



Council Offices, Desford Road, Narborough, Leicester, LE19 2EP

**NOTICE OF DECISION ON PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990**

OUTLINE PLANNING PERMISSION

Name and Address of Applicant

Mr & Mrs Sharland
12 Byron Street
Earl Shilton
Leicestershire
LE9 7FA

Name and Address of Agent

Simon Cheshire BA(Hons) DipTP MRTPI
34 Stanley Road
Market Bosworth
Nuneaton
CV13 0NB
United Kingdom

Part -1 Particulars of Application

Date of Application 3 December 2024 Application No. **24/0999/OUT**

Particulars and Location of Development

Outline application for the erection of a C3 self-build dwelling and associated amenity space and parking (with all other matters reserved except for access).

Land East Of 4 Station Road Elvesthorpe Leicester Leicestershire

Part -2 Particulars of Decision


In pursuance of its powers under the Town and Country Planning Act 1990, the Blaby District Council **GRANTS outline** planning permission for the carrying out of the development referred to in PART -1 hereto in accordance with the application and plans submitted, subject to the following conditions;

Conditions attached to the planning permission and reasons for those conditions are :-

CONDITIONS

- 1 Application for approval of reserved matters shall be made within 3 years from the date of this permission and the development shall be begun not later than whichever is the later of the following dates:
 - a. Five years from the date of this permission; or
 - b. Two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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- 2 Detailed plans and particulars of the proposed development shall be submitted to and approved in writing by the District Planning Authority and shall show;
 - a) Layout of the development
 - b) Scale of the development
 - c) Appearance of the development;
 - d) A landscaping scheme including details of any existing trees and shrubs to be retained; new planting including plant type, size, quantities and locations; other surface treatments; fencing and boundary treatments; any changes in levels; the position of service and/or drainage runs.
- 3 The development hereby approved shall be built in strict accordance with the following approved plans and documents:
 - Location Plan (amended version dated 4th March)
 - Site Access Design and Visibility Splays - DWG-01
- 4 Prior to the commencement of any development:
 - a) A desktop study shall be carried out which must include the identification of previous site uses and potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a conceptual site model for all potential contaminant sources, pathways, and receptors shall be produced to demonstrate potential contaminant linkages and inform a preliminary risk assessment conducted in accordance with the Land Contamination Risk Management (LCRM) framework and other relevant standards.
 - b) A site investigation scheme shall be designed for the site using the information obtained from the desktop study. This shall be submitted to and approved in writing by the District Planning Authority prior to that investigation being carried out on the site.
 - c) The site investigation shall be undertaken in accordance with details approved by the District Planning Authority. This must enable a detailed risk assessment relating to all receptors to be undertaken and refinement of the conceptual site model. The information must then be used to inform an options appraisal exercise written in accordance with the LCRM framework and other relevant standards.
 - d) A remediation method statement detailing the remediation requirements and how it is to be undertaken, using the information obtained from the site investigation shall be submitted to the District Planning Authority. This shall be approved in writing by the District Planning Authority prior to that remediation being carried out on the site.
 - e) A verification plan providing details of the information that will be collected in order to demonstrate the works set out in the remediation method statement are complete, including identification of any requirements for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, shall be submitted to the District Planning Authority for written approval.



- f) Prior to commencement of any above ground development, the approved remediation works shall be completed in accordance with the approved remediation method statement to the satisfaction of the District Planning Authority. An appropriate verification report for the remedial scheme written in accordance with the approved verification plan shall be submitted to the District Planning Authority for written approval.
- 5 No development shall commence until a Construction Method Statement has been submitted to, and approved in writing, by the District Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) Measures to control the emissions of dust and dirt during construction
 - b) Measures to control the emissions of noise during construction referring to appropriate standards
 - c) Hours of construction and deliveries
 - d) Measures to control any temporary lighting installations that maybe required during construction.
- 6 No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the District Planning Authority.
- 7 No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the District Planning Authority. The CEMP shall include the following details:
- A. Identification of potentially damaging construction activities
 - B. practical measures and sensitive working practices to avoid or reduce impacts during construction on badger, Great Crested Newts (GCN) and reptiles
 - C. timing of works to avoid harm to nesting birds
 - D. responsible persons for overseeing sensitive works
 - E. use of protective fencing where required for hedgerows and boundary vegetation
- There after the approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the District Planning Authority.
- 8 No development shall take place until a biodiversity enhancement plan has been submitted to and approved in writing by the District Planning Authority. Enhancements shall include (but are not limited to) at least one integrated bat box, woodcrete/integrated bird box and two bee bricks with the makes/models and their locations. The biodiversity enhancement scheme shall include planting of hedgerows




