

UPDATE SHEET

PLANNING COMMITTEE – 11 August 2026

**To be read in conjunction with the
Report of the Head of Planning and Infrastructure to Planning
Committee**

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

A1 16/00378/FULM Erection of 150 residential dwellings and associated infrastructure, public open space and landscaping along with the provision of a temporary construction access.

Land Adjoining Ashby Road, Kegworth.

Additional Information

Third Party Representations

Following the publication of the Planning Committee Agenda five further representations objecting to the application have been received which are summarised as follows:

Residential Amenities

- 1) The amenities of any future occupants of the properties would be adversely affected as a result of noise, with the site not being suitable for residential development due to this impact.
- 2) Existing residential amenities would be adversely affected due to the relationship with the proposed dwellings, with the construction phase also leading to adverse impacts to existing amenities.
- 3) The pedestrian connection into Pritchard Drive will create security issues for residents as well as impacting adversely on the privacy enjoyed.

Design

- 1) Pedestrian connectivity into Pritchard Drive will need to be carefully considered given that at the point of connection the topography is steep and interacts with the play area, residential properties and parking. The topography of the land where the sports pitch and locally equipped area of play would be provided also needs to be carefully considered.

Highway Impacts

- 1) The development will result in all vehicular traffic being directed through Kegworth as a result of the bus gate on Ashby Road preventing direct access to the Kegworth Bypass, and subsequently the strategic road network (SRN).
- 2) The findings of the traffic assessment are inadequate and place an over reliance on the extant consent for 110 dwellings.
- 3) The potential allocation of land opposite the site for a further residential development of 140 dwellings (known as K12) needs to be accounted for in the traffic assessment.
- 4) Alternative controlled access arrangements to enable vehicles to pass through the bus gate on Ashby Road should be considered so as to prevent all vehicles transversing through Kegworth.
- 5) The development will impact adversely on the safe usage of Ashby Road in isolation and in conjunction with future development.
- 6) Is the only vehicular access into the site proposed off Ashby Road, or will a vehicular access also be provided off Windmill Way.

- 7) The parking demands on Pritchard Drive regularly exceed what was delivered and therefore on-street parking is high, creating difficulties for residents and restricting access for larger vehicles.

Ecology

- 1) The proposed development would impact adversely on badger setts and the habitat of badgers.
- 2) What mitigation will be put in place to protect badgers, and who will monitor and enforce the protection of badgers during the construction phase.

Other Matters

- 1) The applicants have constructed the adjacent residential development (Pritchard Drive), and it is important that the maintenance responsibilities for the public open space (POS), locally equipped area of play (LEAP) and sports pitch for the proposed development are established given the lack of certainty over such maintenance responsibilities on the adjacent development.
- 2) The play area on Pritchard Drive has not been maintained or delivered in accordance with what was approved with the steepness of the land limiting its usability and access. Consideration therefore needs to be given to how the proposed LEAP will be maintained.
- 3) Many homeowners on Pritchard Drive are required to present their waste receptacles for collection at a single point resulting in a concentration of waste receptacles and difficulties on collection day.

One representation has also been received which supports the proposed development with the comments raised summarised as follows:

- 1) Much needed housing would be delivered in Kegworth with the site being stifled by HS2 safeguarding for several years.
- 2) An extant planning permission already exists for 110 dwellings on the site and therefore development is agreed in principle.
- 3) The expanded plan also included more affordable housing, which Kegworth requires, and the Section 106 money will enhance services that are currently under pressure including the local schools.

Full copies of the representations received are available to view on the Council's website.

Kegworth Parish Council

A further representation has been received from Kegworth Parish Council (KPC) with the comments raised summarised as follows:

- 1) Whether the findings of the Playing Pitch and Outdoor Sport Strategy (PPOSS) of January 2026 have been accounted for as part of the assessment against Policy IF3 of the adopted Local Plan.
- 2) The Planning Committee Report does not refer to the King George V playing field which is owned (in trust) and managed by KPC and the demands upon its existing facilities.
- 3) Whether the proposed leisure and recreation provision has been assessed solely against the needs arising from the 150 residential dwellings, or whether cumulative impacts have been considered.

