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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 14 October 2025
Location	Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

AGENDA		
Item		Pages
1. APOLOGIES FOR ABSENCE		
2. DECLARATION OF INTERESTS		
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3. MINUTES		
	To confirm and sign the minutes of the meeting held on 9 September 2025.	3 - 4
4. PLANNING APPLICATIONS AND OTHER MATTERS		
	Report of the Head of Planning and Infrastructure.	5 - 8

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	24/01236/FUL: Retention of 3 no. underground LPG gas tanks to serve the approved residential development scheme for 28 houses at Home Farm Land at Home Farm, 25 Main Street, Oakthorpe.	PERMIT	9 - 28
A2	25/00711/FUL: Demolition of existing single storey rear extension and erection of a two storey rear extension and single storey rear extensions, outside kitchen and pergola. Alterations to front windows, replacement windows and replacement front porch. Extension to existing outbuilding to form home gym. Landscaping to include provision of retaining walls. Blackberry Cottage, Moira Road, Shellbrook.	PERMIT	29 - 52

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 9 September 2025

Present: Councillor R Boam (Chair)

Councillors A Barker (Substitute for Councillor P Moulton), D Bigby, M Burke, D Cooper (Substitute for Councillor J Legrys), D Everitt, C A Sewell, N Smith and M B Wyatt (Substitute for Councillor R Canny)

In Attendance: Councillor Saffell

Officers: Ms J Davies, Mr C Elston, Mrs C Hammond and Mr D Waller

18. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Canny, J Legrys, R Morris, P Moulton and J Simmons.

19. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Cllr D Bigby declared an interest as a member of Ashby Town Council, who had previously considered the matter, but he had come to the meeting with an open mind.

20. MINUTES

Consideration was given to the minutes of the meeting held on 12 August 2025.

It was moved by Councillor M Burke, seconded by Councillor N Smith and

RESOLVED THAT:

The minutes of the meeting held on 12 August 2025 be approved and signed by the Chair as an accurate record.

21. TO CONSIDER THE CONFIRMING OF A TREE PRESERVATION ORDER (TPO) AT BLACKFORDBY METHODIST CHURCH, MAIN ST, BLACKFORDBY

The Planning and Development Team Manager presented the report to members.

Councillors then expressed their support of the TPO, highlighting the beauty of the area and the potential the site offers for improvements by the parish council. It was also said that any objectors within the area would have been aware of the trees prior to moving.

It was moved by Councillor N Smith, seconded by Councillor D Everitt and

RESOLVED THAT:

The Tree Preservation Order (TPO) be confirmed without modification.

Motion to Confirm Tree Preservation Order (Motion)	
Councillor Russell Boam	For
Councillor Anthony Barker	For
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor Carol Sewell	For
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 6.13 pm



**Report of the Head of Planning and Infrastructure
to Planning Committee**

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A list of the proposed planning conditions are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

Retention of 3 no. underground LPG gas tanks to serves the approved residential development scheme for 28 houses at Home Farm

Report Item No
A1
Application Reference:
24/01236/FUL

Land At Home Farm , 25 Main Street, Oakthorpe,

Grid Reference (E) 432263
Grid Reference (N) 312986

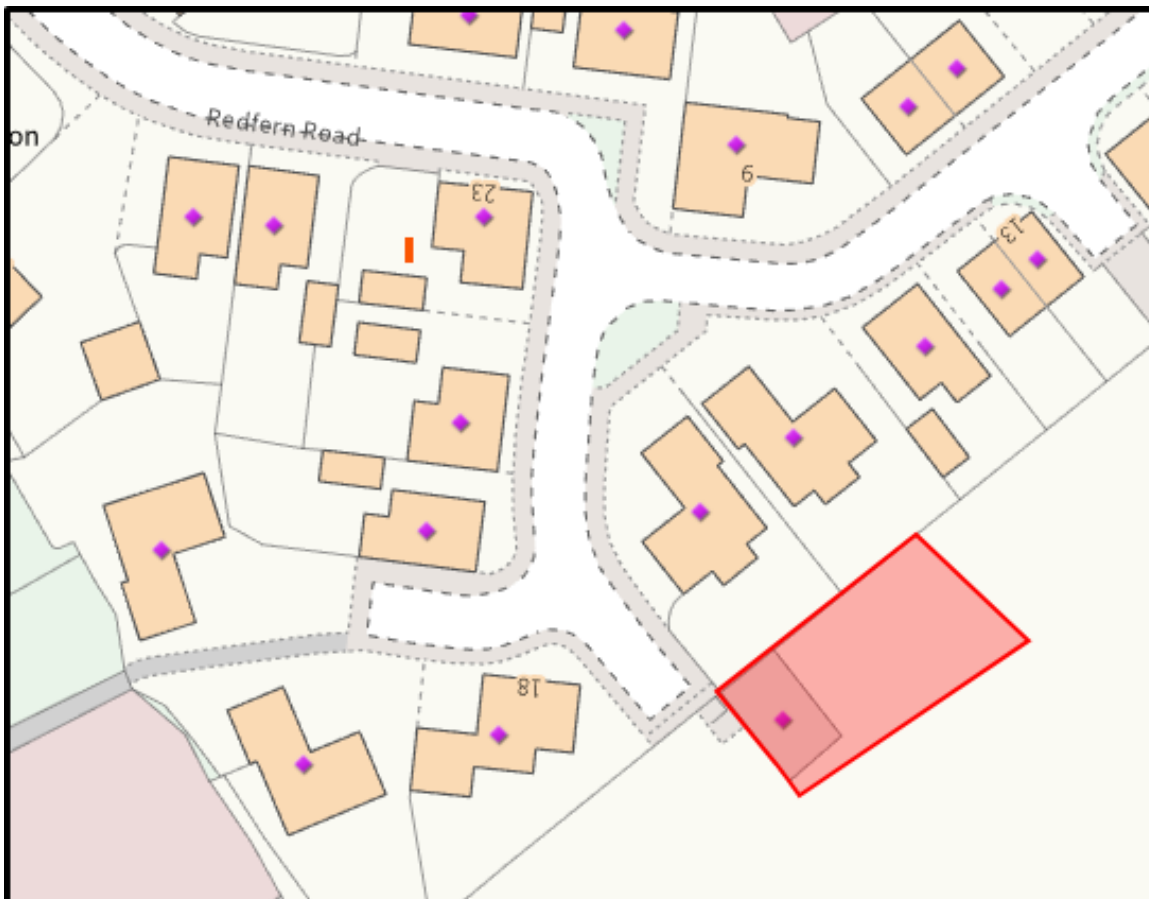
Date Registered:
3 October 2024
Consultation Expiry:
10 October 2025
Determination Date:
21 October 2025
Extension of Time:
21 October 2025

Applicant:
Andrew Fort Estates Ltd

Case Officer:
Sarah Booth

Recommendation:
PERMIT

Site Location



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Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee for determination under the requirement of the constitution as the agent for this scheme is related to an Elected Member of the Council and objections have been received in relation to the application.

RECOMMENDATION - PERMIT, subject to the following conditions:

- 1 Approved plans
- 2 Materials as per the approved details.
- 3 Fencing – timescale to ensure the new fencing is erected in a timely manner for public safety reasons.
4. Retention of permeable surfacing

MAIN REPORT

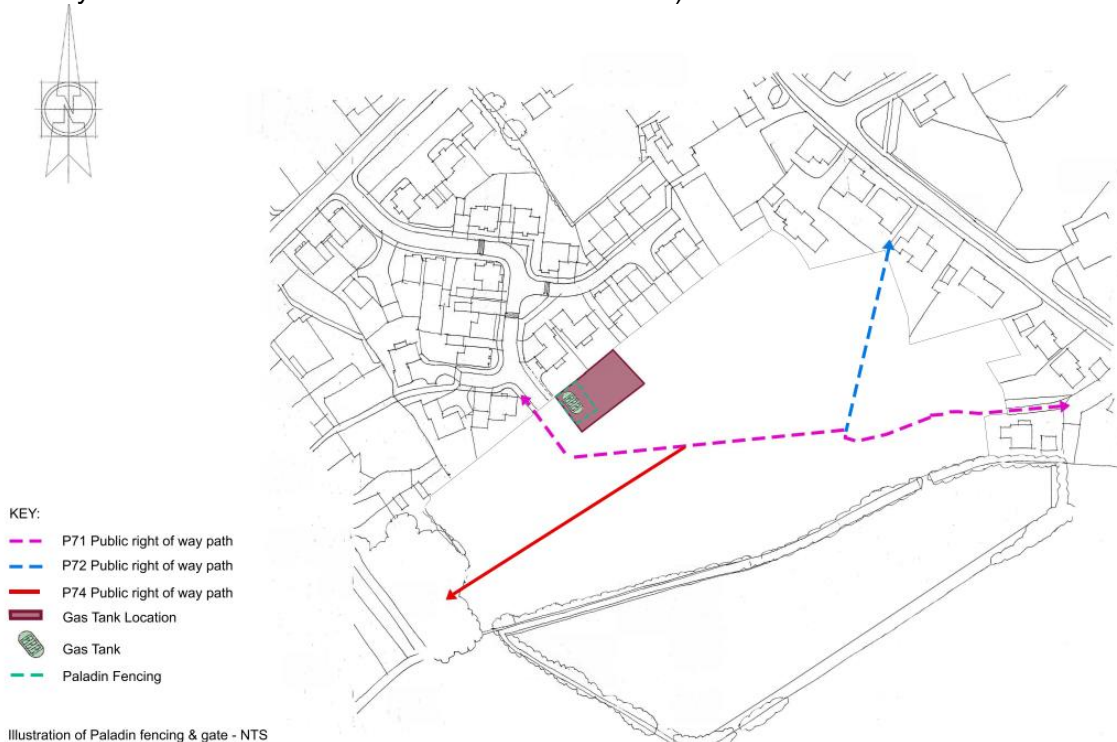
1. Proposals and Background

Planning permission is sought for retention of 3 no. underground LPG gas tanks. These are required to serve an approved residential development that has been constructed for 28 houses on land at Home Farm, Main Street in Oakthorpe. The gas tanks are on land to the rear (south) of this housing site. Green paladin fencing would be erected around the tanks and a small green utility box is located within the site. Gravel has been laid on top of the tanks within the fenced off area.