and trees of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database. Hedgerow mixes should include: 80% hawthorn (*Crataegus monogyna*), plus any one or more of the following: field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), dog rose (*Rosa canina*) and holly (*Ilex aquifolium*). Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

- 9 No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the District Planning Authority. Once approved the works shall be carried out before any of the development is occupied.
- 10 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Site Access Design and Visibility Splays, drawing number DWG - 01 have been implemented in full.
- 11 The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
- 12 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.
- 13 The dwelling hereby permitted shall only be constructed as a self-build or custom build dwelling, and first occupied as so, as defined under Section 1(A1) and Section 1(A2) of the Self Build and Custom Housebuilding Act 2015 (as amended).

REASONS

- 1 To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the District Planning Authority to review the consent if a further application is made.
- 2 To secure the satisfactory development of the site and in the interest of visual amenity.
- 3 For the avoidance of doubt.
- 4 To ensure the site is suitable for its intended use and to protect the quality of the

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water.

- 5 To protect residential amenity and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.
- 6 In the interest of the overall appearance of the development and to ensure that the level of illumination is kept to the minimum necessary in the interest of protecting amenity.
- 7 To enable the District Planning Authority to give consideration to potential impacts on protected species
- 8 To ensure the protection of wildlife and supporting habitat.
- 9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.
- 10 To ensure that vehicles entering and leaving the site in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).
- 11 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)
- 12 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).
- 13 To ensure the dwelling is constructed as a self-build or custom build dwelling as this provides exemption from biodiversity net gain.


BIODIVERSITY GAIN PLAN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a

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Biodiversity Gain Plan, if one is required in respect of this permission would be Blaby District Council.


There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
- 4 The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management

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Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

- 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5 Self and Custom Build Development, meaning development which:
- i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the



Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.


NOTES TO APPLICANT

- 1. A public footpath crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 2. The applicant is reminded of their responsibility for ensuring that relevant precautions to minimise the potential for disturbance to the neighbouring properties in terms of noise and vibration. The granting of this planning permission does not indemnify against statutory action being taken should substantiated noise complaints be received.
- 3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

SUMMARY OF REASONS FOR RECOMMENDATION

- 1 The District Planning Authority has reached its decision taking into account the advice contained within paragraph 39 of the National Planning Policy Framework and, where possible, has worked proactively with the applicants to seek solutions to problems arising in relation to dealing with the planning application.

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Mr & Mrs Sharland

Date: 16 September 2025
My Ref: Development Monitoring
Contact: Planning Enforcement Team
Tel No: 0116 272 7521
Email: planning.enforcement@blaby.gov.uk

Dear Sir/Madam

Development Monitoring

The enclosed planning permission has been granted and is subject to all the planning conditions attached to and forming part of the planning permission. Failure to comply with these conditions will be a breach of planning control which may result in your development being unauthorised and subject to enforcement and/or legal action.

Therefore you should ensure that you notify the Planning Enforcement Section at least 4 weeks prior to commencement of the development to ensure that all pre-commencement conditions have been discharged and complied with. Please contact me using the details at the top of this communication.

It should also be noted that the site will be monitored to ensure:-

- (a) compliance with all conditions attached to the planning permission and;
- (b) the development is carried out in accordance with the approved plans.

I look forward to your co-operation with this matter however, if you require any further information or assistance please do not hesitate to contact me.