- 4) Whether the proposed layout has considered the wider context of development proposed within the west of Kegworth and the aims of securing recreation provision, open space, active travel and accessibility.
- 5) The Planning Committee Report does not specify the dimensions of the sports pitch, what age groups it would serve and whether it meets Football Association (FA) guidance. Also was engagement undertaken with Kegworth Imps Football Club.
- 6) Clarification is required on who will own and maintain the sports pitch, LEAP and POS, how such long-term arrangements would be secured through the Section 106 agreement and whether Local Government Reorganisation (LGR) has considered.
- 7) The Kegworth Parish Council Action Plan 2023 – 2027 includes a commitment to develop a Sports, Leisure, Health and Wellbeing Strategy for Kegworth, including engagement with Sport Development Officers at the Council. Locally identified priorities may therefore not have been considered as part of the determination of the application.

A full copy of the representation received from KPC can be viewed on the Council's website.

Planning Committee Technical Briefing

At the Planning Committee Technical Briefing on the 6th August 2026, Members raised the following queries:

- 1) Whether as a result of the noise mitigation measures the dwellings would be installed with air conditioning and how efficient the ventilation systems would be.
- 2) Whether heat source pumps and / or solar panels were to be installed.
- 3) How the noise mitigation measures proposed compared with those installed as part of the construction of residential development off Park Lane in Castle Donington.
- 4) Whether aircraft emissions were included in the air quality assessment.
- 5) Whether Leicestershire County Council (LCC), as the County Highways Authority (CHA), had considered the cumulative impacts of development around Kegworth as part of their assessment and how the different traffic impacts arising as a result of the development in comparison to those of the extant consent were assessed.

Additional Correspondence from Councillor Sutton

Councillor Sutton has provided additional comments on the application following the publication of the Planning Committee Agenda, with the comments raised summarised as follows:

The significance of the extant planning permission for 110 dwellings on the site

Councillor Sutton is of the view that as the extant consent was assessed against policies of the former Local Plan and that circumstances associated with, and surrounding the site, since the approval of the extant consent have changed it should not be relied upon as part of the overall decision.

Highway impacts and the bus gate

Councillor Sutton considers that Members should establish whether the transport assessment genuinely represents present and foreseeable traffic conditions, including cumulative impacts, rather than principally relying on the impact of the development being the vehicular movements associated with 40 more dwellings when compared with the extant consent. The implications of the allocation of the site known as K12 for 140 dwellings on the southern side of Ashby Road should also be considered.

It is also considered by Councillor Sutton that alternative access arrangements via the bus gate on Ashby Road should have been explored.

Too much fundamental detail is left until after a planning permission is granted

Councillor Sutton is of the view that the imposition of 48 conditions, some of which require further information to be submitted at various triggers, provides uncertainty over what Members will be determining.

The actual living environment

Councillor Sutton has outlined that the proposed noise mitigation will impact on the living environment of future residents, and this impact should be given appropriate weight in the planning balance. In particular the policies and regulations which the Council's Environmental Protection team relied upon to make their assessment need to be clear.

Additionally, the extant consent refers to a requirement for trickle down ventilation as a means of mitigating against the closure of windows, but as proposed purge ventilation (via through-wall extraction) would be utilised. In these circumstances, Councillor Sutton has outlined why have the ventilation requirements changed, and why (based on artificial intelligence (AI) advice) both trickle down and purge ventilation are not proposed.

Councillor Sutton also considers that the impacts to air quality need to be carefully considered.

Recreation, open space and long-term stewardship

Councillor Sutton has referred to the response from KPC, as summarised above, and residents experiences of the adjacent residential development constructed by the applicants at Pritchard Drive (also summarised above). In particular who would be responsible for the ownership and long-term maintenance arrangements for the recreation provision.

Topography of the site itself

Councillor Sutton has commented on the topography of the application site, as well as the topography of Pritchard Drive, and how infrastructure on the site associated with the sports pitch, LEAP and pedestrian connectivity will be delivered.

A full copy of the correspondence from Councillor Sutton is available to view on the Council's website.

Officer Comment

Residential Amenities

Concerns have been raised by third parties and Councillor Sutton, as well as Members at the Technical Briefing, in relation to the impact noise would have to the amenities of any future occupants of the proposed dwellings.

It is considered that the Planning Committee Report outlines the assessment, including relevant planning policy, that has been taken into account when determining that the impact arising from noise to the amenities of future occupants can be appropriately mitigated and conditions imposed on any planning permission to be granted would secure this mitigation.

Following the Technical Briefing the Council's Environmental Protection Team have been consulted further, and they have maintained that there are no objections to the application on noise grounds subject to the relevant noise mitigation being secured.

