov.uk/downloads/file/2952/wheeled_bin_information_for_developers_and_planning_officers & https://www.hinckleybosworth.gov.uk/downloads/file/4647/wheeled_bin_and_container_policy_updated_march_2018. Please note that our policy states that all recycling and refuse services take place from the boundary with the public highway. If all or part of the new road to the new properties is to be private (unadopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time). It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point.

- 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) Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.