Yours faithfully

Planning Enforcement Team

DELEGATED REPORT

Application made under the Town and Country Planning Act (1990)

APPLICATION DETAILS:

Application No:	24/0999/OUT
Site Address:	Land East Of 4 Station Road, Elvesthorpe, Leicester, Leicestershire, LE9 7SG
Proposal:	Outline application for the erection of a C3 self-build dwelling and associated amenity space and parking (with all other matters reserved except for access).
Determination Date:	16 th September

DECISIONS DELEGATED TO OFFICERS BY PART 3 SECTION 6 SUB SECTION 12 OF THE BLABY DISTRICT COUNCIL CONSTITUTION:

Recommendation:	Approve
Case Officer Signature: Maria Philpott	Date: 16.09.2025
2 nd Signature (when required):	Date: N/A

Relevant Planning Policy:

Development Plan

Blaby District Local Plan (Core Strategy) Development Plan Document (2013):

Policy CS1 – Strategy for locating new development
Policy CS2 – Design for new development
Policy CS5 – Housing distribution
Policy CS18 – Countryside
Policy CS19 – Biodiversity and geo-diversity
Policy CS20 – Historic environment and culture
Policy CS21 – Climate change
Policy CS22 – Flood risk management
Policy CS23 – Waste
Policy CS24 – Presumption in favour of sustainable development

Local Plan (Delivery) Development Plan Document (2019):

Policy DM2 – Development in the countryside
Policy DM8 – Local parking and highway design standards
Policy DM10 – Self and Custom Build Housing
Policy DM12 – Designated and Non-Designated Heritage Assets

Elmesthorpe Neighbourhood Plan:

No Neighbourhood Plan has yet been produced following the neighbourhood area being designated in 2013.

Leicestershire Minerals and Waste Local Plan 2019-2031

Policy M11 – Safeguarding of Mineral Resources

Other Material Considerations:

National Planning Policy Framework (NPPF) (2024)

Chapter 2 – Achieving Sustainable Development
Chapter 4 – Decision Making
Chapter 5 – Delivering a Sufficient Supply of Homes
Chapter 11 – Making Effective use of Land
Chapter 12 – Achieving Well-designed Places
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 15 – Conserving and Enhancing the Natural Environment
Chapter 17 – Facilitating the Sustainable Use of Minerals

National Planning Practice Guidance (NPPG)

SPD/Other Guidance

- Leicestershire Highways Design Guide

Consultations:

Consultee	Comments
Parish Council	<p>Objects:</p> <ul style="list-style-type: none"> • Information is sparse • No visibility splays provided • No highway report regarding speed and number of vehicular movements • Increase in traffic and highway safety • Hedge along site frontage will impede visibility, wish to see it set back • Is it the intention to extinguish part of the access • More details of the proposed access required • Land owned by the Highway Authority has not been shown in the application documents • There is a drainage pipe/ditch running adjacent to Station Road along the site frontage, no details of drainage have been submitted • Concerned in case of damage to the drainage and impeding the flow of the water and causing flooding to householders • Request Severn Trent water and other relevant statutory bodies are consulted and conditions imposed as required • No details of changes to the drainage ditch that runs along the back of the site <p>[Officer comment: These comments have been addressed by the submission of additional technical information, including visibility splays and drainage information which has satisfied the technical consultees.]</p>
Environmental Services	<p>No objections subject to conditions relating to contamination, and CMP. More information required regarding foul and surface water drainage. Recommend the EA and LLFA are consulted.</p> <p>Note to the applicant regarding noise and vibration.</p>
Neighbourhood Waste	<p>No comments. Refer to guidance</p>

Leicestershire County Council Highways	<p>More information required. [First response]</p> <ul style="list-style-type: none"> • More details of the proposed access • More details of visibility splays to be provided • Speed survey data may be required to justify a shorter visibility splay if required • A licence would be required to create the new access • A footpath passes through the site in the north-eastern corner – the provision of a boundary fence will have an impact upon it. The boundary of the site should be moved away from the footpath to ensure it has sufficient width. <p>No objection. [Second response]</p> <ul style="list-style-type: none"> • The visibility splays are now acceptable, despite a slight breach over third party land • The proposed access is acceptable • The change to the red line location plan and site boundary means there will no longer be an impact on the public right of way • Recommend conditions relating to visibility splays, surfacing of the access and removal of PD rights for gates, or barriers etc.
Leicestershire County Council Minerals and Waste	<p>No objections. Mineral extraction in this location would not be practical or viable.</p>
Leicestershire County Council Lead Local Flood Authority	<p>No comment. The site is at low risk of fluvial flooding and low risk of surface water flooding. Refer to standing advice.</p>
Leicestershire County Council, Ecology	<p>Holding objection. [First Response]</p> <ul style="list-style-type: none"> • Ecological appraisal should be submitted <p>Holding objection. [Second Response]</p> <ul style="list-style-type: none"> • No ecology survey submitted, including for great crested newts <p>Conditions recommended [Third Response]</p>