The development in this application was not included in the original outline and reserved matters applications. This application is retrospective, with the works being completed in July 2024. This application has been submitted in a response to an enforcement investigation by the Council's Enforcement Team.

The site is located outside Limits to Development, as defined by the Policy Map to the adopted Local Plan. The application site is located within the River Mease Special Area of Conservation and is within the Coal Mining High Risk Development Area.

The site is within close proximity to existing public rights of way consisting of P71, P72 and P74, all of which are located within the wider field where the application site is situated. Some of the rights of way are in the process of being diverted to accord with the details approved for the recently constructed new housing estate, however this process has not yet been completed. The site location plan is shown below, including the locations of the diverted public rights of way (as they will be once the orders have been confirmed):



The below image is an aerial photograph of the application site:



A recent Officer site photo is included below which shows the development at present:



There is no relevant planning history for the application site itself, However, there is site history for the adjacent housing development to the north and this development serves the adjacent housing site. This is listed below.

Site history for adjacent housing site:

- 20/00950/VCUM - Variation of conditions 2 and 3 of reserved matters approval ref: 18/01383/REMM to amend and extend Plot 1 and amend the materials - Approved 30.09.2020.
- 18/01383/REMM - Erection of 28 dwellings, garages and associated works (Reserved matters to outline planning permission reference 14/00244/OUTM) - Approved - 13.09.2019
- 14/00244/OUTM - Erection of 29 dwellings with new access, woodland planting and landscaping (Outline - Access included) - Approved - 27.08.2015

2. Publicity

27 Neighbours have been notified.
Site Notice displayed 11 October 2024.

3. Summary of Consultations and Representations Received

Leicestershire Footpath Association - advise that the Local Planning Authority consider the safety of the public footpath users.

No objection from:

NWLDC Environmental Protection
LCC Ecology
Natural England
County Highway Authority
Coal Authority
Health and Safety Executive (HSE)
Environment Agency

No comments from:

Oakthorpe And Donisthorpe Parish Council
National Grid (Cadent Gas)
LCC Minerals and Waste Team

Third Party Representations

Two letters of representation have been received. These can be summarised as follows:

Grounds of Objections	Description of Impact
Safety Concerns	- Safety concerns.
	- Concerns for large vehicles accessing the site.
	- Concerns over historic contamination of the site.
Other Matters	- Neighbour considers that the tanks are above ground not below.
	- Development is retrospective.

All responses from statutory consultees and third parties are available to view on the Council's website.

4. Relevant Planning Policy

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Chapter 2 - Achieving sustainable development;
Chapter 8 - Promoting healthy and safe communities;
Chapter 9 - Promoting sustainable transport;
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; and
Chapter 15 - Conserving and enhancing the natural environment.

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En2 - River Mease Special Area of Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Leicestershire Minerals and Waste Local Plan (2019)

This plan was adopted on the 25th September 2019 and as such the following policies would be considered relevant to this application:

Policy M11: Safeguarding of Mineral Resources.

Other Policies

National Planning Practice Guidance

Leicestershire Highways Design Guide (LHDG)

National Design Guide (2019)

Good Design SPD (2017)

The Conservation of Habitats and Species Regulations 2017

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System

River Mease Water Quality Management Plan - August 2011

Natural England - Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites - March 2022

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan, which in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the Leicestershire Minerals and Waste Local Plan (2019).

The application site is located on the edge of the settlement of Oakthorpe and is just outside of the defined Limits to Development. The site is located on land within the Countryside, as per Policy S3 of the adopted Local Plan.

This scheme is for the retention of 3 no. underground LPG gas tanks to serve the approved residential development scheme for 28 houses at Home Farm, immediately to the north of the site. This type of development does not fall under the categories listed under Policy S3 of the adopted Local Plan.

In this case the development is ancillary to existing dwellings and similar in nature to development undertaken by statutory undertakers or public utility providers which is supported under Policy S3, although it does not strictly fit within either of these categories. On this basis, it is considered that the development would not sufficiently conflict with the aims of Policy S3 to justify a reason for refusal.

Policy S3 is also subject to further considerations set out in criteria (i) to (vi) of the Policy being met, this is considered below.

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced.

For the reasons discussed later in this report, it is considered that the character of the landscape would be safeguarded.

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements, either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries.

(iii) It does not create or exacerbate ribbon development.

The proposed development would not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) Built development is well integrated with existing development and existing buildings, including the reuse of existing buildings, where appropriate.

The proposed development would be located immediately adjacent to the existing housing development to the north.. As such the proposal would accord with this part of Policy S3.

(v) The development will not seriously undermine the vitality and viability of existing town and local centres.

Given the nature of the proposal, this criterion is not relevant

(vi) The proposed development is accessible or will be made accessible, by a range of sustainable transport.

Due to the nature of this development it does not significantly generate comings and goings to the site therefore there would be no further impacts on transport sustainability when compared to the existing situation on site.

In view of the above assessment, it is considered that this development would not be so contrary to the aims of the first part of Policy S3 to warrant refusal of the application on this basis. The proposal would also accord with the provisions of sub-paragraphs (i) - (vi) of Policy S3. This proposal also complies with provisions within the NPPF which aims to protect the intrinsic character of the countryside. Accordingly, on balance, the proposal is considered to be acceptable in principle, subject to all other planning matters being adequately addressed.

Design and Visual Impact

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, but also in the Council's adopted Good Design for NWLDC SPD, and also the NPPF. Policy En3 requires development in the National Forest to be appropriate to its Forest setting. Pictures of the site are below.

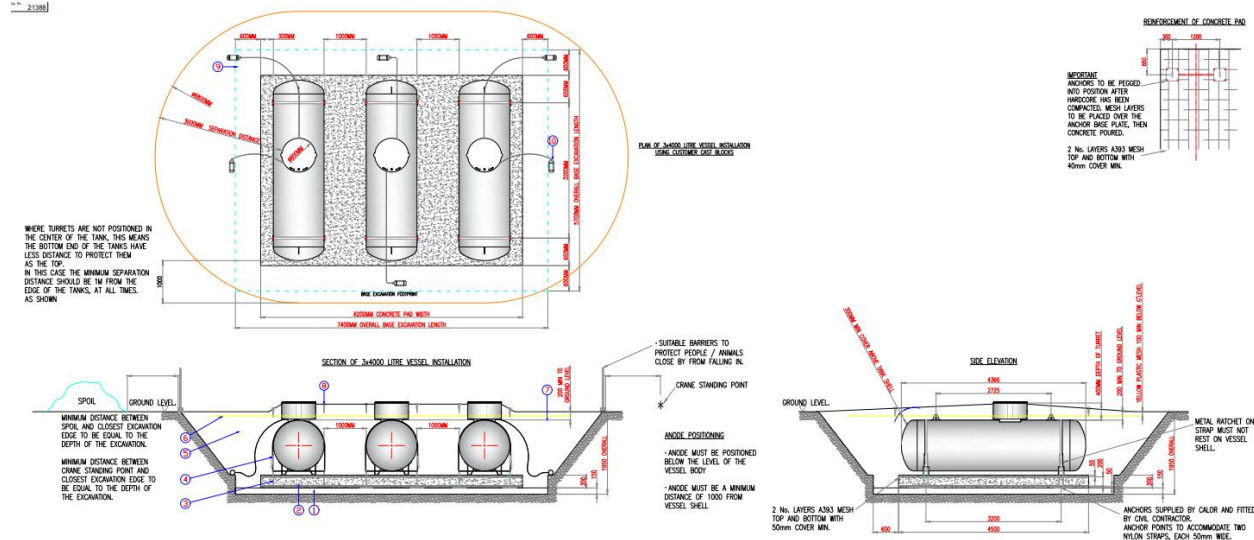
The photos below show the view from the eastern side of the field looking towards the west:



Photos below are taken from gate access at Redfern Road:



21398



Amended plans have been received during the course of the application to secure green paladin fencing around the site instead of the post and rail fencing in order to improve the security of the site in particular given its proximity to public rights of way. The green fencing will help the development to assimilate well into its rural setting. Given that this type of fencing is often seen in similar locations on edge of settlement settings it is not considered that it would significantly detrimentally impact on the character of the countryside or the National Forest.

Taking the above into account, it is considered that the works are not significantly harmful to the character and visual amenities of the countryside and would comply with Policies S3, D1 and En3 of the Local Plan and the NPPF.

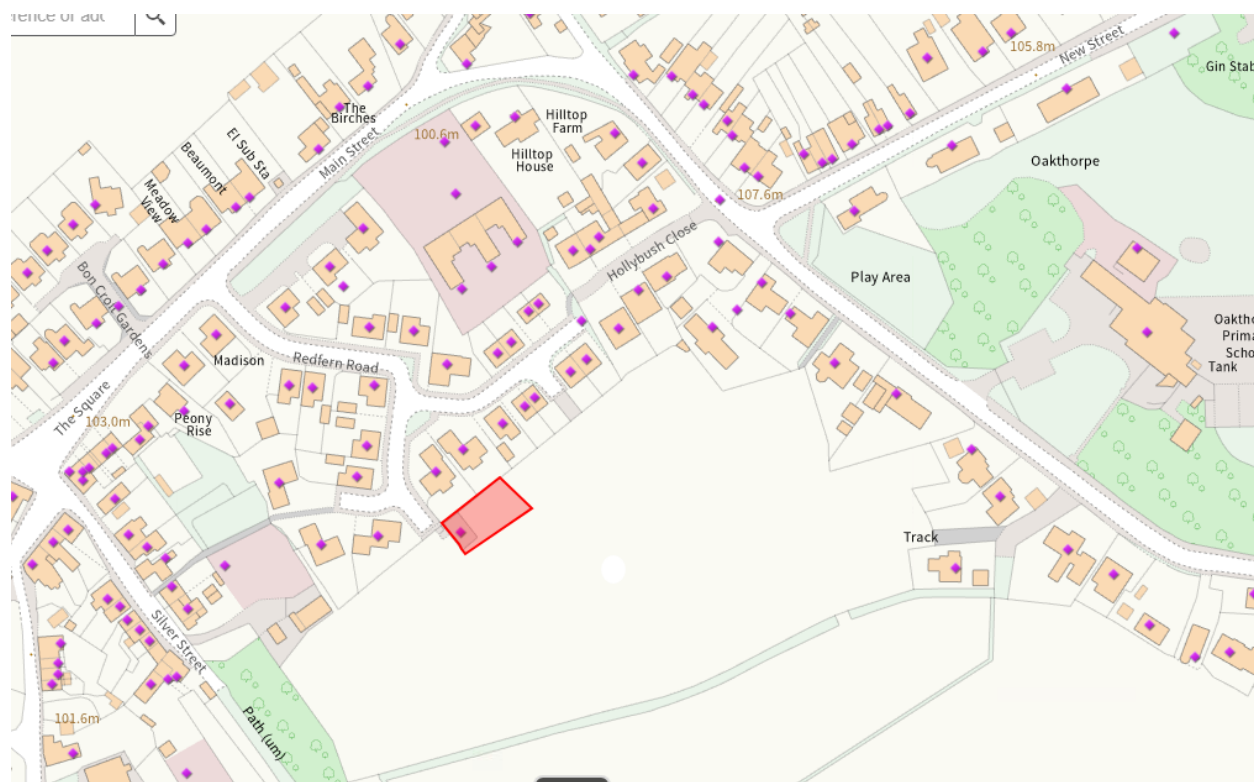
Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

Neighbours have raised concerns with regard to public safety, and this is considered in more detail in the safety section later in this report.