The Council's Environmental Protection Team have also commented that the proposed noise mitigation strategy would include the use of both acoustically treated trickle ventilation and purge ventilation system as a means of addressing the risk of overheating at the times when bedroom windows would need to remain closed to address the impact arising from aircraft noise at night, whilst also providing protection from the effects of road traffic noise. Such measures therefore provide a means of addressing the impacts of noise as well as overheating. It is outlined by the Council's Environmental Protection Team that such an approach would be compliant with Part O of the Building Regulations (albeit as outlined in the Planning Committee Report, the lack of compliance with Building Regulations would not in itself be a justification to refuse a planning application).

Such an approach is also compliant with World Health Organisation (WHO) Guidelines for Environmental Noise which sets recommended limits for noise exposure. Where such limits are not achieved through separation distances, bunding, and noise barriers, alternative mitigation measures may be required to ensure acceptable internal noise levels within dwellings. This includes measures such as acoustically treated trickle vents and purge ventilation systems as are proposed within the noise mitigation strategy.

In acknowledging the above, it is understood that the Planning Committee Report does not make it explicitly clear that acoustically treated trickle ventilation would be proposed as part of the noise mitigation strategy, with reference being to the purge ventilation (which would take the form of through wall extract ventilation). In order to be explicit on the matter, the wording of condition 22 (should planning permission be granted) would outline that both acoustically treated trickle ventilation and purge ventilation would be required as part of the noise mitigation strategy.

The proposed ventilation systems to be installed are not uncommon and are considered to be efficient in addressing overheating within the dwellings. On this basis, secondary systems such as air conditioning units (ACU) would not be required, albeit any future occupants of the proposed dwellings would have the opportunity to install an ACU should they consider it necessary or desirable.

In terms of the noise mitigation measures installed as part of the construction of the residential development off Park Lane, Castle Donington (which also has a direct relationship with East Midlands Airport (EMA)), the outline planning application (ref: 09/01226/OUTM) identified a range of noise contours which showed the different levels of noise across the site with the noisiest areas being situated closest to EMA.

Such noise contours identified those areas where housing would be acceptable in principle, with the development being arranged so that only non-residential uses were proposed in the areas where the night time noise levels were excessive. Notwithstanding this, the Council's Environmental Protection Team identified concern that some residential properties would still experience adverse noise impacts at night and therefore a condition was imposed which required the first reserved matters application to include noise mitigation measures as a means of reducing indoor night time noise levels (this comprised condition 24 of 16/00465/VCUM which was a later Section 73 application that varied the terms of the original outline permission 09/01336/OUTM).

The approved noise mitigation measures installed as part of the Park Lane development comprise acoustic glazing with trickle ventilation and an EnviroVent loft mounted ventilation system. Such mitigation measures are therefore not materially different to those proposed at Ashby Road, Kegworth.

Overall, it remains the case that the impacts associated with noise to the amenities of any future occupants of the proposed dwellings would not be so adverse that a reason to refuse the application could be justified.

In terms of air quality, the Air Quality Assessment has accounted for aircraft emissions with it remaining the case that the Council's Environmental Protection (Air Quality) Officer has no objections to the application.

With regards to the further third party comments raised in relation to the impacts to existing residential amenities due to the relationship with the proposed dwellings, as well as the impacts associated with the use of the pedestrian connections, it is considered that these are addressed as part of the Planning Committee Report (in particular see the *'Design, Housing Mix and Impact on the Character and Appearance of the Streetscape'* and *'Neighbours and Future Occupants' Amenities'* sections).

Highway Impacts

Following the Technical Briefing, reconsultation has been undertaken with the CHA who have reiterated their position that the proposed development would only result in an increase of 40 dwellings above the 110 dwellings already permitted on the site (under application references 12/00323/OUTM and 16/00394/REMM).

40 dwellings is below the threshold of dwellings requiring further assessment (i.e. a Transport Assessment (TA) and Travel Plan (TP)) which is as set out in Table 1 (Normal Minimum Additional Details Required to Support Development Proposals) of Part 1: Principles & Part 2: Highway Development Management of the Leicestershire Highway Design Guide (LHDG), and it would therefore be unreasonable to require the applicant to assess the impacts of the entirety of the development given the extant consent for 110 dwellings on this site. Such circumstances would also result in the CHA not requiring a detailed assessment in respect of the cumulative impact of the development (including those associated with the proposed K12 allocation).

Notwithstanding this, any planning application submitted for residential development on the proposed K12 allocation site would need to demonstrate its impacts upon the highway network and would have to account for 'committed development' which would include the vehicular movements associated with the extant consent, or alternatively those associated with this proposed development if planning permission is granted.