	<ul style="list-style-type: none"> No objection subject to conditions regarding external lighting, CEMP for biodiversity and landscape enhancement plan.
Archaeology	No objections
Environment Agency	<p>Objection. [First Response] No information submitted to demonstrate that the risks of pollution to surface water and connection of foul mains sewer have been considered.</p> <p>No objection [Second Response] Provided foul drainage is connected to the mains sewers as stated in the 'Drainage Details' document.</p>
Severn Trent	No objection subject to conditions relating to foul and surface water drainage

Neighbour Representations:

2 neighbour representations received relating to the original proposal objecting on the following grounds:

- Road safety – poor visibility and increase in traffic
- Impact of increased traffic on bin collection days
- Impact on existing road safety and visibility issues experienced by residents
- Use of land detrimental to the existing property and wider community, access was not intended to serve additional developments.
- Potential impact to public right of way from the development making existing flooding of the footpath worse and making the footpath unusable

1 further objection has been received following additional notification following receipt of additional highways information:

- Increased traffic
- Visibility splays encroach on neighbour property land and are obstructed by trees and associated safety risk

Relevant Planning History:

App Ref:	Description:	Decision and Date:
84/1016/1/OX	Site for detached dwelling and garage	Refused

Site Description:

The application site is located in the parish of Elvesthorpe, outside but adjacent to the settlement boundary. The site comprises a roughly square area of land fronting Station Road between No. 4 Station Road and Bumblebee Cottage and The Homestead. There are other sparsely located dwellings on the same side and opposite side of the road and open countryside to the rear. A public right of way runs adjacent to the eastern boundary of the site to the north.

Constraints:

- Outside, but adjacent to the settlement boundary
- A public right of way (U20) runs adjacent to the eastern boundary
- The site is within a mineral safeguarding area for sand and gravel

The Proposal:

The applicant seeks outline permission for the erection of one dwelling, with all matters reserved except for access. A new access is to be provided from Station Road adjacent to the existing access to 4 Station Road and where there is already a dropped kerb.

A site visit was carried out on 23rd January 2025 and consultation has been carried out in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Council's adopted Statement of Community Involvement.

Planning Considerations:

Section 38(6) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

Any representations received form part of the consideration of the application. All matters raised on planning grounds have been taken into account in reaching a decision on this application.

The main issues to consider in determining the application are:

- the principle of development
- the impact on the character and appearance of the area and design
- the impact on residential amenity
- highway impacts and parking (including impact on the public right of way)

- waste collection
- drainage
- ecology and biodiversity
- archaeology
- mineral safeguarding

Principle of development:

Policies CS1 and CS5 of Blaby District Council Core Strategy seek to ensure housing needs are met in the most sustainable way through a principle of 'urban concentration'. New development should be primarily focused within and adjoining the Principal Urban Area of Leicester (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe) however, provision is also made for the development needs of settlements outside the PUA. Elmesthorpe is classed as a 'Smaller Village'. The Smaller Villages (Elmesthorpe, Kilby, Sharnford and Thurlaston) have a combined minimum housing requirement of 80 dwellings during the Local Plan period (2006 to 2029).

The site is designated as Countryside on the Blaby District Local Plan Policies Map (2019) and in this context is contrary to the Development Plan and Policy CS18 of the Core Strategy and Policy DM2 of the Delivery Local Plan. However, there is currently an overall under delivery of houses within the District as a whole, with the Council only being able to demonstrate a 3.53 year housing land supply, notably less than the five-year supply requirement outlined in the NPPF. The policies of the Development Plan which relate to the supply of housing are therefore considered out-of-date and the 'tilted balance' towards approval as set out in paragraph 11d of the NPPF should be applied. This means any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits if planning permission is to be refused.