A neighbour has stated that the tanks are above ground rather than below. A recent Officer site visit has confirmed that the tanks are underground with only the access points for refilling being above ground. This is shown per the image below:



The closest neighbouring properties to the application site are to the north of the application site, as shown on the map below:



The closest neighbouring properties are Nos. 16, 17 and 18 Redfern Road to the north of the site. The rear garden boundary of No.17 Redfern Road shares its boundary with the application site.

The only visible elements of the proposal are the proposed paladin green fencing, the lids of the underground tanks and a green utility box. Given the siting of the proposal, and the minimal built development, it is not considered that the proposal would result in any adverse overbearing, overlooking or overshadowing impacts on neighbouring residential properties.

There are other neighbouring properties on Redfern Road and School Street that back on to the field in which the application site is located, however given the distances from the application site it is not considered that these neighbours would be adversely affected by the proposal.

The Council's Environmental Protection team has been consulted on the application and they have no objections to the application.

Overall, it is considered that this development would not result in significant impacts upon residential amenity of neighbouring properties. Therefore, the proposal is considered to be in accordance with Policy D2 of the adopted Local Plan, the Council's Good Design SPD, and relevant sections of the NPPF.

Highway Considerations

Neighbour objections have been received with regard to highway safety issues including the accessing of large vehicles to the site, this will be considered further below.

The site access is located on Main Street which serves the adjacent housing development. The applicant proposes to utilise an existing point of access from the housing development and there is a field gate entry to the field where the tanks are located.

The access to the site would be via Main Street which is an adopted unclassified road subject to a 30mph speed limit. The County Highways Authority (CHA) has been consulted on this application and they have advised that the internal road to the estate would remain private, therefore, the development proposal is unlikely to impact on the public highway. The CHA also advises that all vehicles associated with the storage tanks should only access the site via Main Street and must make sure they can leave the site in a forward gear. There is sufficient space to do this prior to vehicles returning to Main Street, therefore this is considered to be acceptable. There is also space within the internal road to park a vehicle whilst refilling the tanks. As such the CHA has no objections to the development.

It is considered that the scheme would comply with Policy IF4 of the adopted Local Plan, Paragraph 115 of the NPPF and the Leicestershire Highways Design Guide.

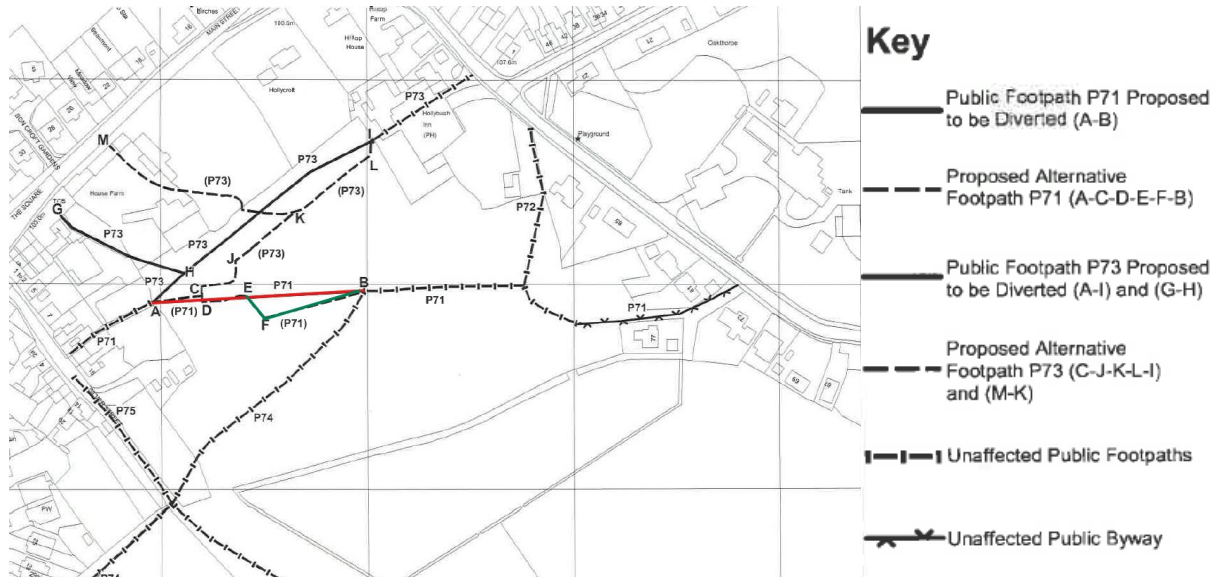
Public Rights of Way (PROW)

The site is within close proximity to existing public rights of way consisting of P71, P72 and P74, all of which are located within the wider field where the application site is situated.

A public footpath diversion order is currently in the process of being confirmed which would divert some of these footpaths. Whilst these have not been confirmed yet they will be completed soon. This is a process separate to the application and therefore the principle of the diversion of

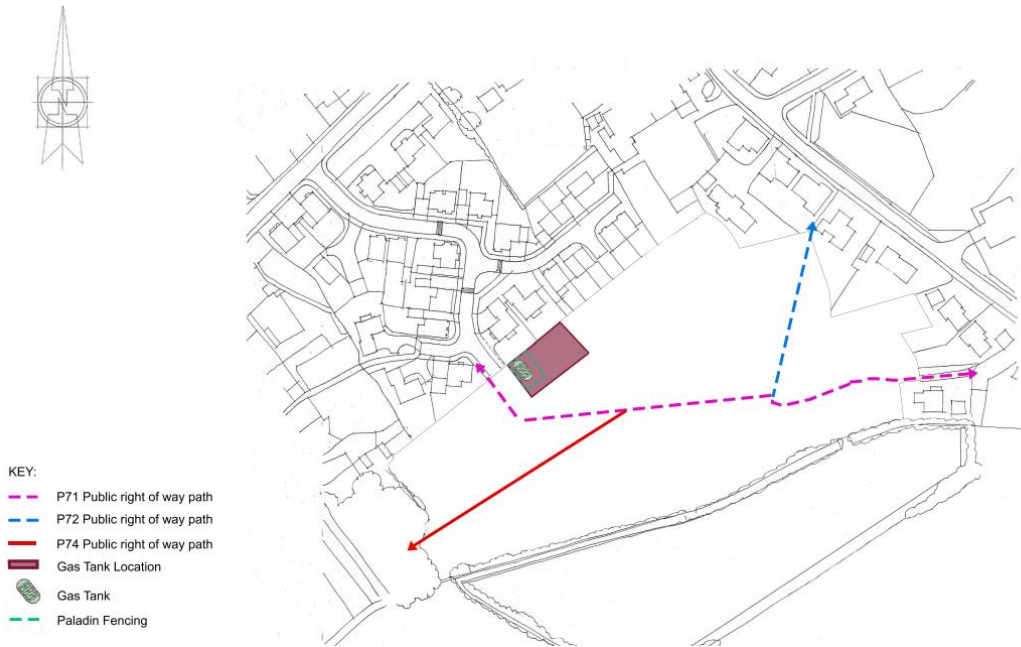
footpaths is not a matter to be considered in the context of this application. However, for Members information the details of this are included below:

The image below shows the public footpaths in this area and the key below explains whether they are being changed or created:



The red line highlighted above shows a footpath to be closed and the green line show a new alternative to be created. This is largely required as it currently intercepts a garden for one of the newly built dwellings, however the previous PROW route for P71 would also intercept the gas tank area in this application. The new route (shown green) would ensure the path runs around the gas tank site rather than through it.

The plan below has been submitted with the application and shows the new PROW routes in the context of the application site. On this basis the new development would not be built over PROW P71.



The County Footpaths Team has advised the Local Planning Authority to consider the safety of users of the public footpath and this will be considered in the section below regarding safety matters.

The CHA has also confirmed that they are satisfied that the use and enjoyment of the public footpaths will remain unaffected given that they are in the process of being diverted.

Therefore it is considered that the proposal would not adversely affect the public rights of way.

Biodiversity Net Gain, Ecology and Trees

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. However, as this application is retrospective it is exempt from the need to provide mandatory BNG.

Notwithstanding this, Paragraphs 187(d) and 193 of the NPPF (2024) set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity. It would generally be required for some additional landscaping to be provided, however if this is in close proximity to the application site the roots of the landscaping have the potential to interfere with the development underground. Therefore given the small scale of the development it is not considered necessary to secure landscaping on this occasion.

No concerns have been raised by the County Ecologist with regard to impacts on any protected species. Furthermore, no protected or substantial trees have been removed to facilitate the development.

It is considered that the proposals would comply with the provisions of Paragraphs 187(d) and 193 of the NPPF. Further, it is not considered that the scheme proposal would result in any adverse impacts to protected species or biodiversity in accordance with Policy En1 of the Local Plan, the NPPF, the Habitat Regulations and Circular 06/05.

Flood Risk

The site lies within Flood Zone 1 which is the lowest risk area for flooding from watercourses. No parts of the site are identified by the Environment Agency's Flood Map for Planning to be at low to high risk from surface water flooding. The proposal has used gravel as its surfacing which is a permeable material. Whilst fencing would also be sited this would be minimal and would not adversely impact on surface water on site. As such the proposal is unlikely to result in an increase in flooding on the site or elsewhere and would comply with Policies CC2 and CC3 of the Local Plan.

