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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 12 August 2025
Location	Forest Room, 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	3 - 6
4. PLANNING APPLICATIONS AND OTHER MATTERS		
	Report of the Head of Planning and Infrastructure.	7 - 10

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	24/01618/OUTM - Development of site to provide for up to 75 dwellings with associated landscaping, open space, drainage infrastructure and associated works (outline, all matters reserved except for the principal means of vehicular access off Midland Road) Land West Of Midland Road, Ellistown	PERMIT SUBJECT TO SECTION 106	11 - 70

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 8 July 2025

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Blunt (Substitute for Councillor J G Simmons), M Burke, R Canny, D Cooper (Substitute for Councillor C A Sewell), T Eynon (Substitute for Councillor D Everitt), J Legrys, P Moulton and A C Woodman (Substitute for Councillor N Smith)

In Attendance: Councillor C Sewell (as Ward Member)

Officers: Ms J Davies, Mr C Elston, Mr D Gill, Mr A Mellor and Mrs R Wallace

8. APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Everitt, C Sewell, J Simmons and N Smith.

9. DECLARATION OF INTERESTS

Members declared that they had been lobbied without influence in respect of the following application but had come to the meeting with an open mind.

Item A1, application number 24/01376/FULM

Councillors D Bigby, R Boam, R Canny, J Legrys, R Morris and P Moulton.

10. MINUTES

Consideration was given to the minutes of the meeting held on 3 June 2025.

It was moved by Councillor J Legrys, seconded by Councillor P Moulton and

RESOLVED THAT:

The minutes of the meeting held on 3 June 2025 be approved and signed by the Chair as a correct record.

11. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

12. 24/01376/FULM: PROPOSED BATTERY ENERGY STORAGE SYSTEM (BESS) AND ASSOCIATED INFRASTRUCTURE

The Principal Planning Officer presented the report.

Mr A Prestley, Chair of Kegworth Parish Council, addressed the Committee. He highlighted the lack of justification to not use the nearby brownfield site at the power station, that would be more suitable for the development. He raised concerns regarding the flood risk of the proposed greenfield agricultural site and the loss of amenity to residents and visitors that use the bridleway and footpath. He believed there were too many unanswered questions in relation to the justification of using the proposed site and therefore requested that the application be refused or deferred.

Mr E James, agent, addressed the Committee. He highlighted the benefits of energy storage and clean energy supplies, the flood mitigation measures proposed, and the considerations taken regarding the landscape impact. He concluded that the proposal would have a positive impact on the Council's zero carbon targets and the national plans for green energy.

Councillor C Sewell, Ward Member, addressed the Committee. She acknowledged the importance of the facility proposed but expressed her main objection regarding the proposed location. Concerns were raised regarding the location in open countryside, flood risks, potential pollution and the impact on local wildlife and residents. It was also acknowledged that Long Lane was a designated quiet lane used by walkers, cyclists and dog walkers which would be impacted.

As Councillor C Sewell was an appointed member of the Committee, once she had addressed the Committee, she left the room for the deliberation and voting on the application.

In determining the application, discussions were had regarding the flood risks, visual impact, the importance of energy security for the future and the suitability of the site. The need for energy storage facilities was acknowledged, however the Committee felt there was no clear benefit from the development for the local community. Some members felt that the visual impact on the landscape was too great and therefore a concern.

The Officers recommendation to permit the application was moved by Councillor R Morris and seconded by Councillor R Blunt.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below. The motion was LOST.

The Chair sought an alternative motion.

A discussion was had on the possible refusal of the application, and the planning reasons available to support the decision. Officers gave advice on the ability to defend the decision and warned of the costs involved should the applicant proceed to the appeal process.

Councillor D Bigby moved that the application be refused on the grounds that the proposed would be detrimental to visual impact and would fail to safeguard and enhance the appearance and character of the landscape, contrary to criterion (i) of Policy S3 and criterion (b) of Policy Cc1 of the adopted Local Plan. It was seconded by Councillor J Legrys.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be refused on the grounds of the detrimental visual impact and would fail to safeguard and enhance the appearance and character of the landscape, contrary to criterion (i) of Policy S3 and criterion (b) of Policy Cc1 of the adopted Local Plan.

Motion to permit in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	Against
Councillor Richard Blunt	For
Councillor Morgan Burke	For
Councillor Rachel Canny	Against
Councillor Doug Cooper	Against
Councillor Dr Terri Eynon	Against
Councillor John Legrys	Against
Councillor Peter Moulton	Against
Councillor Andrew Woodman	For
Rejected	
Motion to refuse on the grounds of contrary to Planning Policies S3 and CC1 in relation to visual impact on the landscape (Motion)	
Councillor Russell Boam	Against
Councillor Ray Morris	Against
Councillor Dave Bigby	For
Councillor Richard Blunt	Against
Councillor Morgan Burke	Against
Councillor Rachel Canny	For
Councillor Doug Cooper	For
Councillor Dr Terri Eynon	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Andrew Woodman	Against
Carried	

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.06 pm

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

12 AUGUST 2025

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.

Development of site to provide for up to 75 dwellings with associated landscaping, open space, drainage infrastructure and associated works (outline, all matters reserved matters except for the principal means of access of vehicular access off Midland Road).

**Report Item No
A1**

**Application Reference:
24/01618/OUTM**

Land West of Midland Road, Ellistown, Leicestershire.

Grid Reference (E) 442682

Grid Reference (N) 311797

Date Registered:

7 January 2025

Consultation Expiry:

16 July 2025

13 Week Date:

8 April 2025

Extension of Time:

13 August 2025

Applicant:

Richborough and Martin John Hambleton

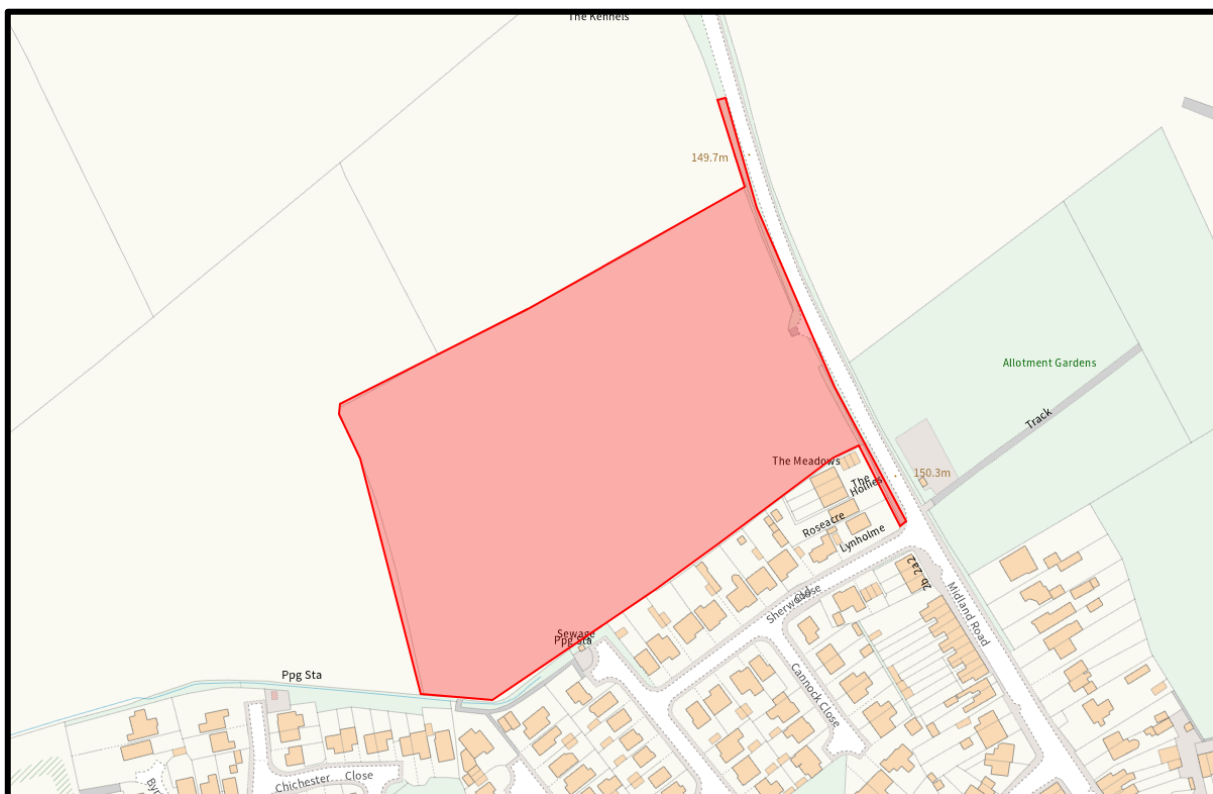
Case Officer:

Adam Mellor

Recommendation:

PERMIT SUBJECT TO SECTION 106

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

This application is brought to the Planning Committee at the request of Councillor Merrie on the basis that the proposed development is inappropriate as it is outside the defined limits to development, will result in traffic safety issues on Midland Road whilst also resulting in flooding and wildlife issues.

RECOMMENDATION – PERMIT, subject to the following conditions and the securing of a Section 106 Agreement to deliver the following;

- (a) Affordable Housing – 30% of the total number of properties constructed (if 75 dwellings are constructed this would amount to 23 dwellings).
- (b) Education - £636,906.90.
- (c) Civic Amenity - £4,903.50.
- (d) Libraries - £2,264.83.
- (e) Transportation - £125,463.75.
- (f) Health - £58,080.00.
- (g) Police - £13,589.01. This contribution request is still being considered by officers (please see the '*Policing*' sub-section of the '*Developer Contributions and Infrastructure*' section of this report below).
- (h) On-site public open space.
- (i) On-site play / recreation facilities.
- (j) Off-site biodiversity net gain.

Total Financial Contribution - £841,207.99

- 1. Outline standard time limit (3 years for reserved matters and 2 years to implement following approval of last reserved matter).
- 2. Reserved matters.
- 3. Approved plans.
- 4. Biodiversity net gain plan to be submitted, approved and implemented in accordance with Paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 5. Habitat management and monitoring plan, in accordance with the approved biodiversity gain plan (under condition 4), prior to occupation to be submitted, approved and implemented.
- 6. Notice given to the Council when the habitat management and monitoring plan has been implemented, and when each phase of habitat creation and enhancement works as set out in the habitat management and monitoring plan has been completed in full.
- 7. No more than 75 dwellings to be constructed.
- 8. Construction hours.
- 9. Delivery of access arrangements, including visibility splays, in accordance with submitted plans prior to first occupation.
- 10. Delivery of off-site highway works in accordance with submitted plans prior to first occupation.
- 11. Amended travel plan prior to first occupation to be submitted, approved and implemented.
- 12. Dust management plan prior to commencement to be submitted, approved and implemented.
- 13. Construction environmental management plan for biodiversity prior to commencement to be submitted, approved and implemented.
- 14. Details of any construction lighting (if required) to be submitted and approved before implementation on site.
- 15. Details of any construction hoarding / screening (if required) to be submitted and approved before implementation on site.
- 16. Further badger survey (which will detail any mitigation measures required in relation to the protection of badgers) prior to commencement to be submitted, approved and implemented.
- 17. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved and implemented.
- 18. Details of infiltration testing (or suitable evidence to preclude testing) to confirm the suitability of the site for the use of infiltration as a drainage element of the surface water drainage scheme

- prior to commencement to be submitted and approved.
19. Surface water drainage scheme (including surface water drainage within the adopted highway) prior to commencement to be submitted, approved and implemented.
 20. Surface water drainage maintenance scheme prior to first occupation to be submitted, approved and implemented.
 21. Scheme of tree and hedge protection measures for retained trees and hedges around the consented works associated with the formation of the vehicular access and associated visibility splays prior to the commencement to be submitted, approved and implemented.
 22. Arboricultural method statement for any development within the root protection areas of retained trees and hedges around the consented works associated with the formation of the vehicular access and associated visibility splays prior to the commencement of the development to be submitted, approved and implemented.
 23. Further risk based land contamination assessment prior to commencement to be submitted, approved and implemented.
 24. A verification investigation prior to first occupation to be submitted, approved and implemented.
 25. Programme of archaeological work prior to commencement to be submitted, approved and implemented.
 26. The reserved matters application(s) to be accompanied by details of the existing and finished ground levels and the proposed floor levels of the dwellings (including site sections to demonstrate the relationships) in relation to an existing datum point off site.
 27. The reserved matters application(s) to be accompanied by an external lighting scheme (which will also include a lighting strategy for bats and nocturnal wildlife).
 28. First reserved matters application to be accompanied by a revised Building for a Healthy Life (BfHL) Assessment.
 29. First reserved matters application in respect of layout to be accompanied by a revised arboricultural impact assessment (which shall detail any works to retained trees and hedges, including within their root protection areas) and tree survey to demonstrate the impact to existing trees and hedges as a result of the proposed layout of the development.
 30. First reserved matters application in respect of layout to be accompanied by a tree and hedge protection scheme for retained trees and hedges.
 31. First reserved matters application in respect of layout to be accompanied by a schedule of housing for the entirety of the site setting out the mix of market and affordable housing within the development in terms of dwelling size / number of bedrooms (housing mix).
 32. First reserved matters application in respect of layout and / or appearance to be accompanied by an updated noise assessment detailing the scheme of insulation and design (including alternative ventilation arrangements for any dwellings where windows would need to be closed to achieve recommended internal noise levels) which strictly adheres to the recommendations of the noise assessment associated with the outline application, whilst also having regard to the potential delivery of employment development to the eastern side of Midland Road and the potential relationship established.
 33. First reserved matters application in respect of layout and / or appearance to be accompanied by details which demonstrate compliance with the secured by design award.
 34. First reserved matters application in respect of layout and / or appearance to be accompanied by an energy efficiency statement detailing how the layout and appearance of the development reduces greenhouse gas emissions through its location, orientation and design.
 35. First reserved matters application in respect of layout and / or appearance to be accompanied by a renewable energy statement detailing the provision of renewable energy technologies within the development (where feasible).
 36. First reserved matters application in respect of layout and / or appearance to be accompanied by details of the type and location of bird and bat nest boxes.
 37. First reserved matters application in respect of layout and / or landscaping to be accompanied by a landscape and ecological management and maintenance Plan (LEMMP), which shall include a specific woodland management and maintenance plan (WMMP) for the proposed woodland.

MAIN REPORT

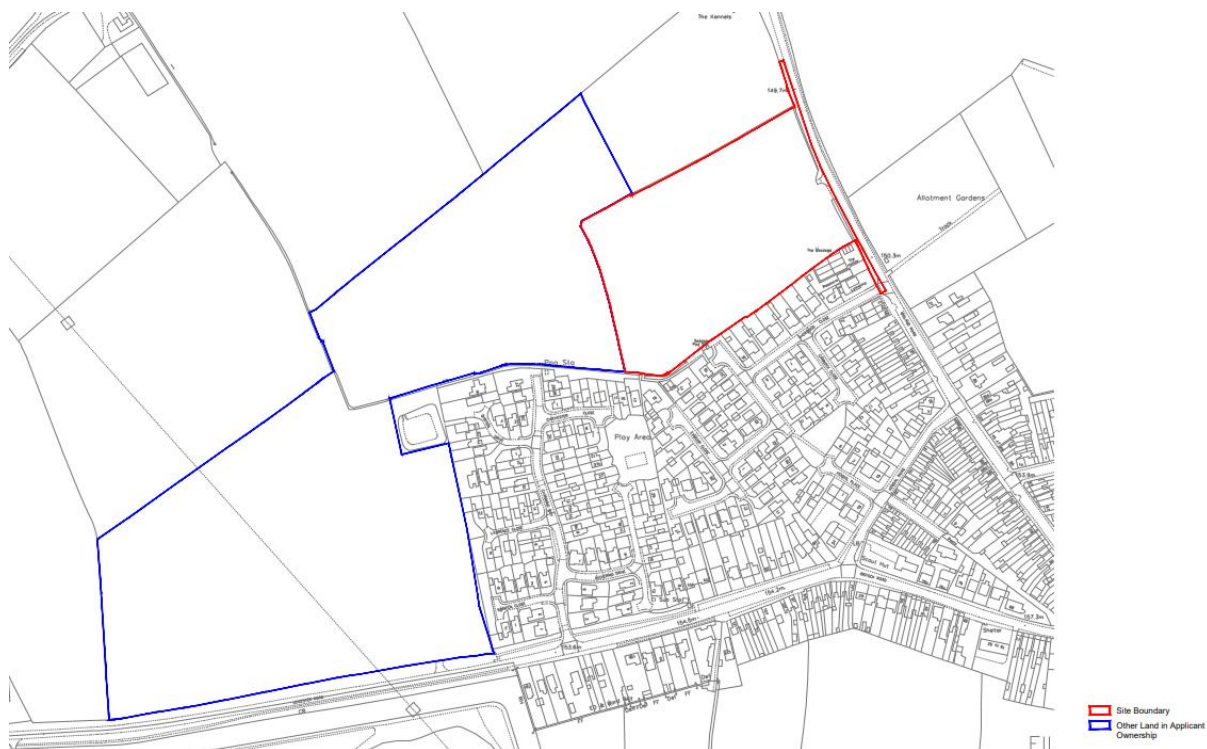
1. Proposals and Background

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major applications as required by the Environment Act has come into force on the 12th of February 2024 and this application was submitted to the Council after that date. The proposals are therefore required to demonstrate compliance in this regard.