As a result, whilst it is acknowledged that the proposal falls outside of the PUA and within the countryside, contrary to these policies, there have been examples of similar development within the area, along Station Road. A proposal for a single self-build dwelling does not in itself justify the development outside the settlement boundary, however, there needs to be significant harm demonstrated in accordance with the NPPF. Given the proposal is to locate a dwelling along the street frontage in the same way as many other dwellings in this part of Elmesthorpe, it cannot be considered to cause significant harm that outweighs the benefits, in this case, contributing to the Council's housing land supply. Furthermore, although Elmesthorpe is a "small village" it is very close to Earl Shilton and Barwell for services and amenities and Hinckley is also very close offering a wider range of facilities. As such, it is not considered that the location could be considered unsustainable for one additional dwelling.

The proposal for a single dwelling is afforded moderate weight in its contribution to the council's shortfall in housing supply and will not cause significant harm. Therefore, the proposal is considered to be acceptable in principle.

Impact on the character and appearance of the area and design:

Policy CS2 of the Blaby Local Plan (Core Strategy) 2013, requires new development to take into account local patterns of development and to be appropriate within its context. The application site is located within the Countryside, outside of Settlement Boundaries, according to the Development Plan. Policy CS18 of the Core Strategy states that *within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape.* The policy states that the need to retain countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations. Policy DM2 of the Delivery Plan Document states that the development should be in keeping with the appearance and character of the existing landscape, development form and buildings.

This application does not include details on the scale, appearance, layout or landscaping of the dwelling, as these matters are to be considered at reserved matters stage. However, it is not considered that the proposal for a single dwelling along the street frontage would result in significant adverse effects to the character or appearance of the countryside as set out in Policy CS18 and DM2. The development of this plot of land forms a continuation of single sporadic dwellings fronting Station Road and this will therefore be in keeping with the pattern of development in this area. As such, the proposal will accord with policies CS2 and CS18 of the Core Strategy and Policy DM2 of the Delivery Plan Document.

Impact on nearby residential amenity:

Policy DM2 of the Blaby Local Plan (Delivery) Plan Document (DPD) 2019 sets the principle for built development within the Settlement Boundary provided it is consistent with the other policies of the Local Plan and has a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, including but not limited to, considerations of; privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity.

The application site is a good size and will allow for the erection of a single dwelling with suitable standards of amenity for existing and future occupiers. This will be considered in more detail at reserved matters stage to ensure full compliance with Policy DM2.

Impact on parking and the highway:

This application considers access details as part of this outline application. The proposal illustrates that access will be provided off Station Road which is consistent

with other dwellings along this frontage. Leicestershire County Council Highways had initially raised concerns on the scheme due to matters relating to visibility and the proximity of the red line area to the Footpath U30.

Amendments were subsequently received which addressed these comments, demonstrating visibility splays to the proposed access onto Station Road and amending the red line to retain a greater separation distance to the Footpath. No objections from Leicestershire County Council Highways were raised following these amendments. Matters relating to parking provision will be considered at reserved matters stage.

Although the provision of visibility splays may result in some impact to the hedge at the front of the site, it is not envisaged that this would all need to be removed and landscaping will be considered in further detail at reserved matters stage.

As a result, the proposal is considered to accord with Policy DM8 of the Delivery Local Plan and the NPPF.

Waste Collection

Policy CS23 states that new developments should seek to ensure that waste collection is considered in their design to maximise recycling opportunities. Neighbourhood Services were consulted on this scheme, but as this is only an outline application, they are unable to give any comments at this stage. This is a detailed matter that will be considered fully at reserved matters stage, however the site will have sufficient space within the plot to accommodate bin storage and collection will be from the kerbside the same as existing properties on Station Road.

Drainage

The Environment Agency, Severn Trent, the Lead Local Flood Authority and Blaby District Council's Environmental Services Team were consulted on this application in relation to drainage.

Although initially the application form stated that foul drainage was unknown, this has subsequently been confirmed that it will connect to the existing system. The Environment Agency are now satisfied that mains foul connection will be used.