River Mease Special Area of Conservation/SSSI - Habitats Regulations Assessment

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river.

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge as well as due to its proximity to a tributary of the River Mease. Therefore, an appropriate assessment of the proposal and its impacts on the SAC is required.

Natural England issued updated advice regarding nutrients in the River Mease catchment, dated 16th March 2022. Among other things, this advice outlines that developments which will not give rise to additional overnight stays within the catchment do not need to be considered in terms of any nutrient input, except in exceptional circumstances.

This application would not increase any foul drainage on site. Natural England has been consulted on this application and have raised no objection to the application, and have advised that the proposal is unlikely to have a significant effect on the River Mease SAC.

In relation to surface water drainage, the development has used permeable surfacing which is an acceptable and sustainable method of drainage. It is recommended that a condition is attached to ensure the permeable surface is retained to protect the River Mease in the long term.

On the above basis, it is considered that the integrity of the River Mease SAC would be preserved, and the development would accord with Policies En2 (River Mease Special Area of Conservation) and Cc3 (Water - Sustainable Drainage Systems) of the Local Plan (2021).

Therefore, it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Coal and Land Contamination

Neighbour objections have been received with regard to impacts regarding historic contamination issues / the former coal mining risk areas on site. This will be considered further below.

The site lies within the Coal Authority's Coal Mining High Risk Development Area. The Coal Authority originally objected to the application however following the receipt of an updated Coal Risk Report, the Coal Authority has now withdrawn its objections to the application and has

advised that they do not have concerns in relation to the development's impact on the former coal mining area.

The Council's Land Contamination Officer has provided some advice to confirm that no land contamination conditions are required for this type of development and has raised no objections with regard to land contamination issues.

On the basis of the above, the proposal would accord with Policy En6 of the adopted Local Plan and the NPPF.

Health and Safety

Neighbour objections have been received relating to health and safety of the development and the County Footpaths Team has advised that careful consideration should be given to the safety of users of the public rights of way. In response to these concerns further advice has been sought from the Environment Agency and the Health and Safety Executive, their advice is summarised below:

Environment Agency

From the perspective of the protection of controlled waters, the groundwater setting at this location is low sensitivity, being on the Coal Measures formation, with no specific deposits that would appear to act as a pathway to surface waters. Neither is the site within a groundwater source protection zone and there aren't any abstractions taking place nearby. For these reasons, the Environment Agency would have no concerns or comments to make regarding the protection of controlled waters associated with the development.

Regarding concerns due to the gas tanks being next to a PROW, this seems to be a human health risk, for which the Environment Agency does not have a remit for under the planning regime, nor does the Environment Agency have any human health specialists within the organisation.

Health and Safety Executive

The Health and Safety Executive's (HSE) role in the planning process is limited to being a statutory consultee for the following types of planning application:

1. Certain planning applications around existing major hazard sites or major accident hazard pipelines;
2. Fire safety of relevant buildings which contain two or more dwellings or educational accommodation and which are 18m or 7 or more storeys in height.
3. For hazardous substances consent where a new facility will contain hazardous substances above certain controlled quantities.

The HSE have confirmed that the proposed development is not in the consultation zones for any existing major hazard chemical sites or major accident hazard pipelines and advises that its Land Use Planning team does not need to be consulted on this application.

The proposed development is not also a relevant building under the Building Safety Regulations.

Regarding hazardous substances consent, the proposal is to store a quantity of a hazardous substance, LPG. However the quantity of 1.2 tonnes stated in the application form is below the

controlled quantity of 25 tonnes set for LPG. This means that HSE's hazardous substance consent team does not need to be consulted on the proposal.

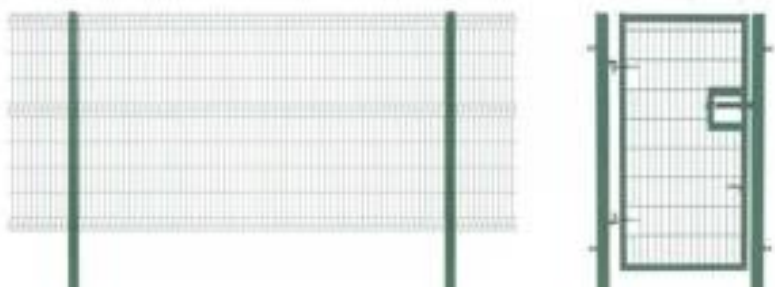
The HSE notes that it understands that the liquid gas industry trade association, Liquid Gas UK, has published some guidance on installing underground LPG storage tanks and a note to applicant could be added in respect of this matter.

Health and Safety - Conclusion

The NPPF (Paragraph 102) states that planning decisions should promote public safety. The application has been reviewed by relevant statutory bodies. The Council's Environmental Protection Team have also been consulted and has no objections to the application. As per the earlier section of this report the Coal Authority also have no objections subject to conditions.

The Environment Agency has confirmed that the site poses low sensitivity in terms of groundwater protection and raised no concerns regarding controlled waters. Furthermore the Health and Safety Executive (HSE) has advised that the proposal does not fall within its consultation remit, as the quantity of LPG stored is below the controlled threshold and the site is not within a major hazard consultation zone.

At present there is only a post and rail fence boundary around the application site with some temporary higher fencing in place around the site. This was considered to be more susceptible to people trespassing on the site and therefore the development could be vulnerable to vandalism. Officers have sought amended plans to secure green paladin fencing around the gas tanks as per the details below:



Paladin fencing is considered to be the most secure type of fencing in this instance as it is the least climbable design. It is recommended that a condition should be attached should permission be granted to ensure that the fencing is provided within a sufficient amount of time so that the site is secure and not accessible to members of the public.

In addition to the above, the site has a certain level of natural surveillance from neighbouring properties, especially from the recently built dwellings on Redfern Road including No.17 which adjoins the site. It is considered that residential properties overlooking the site will help to reduce the risk of the site being vandalised. This relationship of the gas tanks in close proximity to the neighbouring dwellings is also similar to other existing residential properties in Oakthorpe, many of which have their own gas tanks in their gardens to serve their own properties. Therefore, these gas tanks would have a similar level of surveillance to that of other residential properties in the area with their own tanks.

In view of the above, the advice from statutory consultees indicates that the development does not present a significant health or safety risk to the public. While public concerns are noted, no technical objections have been received from consultees and appropriate safeguards are proposed to be in place. Therefore, it is considered that the proposal would not adversely impact on the safety of members of the public including users of the public right of way, and the development complies with relevant health and safety standards. The proposal therefore complies with the aims of the NPPF. Therefore, there are no planning reasons to refuse this application on this basis.

Other Matters

Leicestershire County Council as the Minerals Planning Authority and Cadent as the regional gas distributor have been consulted on the application, and their comments will be reported on the update sheet.

A neighbour objection has been raised with regard to the application being submitted retrospectively. This application has been submitted as a result of the Council's enforcement investigation. A written ministerial statement issued on 31 August 2015 announced that it is national planning policy that intentional unauthorised development is a material consideration to be weighed in the determination of planning applications and appeals. The ministerial statement has not been replaced or revoked and so remains a material consideration. In this case the unauthorised installation of the tanks is considered to carry limited weight as the tanks are required to provide gas to the adjacent dwellings in a settlement where there is no mains gas supply.

Conclusions and Planning Balance

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the Leicestershire Minerals and Waste Local Plan (2019).

Whilst the application site is outside the defined Limits to Development in the adopted Local Plan and is not a form of development supported under Policy S3, given its similarity to other types of development that are permitted under this policy, the principle of the development is considered acceptable.

The proposed development does not give rise to any significant impacts regarding residential amenity, visual impact, highway safety, public rights of way, flood risk, coal mining, contaminated land, ecology, River Mease SAC and public safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

The application is therefore recommended for approval subject to conditions.

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Demolition of existing single storey rear extension and erection of a two storey rear extension and single storey rear extensions, outside kitchen and pergola. Alterations to front windows, replacement windows and replacement front porch. Extension to existing outbuilding to form home gym. Landscaping to include provision of retaining walls.

