

UPDATE SHEET

PLANNING COMMITTEE – 10 March 2026

**To be read in conjunction with the
Head of Planning and Infrastructure's Report**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

A1 **23/00883/FULM** **Erection of 35 B8 units together with associated access, parking and servicing areas**
Land North of Hilltop Farm, Hill Top, Castle Donington

Additional Information from Applicant

The agent has forwarded copy correspondence from the owners of the adjacent land to the west. The owners of the land consider that the alternative access the applicant has been asked to explore is not viable. In particular they advise that the estate roads on the existing business park are private and, whilst the owners have reserved rights over them for the benefit of their neighbouring land holdings, they are unable to grant rights to any other third parties as it would be in breach of legal agreements they have in place with their tenants.

Issues Arising from the Planning Committee Technical Briefing

Unauthorised Vehicular Access

In terms of concerns over potential unauthorised vehicular access / “car cruising” outside of operating hours, the recommended condition in the main report is amended below so as to allow for either gates or barriers to the access. It is also considered that it would be appropriate to include a note to applicant on any planning permission drawing the developer’s attention to the advice of Leicestershire Police on the application (and as referred to in the main report), and recommending that the developer seeks further advice from the Police and the District Council’s Community Safety team as appropriate in respect of vehicular access and car cruising issues.

External Storage

Queries were raised in respect of the likely wording of the recommended condition in respect of outside storage. The following wording is recommended:

Notwithstanding the submitted drawings, nor Condition 2 above, there shall be no external storage or processing of any goods, materials, pallets, packaging or waste items at any time unless in accordance with a detailed external storage strategy (including details of types of items stored, maximum height of storage above ground level and any mitigation where applicable) first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of visual amenity.

Alternative Site / Unit Availability

Further to the assessment of current alternative B8 units to let as set out in the main report, an updated assessment of available units of floorspace 200sqm and below within 10 miles of Castle Donington has been undertaken by officers. As of 9 March 2026, this identified the following:

No. of Sites: 13
No. of Units: 24
No. of Units below 100sqm: 12

None of the above sites / units would fall within a five mile radius of Castle Donington.

The majority of businesses that have expressed an interest in the units on the site are based within five miles of the application site or within North West Leicestershire.

Adjacent Potential Employment Land Allocation

As set out in the main report, the adjacent area of land has been agreed to be included as an employment land allocation under emerging Policy Ec3 in the forthcoming Regulation 19 version of the Local Plan by the Council's Local Plan Committee (site EMP89). The proposed policy as set out within the Regulation 18 *Proposed Policies for Consultation* document (January 2024) identified that the site would accommodate "...Around 6,000sqm of offices and 11,850sqm of industry / smaller scale warehousing (Use Classes B2/B8) to include small scale industrial units suitable for start-up businesses in accordance with draft Policy Ec6 (Start-up Workspace)....".

[Draft Policy Ec6 provides that "To support the delivery of small-scale industrial units suitable for start-up businesses, the Council will:

- (1) Support development which provides start-up premises subject to other relevant policies in the plan..."]

However, under the updated *Additional Proposed Housing and Employment Allocations for Consultation* document (March 2025), having regard to a lack of market demand for offices, it was proposed to delete reference to the 6,000sqm office figure and replace it with 5,403sqm of industry / warehousing, resulting in the 17,253sqm industry / smaller scale warehousing figure set out in the main report.

Correction

It is noted that there is an error in the figures in the summary of the applicant's submitted marketing information. The second sentence of the fifth paragraph on numbered page 33 in the full agenda report pack should read "...updated details have been provided, now indicating interest from 58 businesses in a total of up to **70** units."

RECOMMENDATION: NO CHANGE TO RECOMMENDATION, with amendments to condition 34

- 34 Provision of barriers / gates to site access (submission / approval and compliance with details prior to occupation)

A2 25/01411/REMM Reserved matters approval (internal access, appearance, landscaping, layout and scale) (hybrid planning permission 19/00652/FULM) for the erection of a 70,000 square metre B8 distribution unit with ancillary offices (E(g)(i)) (formerly use class B1(a)), service yards and HGV parking, fuel and wash facilities, vehicular and cycle parking, gatehouse(s) and security facilities, plant, hard and soft landscaping including boundary treatments and retaining walls, pedestrian and cycling infrastructure, internal roads, and foul and surface water drainage infrastructure

Former Lounge Disposal Point, Ashby Road, Coleorton.