The proposed number of dwellings above those of the extant consent has also resulted in there not being a requirement for the applicant to consider an alternative means of access to the site (potentially via the bus gate on Ashby Road). In such circumstances the proposed access and the subsequent movement of vehicular traffic through Kegworth remains acceptable to the CHA.

Recreation and Sports Provision

In terms of the further comments from KPC, officers would respond to the summarised points as follows:

- 1) *Whether the findings of the Playing Pitch and Outdoor Sport Strategy (PPOSS) of January 2026 have been accounted for as part of the assessment against Policy IF3 of the adopted Local Plan.*

The consultation response from the Council's Health and Wellbeing Team (HWBT) to the application was provided on the 17th March 2025 and therefore did not account for the findings of the PPOSS 2026 given that it was not applicable at that time. Notwithstanding this, the Council's HWBT (and in particular the Sports Development Officer) were re-consulted following the receipt of KPC's comments.

Following an assessment against the PPOSS 2026, the playing pitch calculator results demonstrate that the development would generate additional demand for junior football, but only partial pitches for 9 v 9 football which is now played until the Under 13's age group following recent FA format changes. In these circumstances the full sports pitch proposed would exceed the demand generated as a result of the development.

- 2) *The Planning Committee Report does not refer to the King George V playing field which is owned (in trust) and managed by KPC and the demands upon its existing facilities.*

The Planning Committee Report references those existing facilities which exist within a certain proximity of the application site, including natural turf pitches, artificial grass pitches and play / recreation facilities. The King George V playing field (which provides cricket, football and tennis facilities) is more than a 15 minute walk from the application site (being around 20 minutes) and therefore the natural turf pitch available is not specifically referenced given this walking time.

As part of the consideration of the application the Council's HWBT have not identified any additional demands which would be placed upon the King George V playing field as a result of the development with it being the case, as outlined above, that the demand generated by the development would only equate to the partial provision of a 9 x 9 pitch for the up to Under 13 age category. Such demand is therefore met by the application site where the provision exceeds the demand.

KPC would also have had the opportunity to evidence any demand which would have been placed on their managed sports / recreation assets as part of their consultation response and sought a financial contribution if this was deemed necessary to mitigate the impacts of the development. No such requests have been made as part of the consultation responses received by KPC, with any such requests needing to be sufficiently evidenced to meet the terms of Paragraph 58 of the NPPF.

- 3) *Whether the proposed leisure and recreation provision has been assessed solely against the needs arising from the 150 residential dwellings, or whether cumulative impacts have been considered.*

It is a fundamental tenet of the planning system that each application be assessed on its own merits and therefore the impact to leisure and recreation provision can only be assessed based on the impacts arising from the proposed development.

- 4) *Whether the proposed layout has considered the wider context of development proposed within the west of Kegworth and the aims of securing recreation provision, open space, active travel and accessibility.*

The proposed layout seeks to deliver the same level of provision of sports pitch, LEAP and POS to that as secured as part of the extant consent and is therefore considered acceptable in mitigating the impacts of the development. Connectivity is proposed between the application site and the land to the north where an extant consent also exists for residential development, and whereby further sports pitches, a pavilion and POS would be delivered should the extant consent be built out. The integration of these developments would therefore deliver enhanced recreation and leisure facilities within the western extent of Kegworth should both be constructed.

- 6) *The Planning Committee Report does not specify the dimensions of the sports pitch, what age groups it would serve and whether it meets Football Association (FA) guidance. Also was engagement undertaken with Kegworth Imps Football Club.*

From scaling off the Planning Layout, the proposed sports pitch could have a size of 89 metres in length by 59 metres in width (when using the outer area) which, based on recommended pitch sizes from the FA, would be suitable for up to the Under 14 age category (11 v 11). The delivery of the sports pitch would be secured within the Section 106 agreement, should planning permission be granted, and whereby it could be stipulated that the sports pitch to be delivered would be required to have minimum dimensions as stated above so that it could serve a range of ages up to the Under 14 age category. This size of sports pitch would also be consistent with that secured as part of the extant consent being 88 metres in length by 58 metres in width.

As part of the consideration of the application there was no engagement with Kegworth Imps Football Club as they are not a statutory consultee in the planning application process, nor are they an owner of an adjoining property to the application site. Notwithstanding this, the Council's HWBT have outlined that relevant clubs were consulted as part of the PPOSS 2026 process which would have included Kegworth Imps.