Outline planning permission is sought for the development of the site to provide up to 75 dwellings with associated landscaping, open space, drainage infrastructure and associated works with part access for approval at this stage. The 2.75 hectare site (as identified in the image below) is situated on the western side of Midland Road and is outside the defined Limits to Development within both the adopted North West Leicestershire Local Plan and made Ellistown and Battleflat Neighbourhood Plan.

Presently the application site comprises agricultural land, with residential dwellings on Midland Road, Sherwood Close, Exmoor Close, and Chichester Close being set to the south-east / south and allotments to the immediate north-east on the opposite side of Midland Road.

Site Location Plan

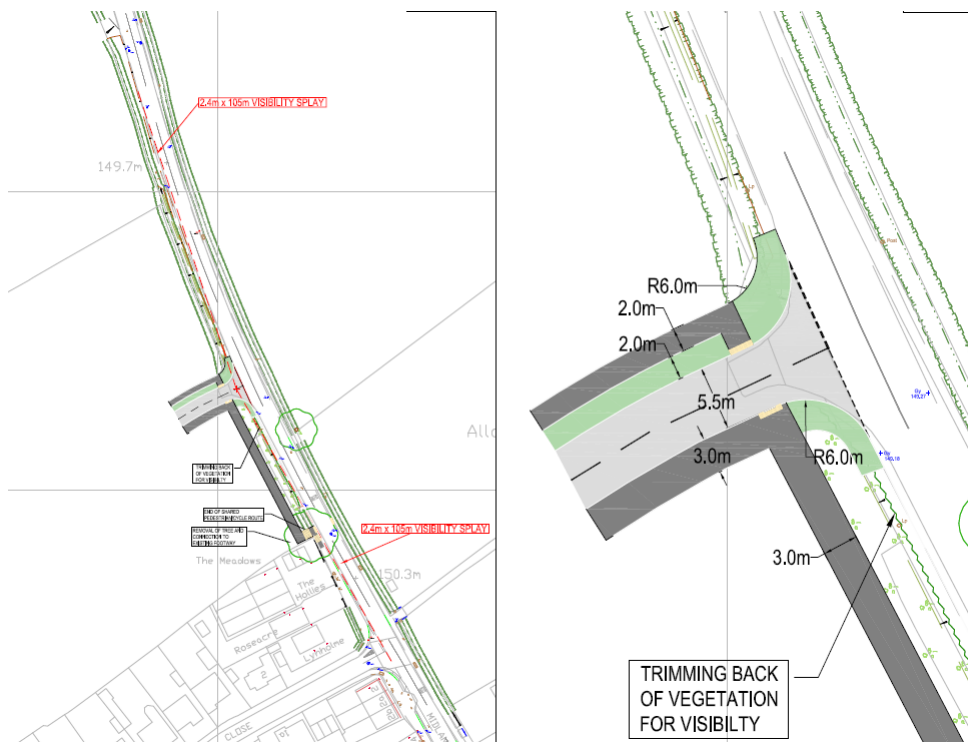


Aerial Image of Site Location



The proposed vehicular access (i.e. the part access sought for approval as part of this outline application) would be formed into the site from Midland Road and has been amended following consultation responses from the County Highways Authority. The proposed vehicular access would be provided centrally within the north-eastern side boundary and is as shown in the image below.

Vehicular Access Arrangement



Further information in respect of the application, including the supporting documentation and relevant plans, can be found on the District Council's website.

Relevant Planning History

- 17/00181/OUTM – Erection of up to 185 dwellings with public open space, landscaping and sustainable urban drainage system and vehicular access points (outline – all matters reserved except for part access) – Withdrawn 28th November 2017.

2. Publicity

23 neighbours initially notified on the 8th of January 2025, as well as on the 13th of January 2025 and 28th May 2025.

Five site notices were displayed on the 9th of January 2025.

A press notice was published in the Leicester Mercury on the 15th of January 2025.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Ellistown and Battleflat Parish Council whose objection is summarised as follows:

- The green space in the village will all have been utilised for development over the last 10 years.
- The cumulative effect of extra traffic in the village will cause unnecessary harm.
- There have been no improvements to traffic or pedestrian safety within the parish in the last 10 years despite the amount of development undertaken.
- The identity of Ellistown as a village has been lost.
- A greater percentage of housing development has been undertaken in the parish when compared to other areas of the District.
- Vehicular speeds on Midland Road are high, including over the crest of the hill when travelling towards Ellistown from Hugglescote.
- Any traffic leaving the proposed site will create a hazard on Midland Road.
- The development must increase biodiversity which does not seem possible when all green land in the settlement will be lost. Any biodiversity benefits should not be directed to other areas of the District.

Comments From

NWLDC Urban Designer.
NWLDC Waste Services Development Officer.

No Objections from:

National Highways.
NWLDC Environmental Protection (Air Quality).

No Objections, subject to conditions and/or informatives, from:

Leicestershire County Council – Archaeology.
 Leicestershire County Council – Developer Contributions.
 Leicestershire County Council – Ecology.
 Leicestershire County Council – Highways Authority.
 Leicestershire County Council – Lead Local Flood Authority.
 Leicestershire Police – Designing Out Crime Officer.
 Leicestershire Police – Section 106 Officer.
 National Forest Company.
 NHS Leicester, Leicestershire and Rutland Integrated Care Board.
 NWLDC Affordable Housing Enabler.
 NWLDC Environmental Protection.
 NWLDC Environmental Protection (Contaminated Land).

Third Party Representations

Four representations have been received objecting to the application with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
Principle of Development	The development is outside the defined Limits to Development and conflicts with the adopted Local Plan and made Ellistown and Battleflat Neighbourhood Plan.
	The development would be undertaken on a greenfield site and results in the destruction of the countryside.
	The development is not needed given ongoing development between Grange Road and Beveridge Lane.
Accessibility	The proposed development will cause congestion to Midland Road when accounting for the employment development proposed on the opposite side of Midland Road and the vehicles associated with Roberts Coaches.
	The development will result in an increase in vehicular movements on Midland Road with the junction of Sherwood Close with Midland Road already being dangerous to utilise.
	The road network cannot accommodate more vehicular movements.
Residential Amenity	The proposed development will result in overbearing, overshadowing and overlooking impacts to the neighbouring residential properties and their associated gardens.

Drainage and Flood Risk	Midland Road is subject to flooding during heavy rain events in the location where the vehicular access would be situated.
Infrastructure	The local doctors cannot accommodate more patients, and the school is too small.
Other Matters	Our view would be lost.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2024)

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

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 35 (Development contributions);
Paragraphs 39, 40, 41, 42, 43, 45, 48 and 55 (Decision-making);
Paragraphs 56, 57, 58 and 59 (Planning conditions and obligations);
Paragraphs 61, 62, 63, 64, 65, 66, 71, 78, 79 and 81 (Delivering a sufficient supply of homes);
Paragraphs 96, 98 and 102 (Promoting healthy and safe communities);
Paragraphs 109, 110, 112, 113, 115, 116, 117 and 118 (Promoting sustainable transport);
Paragraphs 124, 125, 129 and 130 (Making effective use of land);
Paragraphs 131, 133, 135, 136, 139 and 140 (Achieving well-designed places);
Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 187, 193, 196, 197, 198, 199, 200 and 201 (Conserving and enhancing the natural environment); and
Paragraphs 202, 207, 208, 210, 212, 213, 215, 216 and 218 (Conserving and enhancing the historic environment).

Local Policies

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 S1 – Future Housing and Economic Development Needs;
Policy S2 – Settlement Hierarchy;
Policy S3 – Countryside;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy H4 – Affordable Housing;
Policy H6 – House Types and Mix;
Policy IF1 – Development and Infrastructure;
Policy IF3 – Open Space, Sport and Recreation Facilities;

Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En3 – The National Forest;
Policy En6 – Land and Air Quality;
Policy He1 – Conservation and Enhancement of North West Leicestershire’s Historic Environment;
Policy Cc2 – Water – Flood Risk; and
Policy Cc3 – Water – Sustainable Drainage Systems.

Made Ellistown and Battleflat Neighbourhood Plan (2019)

The Ellistown and Battleflat 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 S2 - Land Outside of Ellistown Limits to Development;
Policy H2 – Affordable Housing;
Policy H3 – New Housing Mix;
Policy NE2 – Biodiversity;
Policy NE3 – Trees and Hedgerows;
Policy GA1 – Road Safety and Congestion;
Policy GA2 – Car Parking in Ellistown;
Policy GA3 – Walking and Cycling; and
Policy CC1 – Sustainable Design and Construction.

Pre-Submission Ellistown and Battleflat Neighbourhood Plan (Review)

Ellistown and Battleflat Parish Council is formally reviewing its Neighbourhood Plan. On 14th March 2025, public consultation commenced on the Pre-Submission Ellistown and Battleflat Neighbourhood Plan. Consultation was for a period of six weeks and closed on the 27th April 2025.

The following draft Neighbourhood Plan policies are considered relevant to this application, however, in view of the early stage to which the Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage:

Policy SF1 – Ellistown Limits to Development;
Policy S2 – Design;
Policy H2 – Housing Mix;
Policy H3 – Affordable Housing;
Policy ENV1 – Area of Local Separation;
Policy ENV5 – Biodiversity Across the Neighbourhood Area;
Policy ENV6 – Sites of Historic Environment Significance;
Policy GA1 – Road Safety and Congestion;
Policy GA2 – Car Parking in Ellistown; and
Policy GA3 – Walking and Cycling.

Other Policies

National Planning Practice Guidance.
Good Design for North West Leicestershire Supplementary Planning Document – April 2017.
North West Leicestershire Air Quality Supplementary Planning Document – October 2023.
North West Leicestershire Affordable Housing Supplementary Planning Document – December 2021 (including September 2022 clarification).
Leicestershire Highways Design Guide (Leicestershire County Council).
The Community Infrastructure Levy Regulations 2010.
The Conservation of Habitats and Species Regulations 2017.

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

5. Assessment

Weight to be Afforded to the Policies of the pre-submission Ellistown and Battleflat Neighbourhood Plan (Review)

Paragraph 49 of the NPPF (2024) outlines that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Public consultation on the pre-submission Ellistown and Battleflat Neighbourhood Plan (Review) (EBNP review) commenced on the 14th March 2025 with the six week period concluding on the 27th April 2025.

It is the view of officers that at this stage very limited weight can be given to the policies of the pre-submission EBNP review given that the extent of unresolved objections is currently unknown.

Principle of Development and Sustainability

Insofar as the principle of development is concerned, and 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 comprises the adopted North West Leicestershire Local Plan (2021), made Ellistown and Battleflat Neighbourhood Plan (made EBNP) (2019) and pre-submission EBNP (review) (2025).

Paragraph 187 of the NPPF (2024) highlights the need to recognise the intrinsic character and beauty of the countryside but does not specifically preclude development within the countryside.

Policy S2 of the adopted Local Plan identifies that Ellistown is a ‘*Sustainable Village*’ which is defined as a settlement which has “*a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.*” The application site is immediately adjacent to the extent of the boundaries of the defined Limits to Development for Ellistown and would fall within the defined Limits to Development of Ellistown as outlined on the Policies Map associated with the draft North West Leicestershire Local Plan.

However, presently the site is located within land falling outside the defined limits to development, designated as countryside within both the adopted Local Plan and made EBNP.

On sites falling outside the defined limits to development, residential development is not a form of development that is permissible by Policy S3, save for limited exceptions as specified in the policy (e.g. re-use or adaptation of an existing building or the redevelopment of previously developed land). The proposal does not fall within any of these exceptions. Policy S2 of the made EBNP specifies that development in the countryside will be carefully controlled in line with local and national strategic policies.

Policy SF1 of the pre-submission EBNP (review) includes the same wording as Policy S2 of the made EBNP.

Based on the wording of Policy S2 of the adopted Local Plan, there would be conflict as the site is not, currently, within the defined Limits to Development of Ellistown.

As of 21st November 2022, the adopted Local Plan became five years old and therefore an assessment is required as to whether the most important policies in the determination of the application are up to date having regard for their consistency with the NPPF. The most important policies in the determination of the matter of principle are Policies S2 and S3 of the adopted Local Plan, and Policy S2 of the made EBNP, as they relate to the provision and distribution of housing.

Paragraph 11 of the NPPF indicates that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

Footnote 8 associated with Paragraph 11 of the NPPF states that:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in Paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also Paragraph 232.”

The question of whether the Council can demonstrate a five year housing land supply and has a Housing Delivery Test measurement of at least 75% are therefore key considerations in establishing whether the most important policies for determining the application are out-of-date.

The Council's most recent Housing Delivery Test measurement (published 12 December 2024) is 242%.

The Council has recently published its five year housing land supply position as of 1 April 2025, which is 14.9 years. This figure has changed from 15.6 years as quoted within the Committee Report associated with application reference 21/00494/OUTM (land at Wash Lane, Ravenstone) due to the local housing need figure ('the standard method') increasing from 610 dwellings per annum (DPA) in March 2025 to 617 DPA in May 2025. Notwithstanding this change, it remains the case that for the 2025 to 2030 period, the Council can demonstrate a supply in excess of five years. This assessment is based upon the 2011 to 2031 adopted Local Plan period. It factors in over-supply against the requirement of 481 DPA between 1 April 2011 and 31 March 2024 and applies the new standard method figure of 617 DPA from 1 April 2024 onwards.

In this context and in line with the guidance at NPPF footnote 8, the most important policies for determining the application (Policies S2 and S3 of the adopted Local Plan and Policy S2 of the made

EBNP) should be regarded as effective, up-to-date and as carrying significant weight.

Although the Council can demonstrate a five year housing land supply against the *adopted* Local Plan, it is a material consideration in the determination of this application that the *new* Local Plan (2024 to 2042) is being prepared against a higher annual housing requirement of 686 dwellings. As the new Local Plan becomes more advanced, the Council will have to base its housing land supply upon the new plan period and housing requirement. Furthermore, the calculations will not be able to factor in any oversupply of housing delivered prior to the start of the new plan period (1 April 2024). Whilst housing delivered after 1 April 2024 on permitted sites such as South East Coalville, Standard Hill and Money Hill will continue to contribute towards the Council's supply, in order to demonstrate a five year housing land supply against the new Local Plan, the Council will be reliant on the delivery of the new Local Plan housing allocations, of which this application site is one.

Whilst Paragraph 12 of the NPPF reaffirms that the starting point for decision making is the adopted Local Plan, it does also specify that local planning authorities *"may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

The terms of Paragraph 14 of the NPPF, associated with conflicts with a neighbourhood plan, would also not be relevant in this instance as the presumption at Paragraph 11(d) (where the policies of the adopted Local Plan are considered 'out-of-date') would not apply for the reasons as outlined above.

The report which follows provides appropriate assessments against relevant policies of the adopted Local Plan and paragraphs of the NPPF.

Assessment Against Criteria (i) to (vi) of Policy S3

Although it is acknowledged that the proposed form of development is not one listed, and thereby supported, by criteria (a) to (s) of Policy S3, the policy goes on to state that development in accordance with criteria (a) to (s) would be supported, subject to satisfying criteria (i) – (vi) as set out below.

The assessment against criteria (i) to (vi) is as follows:

Criterion (i) of Policy S3

- (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 as outlined in the 'Landscape and Visual Impact' section of this report below, it is considered that the proposed development would not impact adversely on the appearance and character of the landscape.

On this basis the proposed development would be compliant with criterion (i) of Policy S3 of the adopted Local Plan.

Criteria (ii) and (iii) of Policy S3

- (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; and*
- (iii) *It does not create or exacerbate ribbon development.*

The application site lies within the northern part of the Parish of Ellistown and Battleflat and lies adjacent to the currently defined Limits to Development on the Policies Map to the adopted Local Plan, as well as that defined by Figure 2 within both the made Ellistown and Battleflat Neighbourhood Plan (EBNP) and pre-submission EBNP (review).

On the basis of the Parish maps, the extent of the Parish of Ellistown and Battleflat is to the former railway line where Midland Road becomes Station Road. Beyond this point is the Parish of Hugglescote and Donington Le Heath. Notwithstanding this, the two immediate properties on the western side of the highway to the immediate south of the former railway line (The Maltings and The Elms) are addressed as Station Road, Hugglescote, whereas the Roberts Coaches depot on the opposite side of the road to the above two properties is addressed as The Limes, Midland Road, Ellistown.

In addition to the above, a 'Hugglescote' identification road sign is near the northern boundary of the application site as identified in the image below.

Hugglescote Road Sign



Whilst recognising the presence of the Hugglescote road sign and the addresses of The Maltings and The Elms, it is considered that the settlement of Hugglescote does not begin until the north of the former railway line given the undeveloped rural land between the defined Limits to Development of Ellistown and the former railway line, as well as the Parish boundary.

When accounting for the presence of the former railway line, the rising topography to and away from the bridge over the former railway line, and the presence of landscaping infrastructure, it is considered that whilst a view could be taken that the 'physical' separation between the settlements of Ellistown and Hugglescote would be reduced (if a view is taken that the Hugglescote road sign defines the beginning of Hugglescote), the 'perceived' separation would not be reduced. This would be the case as when travelling northwards on Midland Road the road sign would be seen but an individual's perception of being in Hugglescote would not be experienced until travelling over the bridge onto Station Road where residential dwellings would be prevalent. When travelling southwards from Station Road over the bridge onto Midland Road the proposed development would be viewed in the context of a relationship with existing dwellings to the edge of Ellistown and therefore

would be apparent as being part of this settlement.