**Blackberry Cottage , Moira Road, Shellbrook,
Ashby De La Zouch. LE65 2TU**

**Grid Reference (E) 434063
Grid Reference (N) 316584**

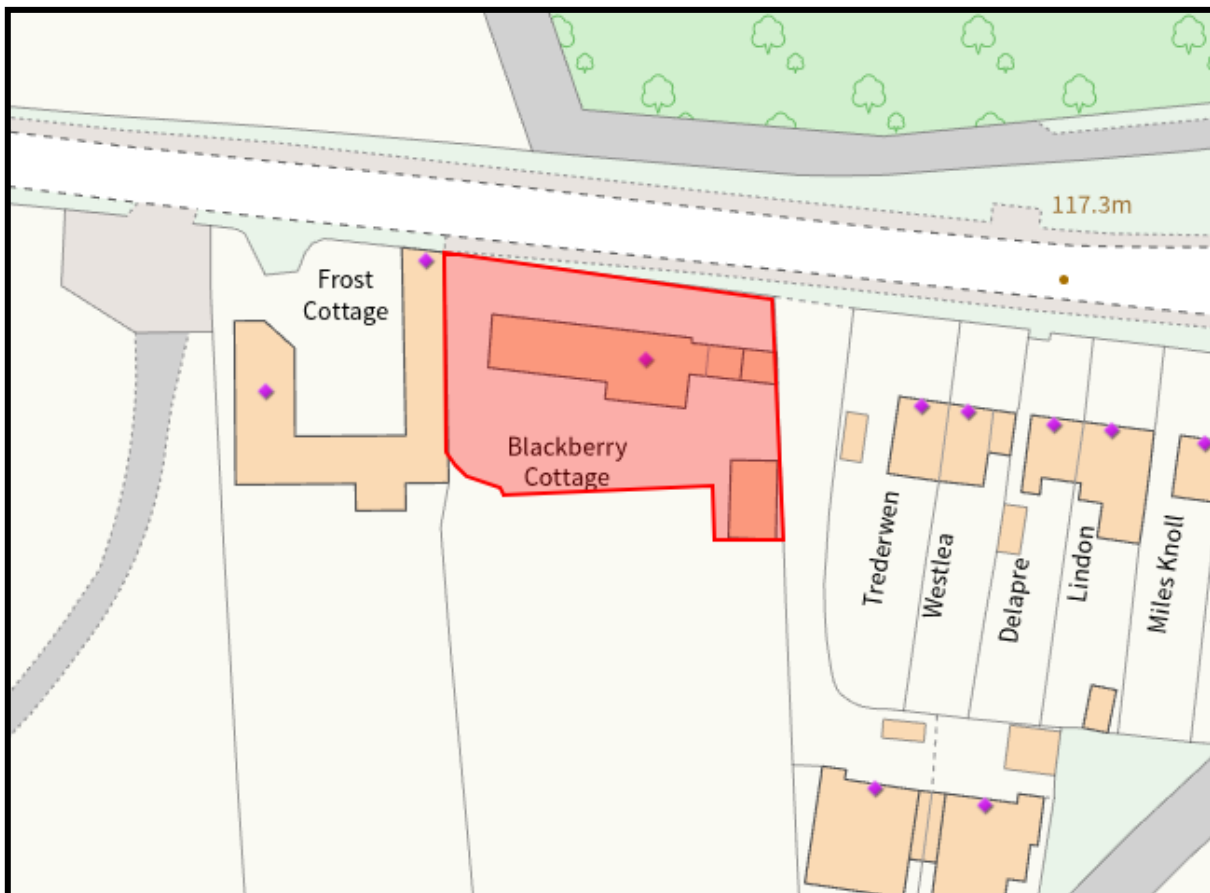
**Applicant:
Mr John Gillespie**

**Case Officer:
Anna Edwards**

**Recommendation:
PERMIT**

**Report Item No
A2
Application Reference:
25/00711/FUL
Date Registered:
19 May 2025
Consultation Expiry:
27 August 2025
Determination Date:
12 September 2025
Extension of Time:
12 September 2025**

Site Location



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Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee for determination under the requirement of the constitution as the agent for this scheme is related to an Elected Member of the Council and objections have been received in relation to the application.

RECOMMENDATION - PERMIT, subject to the following conditions and subject to no contrary observations from the Lead Local Flood Authority (LLFA):

- 1 Standard time limit (3 years)
- 2 Approved Plans
- 3 Materials as specified
- 4 Obscurely glazed west facing roof lights
- 5 Soakaway
- 6 Soft Landscaping
- 7 Tree protection
- 8 Levels plans

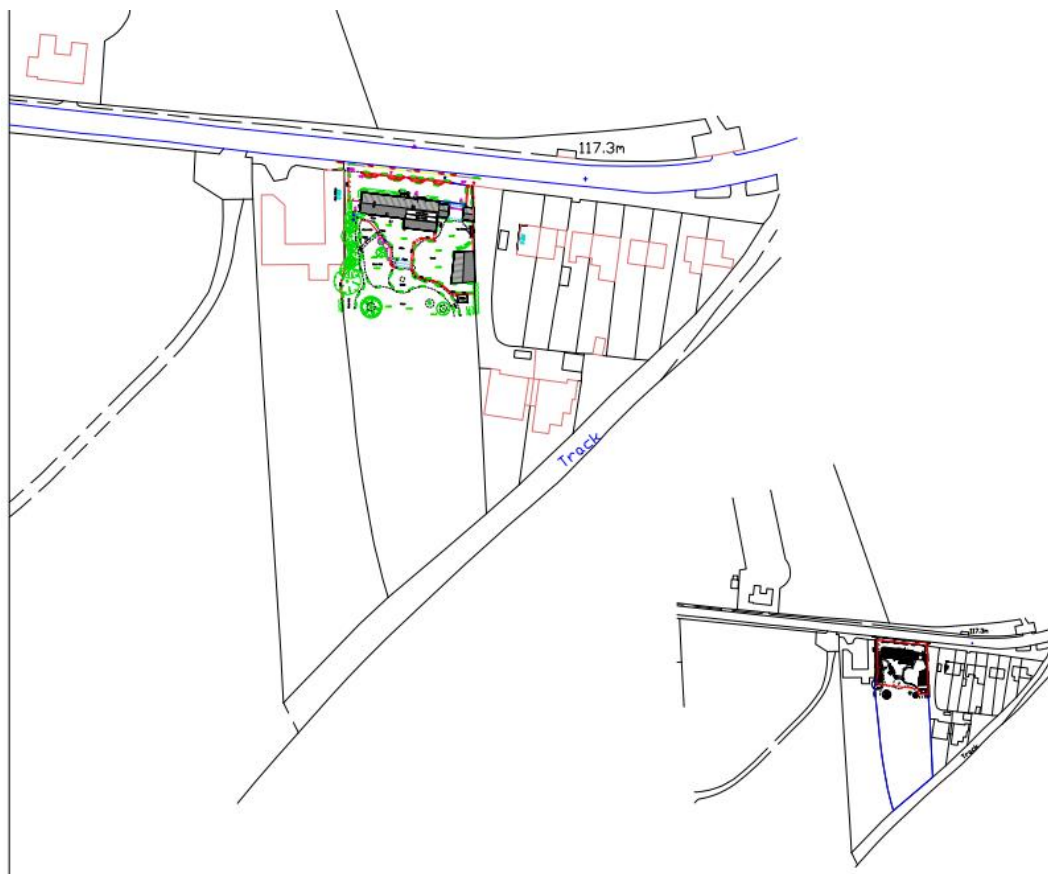
MAIN REPORT

1. Proposals and Background

Planning permission is sought for the demolition of existing single storey rear extension and erection of a two storey rear extension and single storey rear extensions, outside kitchen and pergola. The proposals include alterations to front windows, replacement windows and a replacement front porch. An extension to an existing outbuilding to form a home gym and landscaping to include the provision of retaining walls are also proposed at Blackberry Cottage, Moira Road, Shellbrook, Ashby.

The application site comprises a two-storey detached dwelling with four bedrooms, located on the southern side of Moira Road, Shellbrook, Ashby. The property is set back from the highway and benefits from off-street parking to the rear. The dwelling is of traditional linear form and occupies a generously sized plot within a semi-rural setting.

Location Plan



Aerial Image of Site Location- for indicative purposes only



Photos of the site are shown on the following pages.

Site Photos:

Front



Rear



Rear - Outbuilding (East)



Rear - West



The existing and proposed site layouts are shown on the two plans below:

Existing Site Plan



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NOTES:
To be demolished (shown red): 36.68m²

CLIENT: J. Gillespie
ADDRESS: Blackberry Cottage, Moira
Road, Shalldroon, Rathfriland, LE65 2TU
SCALE: 1:100@A1
DATE: 26.04.23
PLAN: Submission Plan
REVISION:

HENDERSON
PLANNING & DESIGN

Proposed Site Plan



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CONSTRUCTION.

NOTES:
Dashed green to match existing in situ,
solid black boundary to show extent.

REVISIONS:
06.07
Content of existing area reduced as it is shown
within area from existing trees.

CLIENT: J. Gillespie
ADDRESS: Blackberry Cottage, Moira
Road, Shalldroon, Rathfriland, LE65 2TU
SCALE: 1:100@A1
DATE: 06.07.23
PLAN: Proposed Site
REVISION: A

HENDERSON
PLANNING & DESIGN

The site is located outside the Limits to Development, as defined by the Policy Map to the adopted Local Plan (2021).

Amended plans were sought and received during the course of the application to show replacement tree planting to mitigate the loss of four trees on site and adequate tree protection during construction. The proposed replacement trees would be positioned to ensure that the west side screening on site is maintained.

Precise details and measurements of the proposals are available to view on the submitted plans on the Council's website.

There is no recent relevant planning history.

2. Publicity

4 Neighbours have been notified.
Site Notice displayed 30 May 2025.

3. Summary of Consultations and Representations Received

No objections from:

NWLDC - Tree Officer
NWLDC - Environmental Protection
Ashby de la Zouch Town Council

Third Party Representations

The following summary of responses is provided.

Two letters of representation objecting to the application have been received. The issues raised are summarised in the table below:

Note: Re-consultation was undertaken following submission of the amended Proposed Site Plan (Rev C) received on 8th August 2025 which shows replacement tree planting to mitigate the loss of 4 no. trees on site. The replacement trees would be positioned such as to maintain the existing screening between the subject property and the neighbouring property to the west. No further objection letters have been received.

Grounds of objection	Description of impact
Residential Amenity Impacts	The extension includes a fully glazed west-facing elevation which would directly overlook and directly affect the privacy and enjoyment of the neighbouring property,

	<p>especially the decking area, resulting in a perceived loss of privacy.</p> <p>The current boundary treatment (mature trees) may not provide reliable long-term screening and cannot be relied upon to mitigate overlooking in perpetuity. They may be removed, damaged, or pruned over time, reducing their effectiveness as a visual screen.</p> <p>The proposal introduces hard landscaping in place of existing vegetation, which would result in a more stark and overbearing visual relationship between neighbouring properties.</p>
Visual Amenity and Character of the Area	<p>Impact of tree removals on the visual amenity and landscape character of the area.</p> <p>The four trees proposed for removal are classified as Category C, this does not diminish their collective landscape value, especially in terms of boundary screening and visual amenity.</p>
Impact upon Trees	<p>The Arboricultural Impact Assessment (AIA) acknowledges development within the Root Protection Area (RPA) of Tree T008 (Category B2), raising concerns about long-term tree health and stability.</p> <p>The removal of trees without mitigation (e.g. replanting) is considered contrary to Policy.</p> <p>Cumulative effect of removing multiple trees has not been evaluated, and that their grouping enhances their landscape and ecological value.</p>
Biodiversity Net Gain	<p>The proposal lacks biodiversity net gain measures, including offset planting, inconsistent with the NPPF and NWLDC's 10% biodiversity net gain requirement.</p>
Other Matters	<p>Generally supportive of the property's modernisation and would support revisions that would reduce the depth of the extension</p>

	<p>or remove/reconfigure the glazed elevation to lessen the impact on their amenity.</p> <p>Request that the Council either refuse the extension in its current form or require modifications to address the concerns raised.</p>
--	---

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Chapter 2. Achieving sustainable development
Chapter 4. Decision-making
Chapter 9. Promoting sustainable transport
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

North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S3 - Countryside
D1 - Design of New Development
D2 – Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking provision and new development
En1 - Nature Conservation
En3 - National Forest
Cc2 - Water - Flood Risk
Cc3 - Water - Sustainable Drainage Systems

Adopted Ashby Neighbourhood Plan (2018)

The Ashby Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy S3 - Development Proposals Outside of the Limits to Development
Policy S4 - Design
Policy NE1 - Green Infrastructure and Biodiversity

Policy NE4 - Nature Conservation

Ashby de la Zouch Neighbourhood Plan Review: Submission Version (2025)

Ashby de la Zouch Town Council is formally reviewing its Neighbourhood Plan. The Examiner's Report for the Ashby Neighbourhood Plan Review has now been published. A date for the referendum is to be confirmed.