Issues Arising from the Planning Committee Technical Briefing

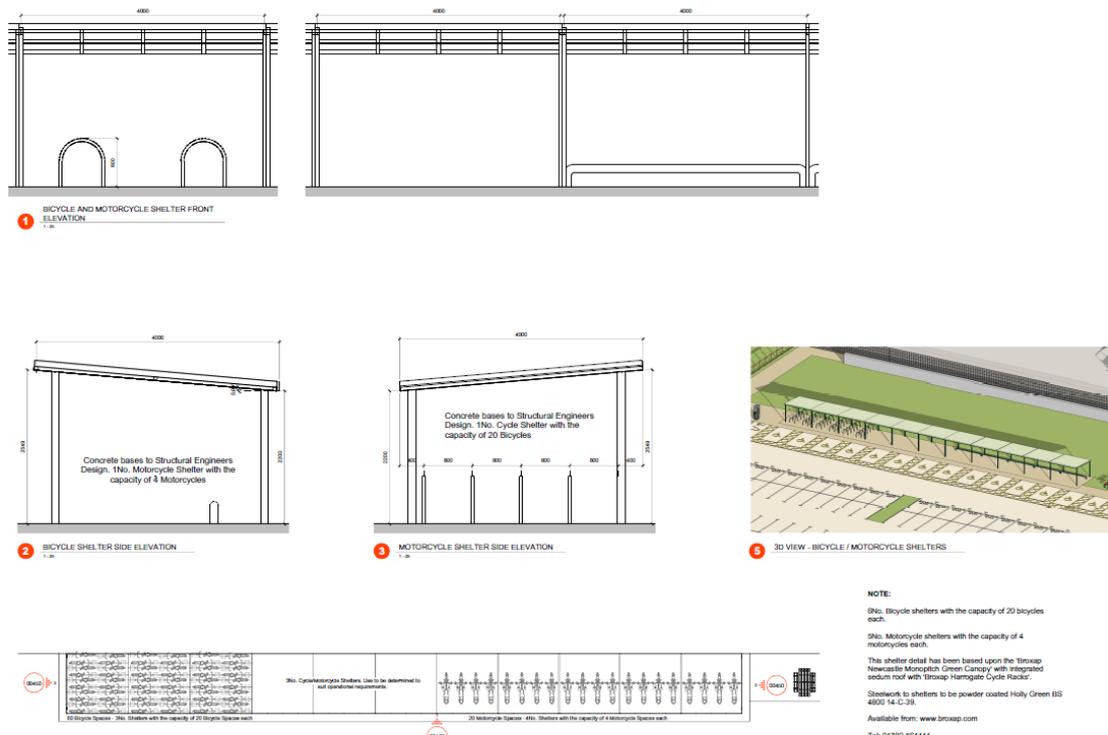
Bicycle and Motor Cycle Parking

At the Planning Committee Technical Briefing on 4 March 2026, Members considered that the amount of motorcycle parking should be increased on the site given that this form of transportation would be more widely used than a bicycle given the lack of cycling infrastructure within the vicinity of the site and the nature of the highways (i.e. vehicles travelling at speed) reducing the appeal of this form of transportation.

The applicant has outlined that the number of bicycle spaces at 120 was required to meet the Building Research Establishment Environmental Assessment Method (BREEAM) which is calculated based on the anticipated occupancy of the building. For speculative developments, a maximum occupancy in line with the Building Regulations is assumed (i.e. one person per 30 square metres of warehouse space and one person per six square metres of office space) and then BREEAM's sliding scale of compliance is used to calculate the required number of bicycle spaces. In this particular instance, due to the size of the building, the total amount of bicycle provision required to achieve the relevant BREEAM requirement is 120 spaces.

Notwithstanding this, the applicant has amended the design of the motorcycle / bicycle shelter in line with the image on the following page.

Amended Motorcycle / Bicycle Shelter Details



It is now proposed that 60 bicycle spaces would be provided along with the originally proposed 20 motorcycle spaces, however, three of the areas of the motorcycle / bicycle shelter would be left vacant so that they can either be used for bicycle parking (i.e. provide a total of 120 bicycle spaces) or motorcycle parking (i.e. provide a total of 32 motorcycle spaces), or a combination of both. Such a decision as to the level of motorcycle / bicycle parking to be delivered would be at the discretion of the site operator who would assess the level of demand for both forms of transportation.