When accounting for the above assessment, it is considered that the physical and perceived separation (*officer emphasis*) between settlements would not be undermined and consequently there would be no conflict with this criterion.

The proposals maps associated with the draft Local Plan would also result in the application site lying within the defined Limits to Development for Ellistown. Regard is also given to Policy ENV1 of the pre-submission EBNP (review) which defines an areas of separation between Ellistown and Hugglescote / Donington Le Heath, with the application site lying outside the area of separation (as discussed in the 'Policy ENV1 – Area of Separation of the Pre-Submission Ellistown and Battleflat Neighbourhood Plan (Review)' section of this report below).

In addition to the above, it is also considered that the proposed development would not create or exacerbate ribbon development.

On this basis the proposed development would be compliant with criteria (ii) and (iii) of Policy S3 of the adopted Local Plan.

Criterion (iv) of Policy S3

- (iv) Built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate.*

The application site is to the immediate north-west of a residential estate, with residential dwellings and allotments being located to the south-east and north-east of the site, respectively, on the opposite side of Midland Road.

When accounting for this context, it is considered that the proposed residential development would be well integrated with existing development and existing buildings.

On this basis the proposed development would be compliant with criterion (iv) of Policy S3 of the adopted Local Plan.

Criterion (v) 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 proposed development this criterion is not considered to be relevant.

Criterion (vi) of Policy S3

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

Policy S2 of the adopted Local Plan defines Ellistown as a 'Sustainable Village', with the application site also being located in close proximity to Hugglescote which forms part of the Coalville Urban Area (CUA). The CUA is defined as the 'Principal Town' comprising the primary settlement in the district, and where the largest amount of new development will be directed.

For the reasons as assessed in the 'Transport Sustainability' subsection of the 'Accessibility' section of this report below, it is considered that the proposed development would be accessible, or can be made accessible, by a range of sustainable transport.

On this basis the proposal would be compliant with criterion (vi) of Policy S3 of the adopted Local Plan.

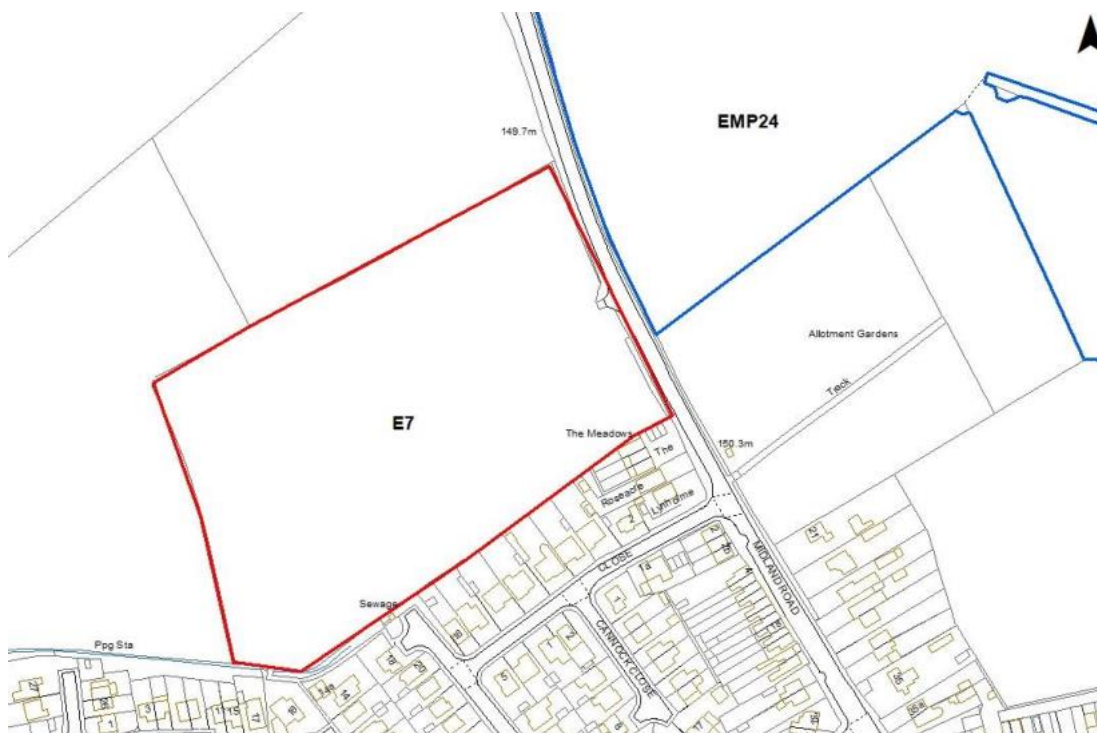
Conclusion in Relation to the Assessment Against Criteria (i) to (vi) of Policy S3

Whilst not one of the types of development supported under the first part of Policy S3, it is considered that the development does not conflict with criteria (i) to (vi) of this policy.

Draft North West Leicestershire Local Plan (2024 to 2042) - Proposed Housing Allocation E7 (Land at Midland Road, Ellistown)

The application site forms part of a proposed housing allocation (E7) in the draft North West Leicestershire Local Plan ('draft Local Plan'). The proposed allocation is shown in the below image.

Housing Allocation E7



As is outlined above, Paragraph 49 of the National Planning Policy Framework confirms that local planning authorities may give weight to relevant policies in emerging plans according to:

- “a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.”*

Site E7 formed part of the draft Local Plan Regulation 18 consultation (January to March 2024). The outcome of the consultation in respect of E7 was reported to Local Plan Committee on 11th of March 2025 where it was resolved that it would be taken forward into the 'Regulation 19' (or publication) version of the Local Plan which would be published and consulted on in accordance with Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. The recently

published Local Development Scheme (February 2025) anticipates the Regulation 19 version of the plan will be presented for the Council's approval in April 2026, with public consultation to follow in May / June 2026.

The Council received 18 consultation responses in relation to E7 as part of the Regulation 18 consultation, comments mainly related to the principle and scale of housing development, the separation between Ellistown and Hugglescote, highway safety and access, infrastructure provision and environmental considerations. It is considered that such matters are fundamentally considered and addressed within other sections of this report, with there being no objections from statutory consultees.

There are not considered to be any significant inconsistencies with the proposed allocation of the site, which is intended to meet the Council's housing need for 2024 to 2042, and the policies contained in the NPPF.

When considering Paragraph 49 of the NPPF as a whole, some weight can be attributed to the allocation of E7 for housing in the draft Local Plan. Whilst the draft Local Plan is at a relatively early stage, the Council has agreed that E7 will progress as a housing allocation in the Regulation 19 version of the Plan. As such, it is expected to form part of the Council's anticipated housing land supply in future years. It is also material that there were limited objections to the allocation of the site as set out above (with less third party representations received to this application) and that these objections can be considered as largely resolved.

The 2024 Regulation 18 consultation indicated under Part (1) of Housing Allocation E7 that the site would be allocated for:

- (a) Around 69 homes;*
- (b) Provision of affordable housing in accordance with draft Policy H5;*
- (c) Provision for self-build and custom housebuilding in accordance with draft Policy H7;*
- (d) Areas of public open space; and*
- (e) Surface water drainage provision (SuDs).*

Under Part (2) of Housing Allocation E7 it is currently stated that development of the site would be subject to the following requirements:

- (a) Provision of a safe and suitable access from Midland Road;*
- (b) Delivery of off-site improvements needed to mitigate the highway impacts of development;*
- (c) Retention and enhancement of the existing public right of way (N62);*
- (d) Provision of footpath connections from the site to existing footpaths on Midland Road;*
- (e) Provision of a high-quality landscaping scheme to the northern and western boundaries to help mitigate the visual impacts of development;*
- (f) Retention of hedgerows along the site boundaries with the provision of a five metre buffer zone alongside to be retained as open space;*
- (g) The scheme is designed in a way to maintain actual and perceived separation between the settlements of Ellistown and Hugglescote;*
- (h) Achievement of biodiversity net gain in accordance with national requirements;*
- (i) Provision of tree planting and landscaping in accordance with draft Policy En3 (The National Forest); and*
- (j) Any necessary Section 106 financial contributions, including towards primary and secondary education, healthcare, the North West Leicestershire Cycling and Walking Infrastructure Plan (LCWIP), offsite highways and public transport improvements.*

Amendments are to be made to the wording of the policy to make it clear that some hedgerows may need to be removed to accommodate access but should otherwise be retained. Officers are also seeking to include amended wording that would request the '*Retention and enhancement of the*

National Forest Way within a vegetated buffer which incorporates National Forest tree planting' when preparing the Regulation 19 version of the plan.

The fundamental requirements of criteria (e) and (g) of Part (2) are reflected in Paragraph 4.87 of the supporting text to Housing Allocation E7 which states that:

"4.87 Development of this site will reduce the visual and physical gap between Ellistown and Hugglescote and it will be important that the scheme is designed in a way to maintain actual and perceived separation between these two settlements. In addition, it will be important to ensure that the design and layout of development, as well as a landscaping scheme, is of a high quality as to minimise its impact on the wider countryside."

As proposed the development would deliver up to 75 dwellings, including affordable housing, areas of public open space and surface water drainage provision. Consequently, the proposal would be compliant with criteria (b), (d), and (e) of Part (1). In terms of criterion (a) of Part (1), the total number of dwellings built may exceed that expected by 6, however, the wording of criterion (a) of Part (1) uses the word 'around' (*officer emphasis*) and therefore it is considered that the provision of up to 75 dwellings on the site would not substantially conflict with the intentions of criterion (a) given that it does not state that 69 is the maximum number of dwellings which would be allowed.

Although no self-build or custom homes would be delivered (criterion (c) of Part (1)), only very limited weight could be attributed to the draft self-build policy (H7) given that, whilst it was resolved at the Local Plan Committee on the 11th June 2025 that Policy H7 would be taken forward as part of the Regulation 19 version of the plan, there remains a high level of unresolved objections to Policy H7 with it also being subject to viability testing. On this basis there would be no justification to refuse the application on this basis.

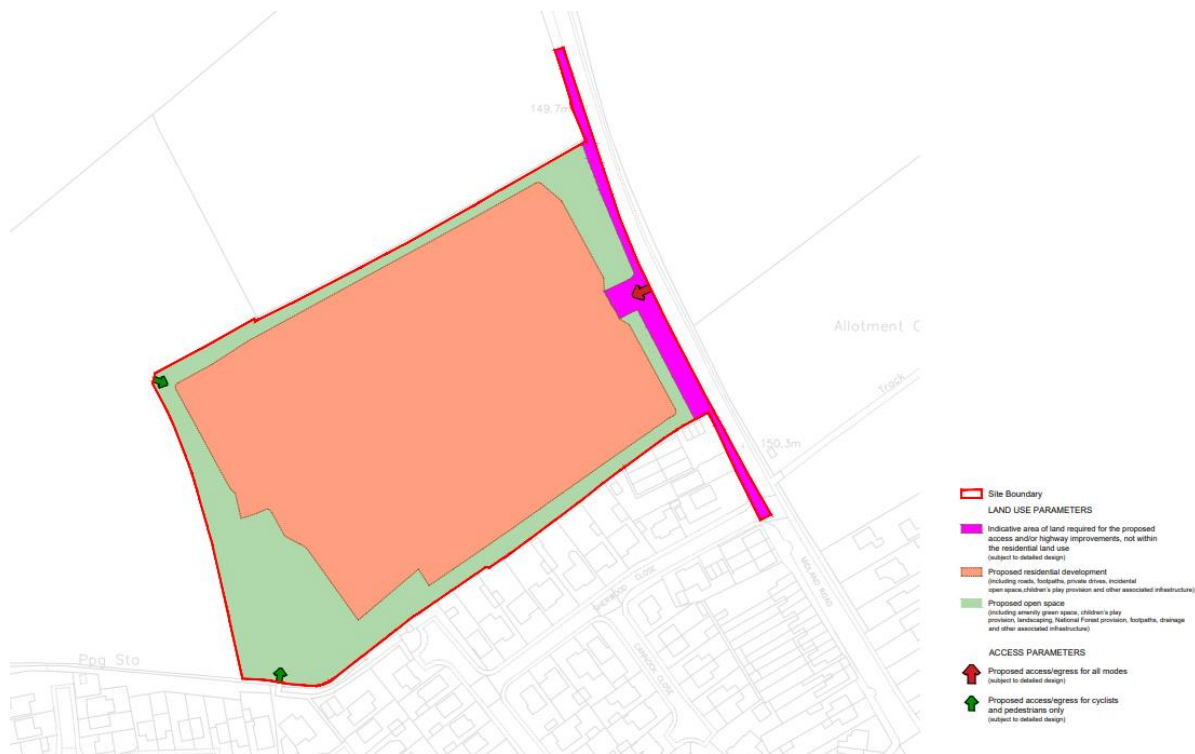
In terms of Part (2), it is considered that the *'Accessibility'* section of this report below has concluded that a safe and suitable access would be delivered from Midland Road in line with criterion (a) of Part (2). In addition, criterion (b) is satisfied based on the delivery of an uncontrolled pedestrian crossing as discussed in the *'Off-Site Implications'* sub-section of the *'Accessibility'* section of this report below.

It is determined within the *'Ecology'* section of this report that a 'gain' in biodiversity would be delivered as part of the development, with the *'Developer Contributions and Infrastructure'* section of the report outlining that relevant contributions which would be secured. On this basis, compliance with criteria (h) and (j) of Part (2) is demonstrated.

The National Forest Company (NFC) has also determined that the delivery of off-site woodland planting would meet the terms of Policy En3 of the adopted Local Plan, this being as discussed in the *'Landscaping'* section of this report. Thereby compliance with criterion (i) of Part (2) is adhered to.

In respect of the other criteria ((c) to (g)), the application is accompanied by a Parameters Plan which is as shown in the image below.

Parameters Plan



It is considered that the Parameters Plan does not fundamentally demonstrate compliance with criteria (e) to (f), in particular, given that a sufficient buffer (of five metres) does not appear to be accommodated to retained hedgerows to the site boundaries, and the width of land dedicated to landscaping to the northern and western boundaries is not of a sufficient depth to deliver a 'high-quality' landscaping scheme. In addition, the amended wording to the policy would also require the National Forest Way (being public right of way (PRoW) N62) through the site to be retained and enhanced within a vegetated buffer incorporating National Forest tree planting. In these circumstances the Parameters Plan would not be approved, should outline permission be granted, and an informative would be imposed to make the applicant aware of the need to demonstrate compliance with the terms of the policy as part of any reserved matters application(s) associated with layout and landscaping.

Conclusion in Relation to Housing Allocation E7 (Land at Midland Road, Ellistown) in the draft North West Leicestershire Local Plan

Some weight can be attributed to the allocation of E7 for housing in the draft Local Plan. The proposed development is considered to be largely compliant with the requirements of Part (1) of Housing Allocation E7. Whilst the submitted Parameters Plan does not demonstrate compliance with certain criterion of Part (2) of Housing Allocation E7, it is considered that, as an outline application with only part access for approval, there would be an opportunity to address such criteria as part of any reserved matters application(s) when detail is provided on the layout and landscaping of the proposed development. Consequently, there would not be a reason to resist the development on this basis alone.

Landscape and Visual Impact

Criterion (i) of Policy S3 of the adopted Local Plan outlines that development outside of the defined Limits to Development will be supported where the appearance and character of the landscape is safeguarded and enhanced.

A Landscape and Visual Appraisal (LVA) has been submitted in support of the application, which has been undertaken in accordance with best practice as outlined in the '*Guidelines for Landscape and Visual Impact Assessment 3rd Edition*' (also known as GLVIA3).

Landscape Impact

The application site is not subject to any statutory landscape (i.e. National Park or National Landscape), nature conservation or heritage designations, or non-statutory designations (such as a Local Wildlife Site (LWS)).

Presently the application site comprises an agricultural field with boundary hedgerows to all boundaries, albeit the south-eastern boundary to residential receptors on Sherwood Close does include gaps where close-boarded boundary fences are visible. Tree planting is evident to the boundary with Midland Road as well as in the south-western corner of the site.

At a National Level the application site falls within the '*Leicestershire and South Derbyshire Coalfield*' National Character Area (NCA 71) (which is outlined in Paragraphs 6.5 and 6.6 of the LVA).

Based on the East Midlands Region Landscape Character Assessment (EMRLCA) the application site would appear to fall within the '*Coalfields*' (Group 9) and '*Settled Coalfields Farmlands*' (Group 9a) landscape character types.

The LVA determines that the landscape value of the site is assessed as being medium to low with the susceptibility to change being low. During the construction of the development (which would be a temporary phase of the development) the LVA concludes that the impact to landscape character would be minor to moderate adverse. On completion of the development the LVA concludes that the impact to the site's landscape and its immediate surroundings would be minor adverse, but such impacts would reduce to negligible to minor adverse (around 15 years after completion) because of the maturing of landscaping infrastructure and habitats proposed as part of the development.

Based on the above conclusions, the landscape impacts to the NCA and EMRLCA character types would be assessed to be negligible.

