

Delegated Report

Planning Ref: 25/01008/FUL

Applicant: Mr Tristen May

Ward: Newbold Verdon With Desford & Peckleton

Site: 16 Main Street Kirkby Mallory Leicester



Hinckley & Bosworth
Borough Council

Proposal: Extension of vehicle access

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 extension of an existing dropped kerb and vehicle access at 16 Main Street, Kirkby Mallory.
- 2.2. The dropped kerb would be extended to the south-east by the laying of two flush kerbs and one transition kerb.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two-storey end of terrace situated within the settlement boundary of Kirkby Mallory.
- 3.2. The application dwelling has a dual-pitched form with a slate finish. A brick built chimney sits to its far eastern side, render to the walls and white uPVC to the windows. It forms a row of one of five terrace properties, all of a matching design and scale. Each of the properties vehicular access is situated to the north-east of Main Street, to the rear of the properties private amenity spaces.
- 3.3. Main Road is a classified 'C' road.

4. Relevant planning history

- None relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Following the publication no representations have been received.

6. Consultation

6.1. Grobby Parish Council;

- No representations have been received.

6.2. HBBC Environmental Health (Pollution);

'No objection.'

6.3. LCC Highways;

'The LHA are aware that the front of the driveway is currently surfaced with loose gravel, consideration should be given to surfacing which in accordance with Table 13 of the Leicestershire Highway Design Guide (LHDG) available at <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/developments-served-private-drives-and-areas>, which notes that for an

access serving a single dwelling, the access should be surfaced in hardbound material for a for at least the first 5m from the highway boundary.

The LHA are also aware that a vehicle crossover (dropped kerb) permit was sought in August 2025, but believe this to have expired. In order to facilitate the proposed drop crossing, the Applicant would need to apply to the LHA for a current vehicle crossover (dropped kerb) permit. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>. The Applicant should note that the approval of planning permission does not guarantee permission for the required works permit. This process comes with its own criteria which must be met in order to gain a successful permit application.'

6.4. LCC Minerals;

'The County Planning Authority has no comments to make.'

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

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)
- Leicestershire Highways Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respect the materials of existing adjoining/neighbouring buildings and the local area generally.

8.3 The existing dropped kerb is situated to the north-east of Main Street. It would be extended to the south-east by the laying of two flush kerbs and one transition kerb. The construction of the dropped kerb would not see the loss of any highway soft landscaping such as grass verges or highway trees as it would be limited to the dropping of an area of hardstanding only, protecting the character of the street

scene. Further to this, Main Street is characterised by a number of dropped kerbs, which the proposal would be in keeping with.

- 8.4 Overall, it is considered that the proposed development would not cause any significant harm to the visual amenity of Main Road, satisfying Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.5 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.

- 8.6 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

- 8.7 By virtue of the minor nature of the proposal there is not considered to be any material adverse impact on the residential amenity of any neighbouring properties and the proposal is therefore considered to be in accordance with Policy DM10 of the adopted SAMP and Paragraph 135(f) of the NPPF.

Impact upon highway safety

- 8.8 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.

- 8.9 To support this, Policy DM17 of the adopted 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.

- 8.10 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).

- 8.11 The Local Highway Authority (LHA) have no objections to the proposal, however, wish to note that the LHDG requires that residential drives are bound material, for example, bituminous or concrete, or block paving for at least the first 5.00 metres from behind the highway boundary. While details have not been provided confirming the material of the residential drive, a condition has been implemented to ensure that the proposal would satisfy the LHDG in this regard.

- 8.12 Overall, it is considered that the proposed development would not cause any significant harm to the public highway, Main Street, satisfying Policy DM17 of the adopted 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. Conclusion

- 10.1. The proposal is located within the settlement of Kirkby Mallory where there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.2. The proposed development would respect the character of the dwelling and street scene, would not adversely affect the amenities of the occupiers of neighbouring properties and would not have a detrimental impact of highway safety. The application is considered to be in accordance with Policies DM1, DM10 and DM17 of the adopted SADMP, the LHDG and the overarching principles of the NPPF and is therefore recommended for approval subject to 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 as received by the Local Planning Authority on the 8th January 2026.

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Leicestershire Highways Design Guide (2024) and the National Planning Policy Framework (2024).

3. The development hereby approved shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

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) 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.