Proposed Condition No. 15

In terms of proposed condition no. 15 (Discharge of foul drainage outside of the catchment area of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI)) outlined within the Committee Report, the applicant has advised that:

- 1) A detailed foul drainage solution was approved as part of the hybrid planning permission (19/00652/FULM) and therefore a condition cannot be lawfully imposed on a subsequent permission (in this case the reserved matters) which is contrary to what has already been approved; and
- 2) That the discharge point is out of the applicant's control and thereby fails the tests for conditions as outlined in Paragraph 57 of the NPPF as it would be unreasonable and unenforceable.

In the above respects the applicant has outlined that a Deed of Variation (DoV) was entered into against the Section 106 agreement associated with the hybrid planning permission, which agreed the context of the matters which are within the applicant's control. Principally, the applicant's responsibility relates to the provision of foul

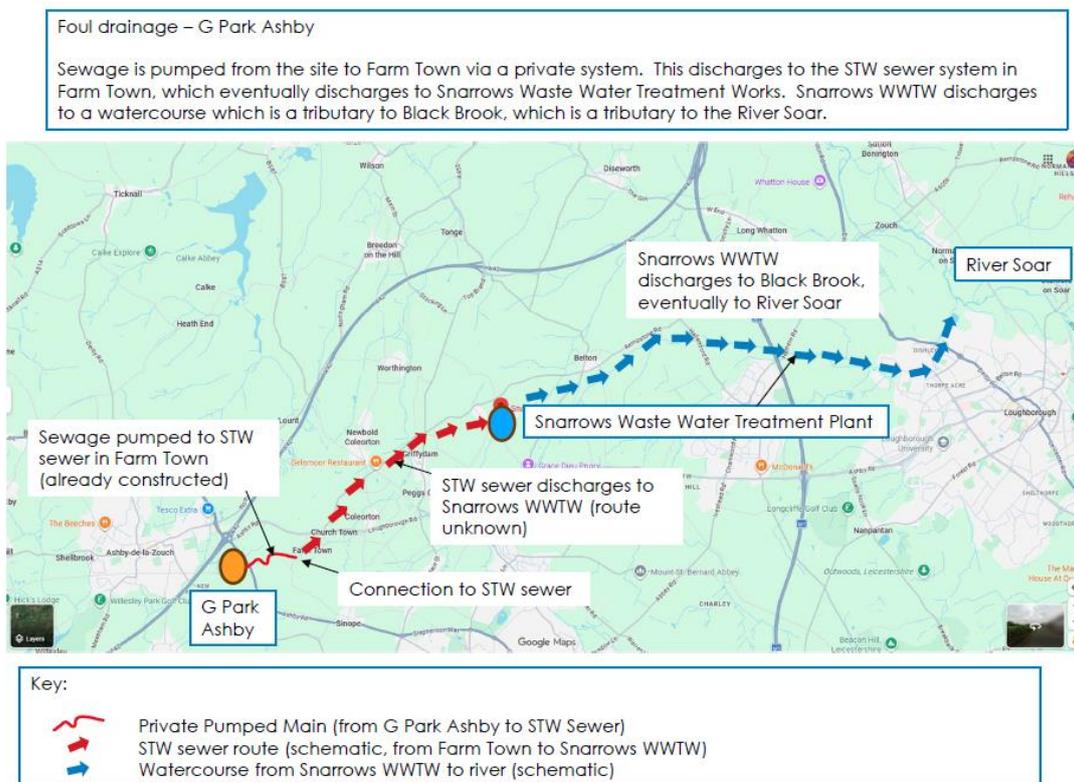
drainage infrastructure up to the point where it connects to the existing sewer network at Farm Town which is operated by Severn Trent Water (STW).

The applicant has also outlined that obligations should not require actions outside of the applicant’s control as they would not be enforceable. Therefore, requiring control over the final discharge catchment (i.e. discharge outside of the catchment area of the River Mease SAC) / SSSI) once drainage enters the public network operated by STW would fail the obligations tests outlined in Paragraph 58 of the NPPF.