In terms of surface water, the site is at a low risk of surface water and fluvial flooding. Surface water will discharge via soakaways.

Overall, no objections are now raised, subject to the imposition of conditions relating to more details of foul and surface water drainage, which will form a part of any permission granted.

The proposal will therefore accord with Policies CS21 and CS22 of the Core Strategy and the NPPF.

Ecology and Biodiversity Net Gain

A preliminary ecological appraisal and further supporting information was submitted as part of the application. Leicestershire County Council Ecology have not objected to scheme, subject to the imposition of conditions, which will form a part of any permission granted. There will be no harm to protected species or habitats as a result of the development.

Biodiversity Net Gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. A 10% provision of BNG became mandatory for planning applications for major development submitted from 12 February 2024 and for small sites from 2 April 2024.

The applicant has submitted the application as a Self and Custom Build dwelling which results in the development being exempt from the requirement for mandatory Biodiversity Net Gain (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)). This will be secured by a planning condition to enable the exemption.

Archaeology

No objections or comments were raised by Leicestershire County Council Archaeology in relation to the scheme. Although there were some structures present on historic mapping that could relate to the Elmhurst Land Settlement, these appear to have been subsequently removed. Given the scale of the proposal and the potential for previous ground disturbance, no further work is recommended for below ground archaeology. The proposal will not therefore contradict the aims of Policy CS20 of the Core Strategy or Policy DM12 of the Delivery Local Plan.

Mineral Safeguarding:

The development site is located within a mineral safeguarding area for sand and gravel as set out in the adopted Leicestershire Minerals and Waste Local Plan 2019-2031 (LMWLP). Policy M11: Safeguarding of Mineral Resources of the LMWLP therefore applies. The policy seeks to protect minerals from permanent sterilisation by other development. Where development proposals are located in a mineral safeguarding area, the policy requires the submission of a Mineral Resource Assessment. The Mineral Planning Authority notes the scale and nature of the proposed development and, in this instance given the existing surrounding residential development, does not consider that prior extraction of minerals would be either practicable or viable. Under those circumstances, the Mineral Planning Authority has no objections to the proposals in respect of Policy M11 of the LMWLP.

Conclusion and Recommendation:

Overall, it considered that the proposal for a single dwelling and the access proposals are acceptable and would not be contrary to the policies of the Development Plan or the NPPF. The proposal is therefore acceptable in planning terms and the recommendation is to **APPROVE** the application subject to the imposition of conditions set out below.

Conditions and Reasons

1	C	Application for approval of reserved matters shall be made within 3 years from the date of this permission and the development shall be begun not later than whichever is the later of the following dates: a. Five years from the date of this permission; or b. Two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
	R	To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the District Planning Authority to review the consent if a further application is made.
2	C	Detailed plans and particulars of the proposed development shall be submitted to and approved in writing by the District Planning Authority and shall show; a) Layout of the development b) Scale of the development c) Appearance of the development; d) A landscaping scheme including details of any existing trees and shrubs to be retained; new planting including plant type, size, quantities and locations; other surface treatments; fencing and boundary treatments; any changes in levels; the position of service and/or drainage runs.
	R	To secure the satisfactory development of the site and in the interest of visual amenity.
3	C	The development hereby approved shall be built in strict accordance with the following approved plans and documents: <ul style="list-style-type: none">• Location Plan (amended version dated 4th March)• Site Access Design and Visibility Splays – DWG-01