The following draft Neighbourhood Plan policies, incorporating the modifications recommended by the Examiner, are considered relevant to this application, and are considered to be afforded substantial weight in the determination of the application:

Policy G1 - Limits to Development

Policy G2 - Design

Policy ENV 4 - Sites and Features of Natural Environment Significance

Policy ENV 5 - Biodiversity and Habitat Connectivity

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

The Leicestershire Minerals and Waste Local Plan forms part of the development plan although there are not any policies within the plan that are relevant to the determination of the application.

Other Policies/Guidance

Planning Practice Guidance

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Leicestershire Highway Design Guidance

Good Design for North West Leicestershire SPD - April 2017

River Mease Water Quality Management Plan - August 2011

5. Assessment

Principle of Development

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for determination of the application is the Development Plan, which, in this instance, comprises the adopted North West Leicestershire Local Plan (2021), the adopted Ashby Neighbourhood Plan (2018) and the adopted Leicestershire Minerals and Waste Local Plan (2019).

The site is located outside the Limits to Development, as defined by the Policy Map to the adopted Local Plan (2021).

Accordingly, the scheme is considered to be in accordance with Policy S3 criterion (h); which relates to the extension and replacement of dwellings. Policy S3 states that development in accordance with criteria a-s would be supported, subject to satisfying criteria i-vi as set out below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern...

For the reasons discussed in the design section of this report, it is considered that the appearance and character of the landscape would be safeguarded.

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements...

(iii) it does not create or exacerbate ribbon development

The site does not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) built development is well integrated with existing development and existing buildings

For the reasons discussed in the design section of this report, it is considered that the appearance and character of the landscape would be safeguarded.

(v) the development will not seriously undermine the vitality and viability of existing town and local centres

Given the nature of the proposal, this criterion is not considered to be relevant.

(vi) the proposed development is accessible, or will be made accessible by a range of sustainable transport.

Given the nature of the proposal, it would not lead to an increase in vehicular movements and therefore does not need to be accessible, or to be made accessible by a range of sustainable transport.

It is therefore considered that the application would accord with the provisions of Policy S3 of the adopted Local Plan and Policy S3 of the Ashby Neighbourhood Plan. In summary, the principle of development is considered to be acceptable, subject to all other planning matters being addressed.

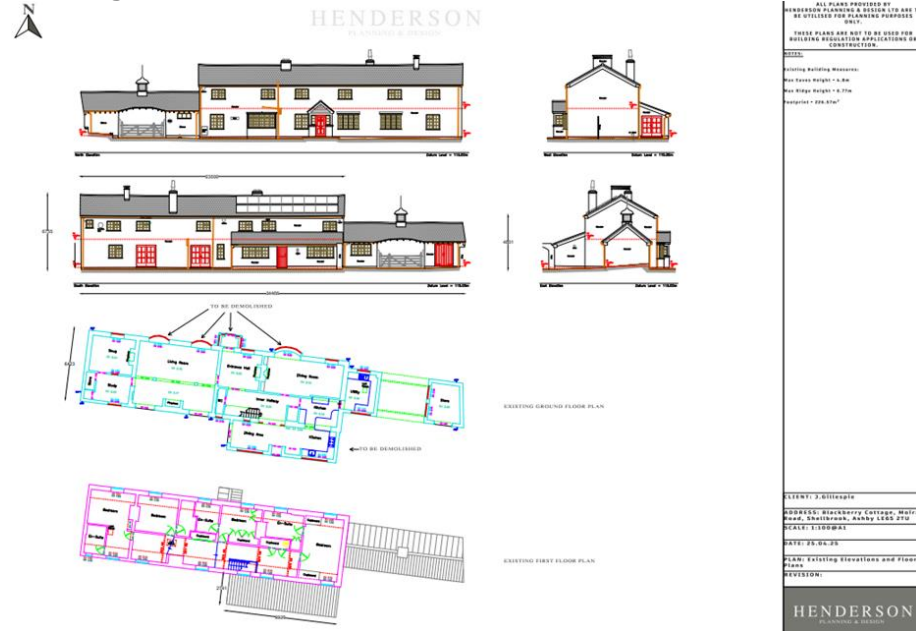
Design and Scale

The existing dwelling is of a traditional, linear form and occupies a generously sized plot. The proposed development introduces a contemporary design approach to the rear, incorporating feature glazed gable ends that provide a modern contrast while remaining subservient to the host dwelling.

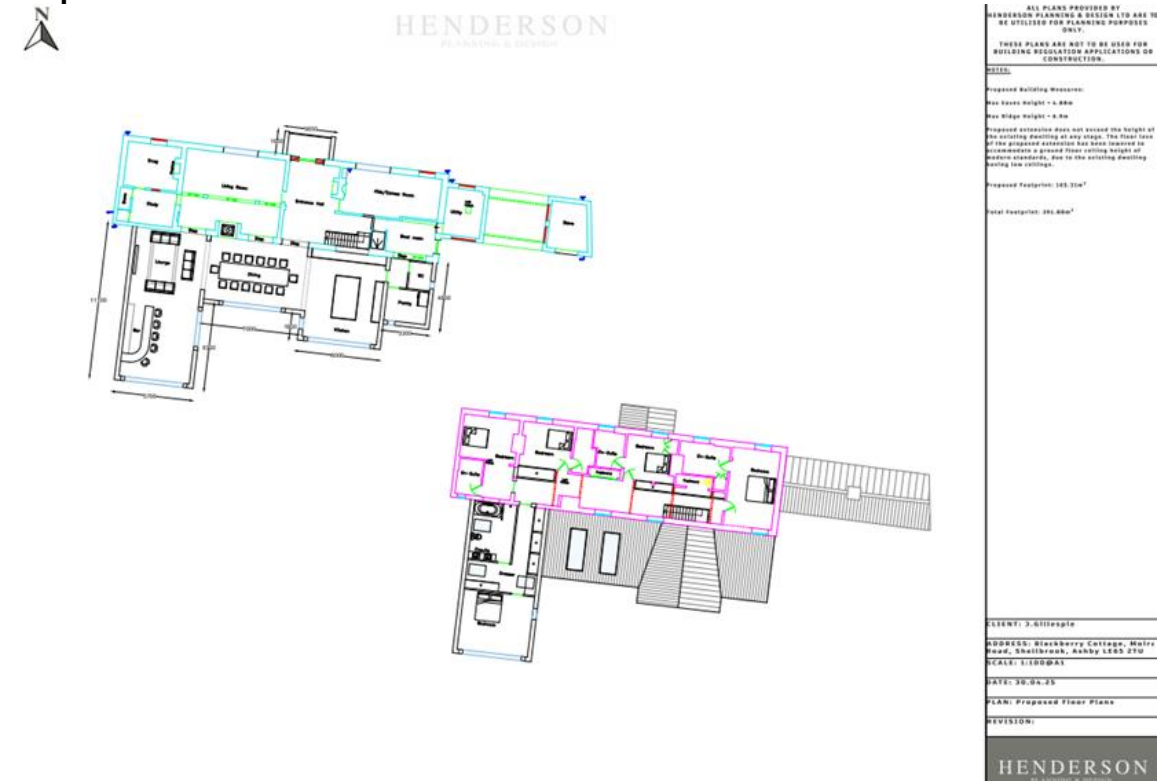
To the front, the traditional character of the property would be preserved through the use of replacement and new window openings that reflect the existing style and proportions. The proposed replacement porch, outdoor kitchen, pergola, landscaping works, retaining walls, and the extension to the existing outbuilding are all considered to be of an appropriate scale and design. These elements are sympathetic to the character of the host dwelling and the wider setting and would not result in harm to the visual amenity of the area.

The plans below show the existing and proposed floor plans and elevations of the dwelling, along with the details of the outside kitchen, pergola, outbuilding and retaining wall.

Existing Floor Plans and Elevations



Proposed Floor Plans



Proposed Elevations



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NOTES:

Proposed Building Measures:

Max Eaves Height - 4.88m

Max Ridge Height - 5.7m

Proposed extension does not exceed the height of
the existing dwelling at any stage. The floor level
of the proposed extension has been lowered to
accommodate a ground floor ceiling height of
2.40m standard. See to the existing dwelling
having new ceilings.

Proposed Footprint:

643.31m²

Total Footprint: 393.88m²

CLIENT: J. Gillespie

ADDRESS: Blackberry Cottage, Melva

Road, Shellbrook, Ashby LE65 2TU

SCALE: 1:100@A1

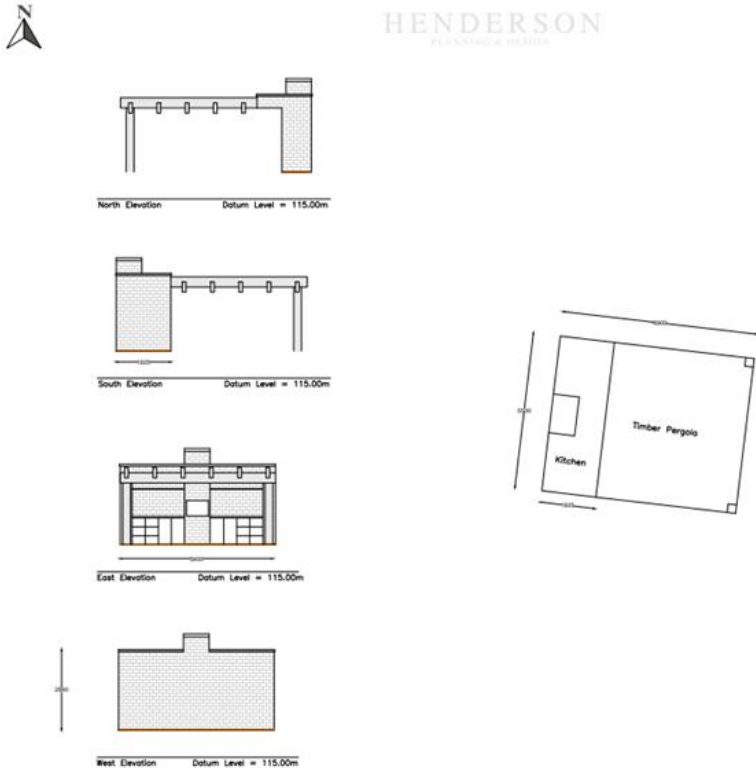
DATE: 30.04.25

PLAN: Proposed Elevations

REVISION:

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Outside Kitchen and Pergola Plans



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NOTES:

Proposed Outdoor Kitchen & Timber Pergola.