It is also the view of the applicant, that the condition would not be enforceable or reasonable, in the context of the tests for conditions outlined within Paragraph 57 of the NPPF, as the applicant would have no control over the eventual discharge of the foul drainage once it entered the public sewer network at Farm Town, nor should control be applied given the requirements of the DoV.

Notwithstanding the above, and in order to provide reassurance to officers and Members, the applicant has contacted STW who have confirmed that treated sewerage from the site would ultimately discharge to the River Soar. Foul drainage infrastructure has been installed from the site to the mains sewer at Farm Town, and flows would then be conveyed to the Snarrows Waste Water Treatment Plan (SWWTP), near Osgathorpe, which discharges to the Black Brook and then the River Soar, which lies outside the catchment area of the River Mease SAC / SSSI. The image on the following page shows the direction of travel for foul drainage for information and illustration.

Foul Drainage Discharge from Site to River Soar



It is therefore considered by the applicant that the above provides reassurances that foul drainage will not be discharged within the catchment area of the River Mease SAC / SSSI and therefore proposed condition 15 can be deleted. The issue with the

condition remaining in place is that the applicant would be left with a condition that cannot be complied with for the reasons set out above and therefore this would lead to uncertainty and risk for any potential occupier who wishes to undertake development on the site. This consequently would lead to knock-on effects in relation to the ability to deliver the site in line with the objectives of allocation within the adopted Local Plan.

Officer Comment

It is considered that the amendments made to the motorcycle / cycle store allow flexibility for any future occupant of the employment building to deliver an appropriate number of spaces depending on the demand for either motorcycle or cycle parking and which can be adapted going forward should demands change. The amended motorcycle / cycle store would be secured by condition on any reserved matters consent granted.

In terms of proposed condition no. 15, this is not imposed at the request of Natural England (NE), who had no objections to the application, and whilst noting the contents of the Committee Report, and in particular the '*River Mease Special Area of Conservation / SSSI – Habitat Regulations Assessment*', officers are now of the view that such a condition would not be reasonable or unenforceable due to the lack of control the applicant has over the eventual discharge of foul drainage which would be to the public sewer. It is also the case that the foul drainage discharge to the mains sewer at Farm Town was assessed to be acceptable when considering the DoV to the Section 106 agreement. In this respect foul drainage infrastructure has been delivered from the site to the public sewer in Farm Town, and a foul drainage connection from the site to this public sewer would ensure that foul drainage was discharged outside of the catchment area of the River Mease SAC / SSSI.

On the basis that the proposed condition no. 15 would not meet the tests for conditions as outlined at Paragraph 57 of the NPPF it could not be imposed as part of any reserved matters consent granted. Notwithstanding this, officers are satisfied that no adverse impacts to the integrity of the River Mease SAC / SSSI would arise as a result of the development given that the foul drainage connection from the site does not drain to a sewerage treatment works within the catchment area of the River Mease SAC / SSSI. On this basis compliance with Policy En2 of the adopted Local Plan would still be demonstrated.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION, with condition no. 15 being removed

- A3 25/01392/FUL Change of use and conversion of former residential care home to form three no. separate dwelling units to include two no. Houses in Multiple Occupancy (HMO) (Use Class C4) and one Large House in Multiple Occupancy (Use Class Sui Generis) with single storey side extension and associated works**

Lyndhurst Lodge, 87 Burton Road, Ashby De La Zouch, Leicestershire, LE65 2LG

Additional Information

- 1) *One additional comment received from a local resident with associated "briefing note" which has been shared with members (received on 4th March 2026).*

Since publication of the Committee Report, an additional comment/note has been received from a local resident. This note responds to the assessment of highway, parking and operational impacts set out in the committee report. It considers whether the evidential basis relied upon in the assessment is sufficient to demonstrate compliance with Policy H2(d) of the Ashby Neighbourhood Plan and Policies IF4 and IF7 of the Local Plan, having regard to the specific characteristics of Churchill Close. The concerns are summarised below:

1. The submission does not contend that "severe harm" to highway safety will arise, but rather questions whether sufficient evidence has been submitted to demonstrate that the development will function acceptably given the site constraints.
2. It contests that the relevant policy tests at H2(d) of the Ashby Neighbourhood Plan set a lower threshold for considering impacts on traffic generation and highway impacts i.e. "unacceptable" rather than the higher "severe" threshold applied at Paragraph 116 of the NPPF.
3. Concerns in relation to the narrow width of the carriageway and footway along Churchill Close are reiterated.
4. Reference is made to a previous application on the site (17/1607/FUL) being found to be acceptable by an appeal inspector on the basis that parking demand can be met and contained within the site, which is supported by evidence. The physical characteristics of Churchill Close remain unchanged since parking matters have been considered under previous applications.
5. The recommended conditions require further details to be submitted that demonstrate acceptable layout in respect of vehicle parking, cycle parking and refuse storage but it is suggested that this should be provided prior to the application being determined due to uncertainty that the required level parking etc can be delivered within the site.
6. No swept path analysis has been submitted as part of the application to demonstrate adequate space for turning and manoeuvring within the site.
7. The proposed level of parking (one per resident) does not account for visitors or other users that may increase parking requirements.
8. The submitted plans do not indicate allocation or management of spaces between the two courts.

9. Concerns that additional parking will take place on the public highway, in particular, along Churchill Close.
10. Consultees that consider the refuse requirements have not considered the updated layout and alternative refuse storage location.
11. Occupation has been assumed on the basis of one person per room however, other occupation scenarios have not been considered.

Officer Response

It should be noted that a detailed assessment of the parking requirements is set out on pages 124 and 125 of the reports pack. It remains the case that the proposal provides in excess of the minimum number of parking spaces for the proposed development having regard for the Leicestershire Highways Design Guide. This allows for a degree of flexible parking capacity for visitors or deliveries. Notwithstanding this, even if additional parking did take place on the public highway, it cannot be assumed at this stage that visitors or delivery vehicles will park unlawfully on the pavement or block traffic flows along Churchill Close as vehicle users remain bound by the highway code.

In response to concerns that there is uncertainty that the site can provide the required level of parking, refuse storage, garden space and turning space, it should be noted that the Local Highway Authority was originally satisfied that the site can deliver the required level of parking in general accordance with the Leicestershire Highways Design Guide (LHDG). Condition 5 (as recommended by officers) requires an alternative scheme of parking be submitted for approval as two of the spaces (the space closest to the western side boundary when accessed from Burton Road, and the space abutting the rear elevation of the building) do not account for the additional 0.5m width required when a space is bound at one side by a fence, wall or other form of enclosure. As such, it is recommended that an alternative scheme for off-street car parking is submitted for approval. It is also recommended that the approved car parking scheme be properly demarcated on site.

While it is accepted that the proposed parking layout will require minor adjustment to allow sufficient space to function acceptably, it is considered that such space can be provided on the site without resulting in the loss of parking availability or vehicle manoeuvrability elsewhere on the site. Notwithstanding this, it will be for the applicant to demonstrate this to the satisfaction of the Local Planning Authority and the Local Highway Authority when the details are submitted to discharge the relevant condition. It should be noted that the condition will be worded to prevent occupation until such time that the final parking scheme has been submitted and approved. Furthermore, in response to concerns that insufficient space has been allocated for the storage of refuse bins, this is acknowledged on page 130 of the committee report, however, the report also states that the site is of a sufficient size to accommodate bin storage without impeding any parking, access or turning facilities. As such, it is recommended that a planning condition be imposed in order to secure full details of an alternative bin storage arrangement which would need to be submitted to and approved in writing by the Local Planning Authority.

While it is accepted that no swept path analysis has been submitted as part of the application, this was not required by the Local Highway Authority and so is not considered necessary for the determination of the application.

The Local Highway Authority has been invited to comment on the additional comments made and it has confirmed that in reviewing the additional comments made, it continues to stand by its previous response provided dated 17th December 2025. In

addition, the LHA has confirmed that it is satisfied that parking can be provided in accordance with the standards contained within the Leicestershire Highways Design Guide (LHDG) and that standards are provided such that developments are self-contained and do not result in overspill onto the highway network. During the course of the application, the Local Highway Authority was made aware of the strength of concern raised by residents in respect of parking and highway matters, including a Highways Clarification Note dated 29th December 2025, and it confirmed at that time *that “it stands by its previous observations dated 17th December 2025” and “The LHA would encourage any public commentator to refer to the LHA’s observations but confirm that, a worst-case scenario was utilised as is standard transport planning practice and that parking was considered, in full, as per the ‘internal layout’ section and is in general accordance with local design guidance.*

In response to concerns that occupation has been assumed on the basis of one person per room and other occupation scenarios have not been considered which may have greater demand on parking, officers recommend that condition 14 specify that no more than one person shall occupy each bedroom with no more than 17 occupants across the site in total. This would ensure that the occupancy would be appropriately restricted to avoid any potential scenarios that could allow for alternative occupancy scenarios why may not have been considered.