	R	For the avoidance of doubt.
4	C	<p>Prior to the commencement of any development:</p> <p>a) A desktop study shall be carried out which must include the identification of previous site uses and potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a conceptual site model for all potential contaminant sources, pathways, and receptors shall be produced to demonstrate potential contaminant linkages and inform a preliminary risk assessment conducted in accordance with the Land Contamination Risk Management (LCRM) framework and other relevant standards.</p> <p>b) A site investigation scheme shall be designed for the site using the information obtained from the desktop study. This shall be submitted to and approved in writing by the District Planning Authority prior to that investigation being carried out on the site.</p> <p>c) The site investigation shall be undertaken in accordance with details approved by the District Planning Authority. This must enable a detailed risk assessment relating to all receptors to be undertaken and refinement of the conceptual site model. The information must then be used to inform an options appraisal exercise written in accordance with the LCRM framework and other relevant standards.</p> <p>d) A remediation method statement detailing the remediation requirements and how it is to be undertaken, using the information obtained from the site investigation shall be submitted to the District Planning Authority. This shall be approved in writing by the District Planning Authority prior to that remediation being carried out on the site.</p> <p>e) A verification plan providing details of the information that will be collected in order to demonstrate the works set out in the remediation method statement are complete, including identification of any requirements for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, shall be submitted to the District Planning Authority for written approval.</p> <p>f) Prior to commencement of any above ground development, the approved remediation works shall be completed in accordance with the approved remediation method statement to the satisfaction of the District Planning Authority. An appropriate verification report for the remedial scheme written in accordance with the approved verification plan shall be submitted to the District Planning Authority for written approval.</p>

	R	To ensure the site is suitable for its intended use and to protect the quality of the water.
5	C	<p>No development shall commence until a Construction Method Statement has been submitted to, and approved in writing, by the District Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:</p> <p>a) Measures to control the emissions of dust and dirt during construction</p> <p>b) Measures to control the emissions of noise during construction referring to appropriate standards</p> <p>c) Hours of construction and deliveries</p> <p>d) Measures to control any temporary lighting installations that maybe required during construction.</p>
	R	To protect residential amenity and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.
6	C	No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the District Planning Authority.
	R	In the interest of the overall appearance of the development and to ensure that the level of illumination is kept to the minimum necessary in the interest of protecting amenity.
7	C	<p>No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the District Planning Authority. The CEMP shall include the following details:</p> <p>A. Identification of potentially damaging construction activities</p> <p>B. practical measures and sensitive working practices to avoid or reduce impacts during construction on badger, Great Crested Newts (GCN) and reptiles</p> <p>C. timing of works to avoid harm to nesting birds</p>

		<p>D. responsible persons for overseeing sensitive works</p> <p>E. use of protective fencing where required for hedgerows and boundary vegetation</p> <p>There after the approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the District Planning Authority.</p>
	R	To enable the District Planning Authority to give consideration to potential impacts on protected species
8	C	No development shall take place until a biodiversity enhancement plan has been submitted to and approved in writing by the District Planning Authority. Enhancements shall include (but are not limited to) at least one integrated bat box, woodcrete/integrated bird box and two bee bricks with the makes/models and their locations. The biodiversity enhancement scheme shall include planting of hedgerows and trees of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database. Hedgerow mixes should include: 80% hawthorn (<i>Crataegus monogyna</i>), plus any one or more of the following: field maple (<i>Acer campestre</i>), dogwood (<i>Cornus sanguinea</i>), dog rose (<i>Rosa canina</i>) and holly (<i>Ilex aquifolium</i>). Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.
	R	To ensure the protection of wildlife and supporting habitat.
9	C	No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the District Planning Authority. Once approved the works shall be carried out before any of the development is occupied.
	R	<i>To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.</i>
10	C	No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Site Access Design and Visibility Splays, drawing number DWG – 01 have been implemented in full.
	R	To ensure that vehicles entering and leaving the site in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

11	C	The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
	R	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)
12	C	Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.
	R	To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).
13	C	The dwelling hereby permitted shall only be constructed as a self-build or custom build dwelling, and first occupied as so, as defined under Section 1(A1) and Section 1(A2) of the Self Build and Custom Housebuilding Act 2015 (as amended).
	R	To ensure the dwelling is constructed as a self-build or custom build dwelling as this provides exemption from biodiversity net gain.

Notes to applicant:

1.	Public Right of Way	A public footpath crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
2.	Noise and Vibration	The applicant is reminded of their responsibility for ensuring that relevant precautions to minimise the potential for disturbance to the neighbouring properties in terms of noise and vibration. The granting of this planning permission does not indemnify against statutory action being taken should substantiated noise complaints be received.