Visual Impact

Residential Receptors

The LVA determines that the most noticeable visual impact would be experienced by residential properties on Sherwood Close and Exmoor Close, and those to the edge of the proposed development off Chichester Close and Bryton Drive. In addition, both The Maltings and The Elms on Station Road have been included. It is outlined within the LVA that during the construction stage the visual impact to such residential receptors would be moderate adverse due to general construction activities, but this would not be a permanent and would cease on the completion of the short-term (in the overall lifetime of the development) construction stage. At completion of the development (i.e. Year 1), the visual impact to such residential receptors would be minor to moderate adverse but this would reduce over time as the materials weather and the landscaping infrastructure matures.

Primarily the initial high impact is as a result of residential receptors being the most sensitive receptors to change in their visual outlook but contextually many of the neighbouring dwellings already perceive existing dwellings (as well as other built forms) in their visual outlook given the setting of the site.

Public Rights of Way (PRoWs)

PRoW N62 (which also forms part of the National Forest Way) runs through the western part of the

application site and is demonstrated in viewpoints 2 and 3 below. The visual impact to the part of N62 through the application site would be moderate adverse during the construction phase given the close proximity of construction activity. At year 1 the positioning of an attenuation basin in the south-western part of the site and the proposed dwellings would be visible at close range resulting in a minor to moderate adverse visual impact. Whilst by Year 15 the proposed landscaping infrastructure would have matured, thereby softening views of the proposed dwellings, the visual impact would still be considered minor to moderate adverse given the fundamental change to the route of N62 through the site.

Viewpoints 2 and 3 within the LVA



Further north along PRoW N62 the existing view includes the approach to the existing development at the edge of Ellistown as demonstrated within viewpoints 4 and 5 within the LVA.

Viewpoints 4 and 5 within the LVA



On this basis the proposed residential development would not be wholly incongruous within the view.

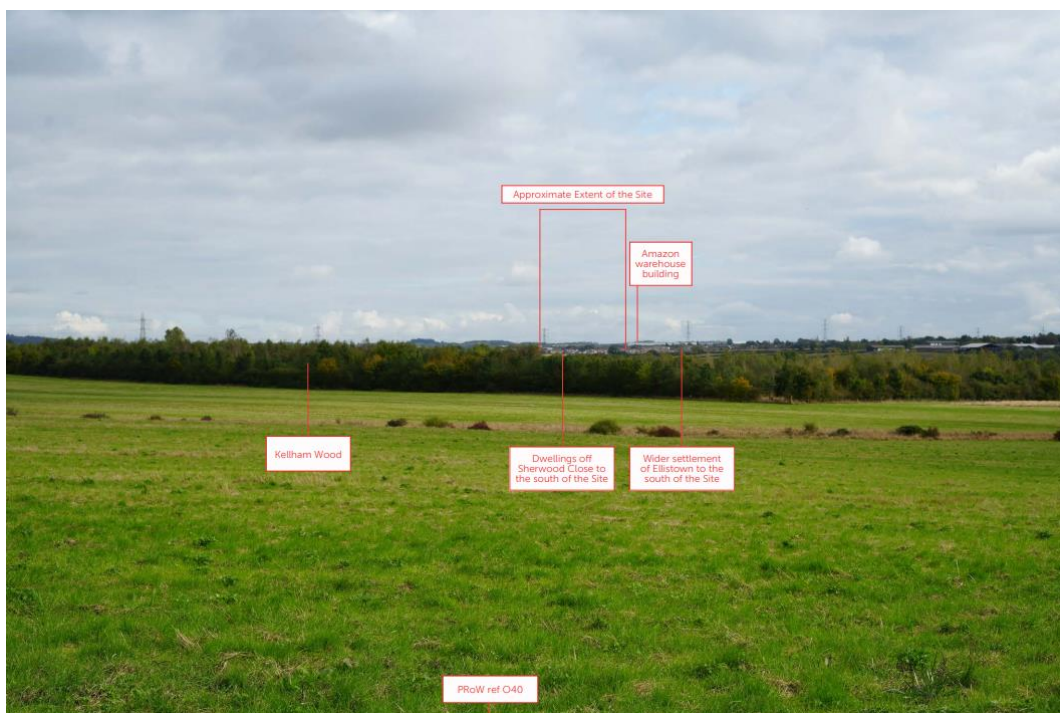
At Year 1 the visual impact would be minor to moderate adverse to users of PRoW N62 near the site (viewpoint 4) given that the perceptible built form would be brought forward within the view. This would reduce to minor adverse with distance (viewpoint 5) given the additional filtering provided by boundary vegetation. By Year 15, the maturing of woodland planting to the northern edge of the site will further filter views and aid in softening the built edge of Ellistown. The level of effect would therefore reduce to minor adverse in close proximity (viewpoint 4) and negligible to minor adverse with the additional distance (viewpoint 5).

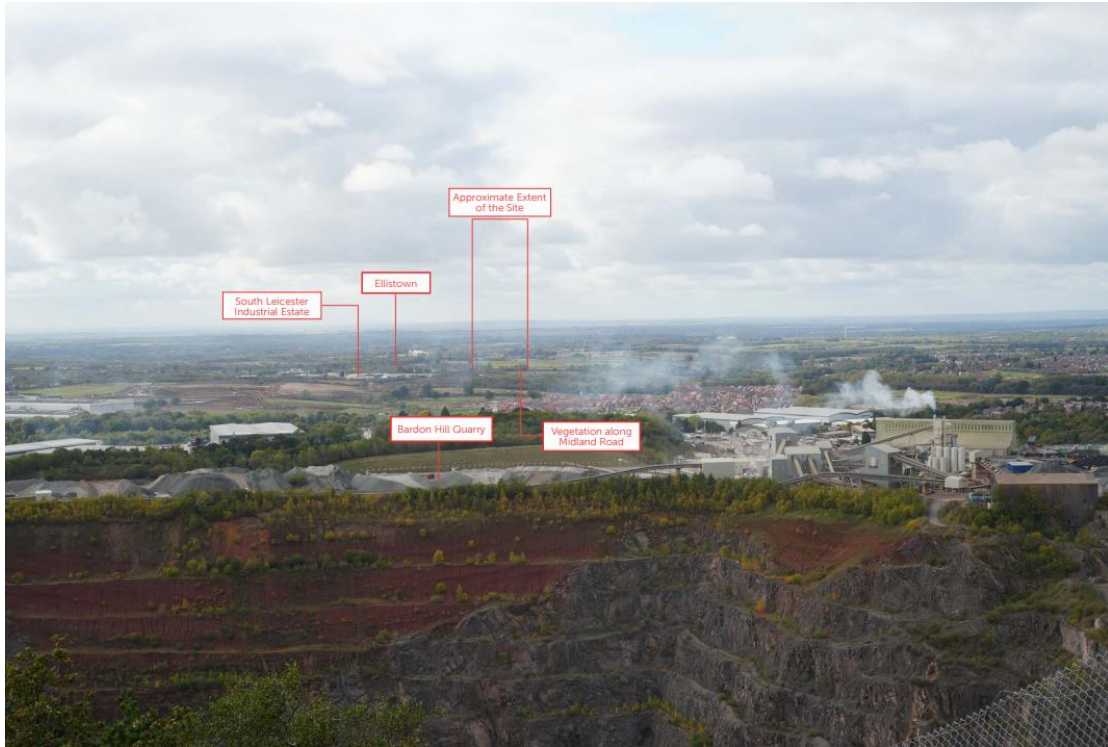
From other public routes further away, the LVA determines that the visual impact would be as follows:

Location	Construction	Year 1	Year 15
PRoW N80 (viewpoint 7)	<i>Minor adverse</i>	<i>Negligible to minor adverse</i>	<i>Negligible</i>
PRoW O40 (viewpoint 8)	<i>Minor adverse</i>	<i>Negligible to minor adverse</i>	<i>Negligible</i>
Trig Point at Bardon Hill (viewpoint 11)	<i>Negligible to minor adverse</i>	<i>Negligible</i>	<i>Negligible</i>

The relevant viewpoint photos would be as follows:

Viewpoints 7, 8 and 11 within the LVA





Road and Transport Users

For motorists using Midland Road the LVA concludes that minor to moderate adverse visual impacts would be experienced during the construction phase due to noise, dust, vibration and the movement of plant and construction activities at close range. As is indicated above, construction activities would be temporary. In Year 1 the view would change with the delivery of the proposed site access and the residential dwellings, but for motorists the view would be fleeting with the development experienced in the context of the existing dwellings on Midland Road and therefore the visual impact would reduce to minor adverse. By Year 15 the maturing of landscaping infrastructure would filter views leading to the visual impact being negligible to minor adverse.

Night-Time Visual Effects

As discussed in the 'Ecology' section of this report below, a condition would be imposed on any outline permission granted to secure an external lighting scheme (which would also need to be sensitively designed for nocturnal wildlife), a separate condition would cover any external lighting which may be required for the construction phase(s). It could be ensured that such external lighting schemes follow the latest best practice guidance on lighting installations to minimise lighting emissions and pollution on the surrounding landscape as well as night time skies. The retention and enhancement of soft landscaping on the site, including the delivery of the woodland and further trees to the site boundaries, would also absorb some of the lighting effect. In addition, the application site is located adjacent to the existing settlement edge of Ellistown and thereby any lighting impacts to the night sky would be localised.

Impact to Existing Landscaping Infrastructure

For the reasons as discussed in the 'Landscaping' section of this report below, the proposed development would not impact significantly on the existing landscaping on the site with the only impacts being to a group of trees and a hedge in order to form the proposed vehicular access off Midland Road, as well as the removal of a Common Ash tree and a minimal section of hedgerow to form pedestrian / cycle connectivity onto the raised footway on Midland Road.

Landscape and Visual Impact Conclusion

As is outlined above, the LVA determines that the landscape is of low to medium value and that the susceptibility of the local landscape to this form of development would be low. On this basis the overall impact to the landscape, when accounting for the maturing of landscaping infrastructure, would be negligible to minor adverse.

In terms of visual impacts, it is outlined above that there would be minor to moderate adverse impacts to residential receptors near the application site on Sherwood Close, Exmoor Close, Chichester Close and Bryton Drive following completion of the development. With regards to users of the part of PRoW N62 through the site, the visual impact would minor to moderate adverse on completion, with the visual impacts to users of PRoW N62 outside of the boundaries of the application site being minor to moderate adverse in close proximity and minor adverse at a greater distance. In terms of PRoWs at a greater distance from the site, the visual impact at completion would be negligible to minor adverse (PRoWs N80 and O40) or negligible (Trig Point at Bardon Hill). Road users would also experience a minor adverse visual impact at completion. It is acknowledged that all the above visual impacts would reduce over time with the maturing of the landscaping infrastructure.

It is considered that the conclusions reached within the applicant's LVA are reasonable when accounting for the contents of the Council's Landscape Sensitivity Study (LSS) (undertaken by Gillespies) which determined that the land identified as Ellistown Parcel West (ref: 15ELL-A), which includes the area of the application site, has *"a rural character which is influenced by the presence of a pylon line, relationship to the settlement edge of Ellistown and proximity to clay workings."* On this basis the Council's LSS concluded that land parcel ref: 15ELL-A had a low landscape sensitivity and low visual sensitivity to residential development. The Council's LSS forms part of the evidence base to the draft Local Plan.

The LVA recommends several landscape enhancements and mitigations as follows:

- (a) Retention of the existing landscape fabric, including existing hedges and trees which enclose the site for visual mitigation, as well as the ecological amenity and habitat retention;
- (b) Provision of new woodland planting to the northern edge of the site in line with the wider character of the National Forest landscape and to create a wooded edge thereby softening the development and removing the 'raw' development edge created by existing dwellings;
- (c) Enhancement planting to the eastern and western boundaries, including tree and scrub planting and wildflower meadow planting to the edges of the woodland buffer and attenuation basin;
- (d) Retention of PRoW N62 through the site on its current route with dwellings off-set from this route along with new connections incorporated to the peripheries of the site delivering access to Midland Road and Sherwood Close;
- (e) Provision of trees, hedging and ornamental planting to the housing plots; and
- (f) Ensuring that the proposed dwellings respect the local built character, including in their form and scale.

The relevant areas of public open space (POS) could be secured in a legal agreement with the remaining landscape and mitigation measures set out above secured as part of any reserved matters application(s) associated with the layout, appearance, scale and landscaping of the proposed development, should outline permission be granted. Conditions could also be imposed on any outline permission granted to secure a landscaping management and maintenance plan (LMMP) as well as a detailed external lighting scheme.

It is also considered that the retention of existing soft landscaping infrastructure, when combined with proposed soft landscaping infrastructure, would soften the overall visual impacts of the development with the development being viewed in the context of its relationship with existing urban features (such as dwellings, employment buildings, highways infrastructure and electricity pylons) to the edge of

Ellistown. Landscape enhancements would also be beneficial to the overall landscape, including the character of the landscape.

For the construction phase, the LVA recommends the following:

- (a) The securing of an Arboricultural Method Statement (AMS) which would ensure that retained trees and hedgerows are not adversely affected during the construction process;
- (b) The use of visual screening, such as hoardings, to protect more sensitive visual receptors including the residential receptors and users of PRow N62 through the site;
- (c) Minimising construction works within the proximity of residential receptors which creates dust;
- (d) If lighting is required during the construction phase, then details of the lighting (including illumination levels) and a restriction on the hours of its use should be secured.

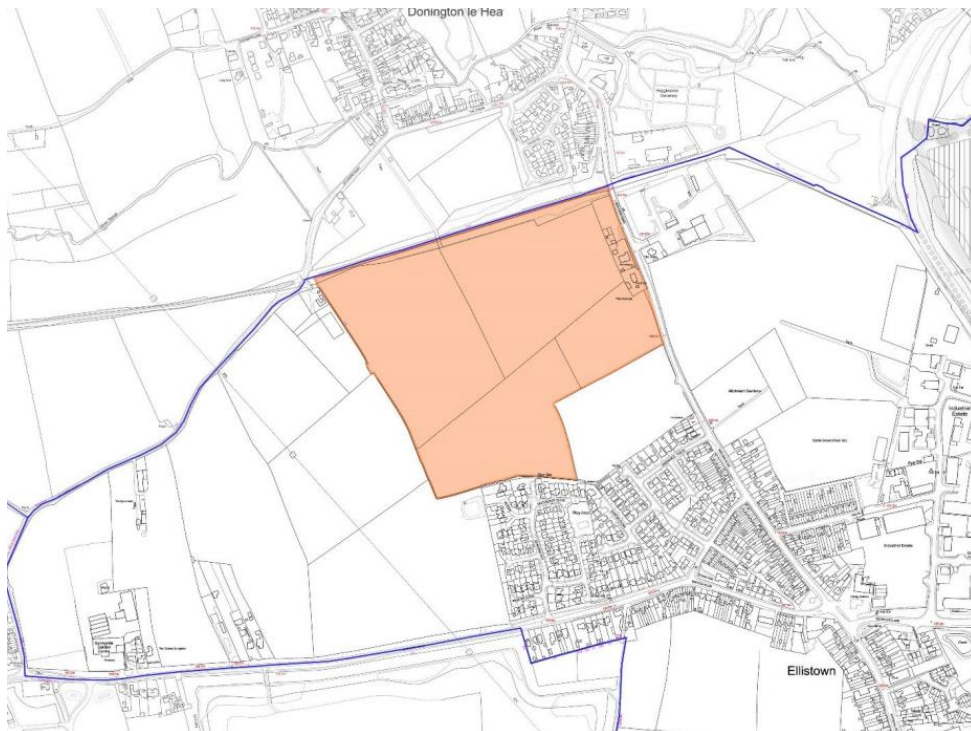
As is the case above, conditions could be imposed on any outline permission granted to secure the relevant mitigation measures for the construction phase.

Overall, it is considered that the proposed development would, as a minimum, safeguard the character and appearance of the landscape, and to some extent would also enhance the character and appearance of the landscape as the soft landscaping infrastructure matures. On this basis the proposal is compliant with criterion (i) of Policy S3 of the adopted Local Plan.

Policy ENV1 – Area of Separation of the Pre-Submission Ellistown and Battleflat Neighbourhood Plan (Review)

Policy ENV1 of the pre-submission Ellistown and Battleflat Neighbourhood Plan (review) (pre-submission EBNP (review)) includes a figure (no. 4) which is designated as an area of Local Separation between Ellistown and Hugglescote / Donington Le Heath. This is as shown in the image below.

Area of Separation (Figure 4)



Policy ENV1 states that within the area of separation only the types of development recognised in the NPPF as appropriate for open countryside will be supported. It also states that development will not be permitted if, either individually or in combination with other proposals, it would produce any significant coalescence of the settlements or reduce their geographical and visual separation.

As will be noted from the above image, the application site (i.e. that defined by red on the site location plan) is not within the area of separation and therefore there would not be conflict with Policy ENV1 of the pre-submission EBNP (review). In any event only very limited weight could be attributed to Policy ENV1.

Whilst off-site National Forest tree planting and off-site biodiversity enhancements would be delivered within the area of separation this would not comprise 'development' which would result in conflict with Policy ENV1.