CLIENT: J. Gillespie

ADDRESS: Blackberry Cottage, Melva

Road, Shellbrook, Ashby LE65 2TU

SCALE: 1:100@A1

DATE: 04.07.25

PLAN: Proposed Elevations & Floor

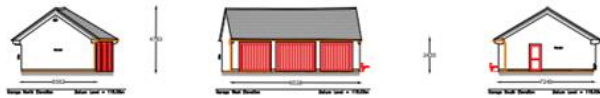
REVISION:

HENDERSON
PLANNING & DESIGN

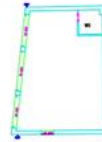
Outbuilding Plans



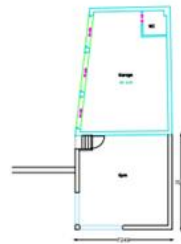
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EXISTING



PROPOSED



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EXISTING

Existing Building Measures:
Max Eaves Height = 2.5m
Max Ridge Height = 4.78m
Footprint = 63.87m²

Proposed Building Measures:
Max Eaves Height = 2.5m
Max Ridge Height = 4.78m
Proposed Footprint = 312.89m²

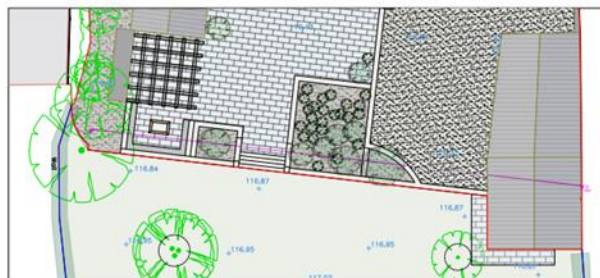
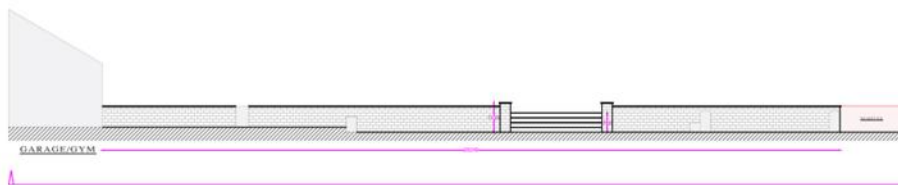
CLIENT: J. Gillespie
ADDRESS: Blackberry Cottage, Melra
Road, Shildrook, Ashby LE15 2TU
SCALE: 1:100@A1
DATE: 29.01.25
PLAN: Existing and Proposed
Garage/Gym
REVISION:

HENDERSON
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Retaining Wall Plans



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PROPOSED

Proposed Retaining Wall

NOTES

1. Reduction of retaining wall and seating area. Not
necessarily section released.

CLIENT: J. Gillespie
ADDRESS: Blackberry Cottage, Melra
Road, Shildrook, Ashby LE15 2TU
SCALE: 1:50@A1 & 1:100@A1
DATE: 09.07.25
PLAN: Proposed Retaining Wall
REVISION: A

HENDERSON
PLANNING & DESIGN

The proposed rear extensions, while subservient in scale to the host dwelling, would represent substantial additions and would significantly increase the overall footprint of the property. The two-storey rear element would project approximately 11.0 metres from the existing rear elevation and would measure 4.8 metres to the eaves and 6.9 metres to the ridge. The extensions would accommodate a master bedroom suite at first floor level, with the ground floor providing open-plan living accommodation, including kitchen, dining, and living areas, as well as a separate pantry and WC.

Although the proposed extensions would depart from the traditional linear form of the original dwelling, they would be located to the rear of the property and would have minimal visibility from the public realm. As such, the impact on the character and appearance of the street scene is considered to be limited.

The proposed extensions would be finished in off white render to match the existing dwellinghouse, lbstock red brick to single storey elements, dark grey UPVC windows, timber doors, timber surrounds to gable ends, timber framed front porch, and matching roof tiles. While this introduces some variation from the existing materials on site, the use of red brick and timber is consistent with materials found on neighbouring properties, including Frost Cottage. Furthermore, the use of timber is considered to positively reflect the site's location within the National Forest.

Overall, the design and scale of the proposed extensions are considered acceptable, with the materials and form responding appropriately to both the host dwelling and the wider context. Two graphic illustrations are shown below of how the dwelling would look if the proposed works are undertaken.

Graphic Illustration - Proposed front elevation



Graphic Illustration - Proposed rear elevation



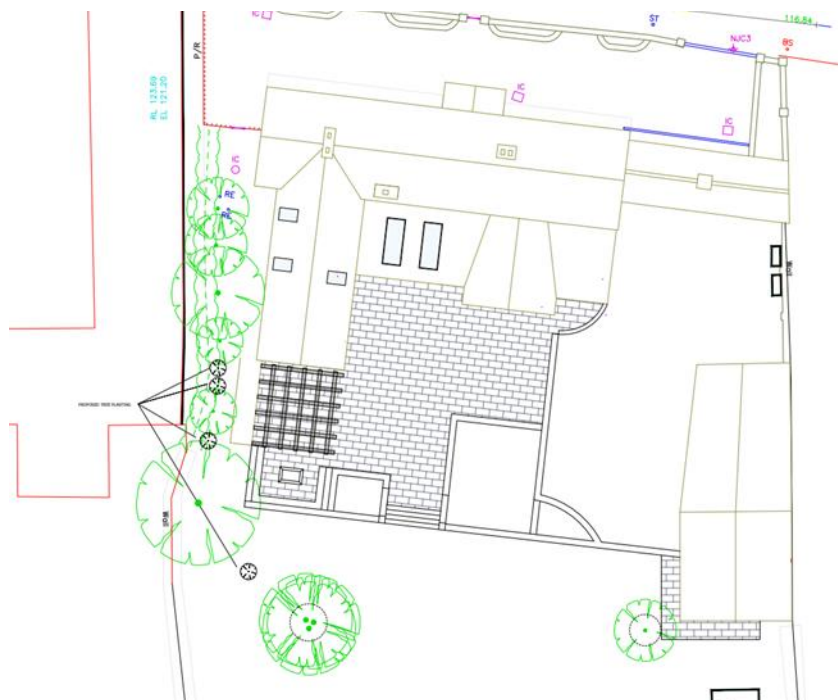
A neighbouring resident has raised concerns regarding the impact of tree removals on the visual amenity and landscape character of the area. The proposal includes the removal of four trees; three Cypress and one Birch. The trees are located to the rear of the site, within an existing group of trees that currently provides screening between the application site and the neighbouring property, Frost Cottage.

Amended plans indicate that these trees would be replaced with four new specimens (Red Robins) planted within the same group, thereby maintaining the screening function. None of the trees on site are subject to Tree Preservation Orders, and the site is not located within a Conservation Area.

The trees identified for removal are classified as 'Category C' (low quality) under BS 5837:2012, due to their poor condition, small size, or young age. Located within the rear garden, these trees have limited public visibility and are not considered to make a significant contribution to the wider landscape character or visual amenity of the area and are not considered to be worthy of protection.

The proposed replacement planting (shown on the plan on the following page) is considered appropriate and sufficient to mitigate the loss of existing vegetation. As such, it is not considered that the development would result in harm to the character or appearance of the area, the wider countryside, or the site's landscaping.

Replacement trees shown on Proposed Site Plan



The proposed development would result in a sizable two-storey dwelling within a countryside location. However, the extensions are considered to be of an acceptable design, size, and scale, and would be located within a generously sized plot. The siting of the extensions to the rear of the property, combined with their limited visibility from the public realm and the use of materials that are sympathetic to the surrounding area, ensures that the proposal would not have a detrimental impact on the street scene, the character of the surrounding area, or the wider countryside. As such, the proposal is considered to be in accordance with Policies S3, D1, and En3 of the adopted Local Plan, Policies S3 and S4 of the Ashby Neighbourhood Plan, the guidance contained within the Council's Good Design SPD, and the advice set out in the NPPF.

Impact upon Residential Amenity

Concerns have been raised by a neighbouring resident regarding the replacement of existing vegetation with hard landscaping, which they consider would result in a more stark and potentially overbearing relationship between Blackberry Cottage and adjacent properties. The proposal does include additional hard landscaping and comprises sizable two-storey and single-storey rear extensions.

To facilitate the development, four trees are proposed to be removed. However, these would be replaced with four new trees in similar positions to maintain the level of screening currently provided between the application site and Frost Cottage to the west. While the existing trees are not subject to statutory protection and could be removed without consent, their retention and replacement are considered beneficial in maintaining the boundary treatment.

In terms of potential overbearing and overshadowing impacts, the two-storey rear extension would project approximately 11.0 metres beyond the rear elevation of Blackberry Cottage. It would be set off the shared boundary with Frost Cottage by approximately 3.0 metres at its closest point, while the outdoor kitchen element would be located around 1.8 metres from the boundary.

Frost Cottage is oriented side-on to the highway, with its rear (east-facing) elevation adjacent to the proposed development. This elevation extends approximately 22.0 metres at two-storey level and a further 6.4 metres at single-storey level. It contains three ground floor windows and four first floor windows. One first floor bedroom window is located forward of the front elevation of Blackberry Cottage and would not be affected by the proposal. The remaining windows serve non-habitable rooms or are secondary in nature.

While the proposed two-storey element of the proposed extension would introduce a substantial built form near the boundary, it would not breach the 45-degree rule as set out in the Council's Good Design SPD. It would be positioned adjacent to the existing built form of Frost Cottage, and there would be no significant impact on the neighbouring windows. The pitched roof design, slight reduction to the eaves and ridge height, and the retention and replacement of boundary trees further mitigate potential impacts. As such, it is considered that the proposal would not result in significant overshadowing or overbearing impacts upon Frost Cottage.