3.	Highway works	Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
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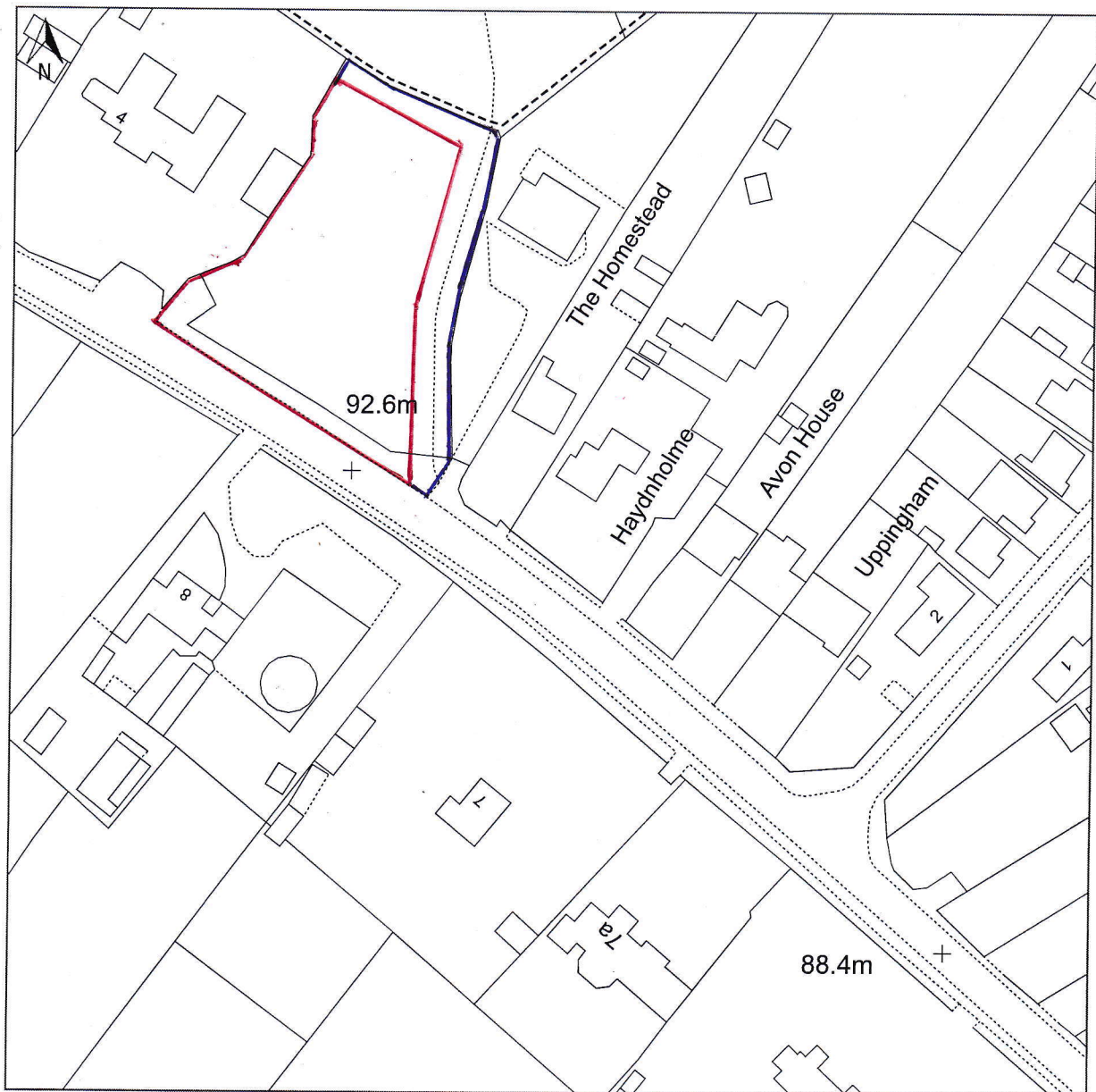
Biodiversity Gain Plan:

1.	BNG02	BNG not required (self and custom build exemption)
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Justification statement

1	J12	Proactive Statement WEF 11-09-18
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LAND EAST 4, STATION ROAD, ELMESTHORPE, LEICESTERSHIRE, LE9 7SG.



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Notes:

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