Loss of Agricultural Land

In terms of the loss of agricultural land, Paragraph 187 of the NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the *"wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile (BMV) agricultural land."* Footnote 65 to Paragraph 188 of the NPPF suggests that *"where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality."* BMV agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

An Agricultural Quality Report (AQR) submitted in support of the application determines that 0.4 hectares (15%) of the agricultural land is sub-Grade 3a (due to its wetness restricting machinery in winter and early spring), which would be considered BMV agricultural land. The remaining 2.35 hectares (85%) would be sub-Grade 3b and therefore not BMV agricultural land.

Whilst the NPPF does not suggest that the release of smaller BMV sites is acceptable, the magnitude of loss of agricultural land is considered to be low where less than 20 hectares of BMV would be lost. Given that the application site area (of 2.75 hectares) would fall significantly below this threshold, and that only 0.4 hectares of the site area would comprise BMV, it is considered that a reason to refuse the application in the context of criterion (b) of Paragraph 187 of the NPPF could not be substantiated.

It is also the case that the draft North West Leicestershire Local Plan would seek to allocate the application site for residential development as discussed in the *'Housing Allocation E7 (Land at Midland Road, Ellistown) in the draft North West Leicestershire Local Plan'* section of this report above.

Agricultural Land Impact Conclusion

On the above basis, the proposed development would not conflict with Policy En6 of the adopted Local Plan as well as Paragraphs 187 and 188 of the NPPF.

Accessibility

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment and incorporates safe and accessible connections to the transport network to enable travel choice. Policy IF7 requires that development incorporates adequate parking provision.

Policy GA1 of the made Ellistown and Battleflat Neighbourhood Plan (EBNP) seeks to ensure that development does not exacerbate current problems with congestion and road safety, and that the inclusion of traffic calming, or shared space features will be supported. Policy GA2 of the made EBNP specifies that where it is not possible to provide car parking on or adjacent to a site, and where a highway safety issue arises, then a contribution will be sought towards providing public facilities or traffic management schemes in Ellistown. Policy GA3 of the made EBNP supports the provision of new and / or the enhancement of existing footpaths and cycleways.

The wording and titles of Policies GA1, GA2 and GA3 are the same within the pre-submission EBNP (review).

As part of the consideration of the application the County Highways Authority (CHA) and National Highways (NH) have been consulted, with the consultation response from the CHA taking into account the Leicestershire Highways Design Guide (LHDG).

A Transport Statement (TS) and Travel Plan (TP) accompanied the application, with two Stage 1 Road Safety Audits (RSAs) and accompanying Designer Responses (DRs) (one for the access and one for the delivery of an uncontrolled pedestrian crossing on Midland Road), as well as a Highways Technical Note (HTN), subsequently being submitted.

Only part access is submitted for approval at this time.

Access

Vehicular access into the site is proposed off Midland Road which is a 'C' classified road subject to a 30mph speed limit, and which carries a 7.5 tonne weight restriction.

As proposed the site access would comprise a simple priority T-junction with a width of 5.5 metres and 6 metre kerb radii.

In terms of swept path analysis, the largest vehicle to use the proposed access would be the Council's waste vehicle(s). Following amendments to the swept path analysis to ensure that it clearly demonstrated the use of the Council's waste vehicle at a movement speed of 15 kilometres per hour (kph), the CHA is satisfied that the relevant movement could be undertaken at the site access without compromising the movement of other vehicles on the internal highway(s).

In terms of visibility, a speed survey was undertaken (between the 26th October 2024 and 1st November 2024) approximately 50 metres to the south of the proposed site access which demonstrated 85th percentile speeds of 39mph in a northbound direction and 40.4mph in a southbound direction.

Given that the recorded southbound speed was in excess of 40mph, and when noting the slight difference in location between the site access and speed survey location, the CHA considered it likely that northbound speeds would also be more than 40mph when accounting for the characteristics of Midland Road (i.e. the part of the highway northbound is rural and largely free of development on both sides).

In these circumstances the CHA has applied the Design Manual for Roads and Bridges (DMRB) visibility standards and when calculating stopping sight distances (SSD), visibility splays of 2.4 metres by 104.97 metres would be required in both directions.

The access plan as originally submitted demonstrated visibility splays of 2.4 metres by 65 metres and consequently the CHA required the plans to be updated to show the existing highway boundary and the land take required for the proposed access. It was also advised by the CHA that visibility splays should be within the adopted highway to ensure they would not be obstructed by future

vegetation growth.

An amended access plan has subsequently been submitted and whilst the vehicular visibility splay is not demonstrated to offset the near side kerb by 1 metre, the CHA is satisfied that visibility splay lengths of 2.4 metres by 105 metres are achievable in both directions without a requirement to cross third-party land.

With regards to the submitted RSA and accompanying DR for the access, the CHA noted the following five problems:

(a) Problem 1 – Potential collisions due to standing water or service covers

The CHA are satisfied for surface water drainage to be addressed at the detailed design stage under Section 278 of the Highways Act 1980 (as amended) (being a process separate to the planning process) with the Lead Local Flood Authority (LLFA) requiring a detailed surface water drainage scheme to be secured via condition on any outline permission granted (this being as discussed in the 'Flood Risk and Drainage' section of this report below).

(b) Problem 2 – Potential vehicle collisions due to inadequate road space or visibility

As outlined above, the CHA considers the swept path analysis to be acceptable on the basis that sufficient forward visibility at the site access is achievable.

(c) Problems 3 and 5 – Both potential risk of pedestrians being struck by passing traffic

The CHA has noted that these two problems have been addressed and redesigned in accordance with the recommendations of the RSA and this is acceptable.

(d) Problem 4 – Potential risk of collisions between non-motorised users

Whilst, in principle, the CHA would support shared walking / cycling facilities along Midland Road, any proposed cycling infrastructure would not link into any existing infrastructure. Notwithstanding this, the CHA accept that further details could be addressed at the detailed design stage under Section 278 of the Highways Act 1980 (as amended) (which would be a separate process to the planning process).

Overall, the design of the access is acceptable to the CHA.

Whilst it is acknowledged that an outline application is currently under consideration for employment development on the opposite side of Midland Road to the application site (ref: 24/01653/OUTM), the CHA has advised that it would be for that application to demonstrate that a safe and suitable access could be delivered to serve that development which would have to account for the access associated with the proposed residential development should the outline application be approved. This would be notwithstanding that the proposed allocation for employment development (referenced: EMP24) has been reduced in size and would no longer have a boundary with Midland Road.

Highway Safety

The applicant has undertaken a review of Personal Injury Collision (PIC) data in the vicinity of the site access and there have been no recorded PICs within 500 metres of the site access in both directions. Whilst the applicant's review was only up to date until the end of 2024 (when the outline application was submitted), the CHA has reviewed the records in the intervening period, and it remains the case that no PICs have occurred.

On this basis the CHA has no highway safety concerns regarding the location of the site with there being no evidence to suggest that the proposed development would increase the risk of accidents occurring.

Impact to the Highway Network

The information within the TS shows a summary of trip generation based upon Trip Rate Information Computer System (TRICS) comparable sites and determines that the two-way vehicle trips in both the AM (08:00 to 09:00) and PM (17:00 to 18:00) peak periods would be 38 vehicles.

Although the CHA consider that the trip rates would be 'low', given the location of the site, the sites used for the TRICS assessment within the TS are considered by the CHA to be wholly comparable with the application site and therefore they consider the trip rate information to be acceptable. Notwithstanding this, if there were slightly higher trip rates then this would not result in a notable increase in two-way trips, thereby requiring further assessment, given the scale of the development proposed.

When accounting for the above, as well as the assessment within the '*Junction Capacity Assessments (JCAs)*' sub-section below, the CHA has determined that there would be no material impact on the highway network.

Junction Capacity Assessments (JCAs)

JCAs have been undertaken for the following junctions:

- (a) Site access with Midland Road;
- (b) The double mini-roundabout of ASDA petrol station / Whitehill Road / Ibstock Road / Midland Road (double mini-roundabout 1)
- (c) The double mini-roundabout of Beveridge Lane / Whitehill Road (south) / Whitehill Road (north) (double mini-roundabout 2); and
- (d) Hugglescote Crossroads.

The CHA has outlined that Ratio to Flow Capacity (RFC) is a term used in transport modelling to assess the operation of a junction with the result providing an indication of the likely junction performance. A value of 1 implies that the demand flow is equal to the capacity with a value of 0.85 seen as the practical capacity, results higher than this would likely lead to drivers experiencing queuing or delays at the junction.

In terms of the site access with Midland Road the maximum RFC is 0.06 which applies to the AM peak period (08:00 to 09:00) in the future 2030 assessment year with the development scenario. On this basis there would be significant spare capacity at this junction.

With regards to double mini-roundabout 1, the JCA demonstrates that on the approach from Whitehill Road the junction is already operating over capacity with an RFC of 1.01 in the AM and 1.75 in the PM (17:00 to 18:00) peak periods. Whilst this is acknowledged by the CHA, on the basis that the Whitehill Road arm of double mini-roundabout 1 is the only arm operating over capacity they consider it unreasonable to request any form of mitigation given that the proposed development would only lead to a small increase in queuing (RFC of 1.07 and 1.86 in the AM and PM peak periods, respectively) in the 2030 assessment year with development scenario.

In terms of double mini-roundabout 2, the JCA outlines that the highest existing delays occur from Whitehill Road to the south of the roundabout with an RFC of 1.24 in the PM peak period. Beveridge Lane in the PM peak period also has an existing RFC of 0.92. In the 2030 assessment year with development scenario the RFC on Whitehill Road in the PM peak period would increase to 1.36 with that on Beveridge Lane in the PM peak period increasing to 0.99. As is the case with mini-roundabout

1, the CHA consider that the impacts of the proposed development would be negligible and that mitigation for mini-roundabout 2 would not be justifiable.

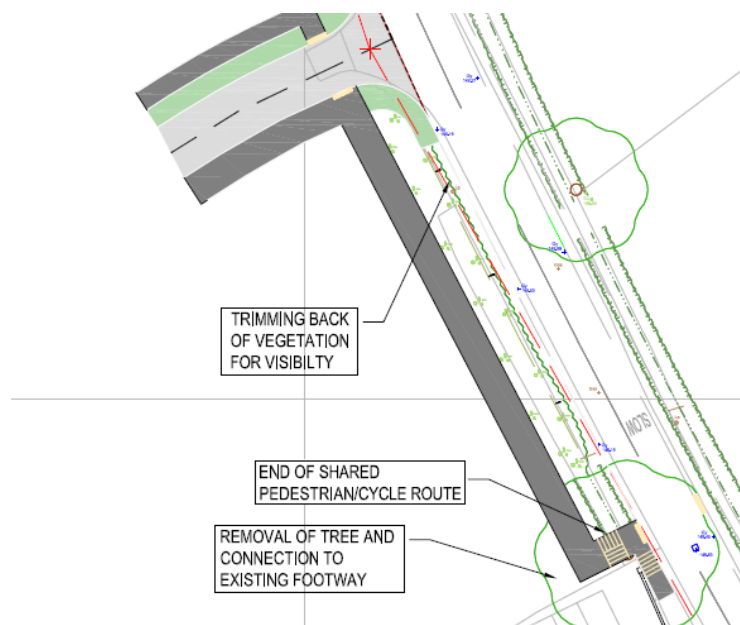
The assessment for Hugglescote Crossroads identifies that this crossroads operates with very little spare capacity and experiences queuing. Notwithstanding this, the CHA acknowledges that this is an existing scenario with the proposed development having a negligible impact on the overall performance of this junction.

Whilst noting the concerns raised by Ellistown and Battleflat Parish Council in relation to the highway impacts of the development, these are not shared by the CHA who, overall, have no objections to the JCAs undertaken and consider the findings and conclusions acceptable.

Off-Site Implications

The submitted site access plan identifies a 3 metre footway / cycleway which would link the site to the existing footway on the development side of Midland Road, this is as shown in the image below.

3 Metre Footway / Cycleway



Such a footway / cycleway would be predominately routed through the site, rather than along Midland Road, and due to this set-back it is unlikely that it would be adopted by the CHA. Notwithstanding this, the CHA consider that this could be considered further, and appropriately addressed, as part of the consideration of a reserved matters application(s) should outline permission be granted.

In addition, an uncontrolled pedestrian crossing, featuring a dropped tactile crossing, is proposed so that pedestrians can access bus stops on the opposite side of Midland Road to the application site. Although the CHA has noted that the tactile features are not wholly in accordance with Department for Transport (DfT) guidance, given their depth is not 1.2 metres, they consider this matter could be addressed at the detailed design stage.

Whilst visibility has not been demonstrated either side of the proposed uncontrolled pedestrian crossing, the CHA is satisfied that suitable splay lengths are achievable. The proposed uncontrolled pedestrian crossing is also supported by a crossing assessment, provided within the HTN, as well as a Stage 1 RSA which raised one problem in relation to the footway width and ensuring that the shared footway / cycleway is safe for all users. As a 3 metre wide footway / cycleway would be

- (d) Ellistown Working Mens Club on Whitehill Road – around 644 metres from the site; and
- (e) Ellistown Community Primary School on Whitehill Road – around 662 metres from the site.

It is also considered that cycling would be a viable means of transportation in accessing services beyond 800 metres with Policy S2 of the adopted Local Plan recognising that Ellistown is a sustainable village.

A Travel Plan (TP) has also been submitted in support of the application with the comments raised by the CHA to the TP being as follows:

- (a) The CHA welcomed the use of Specific, Measurable, Achievable, Relevant and Time Bound (SMART) objectives but more measurable targets with clear deliverables and how they would be implemented were required;
- (b) Whilst the TP had a target aim of 5% reduction in residents travelling via single occupancy private cars within five years of first occupation, as well as 5% increase in the use of public transport / active travel modes, this would need to be increased to 10% given the opportunities available to the site for the use of public transport and active travel modes;
- (c) That details of the Travel Plan Co-ordinator would need to be supplied to Leicestershire County Council (LCC);
- (d) Occupier travel surveys should be undertaken against the Modeshift Sustainable Travel Accreditation and Recognition Scheme (STARS); and
- (e) The use of Betterpoints should be promoted.

For clarity Betterpoints is used by LCC and is offered to all Leicestershire and Leicester residents for free with an associated app offering rewards for utilising sustainable transport options.

In the absence of a revised TP, the CHA has specified that a condition should be imposed on any outline permission granted to secure the revised TP.

Contributions would also be sought by the CHA towards sustainable travel including travel packs, six-month bus passes and a travel plan monitoring fee. These are as discussed in the *'Developer Contributions and Infrastructure'* section of this report below.

The Council's Health and Wellbeing Team (HWT) has commented that the development being undertaken as part of the South-East Coalville Sustainable Urban Extension (SUE) will include the creation of a leisure cycle route from Beveridge Lane, Ellistown along the route of the disused railway line which in turn will link to Station Road in Hugglescote (this link route being referenced C-C03 within the Council's Local Cycling and Walking Infrastructure Plan (LCWIP)). On this basis the development should consider how a link could be made to this cycle route.

At this stage only part access is sought for approval and therefore the requirements of the Council's HWT would be addressed as part of any reserved matters application(s) associated with the layout, should outline permission be granted. It is also considered that the developer should consider National and Local guidance when forming walking routes within the development, particularly given the presence of PRoW N62, and an informative would advise on this matter.

Notwithstanding the above it is noted that PRoW N62 already provides a route which crosses the disused railway line towards Richmond Road / The Green in Hugglescote and whether this PRoW could be upgraded to accommodate cycles (and provide access to the disused railway line) is a matter which would have to be determined by the CHA. Also, as the applicant is not the owner of land between the application site and the disused railway line they would not be in a position to provide any link in its entirety. In these circumstances it is considered that no financial contribution could be secured as part of any outline permission granted to secure any improvement works as such a contribution would not be compliant with the tests at Paragraph 58 of the NPPF.

Internal Layout

At this stage only part access is sought for approval and therefore the specific off-street parking arrangements for each individual property would be assessed and addressed following the submission of any reserved matters application(s), given that this would be dependent on the total number of bedrooms within a particular dwelling as required by the LHDG and Council's adopted Good Design SPD. When considering the off-street parking provision due regard would also be given to the requirements of the Council's Affordable Housing Enabler (AHE) as outlined in their consultation response.

The CHA has also stipulated that the inclusion of secure and sheltered cycling parking should be promoted and an informative on any outline permission granted would request that the applicant considered the delivery of cycle parking as part of any reserved matters application(s).

The ability for vehicles to manoeuvre within the site to exit in a forward direction would also be a matter to be addressed at the reserved matters stage(s) once a layout is progressed.

Should the applicant wish for the internal highway to be adopted then it would be necessary for it to be designed in full compliance with the LHDG. An informative imposed on any outline permission granted would advise the applicant of this fact.

National Highways (NH)

NH has considered the submitted information and based on the distance of the site from the Strategic Road Network (SRN) they are satisfied with the proposed trip generation and distribution percentage onto the M1 motorway.

On this basis NH has no objections.

Accessibility Conclusion

Paragraph 116 of the NPPF outlines that development should only be refused on highway grounds where *"there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*

In the circumstances that there are no objections to the application from the CHA, subject to the imposition of conditions, or NH, it is considered that the part access sought for approval at this outline stage would be compliant with Policy IF4 of the adopted Local Plan, Policy GA1 of the made EBNP, Policy GA1 of the pre-submission EBNP (review), and Paragraphs 115, 116 and 117 of the NPPF.