Issues Arising from the Planning Committee Technical Briefing

At the Committee Technical Briefing, various questions / queries were raised by Members based on the contents of the Committee Report. Such questions / queries, as well as the responses provided by the applicant and statutory consultee (where applicable), are as follows:

- 2) *Members have requested further information on the number of HMOs within the area and how such uses impact on the community.*

The Council’s Environmental Protection Team has confirmed that there are a total of two HMOs in Ashby. The data is provided based on the number of HMO licenses that have been issued, or pending issue. A HMO licence is only required when the number of occupants will be five people or more. HMOs that contain 3 or 4 occupants are not subject to licencing requirements thus data on these units is not available.

Furthermore, a HMO use falls under Use Class C4 of The Town and Country Planning (Use Classes) Order 1987 (as amended) and at the present time, planning permission is not required to change the use from a single dwelling (Use Class C3) to a HMO (Use Class C4). Therefore, a greater number of HMOs may exist in the immediate or wider area that are not known to the Licensing or the Local Planning Authority. The Council’s Planning Policy Team confirm data they hold in respect of HMOs relates only to the Kegworth area in relation to the Article 4 Direction in place for that area.

The Council’s Community Safety team have been approached and it has been confirmed that they are not aware of any issues of antisocial behaviour in relation to HMOs in Ashby. The Council’s Environmental Protection team has also confirmed that no complaints for noise, litter, odour etc have been received in relation to existing HMOs in Ashby. Furthermore, in respect of HMO uses generally, they are not known to be the cause of antisocial behaviour or community safety issues providing that such uses are well-managed by landlords through robust tenancy agreements.

Overall, while it is acknowledged that in a small number of circumstances Houses in Multiple Occupation can give rise to issues of anti-social behaviour, the data the Council has suggests that this is no more likely to occur than in other forms of privately owned or rented residential accommodation. Given the very small number of known HMOs in the local area, it is not considered that the proposal for three HMOs on the site would give rise to unacceptable impacts on the community in respect of in respect of the mix and balance of the local community, community cohesion, anti-social behaviour or noise.

- 3) *A member made reference to the provision of refuse storage and responsibility for keeping the site clean and clear following bin collections.*

The responsibility for ensuring that waste is collected and refuse bins are stored correctly would be with the occupants as is the case for privately owned and occupied residential uses of this scale and nature. Other legislation relating to environmental health, untidy land and anti-social behaviour give powers to the Council relating to this matter. As set out above, there is no evidence to suggest that HMOs result in greater risk of antisocial behaviour in terms of litter or odour. The Council's Waste and Refuse Team has confirmed the number of bins that would be required to serve the development as a whole and this would include a larger communal 1100 litre bin for non-recyclable waste that would serve all three units. The proposed location of the bin store would also be within easy reach of the public highway and it will be for the refuse and waste team to agree a suitable collection point within the site.

- 4) *Members raised concerns that some aspects of the internal living spaces do not comply with the size requirements of the councils HMO licencing rules.*

While this is acknowledged by officers within the committee report, licencing is a separate regime and is subject to separate regulatory processes and decisions and may also be subject to change. A note to applicant is recommended to be imposed in respect of this matter. Planning decisions must be based on material planning considerations and therefore it is not considered that any potential conflict with the Council's licencing regime would justify a refusal or deferral of the application on planning grounds.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION, with amendments to condition 14 and imposition of a note to applicant:

- 1. Amend condition 14 as set out above in relation to the occupancy to restrict the occupancy to one person per room with no more than a total number of 17 occupants across the site in total**
- 2. Imposition of a note to applicant to advise the applicant that the internal layout may not be licensable in its current form and approval of the planning application does not mean that the internal layout is acceptable under the Council's HMO licensing system**

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