With regard to neighbouring properties to the east ('Tredewen') and south-east ('Hollygate'), the elements of the proposal closest to these dwellings are of single-storey scale and are sufficiently distanced away. It is therefore considered that the development would not result in any significant overlooking, overshadowing, or overbearing impacts on these properties.

A further concern was raised regarding the fully glazed west-facing elevation of the proposed extension, which is said to directly overlook the neighbouring property at Frost Cottage and its decking area, potentially affecting privacy. It is noted that the glazed gable referred to here is south facing, not west facing. The west elevation is blank apart from 2 no. roof lights proposed. The existing rear (south-facing) windows of Blackberry Cottage are set back approximately 9.0 metres behind the two-storey east elevation of Frost Cottage and around 20.0 metres behind its single-storey southern additions. While the proposed glazed gable would be closer to Frost Cottage's rear amenity space, it is not considered to introduce unacceptable levels of overlooking beyond what is typical in a standard residential layout. Given the extensive rear garden at Frost Cottage and the presence of single-storey extensions that extend further south than the proposed development, it is considered that an acceptable level of privacy would be maintained and any overlooking impact upon Frost Cottage would not be so significant to warrant refusal of the application.

It is noted that the proposed two-storey rear extension includes two Velux roof lights on the west-facing roof slope. To ensure that these do not result in any direct overlooking or loss of privacy to the neighbouring property, Frost Cottage, it is recommended that a condition be imposed requiring any roof lights positioned below 1.7 metres from internal floor level to be fitted with obscure glazing and non-opening unless the opening parts are more than 1.7 metres above floor level.

The existing trees along the western boundary, together with the proposed supplementary planting, would contribute positively to the visual screening between the application site and Frost Cottage. While these trees are not subject to statutory protection and could be removed without

formal consent, their presence nonetheless enhances the boundary treatment. The spatial relationship between the proposals and Frost Cottage is considered acceptable in planning terms, even in the absence of the tree screening. The retention and maintenance of the tree group is therefore regarded as a beneficial aspect of the proposal, but not a determinative factor in assessing its overall acceptability in relation to neighbouring amenity.

The proposed outdoor kitchen area has the potential to generate some level of activity and associated disturbance. However, the design incorporates a solid kitchen wall orientated towards the western boundary, which would act as an effective screen between the outdoor kitchen and the neighbouring property, Frost Cottage. This layout helps to mitigate any potential impact on residential amenity.

The Council's Environmental Protection team has been consulted on the proposal and has raised no objections. It is confirmed that the proposed use would not result in unacceptable levels of noise, light, odour, or other forms of disturbance. As such, the outdoor kitchen is not considered to have a detrimental impact on the living conditions of neighbouring occupiers.

The proposed development has been carefully assessed in relation to its impact on neighbouring residential amenity. While the scheme includes sizable extensions and the introduction of hard landscaping, the siting, design, and mitigation measures—such as boundary screening, separation distances, and orientation—ensure that the development would not result in significant overlooking, overshadowing, or overbearing impacts on adjacent properties.

Concerns raised by neighbouring residents have been duly considered, particularly in relation to tree removal, privacy, and potential disturbance from the outdoor kitchen. However, the replacement planting, the layout of the proposed extensions, and the screening provided by the kitchen wall are considered sufficient to mitigate these impacts. Furthermore, the Council's Environmental Protection team has raised no objections, confirming that the proposal would not result in unacceptable levels of noise, light, odour, or other disturbance.

Overall, the development is considered to preserve an acceptable standard of residential amenity for neighbouring occupiers and is compliant with Policy D2 of the North West Leicestershire Local Plan, Policies S3 and S4 of the Ashby Neighbourhood Plan, the guidance contained within the Council's Good Design SPD, and the relevant provisions of the NPPF.

Highway Considerations

The proposed extensions would not alter the number of bedrooms within the property, which would remain as a four-bedroom dwelling. In accordance with the Leicestershire Highways Design Guide, a minimum of three off-street parking spaces is required for dwellings with four or more bedrooms. In this case, the site provides sufficient space for four off-street parking spaces, thereby meeting the required standard.

As such, the proposal is considered acceptable in highway terms and compliant with Policies IF4 and IF7 of the adopted Local Plan as well as the guidance set out in the Leicestershire Highways Design Guide.

Impact upon Trees and Biodiversity Net Gain

Concerns have been raised by a neighbouring resident regarding the potential impact of development within the Root Protection Area (RPA) of Tree T008, and the removal of trees without

adequate mitigation. The objector considers this to be contrary to Policy En3 (Green Infrastructure) of the North West Leicestershire Local Plan, the Council's Tree Strategy, its Climate Emergency declaration, and wider sustainability objectives, all of which promote the retention and integration of natural features.

The proposal involves the removal of four trees; three Cypress and one Birch from the rear of the site. These trees have been identified as 'Category C' (low quality) due to their poor condition, small size, or young age. Amended plans show replacement planting of four Red Robin trees in similar positions to maintain the existing level of screening between the application site and Frost Cottage.

The Council's Tree Officer has reviewed the application and raised no objection. While acknowledging that the arrangement of the development in relation to existing trees is sub-optimal and may result in some arboricultural impacts, it is noted that the trees are of relatively low value and not significant in the wider landscape. Any future issues arising from proximity to the development are considered manageable with minimal adverse impact.

Further concerns were raised regarding the absence of biodiversity net gain (BNG) measures, including offset planting. The objector argues that this is inconsistent with paragraphs 174 and 180 of the NPPF and the Council's stated requirement for 10% BNG. However, the mandatory requirement for 10% BNG under the Environment Act 2021 came into force for small sites on 2 April 2024, and does not apply to householder applications such as this.

The replacement planting and the nature of the site (householder) ensure that the development is acceptable in ecological terms and compliant with Policies En1 and En3 of the adopted Local Plan, Policy NE4 of the adopted Ashby Neighbourhood Plan, and relevant provisions of the NPPF.

Flood Risk and Surface Water Drainage

According to the Environment Agency's Flood Map for Planning, the application site lies within an area identified as being at high risk of surface water flooding, defined as having a greater than 3.3% annual probability (1 in 30 chance) of flooding.

While the site is not located within a fluvial Flood Zone 2 or 3 and is not subject to the requirement for a formal Flood Risk Assessment under the NPPF for householder development, the surface water flood risk is a relevant consideration. As a householder development, the Lead Local Flood Authority (LLFA) is not a statutory consultee, however in this instance a consultation has been undertaken and comments will be reported on the update sheet.

Subject to LLFA comments and to ensure that the development does not result in an increase in flooding on the site or elsewhere, it is recommended that a condition be imposed requiring a soakaway or other sustainable drainage system on site.

Overall, subject to a sustainable drainage condition, it is considered that the proposal would be acceptable in terms of fluvial and pluvial flood risks and would accord with the aims of Policies Cc2 and Cc3 of the adopted Local Plan.

River Mease Special Area of Conservation/SSSI - Habitat Regulations Assessment

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems

and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

The proposal could result in an impact on the SAC, which may undermine the conservation objectives as it may result in the additional discharge of foul drainage to the treatment works / use of a non-mains drainage system and surface water drainage discharge.

In March 2022 Natural England published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development. This advice does not affect householder applications.

The proposal would not increase the number of bedrooms within the dwelling. It is therefore considered that the overall occupancy levels of the dwelling would not increase as a result of the application.

Whilst the additional sanitary provision is likely to result in additional foul drainage discharge from the site, it is not considered to result in a significant increase when having regard to the likely more modern water efficient facilities. The proposal is therefore considered to not result in any unacceptable impact on the integrity of the River Mease SAC.

The footprint of the dwelling would increase and the development would impact upon existing permeable surfacing at the site. It is therefore recommended to condition a soakaway or other sustainable drainage system in this case as was recommended in the Flood Risk and Surface Water Drainage section above.

On the above basis, subject to a soakaway condition, it is considered that the integrity of the River Mease SAC would be preserved and the development would accord with Policy En2 (River Mease Special Area of Conservation) and Cc3 (Water - Sustainable Drainage Systems) of the adopted Local Plan and Policy NE4 of the adopted Ashby Neighbourhood Plan.

Other Matters

A neighbouring resident has expressed general support for the modernisation of the property but has raised concerns regarding the depth of the proposed rear extension and the fully glazed west-facing elevation (it is noted that the glazed gable referred to is south facing, not west facing). The objector suggests that revisions to reduce the depth of the extension or reconfigure the glazing could lessen the perceived impact on their amenity. They have requested that the Council either refuse the application in its current form or require modifications to address these concerns.

These comments have been carefully considered as part of the assessment of the application. While the proposed extensions are substantial, they are located within a generously sized plot and are set off the shared boundary with the neighbouring property, Frost Cottage. The design has been reviewed in relation to residential amenity, and it is concluded that the development would not result in significant overlooking, overshadowing, or overbearing impacts. The glazed elevation, while closer to the neighbouring garden, does not introduce unacceptable views beyond those typically found in standard residential layouts.

The proposal is considered to comply with relevant design and amenity policies, and such, it is not considered necessary to require amendments to the scheme to address the concerns raised.

Conclusion

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the development plan, which in this instance includes the adopted North West Leicestershire Local Plan (2021), the adopted Ashby Neighbourhood Plan (2018) and the adopted Leicestershire Minerals and Waste Local Plan (2019).

The application site lies outside the defined Limits to Development but is considered to comply with the criteria set out in Policy S3 of both the Local Plan and the Ashby Neighbourhood Plan. The principle of development is therefore acceptable.

The proposed extensions and alterations are considered to be of an appropriate design, scale, and siting, and would not result in significant harm to the character of the area, residential amenity, highway safety, flood risk, or biodiversity. The development is also considered acceptable in relation to the River Mease SAC, with no adverse ecological impacts identified.

There are no other material planning considerations that would justify refusal of the application. The proposal is deemed to accord with the relevant policies of the adopted Local Plan, the Ashby Neighbourhood Plan, the Council's Good Design SPD, and the guidance contained within the NPPF.

Accordingly, it is recommended that planning permission be granted, subject to the imposition of appropriate planning conditions.

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