Compliance with Policy IF7 of the adopted Local Plan, as well as Policies GA2 and GA3 of the made EBNP, Policies GA2 and GA3 of the pre-submission EBNP (review), and Paragraphs 112 and 113 of the NPPF, would be required to be demonstrated at the reserved matters stage(s) when the internal access arrangements and off-street parking requirements would be provided.

Design, Density, Housing Mix and Impact on the Character and Appearance of the Streetscape

Policy D1 of the adopted Local Plan requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for a Healthy Life (BfHL) (formerly Building for Life 12 (BfL12)) and that developments will be assessed against the Council's adopted Good Design SPD.

Policy CC1 of the made Ellistown and Battleflat Neighbourhood Plan (EBNP) specifies that development proposals will be encouraged to maximise opportunities for sustainable design, construction techniques and practices.

Policy S2 of the pre-submission EBNP (review) requires development to demonstrate a high quality of design, layout and use of materials to contribute positively to the existing character of the neighbourhood area. Regard should also be given to the Design Guide and Codes at Appendix 2 of the pre-submission EBNP (review).

Density

The proposed development would provide for a net density of approximately 27.27 dwellings per hectare. Paragraph 129 of the NPPF requires development to make efficient use of land and it is considered that this density would, when having regard to the location of the development and the implications of meeting relevant design policies, be considered reasonable in this location.

Design and Impact on the Character and Appearance of the Streetscape

At present the application site comprises agricultural land with land levels which generally fall in a south-westerly direction and thereby the south-western corner is at the lowest land level. The immediate area is characterised by a mix of dwellings with traditional terraced and semi-detached forms being present on the mid-section of Midland Road, and newer builds becoming prevalent on Midland Road on the exit from Ellistown towards Hugglescote. Newer build dwellings also exist on the residential estate to the immediate south-east / south of the site.

It is noted that layout, scale, appearance, internal access and landscaping are included as matters to be considered at a later stage with only part access being approved at this stage. Midland Road comprises a principal highway connecting Ellistown to Hugglescote (and subsequently Coalville) with the traditional terraced dwellings effectively fronting onto the back edge of the pavement and the more modern properties having greater separation distance from the pavement with off-street parking prevalent to their frontages. This 'modern' approach would be applicable to those properties which front onto Midland Road to the immediate south-east of the site.

The residential estate to the immediate south-east / south of the site takes access from Midland Road and projects in a western direction away from the highway. It is considered that by taking access from Midland Road, and projecting in a western direction away from this highway, the proposed residential development accords with the character of the area and would successfully integrate into the streetscape.

In such circumstances, it is considered that a residential scheme could be developed at the reserved matters stage(s) which would integrate successfully into the streetscape.

On the basis that only part access is for approval at this stage the scheme is not sufficiently advanced to be fully assessed against Building for a Healthy Life (BfHL). Therefore, a further BfHL assessment would need to accompany any reserved matters application(s) to demonstrate how development would accord with the principles of this guidance. This would be secured by condition on any outline permission granted.

The Council's Urban Designer recognises that only part access is being sought for approval but has provided the following feedback on the Illustrative Masterplan (IM) included within the Design and Access Statement (DAS):

- (a) Any layout progressed at the reserved matters stage(s) would need to provide an understanding of how any highways towards the western site boundary would terminate;
- (b) Any substation and / or pumping station would need to be positioned in a suitable location

- and not at the end of a vista or the main access road;
- (c) Any layout would need to reduce the reliance on private drives, with any private drives required needing to ensure that pedestrian movements would not be restricted;
- (d) Any crossroads delivered as part of the layout would have the potential to create interest, but this would be dependent on the design / treatment of the buildings that form the corners of the crossroads;
- (e) The Sustainable Drainage System (SuDS) attenuation basin would be a key feature of the development and therefore dwellings should be designed and orientated to face it;
- (f) Parking within parking courtyards and forecourt parking on both sides of the highway would create issues, with there also being areas where forecourt parking would dominate (including around the SuDS attenuation basin); and
- (g) It would need to be ensured that pedestrian / cycling links through the site providing connectivity were designed to ensure they are logical, safe and workable.

An informative imposed on any outline permission granted would make the applicant aware of the advice of the Council's Urban Designer.

In providing their consultation responses, the Council's Affordable Housing Enabler (AHE) and National Forest Company (NFC) have also outlined that the layout of the development should account for the following requirements:

- (a) That the affordable housing comprises small groupings rather than being concentrated in one area;
- (b) That the affordable housing should be located on adoptable roads to minimise the management costs associated with shared driveways;
- (c) That apartments with communal areas are not acceptable unless such properties meet a specialist housing need (e.g. residents with learning disabilities);
- (d) That all 1 bed properties should be provided with private outdoor amenity space; and
- (e) Timber post and rail fences be delivered in areas of open space.

Again, an informative would be imposed to make the applicant aware of the comments of the Council's AHE and NFC.

For their part the Designing Out Crime Officer (DOCO) at Leicestershire Police has raised no objections subject to the imposition of a condition on any outline permission granted which would require the reserved matters application(s) to demonstrate how the approach to the layout (and appearance) of the development would achieve the Secured by Design (SBD) Award. This is due to police statistics demonstrating that the district has a slightly higher rate of crime per person compared to other areas and thereby an increase in population because of the development may increase this further. Such a condition would therefore seek to ensure that the development fosters a safe and welcoming environment which encourages community interaction and a strong sense of place. An informative imposed on any outline permission granted would also advise the applicant of the SBD requirements.

In terms of the appearance and scale of the dwellings, these would be subject to approval at the reserved matters stage(s) and, at that point, an appropriate design could be achieved which would accord with the Council's current design agenda by providing a scheme which either responds to the positive characteristics of dwellings within the area (a 'traditional' approach to design) or which respects the National Forest setting of the development (a 'landscape led' approach to design).

Within their consultation responses, the Council's AHE and the NFC have also outlined that the appearance and scale of the dwellings should account for the following requirements:

- (a) The affordable dwellings meeting the Homes and Communities Agency (HCA) Design and Quality Space Standards, albeit such standards have been withdrawn, to ensure adequate

- living space for future residents (i.e. 2 bed houses should meet 4 person space standards);
- (b) The affordable units should be designed to have an appearance which is indistinguishable from the market housing;
- (c) Any affordable apartments should not be provided within a large block and should be designed so that there are no communal areas, and that each apartment has its own entrance. Any apartments above two-storeys in height will not be accepted as affordable housing; and
- (d) The design and materials associated with the proposed development should reflect the setting of the site within the National Forest (i.e. the inclusion of timber within the design).

The NFC has also indicated that a natural play design integrated into the open space, including the use of natural materials such as tree trunks and boulders, changes in level and access to water, would also contribute positively to the setting of the site within the National Forest.

As is the case above, an informative would be imposed to make the applicant aware of the requirements of the Council's AHE and NFC.

In line with criterion (5) of Policy D1 of the adopted Local Plan and Policy CC1 of the made EBNP, as well as Policy S2 of the pre-submission EBNP (review), which all specify that new development should have regard to sustainable design, a condition would be imposed on any outline permission granted which would require the reserved matters application(s) to demonstrate how the layout and appearance of the dwellings accommodates the above requirements, as well as those outlined in Paragraph 164 of the NPPF which stipulates that new development should be planned in a way *"which helps to reduce greenhouse gas emissions, such as through location, orientation and design."* This could be achieved by dwellings (in viable locations) being provided with renewable energy technologies such as solar panels, air source heat pumps or ground source heat pumps.

Ellistown and Batteflat Parish Design Guidance and Codes

On the basis of the 'Ellistown and Batteflat Parish Design Guidance and Codes' (EBPDGC), as referenced under Policy S2 of the pre-submission EBNP (review), the application site falls within the Countryside Focus Area (CFA) known as *'CFAB Open Countryside'*. The EBPDCG seeks to ensure that all proposed development considers the character areas to ensure that they are designed in response to their immediate context and concentrates on the following seven categories:

- 1) Heritage;
- 2) Structure and Built Form;
- 3) Materials and Design;
- 4) Movement and Accessibility;
- 5) Environment and Biodiversity;
- 6) Flood Resilience; and
- 7) Sustainable Design.

As an outline application with only part access for approval it is considered that the scheme is not sufficiently advanced to be considered against the EBPDCG and therefore an informative would be imposed on any outline permission granted to make the applicant aware of the categories of the EBPDCG in developing the scheme further as part of any reserved matters application(s). This would be notwithstanding the very limited weight which could be given to Policy S2 of the pre-submission EBNP (review), and subsequently the EBPDCG, at this time.

Design, Density and Impact on the Character and Appearance of the Area Conclusion

Overall, it is considered that a layout, appearance and scale of residential development could be delivered at the reserved matters stage(s) which would be consistent with the aims of Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD, Policy CC1 of the made EBNP,

Policy S2 of the pre-submission EBNP (review), and Paragraphs 131 and 135 of the NPPF. The part access sought for approval at this stage is therefore acceptable.

Housing Mix

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings or more. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to consider alongside other criteria as outlined in Part (2) of Policy H6. The range of dwelling sizes (in terms of number of bedrooms) identified as appropriate in the HEDNA are as follows:

- 1 bed - 0-10% (Market) and 30-35% (Affordable);
- 2 bed - 39-40% (Market) and 35-40% (Affordable);
- 3 bed - 45-55% (Market) and 25-30% (Affordable); and
- 4 bed - 10-20% (Market) and 5-10% (Affordable).

Policy H3 of the made EBNP specifies that housing development should provide for a mix of housing types, sizes and tenures to meet the identified needs of the Parish. It also supports the provision of smaller homes for young families and young people, and for older people wishing to downsize.

Policy H2 of the pre-submission EBNP (review) outlines that new development should provide for a mixture of housing types as evidenced within the Neighbourhood Plan Housing Needs Assessment of 2024 (found at Appendix 1 of the pre-submission EBNP (review)), which identifies that the predominant need is for 3 bed dwellings as well as bungalows and smaller dwellings for young families.

Paragraph 5.45 of the Ellistown & Battleflat Housing Needs Assessment (HNA), referred to in Policy H2 of the pre-submission EBNP (review), specifies that outside of the South-East Coalville Sustainable Urban Extension (SUE), new housing should focus on mid-sized dwellings with there also being some *“provision of smaller dwellings (c.18%), as well as the delivery of larger 4+ bedroom dwellings (c.37%), suitable for larger family households, in line with the high proportion of households with dependent children.”*

It is proposed that up to 75 dwellings could be created on the site with the information submitted in support of the application not detailing a housing mix for either the market or affordable dwellings.

As is discussed in the ‘*Affordable Housing*’ subsection of the ‘*Developer Contributions and Infrastructure*’ section of this report below, the Council’s Affordable Housing Enabler (AHE) would expect a mix of:

- 6 x 1 bed – 26.09%;
- 10 x 2 bed – 43.48%; and
- 7 x 3 bed – 30.43%.

The above numbers are applicable should 75 dwellings be proposed at the reserved matters stage (should outline permission be granted) with the percentage figures being applicable if less than 75 dwellings are proposed. Such a mix would be broadly compatible with that of the HEDNA, albeit with a greater emphasis on the delivery of 2 bed properties than 1 and 4+ bed properties.

It is noted that the means of securing a suitable mix of dwellings is a matter to be addressed at the outline stage rather than during the consideration of any subsequent reserved matters application, due to housing mix in itself not being a reserved matter, and as such a condition would be imposed on any outline permission granted to ensure an appropriate mix of dwellings is provided as part of any subsequent reserved matters application(s). This approach would ensure that a suitable mix of

market and affordable properties are provided in accordance with Policies H4 and H6 of the adopted Local Plan, Policy H3 of the made EBNP and Policy H2 of the pre-submission EBNP (review). Whilst no housing mix has been specified by the applicant, they have stated that the affordable housing to be delivered would meet the requirements of the Council's AHE.

As the proposed number of dwellings is above 50 there is a requirement for the development to provide bungalows, or suitable properties for the elderly, in line with Part 3 criterion (a) of Policy H6 of the adopted Local Plan. The delivery of bungalows is also supported by Policy H3 of the made EBNP and Policy H2 of the pre-submission EBNP (review). In the circumstances that only part access is sought for approval at this stage, compliance with Part 3(a) of Policy H6 of the adopted Local Plan would need to be demonstrated as part of any subsequent reserved matters application(s) associated with the layout of the development and the appearance of the dwellings. It is considered that any condition imposed requiring the need to demonstrate a suitable housing mix (as outlined above) could be supplemented by an informative advising the applicant of the need to have regard to Part 3(a) of Policy H6 of the adopted Local Plan.

The expectation of the Council's AHE would also be that the bungalows have showers designed to meet the needs of elderly or disabled applicants, with baths being discouraged unless specifically designed for use by elderly or disabled occupants. They would also request that level access should be provided. Again, an informative would be imposed on any outline permission granted to make the applicant aware of these requirements.

Neighbours and Future Occupants' Amenities

Policy D2 of the adopted Local Plan outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents. Paragraph 198 of the NPPF requires development to be appropriate for its location.

The closest residential receptors to the application site would be those on Midland Road, Sherwood Close, Exmoor Close and Chichester Close which are to the south / south-east. A greater separation distance would exist to The Elms and The Maltings which are both to the north-west of the site.

Topographically land levels on the site fall generally in a south-westerly direction from levels of around 151.1 metres Above Ordnance Datum (AOD) in the north-eastern corner to around 146.0 metres AOD in the south-west corner.

Relationship between Existing and Proposed Dwellings

The impact on neighbouring occupiers arising from the proposed dwellings would need to be assessed at the reserved matters stage(s) once the layout, appearance and scale of the dwellings was known. Notwithstanding the details shown on the Indicative Masterplan (IM), as contained within the submitted amended Design and Access Statement (DAS), as well as the Parameters Plan, it would appear that in principle a residential development could be provided on the site in a manner which would not adversely impact upon the amenities of the occupants of adjoining residential properties.

In establishing an acceptable relationship with existing residential properties at the reserved matters stage(s), it could also be ensured that the amenities of any future occupants of the proposed dwellings are adequately protected.

Other Amenity Impacts

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, dust and fumes which is as outlined in Part 2 of Policy D2 of the adopted Local Plan.

Paragraph 201 of the NPPF outlines that the focus of planning decisions “*should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.*”

A Noise Assessment (NA) has been submitted in support of the application which assesses the impact of noise to future amenities because of the relationship with Midland Road. The NA determined that the dominant noise source in the area is traffic (predominately cars) utilising Midland Road and where the traffic flow was relatively continuous.

In terms of mitigation, the NA determines that externally acceptable noise levels would be met across the site with it being recommended that properties towards Midland Road are orientated to face the road with the gardens situated behind. With regards to internal noise levels, the NA specifies that the inclusion of double glazed windows with trickle vents would achieve the recommended levels.

The NA is considered acceptable to the Council’s Environmental Protection Team, subject to the imposition of a condition on any outline permission granted which would require the reserved matters application(s) to be accompanied by a scheme of insulation and design which adheres to the recommendations of the NA given that the layout is not for approval at this stage.

Such schemes of insulation and design would also have to demonstrate where within the development alternative ventilation arrangements may be necessary because of windows being closed to achieve recommended internal noise levels resulting from vehicular noise on Midland Road.

It is noted that an outline planning application is also under consideration on land to the east of Midland Road associated with the provision of employment development (ref: 24/01653/OUTM). At this time the proposed development is not a ‘committed’ development and therefore cannot be factored into account as part of the assessment of this application. Consequently, should outline permission be granted for residential development as part of this application it would be necessary for the development proposed as part of application reference 24/01653/OUTM to demonstrate that it would not impact adversely on the future amenities of any residential properties to be created (this would be notwithstanding such development also demonstrating that it would not impact adversely on existing residential amenities).

In addition a condition could be imposed on any outline permission granted for the residential development which would require the reserved matters application(s) to be accompanied by a revised NA which took into account any employment development being brought forward on the land to east of Midland Road and subsequently ensuring that the layout of the development, as well as the appearance of the dwellings, protected the future amenities of any occupants.

As discussed in the ‘*Ecology*’ section of this report below, a condition would be imposed on any outline permission granted which would require the submission of a detailed external lighting scheme as part of the reserved matters application(s). Construction lighting, if required, would be controlled by a separate condition.

To ensure that construction activity is undertaken at reasonable times a condition limiting the hours of construction would be imposed on any outline permission granted, with separate legislation (such as the Control of Pollution Act 1974 (as amended)) controlling issues arising from other construction activity.

It is also the case that if any statutory nuisance issues were to arise as a result of the development, then the Council’s Environmental Protection Team would be able to investigate such issues and take appropriate action, where required, under separate Environmental Protection Legislation.

Neighbours and Future Occupants Amenities Conclusion

Overall, and subject to the imposition of conditions, it is considered that the part access proposed would be acceptable and compliant with Policy D2 of the adopted Local Plan as well as Paragraphs 198 and 201 of the NPPF.

Air Quality

Part (2) of Policy D2 of the adopted Local Plan outlines that development will be supported which does not generate a level of pollution, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Policy En6 of the adopted Local Plan requires developments which are within or close to an Air Quality Management Area (AQMA) to be accompanied by a detailed investigation and assessment of the issues and include appropriate mitigation measures where necessary.