- 7) *Clarification is required on who will own and maintain the sports pitch, LEAP and POS, how such long-term arrangements would be secured through the Section 106 agreement and whether Local Government Reorganisation (LGR) has considered.*

The ownership and maintenance responsibilities for the sports pitch, LEAP and POS would be secured within a Section 106 agreement, should planning permission be granted, which is not a materially different circumstance to any other residential permission where such sports and recreation provision would be delivered.

It is likely that the applicant, or a management company on their behalf, would be the owner of the sports pitch, LEAP and POS and therefore subsequently responsible for their maintenance and management. If KPC wished to take up responsibility for the maintenance and management of the sports pitch, LEAP and / or POS then a clause could be included within the Section 106 to allow for this as well as any transfer fee payable and a commuted sum which could be used by KPC for maintenance and management purposes.

The effects of LGR could be incorporated into the Section 106 to make it clear who would be responsible for enforcing the requirements of the Section 106 as and when the Council becomes a unitary authority.

- 8) *The Kegworth Parish Council Action Plan 2023 – 2027 includes a commitment to develop a Sports, Leisure, Health and Wellbeing Strategy for Kegworth, including engagement with Sport Development Officers at the Council. Locally identified priorities may therefore not have been considered as part of the determination of the application.*

It is unclear if the Sports, Leisure, Health and Wellbeing Strategy (SLHWS) for Kegworth has been developed by KPC or not given the use of the wording “*includes a commitment.*” Notwithstanding this, any SLHWS would only be material to the determination of a planning application if it formed adopted policy (i.e. was a supplementary planning document and / or formed part of a Kegworth Neighbourhood Plan). In these circumstances any lack of compliance with a Kegworth SLHWS (should such a document exist) would not be justification to refuse the planning application.

Overall, and in addition to the above, the level of sport and recreation provision on the application site would not be materially different to that which would be provided should the extant consent be built out.

Extant Consent

It is accepted that circumstances in and around the application site have materially changed since the determination of the extant consent for 110 dwellings (outline consent under 12/00323/OUTM approved in 2013 and reserved matters consent under 16/00394/REMM approved in 2018). However, as an extant consent the 110 dwellings could be ‘built out’ and therefore the impacts associated with such a development would be experienced in the current environment irrespective of the assessments which supported such a decision not being based against policies of the adopted Local Plan or the NPPF.

On this basis it is a material consideration which would be afforded significant weight in the overall determination of the current application, notwithstanding that, as outlined above, it is a fundamental tenet of the planning system that each application be assessed on its own merits.

Proposed Conditions

The conditions to be imposed as part of any planning permission granted are considered to meet the tests as outlined in Paragraph 57 of the NPPF and seek to secure information / detail on matters which have either not been submitted as part of the application and / or the submitted information is not precise. It is considered that the conditions to be imposed are not materially different to those imposed as part of applications for residential development, with the site’s proximity to EMA requiring more conditions than those sites further from EMA.

In providing their consultation responses, those statutory consultees who have requested the imposition of conditions have also satisfied themselves that such detail could be left to condition rather than being required to be addressed before such time as a decision was made on the application.

On the basis officers consider that Members have been provided with the sufficient level of detail necessary to make a decision on the planning application.

Design

Draft condition 13 outlined in the Planning Committee Report will require details of the finished ground and floor levels to be submitted for approval. In agreeing details in connection with this condition it is considered that it can be ensured that the topography of the application site is accounted for and that the proposed sports pitch, LEAP and pedestrian connections are provided at appropriate gradients in order to facilitate their use.

In terms of the comments raised by Members at the Technical Briefing, there is no current requirement under planning legislation for heat source pumps and solar panels to be installed as part of the construction of new residential properties. It is understood that this relates to the UK's Future Homes Standards which will mandate that new homes must use low-carbon heat pumps instead of gas grid connections and install rooftop solar photovoltaic (PV) systems covering an area equivalent to 40% of the building's ground floor. Such a mandatory requirement is currently proposed to come into force in 2028 (following a transition starting in 2027) and is therefore not of relevance in the consideration of this application.

Ecology

With regards to the third party comments raised in relation to the ecological impacts of the development (and in particular to badgers) it is considered that these are addressed as part of the Planning Committee Report (see the '*Ecology and Biodiversity*' section in particular – starting on page 66).

Planning Committee Report Correction

In the first paragraph of the '*Proposals and Background*' section of the Planning Committee Report (see page 15) it is outlined that the land previously safeguarded for HS2 was towards the 'eastern' boundary of the application site. This reference is incorrect and should refer to the 'western' boundary of the application site.

RECOMMENDATION – NO CHANGE TO RECOMMENDATION.

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