Paragraph 199 of the NPPF outlines that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants (including cumulative impacts) and that opportunities to improve air quality or mitigate impacts are identified and secured.

The application is accompanied by an Air Quality Assessment (AQA), with the Copt Oak Air Quality Management Area (AQMA), at a distance of around 5.6 kilometres, being the closest AQMA to the application site.

It is concluded within the AQA that the impacts arising to air quality because of construction activity (primarily associated with dust and fine particulate matter) would result in a 'medium risk' (without mitigation) in relation to dust soiling effects and a 'low risk' (without mitigation) in relation to fine particulate matter. Relevant mitigation measures are proposed within the AQA to ensure that any effect of construction dust would not be of detriment to residential amenities and a condition imposed on any outline permission granted would require the approval of a dust management plan (DMP) prior to the development commencing.

In accordance with the Environmental Protection UK (EPUK) and IAQM document '*Land-Use Planning and Development Control: Planning for Air Quality*', the air quality impact arising from the operational phase of the development would be 'negligible' to both existing and future residential amenities.

Whilst the air impact would be negligible, the AQA recommends mitigation measures such as developing cycling routes or pedestrianised areas and infrastructure to support low emission modes of transport, electric vehicle recharging and improved facilities to encourage cycling or other non-motorised travel. It is considered that such measures could be considered further as part of any layout presented at the reserved matters stage(s) (should outline permission be granted), with Approved Document S (Infrastructure for the Charging of Electric Vehicles) of the Building Regulations 2010 (as amended) securing electric vehicle charging points.

As part of the consideration of the application the Council's Environmental Protection Team (Air Quality) have been consulted, and no objections are raised.

Air Quality Conclusion

On the basis that no objections have been raised by the relevant statutory consultee, it is considered that the proposed development would not conflict with Policies D2 and En6 of the adopted Local Plan or Paragraph 199 of the NPPF.

Ecology

Vegetation, in the form of trees and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2017 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

Part (1) of Policy En1 of the adopted Local Plan states that proposals for new development will be supported which conserve, restore or enhance the biodiversity in the district.

Policy NE2 of the made Ellistown and Battleflat Neighbourhood Plan (made EBNP) states that development proposals which conserve, restore or enhance biodiversity in and around them will be encouraged.

Policy ENV5 of the pre-submission EBNP (review) expects all development proposals to safeguard habitats and species across the Neighbourhood Area, including those of local significance, and deliver biodiversity net gain.

The application as submitted is accompanied by a Preliminary Ecological Appraisal (PEA), Badger Survey Report (BSR), Reptile Survey Report (RSR), Harvest Mouse Survey Report (HMSR), Landscape Masterplan, Biodiversity Net Gain Assessment Report (BNGAR) and Biodiversity Net Gain Metric Calculations (BNGMC). These reports have subsequently been updated during the determination of the application.

Following a review of the PEA, the County Council Ecologist outlined that it made recommendations for further surveys in relation to breeding birds and bats as follows:

- (a) Breeding Birds – The PEA recommended six survey visits during the main breeding season;
- (b) Bat Activity Surveys – The PEA recommended transect surveys and deployment of static bat detectors; and
- (c) Bat Roosting Surveys – The PEA recommended further surveys on trees identified with roosting suitability.

Such ecological reports were required to be submitted prior to determination in line with Paragraph 99 of Circular 06/05.

In terms of points (a), (b) and (c), a Breeding Bird Survey Report, Interim Bat Activity Survey Report (including night-time bat walkover surveys), Ground Level Tree Assessment and Potential Roost Feature Inspection Survey Report have been submitted by the applicant.

Following a review of this documentation, the County Council Ecologist has no objections to the application subject to the imposition of conditions to ensure that a Landscape and Ecological Management and Maintenance Plan (LEMMP) is secured, which would include enhancements to protect potential nesting birds, as well as a lighting scheme to mitigate the potential impact on foraging bats. In addition, and based on the recommendations within the relevant ecological reports, it is also considered reasonable to impose conditions to secure nest boxes (for both bats and birds), a pre-commencement check for badgers, and a biodiversity construction environmental management plan (CEMP: Biodiversity).

Any outline permission granted would therefore be conditioned to meet the above requirements.

In terms of the submitted Landscape Masterplan, the County Council Ecologist commented that it would be expected that the habitat buffers provided to the boundary features to the southern boundary (i.e. the boundary between the application site and residential receptors on Sherwood

Close and Exmoor Close) would need to be expanded as there was an insufficient buffer between any proposed pedestrian path and the boundary features in certain locations. As the layout and landscaping of the proposed development are 'reserved' for subsequent approval an informative would be imposed on any outline permission granted to make the applicant aware of this requirement which is comparable with criterion (f) of Part (2) of Housing Allocation Policy E7 (as is outlined in the '*Draft North West Leicestershire Local Plan (2024 to 2042) - Proposed Housing Allocation E7 (Land at Midland Road, Ellistown)*' section of this report above).

In terms of Biodiversity Net Gain (BNG), the mandatory requirement for 10% BNG for major applications as required by the Environment Act has come into force. The proposals are therefore required to demonstrate compliance in this regard.

The submitted BNGAR and BNGMC conclude that there would be a net gain of 1.21 habitat units (+18.88%) and 1.40 hedgerow units (+24.12%) which would include delivery on-site (0.31 habitat units and 1.17 hedgerow units) as well as off-site (0.90 habitat units and 0.23 hedgerow units) upon land within the applicant's ownership (i.e. that land outlined in blue on the site location plan). Following consideration of the BNGAR and BNGMC, the County Council Ecologist considers the conclusions to be acceptable and would satisfy the trading rules (i.e. the guidelines to ensure no 'net loss' of biodiversity occurs as part of developments) and therefore they have no objections.

Any permission granted would be subject to the mandatory BNG condition which is imposed as an informative rather than a condition.

An informative would also be imposed on any permission granted to advise the applicant that a Habitat Management & Monitoring Plan (HMMP) would be required to discharge the mandatory BNG condition.

The mandatory BNG condition and HMMP would secure the monitoring of the on-site BNG delivery for the 30 year period as specified in the Environment Act.

In terms of the off-site BNG this would have to be secured via a Section 106 agreement, with the land on which the BNG enhancements would be delivered being registered as a Habitats Bank which is a separate process that can be completed after any outline planning permission is issued.

Ecology Conclusion

Overall, the part access sought for approval would, when being subject to the imposition of conditions and informatives, be considered acceptable and compliant with the aims of Policy En1 of the adopted Local Plan, Policy NE2 of the made EBNP, Policy ENV5 of the pre-submission EBNP (review), Paragraphs 186 and 193 of the NPPF, and Circular 06/05.

Landscaping

Part (3) of Policy En1 of the adopted Local Plan outlines that new development will be expected to maintain landscape features (such as trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

Part (2) of Policy En3 of the adopted Local Plan outlines that new developments within the National Forest will contribute towards the creation of the National Forest by including provision of tree planting and other landscape areas within them.

Policy NE3 of the made Ellistown and Battleflat Neighbourhood Plan (made EBNP) outlines that opportunities to enhance and promote the coverage of trees and hedgerows will be encouraged and that trees of good arboricultural, biodiversity and amenity value should be protected. Where possible, the planting of trees and hedgerows should be integrated into the design of development proposals.

Policy ENV5 of the pre-submission EBNP (review) outlines that development proposals which adversely affect trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance, or of landscape or amenity value, will be resisted. New development is also expected to be designed to retain such trees and hedgerows wherever possible.

Impact to Existing Soft Landscaping Infrastructure

Whilst landscaping is a reserved matter, consideration is required to be given to the impacts the development may have to existing trees on the site, including the proposed part access sought for approval at this stage.

An Arboricultural Impact Assessment (ArlA), compliant with BS 5837:2012 '*Trees in Relation to Design, Demolition and Construction – Recommendations*,' has been submitted in support of the application.

The ArlA identifies that there are two individual trees on the site (both of which are rated Category C ('*Trees of Low Quality*'), three groups of trees (all of which are rated Category C), and four hedgerows.

Due to the position of the trees and hedgerows to the site's boundaries, the ArlA concludes that the majority could be retained when a layout is progressed at the reserved matters stage(s) with only a partial section of one of the groups of trees (comprising Common Ash) and a partial section of two hedgerows being required to facilitate the delivery of the proposed vehicular access and its associated visibility splays. The ArlA also indicates that one tree (a Common Ash) and a further partial section of hedgerow within the south-eastern corner of the site would be removed to facilitate pedestrian / cycle connectivity from the site to the existing raised pavement on Midland Road.

In the main it is considered that the removal of partial sections of a group of trees and hedgerows would not be of detriment to the visual amenities of the area given their categorisation. Whilst the individual Common Ash makes a greater contribution to the visual amenities of the streetscape, the ArlA notes that Ash dieback disease was observed and consequently the future health of this tree is uncertain. Whilst the loss of such a tree is regrettable, it is considered that its condition would not result in it being worthy of protection by a tree preservation order (TPO). In any event, it is considered that the limited tree and hedge loss occurring could be easily compensated for as part of a soft landscaping scheme submitted as part of a reserved matters application(s) should outline permission be granted.

A Tree and Hedge Protection Plan (THPP) would be conditioned as part of any outline permission granted, with it being a requirement that a further ArlA (and THPP) accompanies any reserved matters application(s) associated with the layout and / or landscaping of the site to demonstrate the impacts which may arise to the retained soft landscaping infrastructure.

National Forest

As the site area is 2.75 hectares, the National Forest Company (NFC) advises that 20% or 0.55 hectares of the site should be National Forest woodland planting and green infrastructure in order to be compliant with Policy En3 of the adopted Local Plan and the National Forest Planting Guidelines.

In commenting on the scheme as originally submitted the NFC outlined that the landscape masterplan detailed a strip of landscaping within the northern part of the site as 'woodland', but the extent of land was too narrow and contained an insufficient number of trees to be considered compliant.

The NFC also indicated that the National Forest Way (NFW) ran through the site (along Public Right of Way (PRoW) N62) and as proposed the route of the NFW would be within a narrow strip of landscaping with limited opportunity for tree planting.

An amended landscape masterplan has subsequently been submitted by the applicant which proposes to deliver the required amount of National Forest planting on a piece of land to the immediate north-west of the site which is within the ownership of the applicant (i.e. land outlined in blue on the site location plan). This is as shown in the image below.

Off-Site National Forest Planting Location



Following re-consultation, the NFC consider that the provision of the woodland would contribute positively to the setting of the site within the National Forest, subject to appropriate detail and management, whilst also improving the enjoyment of the route of the NFW which would run alongside the proposed woodland.

On this basis the NFC has no objections to the application subject to the imposition of conditions on any outline permission granted which would require the landscaping reserved matters application(s) to be accompanied by details of the species mix, size and density of the woodland planting to be created along with a woodland management and maintenance plan (WMMP). A requirement for replacement planting would also need to be secured by condition, although it is considered that this condition would be applicable to any reserved matters permission(s) given that landscaping is reserved for subsequent approval.

The NFC has also requested that the woodland planting is provided at the earliest opportunity, as opposed to the first planting season following the completion of the development, and this again would be a matter considered further as part of any reserved matters application(s) associated with landscaping when a timetable for implementation is likely to be provided.

Street Trees

Paragraph 136 of the NPPF outlines that planning decisions should ensure that streets are tree lined, although footnote 63 associated with Paragraph 136 states “*Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.*”

The Landscape Masterplan indicates avenue style tree planting upon grass verges within the highway which would be encouraged in the interests of the long-term establishment and retention of any street trees.

As the layout and landscaping of the development are reserved for subsequent approval, should outline permission be granted, further consideration would be given to the delivery of street trees as part of the determination of any reserved matters application(s).

Hard Landscaping

A scheme of hard landscaping would also be considered under a reserved matters application(s) when a hard landscaping scheme is presented for consideration. The part access sought for approval at this stage would be hard surfaced in accordance with the standards of the CHA given its association with the adopted highway.

Landscaping Conclusion

Overall, and subject to the imposition of conditions, it is considered that the part access proposed as part of the application would be compliant with Policies D1, En1 and En3 of the adopted Local Plan, Policy NE3 of the made EBNP, and Policy ENV5 of the pre-submission EBNP (review).

Flood Risk and Drainage

Policy Cc2 of the adopted Local Plan requires the risk and impact of flooding from development to be minimised, with Policy Cc3 requiring surface water drainage to be managed by Sustainable Drainage Systems (SuDS) (where feasible).

Flood Risk

On the basis of the Environment Agency (EA) ‘*Flood Map for Planning*’ detailed on the Government website, the application site is wholly within Flood Zone 1, which is at the lowest risk of fluvial flooding.

It is also the case that the application site is predominantly at a very low risk of surface water (pluvial) flooding, with there being a limited area in the south-western part of the site which is at low risk of surface water flooding.

A flood risk assessment (FRA) (which has been revised during the determination of the application) has been submitted in support of the application and, notwithstanding the position in respect of fluvial and pluvial flood risk, the FRA concludes that the application site would not be at risk from tidal / coastal flooding and flooding from artificial sources (i.e. reservoirs and canals), with there being a low risk of flooding from groundwater and sewers.

Paragraph 173 of the NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Paragraph 174 of the NPPF subsequently outlines that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It is, however, outlined at Paragraph 175 of the NPPF that the sequential test would not be applicable where a site specific FRA demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding from any source.

The 'Flood Risk and Coastal Change' section of the NPPG specifies, at Paragraph 023 (Reference ID: 7-023-20220825), that the aim of the sequential test is to ensure areas at little or no risk of flooding from any source are developed in preference to areas at higher risk and this therefore means avoiding, as far as possible, development in current and future medium and high flood risk areas. Paragraph 024 (Reference ID: 7-024-20220825) further states that reasonably available sites in medium to high flood risk areas should only be considered where it is demonstrated that it is not possible to locate development in low flood risk areas.

In this instance the proposed part access sought for approval would be located wholly within an area at very low risk of flooding from surface water. It is also the case that the remainder of the residential development progressed as part of a reserved matters application(s), should outline permission be granted, would not be undertaken on land at a medium to high risk of surface water flooding. On this basis the sequential test would not need to be applied.

Flood Risk Conclusion

Overall, and when accounting for the development being sequentially located to avoid areas at medium to high risk of flooding from any source, it is considered that compliance with Policy Cc2 of the adopted Local Plan and Paragraphs 173, 174, 175 and 181 of the NPPF is demonstrated.

Surface Water Drainage

In terms of surface water drainage, the initial consultation response from the Lead Local Flood Authority (LLFA) outlined that the applicant sought to discharge surface water at a rate of 11.75 litres per second (l/s) via an attenuation basin to an on-site watercourse.

Whilst there were no existing surface water flood risk concerns within the immediate downstream catchment, the LLFA noted that the proposed discharge rate had been calculated using the whole site area rather than the developed area being positively drained. The LLFA also commented that they were unable to find any evidence that a suitable ditch was located in the western part of the site where the surface water would discharge. In this respect the LLFA noted that whilst interception ditches were present their levels suggested they had no connectivity to the wider catchment.

The LLFA also commented that areas within the north-eastern part of the site currently drained overland to the east, whereas the proposed development would seek to drain such areas to the west. They therefore required the applicant to clearly demonstrate that any catchment transfer would not cause detriment within the catchment.

Additionally, to the above, the LLFA also commented that the attenuation basin base level was at a similar level to the ditch and adjacent land to the west with a bund above ground level which raised concern with earthworks failure. Such concern was further compounded by the placement of the foul pumping station adjacent to one of the earthworks bunds. It was a requirement that attenuation storage above existing ground levels be minimised, and where this was unavoidable suitable mitigation was required.

The applicant had also not proposed source control sustainable drainage systems (SuDS) such as permeable paving and swales which would improve the site surface water treatment train whilst also promoting infiltration where possible.

A revised FRA, Drainage Technical Note (DTN) and Preliminary Drainage Strategy (PDS) were subsequently submitted by the applicant with the DTN detailing the following:

- (a) That the proposed surface water discharge rate for the entire site would now be 7.4 l/s;
- (b) That a site photo plan had been produced which tracked the existing ditch along the western

- site boundary and demonstrated that a suitable outfall was available;
- (c) That an existing catchment plan had been produced which demonstrated how the existing topography divides the site into two sub-catchments, with one catchment falling in a south-western direction to the existing watercourse and the other catchment falling south-east;
 - (d) That the attenuation basin had been lowered by 400 millimetres to reduce above ground storage; and
 - (e) That lined permeable paving would be included on all shared surfaces to act as an 'at-source' SuDS feature thereby improving water quality.

Following a review of the revised FRA, DTN and PDS, the LLFA has outlined that the proposed catchment transfer would be mitigated through a restriction in the existing catchment surface water run-off rate with redirected surface water bypassing existing development and entering the watercourse where it would ordinarily discharge further downstream.

Also, whilst it is unclear to the LLFA what type of 'lining' would be proposed to the permeable paving, they have outlined that all permeable paving should promote infiltration to the ground (unless there is clear reason to preclude this) and that a reduction in surface water volume leaving the site can still be achieved even in areas where there is limited viability for infiltration.

When accounting for the above, the LLFA has no objections to the application subject to the imposition of conditions to allow infiltration to be undertaken to demonstrate whether or not this would be feasible as part of the surface water drainage scheme, and that a precise surface water drainage scheme, the management of surface water during the construction phase and a scheme for the future management and maintenance of the surface water drainage scheme are secured.

Surface Water Drainage Conclusion

Overall, and subject to the imposition of the recommended conditions of the LLFA on any outline permission granted, it is considered that the proposed development would not increase or exacerbate flood risk and as such would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraphs 181 and 182 of the NPPF.

Foul Drainage

Foul drainage would be discharged to the mains sewer within Midland Road with such a connection being agreed with STW under separate legislation outside of the planning process. In agreeing a connection, STW would have an opportunity to determine whether capacity exists in the foul drainage network to accommodate the development before enabling the connection with it being noted that no representation has been received from STW objecting to the application.

Due to the site topography a pumping station would be required

Foul Drainage Conclusion

On this basis of the above there would not be an increased risk of pollution discharge from the foul drainage network and the proposal would be compliant with Paragraph 198 of the NPPF.

Developer Contributions and Infrastructure

A request has been made for Section 106 contributions towards affordable housing, education, civic amenity, libraries, highways, health, policing, National Forest planting, public / natural open space and play / recreation facilities. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations as well as Policy IF1 of the adopted Local Plan and Paragraphs 35, 56 and 58 of the NPPF.

Affordable Housing

The Council's Affordable Housing Enabler (AHE) has outlined that under Policy H4 of the adopted Local Plan 30% affordable housing will be sought on greenfield sites within Ellistown where the number of dwellings proposed is 11 or more.

Based on a scheme of 75 dwellings this would amount to 23 affordable dwelling, albeit recognising that as the application proposes 'up to' 75 dwellings the total number of dwellings constructed may be less than 75. Ultimately, however, 30% of the total number of dwellings built would be affordable.

Policy H2 of the made Ellistown and Battleflat Neighbourhood Plan (made EBNP) specifies that development proposals which include affordable housing should provide a mix of housing types and sizes to meet the identified needs of the Parish. Affordable housing for those with a local connection, as well as smaller homes for young families, young people and those wishing to 'downsize' is also supported by Policy H2. The wording of Policy H3 of the pre-submission EBNP (review) is identical to that of Policy H2 of the made EBNP but also includes additional support for First Homes at a discount of 30%.

Revisions to Paragraph 66 of the NPPF in December 2024 removed the requirement for 10% Affordable Home Ownership (AHO) on all major residential sites. In this respect the Government has fundamentally changed their priorities for affordable housing with a clear emphasis on the delivery and prioritisation of rented homes over low cost home ownership. Further there is a specific emphasis on Social Rented homes, as highlighted in the Written Ministerial Statement (WMS) of July 2024 which was formalised within the December 2024 revisions to the NPPF.

The Council operates a Choice Based Lettings System and requests applicants to indicate their preferred area for statistical purposes. Applicants can bid for any property for which they are eligible in any area of the district and are not restricted to bidding on properties in their preferred area only. Nor does the Council operate Local Lettings policies.

On this basis all major residential developments are expected to meet the requirements of the district's housing needs.

Locally there has been an increase in the number of households assessed and registered as having a priority, or high need for rented accommodation. Such an increase has been evident over the last 18 months albeit such a situation is not exclusive to North West Leicestershire.

Despite higher overall delivery, lower than policy affordable housing provision on some major sites, alongside prioritised AHO provision, has reduced the number of rented homes provided in the district over several years. The level of delivery has not 'kept pace' with the growing demand for rented affordable accommodation.

The average number of bids for properties advertised in Ellistown during 2022 – 23 was 16.7, but in 2024 – 25 this has increased to an average of 52.4 bids. Similar increases have also been noted in all areas of the district. Given that the Council's Allocation Policy is open to households with a connection to the district (not to each individual settlement), the Council's AHE considers that it is necessary to request that at least 80% of the total number of affordable houses to be delivered comprise rented accommodation to meet the growing need and be policy compliant.

The Council does not operate a housing register for shared ownership, or other forms of AHO, as the priority is to meet the needs of those who cannot afford a market dwelling and therefore have no other options. However, it is acknowledged by the Council's AHE that there is a market for shared ownership in the district and they would expect that any AHO properties would comprise shared ownership dwellings which would be delivered through a Registered Provider (RP).

In keeping with the Government's priorities, Social Rent should be provided with Affordable Rent (with rents restricted to Local Housing Allowance levels) only being delivered if Social Rent was proven to be unviable.

To meet the identified needs of the District, the Council's AHE has outlined that the following mix of affordable properties should be delivered (which is based on a total of 75 dwellings being built):

Rented – 19 units (preferably Social Rented or Affordable Rented at Local Housing Allowance rates)

- 6 x 1 bed 2 person flats / houses (minimum);
- 2 x 2 bed 3 person bungalows;
- 6 x 2 bed 4 person houses; and
- 5 x 3 bed 5 person houses.

Shared Ownership – 4 units

- 2 x 2 bed 4 person houses; and
- 2 x 3 bed 5 person houses.

All major residential development of 50 dwellings or more are expected to provide a comparable proportion of bungalows to meet the growing needs of those on the housing register that require such accommodation due to age, infirmity or disability. The Council's AHE has specified that the bungalow accommodation to be secured would meet relevant needs and therefore accords with criterion (a) of Policy H6 of the adopted Local Plan.

The Council's AHE would also expect the recipient Registered Provider (RP) to allocate the rented bungalows to households in need of such properties and not to households that do not require specialised accommodation to meet either health or age requirements. (officer emphasis)

Following further discussion with the applicant they have confirmed that 30% affordable housing (i.e. 23 dwellings if 75 dwellings are built) would be delivered on the site and that the Section 106 agreement can incorporate the relevant requirements as highlighted in the consultation response of the Council's AHE (of the 25th February 2025).

In the circumstances that appropriate mechanisms can be secured in the Section 106 agreement, the development would be considered compliant with Policies H4 and H6 of the adopted Local Plan, Policy H2 of the made Ellistown and Battleflat Neighbourhood Plan (made EBNP), Policy H3 of the pre-submission EBNP (review), and Paragraphs 64 and 66 of the NPPF.

Education

Leicestershire County Council (Education Authority) has requested a primary education sector contribution of £413,010.00 for Ellistown Community Primary School on Whitehill Road and secondary education (11 – 16) sector contribution of £223,896.90 for Ibstock Community College on Central Avenue, Ibstock. No requests have been made for the early years, post-16 education and Special Education and Disabilities (SEND) education sectors.

The contributions would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, or enhancing existing facilities at Ellistown Community Primary School and Ibstock Community College, or any school within the locality of the development including the potential construction of a new school.

The applicant has confirmed their acceptance to the payment of the education contribution.

Civic Amenity

Leicestershire County Council (Civic Amenity) has requested a contribution of £4,903.50 for improvements to the civic amenity facilities within Coalville which would mitigate the increase in the use of this facility generated by the proposed development.

Such a contribution would be utilised for either the acquisition of additional containers or installation of additional storage areas and waste infrastructure at the above civic amenity site, or on land adjacent, to increase the site's capacity for handling and separating waste.

The applicant has confirmed their acceptance to the payment of the civic amenity contribution.

Libraries

Leicestershire County Council (Library Services) has requested a contribution of £2,264.83 for improved stock provision (i.e. books, audio books, newspapers, periodicals for loan and reference use) at Coalville Library on High Street (being the nearest library to the application site following the permanent closure of Ibstock Library), or to reconfigure the internal space within the library to enable additional uses of the building (i.e. resident meetings including book readings and activities).

The applicant has confirmed their acceptance to the payment of the library contribution.

Transportation

Leicestershire County Council (Highways Authority) has indicated that the following developer contributions would be requested which are required in the interests of encouraging sustainable travel to and from the site, reducing private car use and mitigating impacts upon the highway network.

- (i) Travel packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be supplied by Leicestershire County Council (LCC) at a cost of £52.85 per pack or whereby an administration charge of £500.00 is payable for LCC to review any sample travel pack to be supplied by the applicant;
- (ii) Two six month bus passes per dwelling (2 application forms to be included in the Travel Pack and funded by the developer) to encourage new residents to use bus services, establish changes in travel behaviour from first occupation and promote the usage of sustainable travel modes other than the car (can be supplied through LCC at a cost of £770.00 per pass); and
- (iii) Travel plan monitoring fee of £6,000.00.

The applicant has confirmed their acceptance to the payment of the transportation contributions.

Health

The Leicester, Leicestershire and Rutland Integrated Care Board (ICB) has requested a contribution of £58,080.00 which would be utilised to increase and improve primary care services at either Ibstock Surgery, 132 High Street, Ibstock or Hugglescote Surgery, 151 Grange Road, Hugglescote.

The applicant has confirmed their acceptance to the payment of the health services contribution.

Policing

Leicestershire Police has requested a total contribution of £13,589.01 which would be utilised for start-up personal equipment for police officers, police community support officers (PCSO's) and specials staff (£544.66), infrastructure and estate support (£2,002.76), police vehicles (£2,133.33),

identification technology (£4,687.50) and crime reduction initiatives (£4,218.75).

In an appeal decision at Land to the East of Pulford Drive, Thurnby, Leicestershire (appeal ref: APP/F2415/A/11/2165170 Harborough District Council ref: 11/01080/OUT), of the 16th August 2012, relating to an outline application for the erection of up to 128 dwellings, an Inspector considered that a financial contribution request from Leicestershire Police was not CIL compliant as:

- (a) Whilst the evidence included local crime figures and an expectation that at least 11 additional recorded crimes per year would happen on site, there was no relationship made between the figures or the existing capacity of facilities local to the site; and
- (b) The figure of £606 per dwelling requested was derived from an analysis of police capital costs and population growth across the Leicestershire Police Area and thereby the schedule of equipment to which the contributions were sought made no direct link to the specific nature of the site or the development proposed, other than simple dwelling numbers.

The above is reflected in Paragraphs 41 to 43 of the above appeal decision.

Conversely, however, in an appeal decision at Ticklow Lane, Shepshed, Loughborough, Leicestershire (appeal ref. APP/X2410/A/14/2222358; Charnwood Borough Council ref: P/13/1751/2), of the 23rd January 2015, relating to an outline application for the erection of 180 dwellings, an Inspector determined that the financial contribution request from Leicestershire Police was CIL compliant as:

- (a) Policing is a statutory service which is funded at public expense but so too are many other services which are the subject of planning obligations to offset the impact of a development upon those services. This consideration alone does not cause a planning obligation to fail the CIL tests;
- (b) Although it is commonly accepted that the day to day running costs of servicing a department would be covered by revenues to the service provider, such as Council Tax, capital expenditure arising directly from the needs of a development might not be provided in time (or at all) within the priorities of the public service provider and when not provided the development would have an unacceptable impact. If the investment is necessary to make the development acceptable in planning terms, then this would satisfy one of the CIL tests;
- (c) In this case the police evidence concerning capital financing demonstrated the difficulties they would face in funding capital expenditure and the consequential unacceptable impact in the form of a dilution of their services over a more extensive area;
- (d) Whilst it was correct to identify that the spatial impact of a development upon policing could not be precisely quantified, due to nothing being certain in advance about the crime rates likely to occur, the same would be true of impacts on other services (i.e. impacts on traffic generation can only be estimates based on measurements of similar developments elsewhere and impacts on the provision of schools can only be based on estimates of the child population likely to arise). Despite this, such estimates are commonly accepted, and the level of contribution was fairly and reasonably related in scale to the development;
- (e) Although the small adverse impacts upon police capital expenditure could be tolerated “*in light of the wider benefits of the development as a whole*” each contribution would comprise a ‘building block’ to a larger sum and there are parallels with the way some other services calculate the impacts of development on their services; and
- (f) Of the itemised entries provided by Leicestershire Police only the references to ‘training’ were considered to not fall within a reasonable definition of capital expenditure and as such any contribution for ‘training’ was considered to not be CIL compliant.

The above is reflected in Paragraphs 16 to 22 of the above appeal decision.

In addition to the above, officers are aware that there are on-going negotiations with Leicestershire Police and the Leicestershire planning authorities in relation to the compliance of their contribution

requests including start up personal equipment, infrastructure and estate support and crime reduction initiatives with the CIL regulations.

On the basis of the above, officers are still considering whether the Leicestershire Police contributions are CIL compliant and if it is considered that such contributions are CIL compliant then they would be secured as part of the Section 106 agreement should outline permission be granted.

The applicant has confirmed their acceptance to the payment of the policing contribution should officers consider such a contribution to be CIL compliant.

Open Space, Sport and Recreation Facilities

Policy IF3 of the adopted Local Plan outlines that open space, sport and recreation facilities should be sought on development proposals of 50 dwellings or more. Given that it is proposed that up to 75 dwellings could be created the terms of Policy IF3 would be applicable.

When considering an application against Policy IF3 due regard is to be given to four criteria, (a) to (d), which are as follows:

- (a) The scale of the proposed development and the mix and type of dwellings to be provided;*
- (b) The nature and scale of existing open space, sport and recreation provision within the locality of the proposed site;*
- (c) The likely population characteristics resulting from the proposed development as well as that of the existing population in the locality; and*
- (d) Local evidence of need, including (but not limited to) a Playing Pitch Strategy, open space assessment of need or equivalent sources.*

In terms of criterion (a) of Part (1) of Policy IF3 the potential mix of dwellings to be created has not been specified as part of the application and therefore a condition would be imposed on any outline permission granted which would require a housing mix to be submitted for approval and which would be required to have regard to the figures of the Housing and Economic Development Needs Assessment (HEDNA) as specified within Policy H6 of the adopted Local Plan. Based on the HEDNA figures, the dwellings to be provided would predominantly cater for couples or families. When using a housing multiplier previously used by the District Council's Health and Wellbeing Team (in the consideration of application reference 23/00173/FULM) the population generated because of the development would be 180 people.

With regards to criterion (b) of Part (1) of Policy IF3, it is considered that a natural turf pitch must be within 15 minutes' walk time of a development site, and an artificial grass pitch (AGP) must be within 15 minutes' drive time. A natural turf pitch is available at Millfield Recreation Ground on Station Road, Hugglescote which is within a 15 minute walk time via Midland Road and Station Road (being 11 minutes). Ellistown Recreation Ground on South Street is also within a 15 minute walk time via Midland Road and South Street (being 8 minutes) but it is unclear if a natural turf pitch is available at this site. The Newbridge School on Forest Road, Coalville is situated within 1.2 miles of the application site (5 minute drive time) and provides AGPs.

Existing play / recreation facilities are also available at both Ellistown Recreation Ground and Millfield Recreation Ground, as well as on Pickering Drive within the residential estate to the immediate south of the site.

In terms of criterion (c) of Part (1) of Policy IF3, the development site is within the Parish of Ellistown and Battleflat which has a population of 2,700 based on figures provided from 2021 Office for National Statistics Data. The existing population characteristics of the Parish of Ellistown and Battleflat would be varied given the influx in development undertaken in the settlement (including the South-East Coalville Sustainable Urban Extension (SUE)). The population characteristics associated with the

development would likely involve the movement of small to medium sized families into the settlement along with younger couples.

With regards to criterion (d) of Part (1) of Policy IF3 consideration would be given to the North West Leicestershire Playing Pitch Strategy (NWLPPS) (2017) and Local Football Facility Plan (LFFP) (2017). To address both the current and future shortfalls created by housing development and population growth, it is anticipated that new grass pitches should be provided. However, the Council's Health and Wellbeing Team recognise that this solution can be costly, and therefore it is more cost effective to action dedicated pitch improvements to existing facilities.

Part (2) of Policy IF3 outlines that any open space, sport and recreation provision should be designed as an integral part of the proposed development in accordance with Policy D1 of the adopted Local Plan. Part (3) of Policy IF3 indicates that the provision of open space, sports and recreation facilities should be located on-site, unless an off-site or partial off-site contribution would result in equally beneficial enhancement to existing open space, sports and / or recreation facilities which is of benefit to the local community. The latter part of Policy IF3 indicates that further guidance will be set out in a supplementary planning document (SPD) but to date no such SPD has been produced.

The proposed scheme would result in the creation of up to 75 dwellings on a 2.75 hectare greenfield site. At this stage the application is in outline form, with only part access for approval, but the Illustrative Masterplan, contained within the submitted amended Design and Access Statement (DAS), outlines that public open space (POS) as well as formal play / recreation provision would be delivered on-site. It is considered that the delivery and details of the on-site POS and the formal play / recreation provision could be secured via the Section 106 agreement associated with any outline planning permission to be granted.

As proposed, however, the development would not deliver any sports facilities (i.e. playing pitches) but the consultation response received from the Council's Health and Wellbeing Team has not outlined a requirement for any sports facilities to be provided either on, or off, the application site and therefore it is considered that financial contributions secured from other residential developments in the area will deliver the required improvements to existing sports facilities within the vicinity of the site which would mitigate against any intensification in their use by future residents of this site.

Whilst the proposed development would not deliver any on-site sports facilities, or a financial contribution towards the delivery of sports facilities off-site and / or the enhancement of existing sports facilities, there are no objections to the application in this respect from the Council's Health and Wellbeing Team nor has any financial contribution been requested. Notwithstanding this, it is considered that the securing of on-site POS and play / recreation facilities would result in broad compliance with the intentions of Policy IF3 of the adopted Local Plan (and in particular Parts (1) and (3)) and on this basis there would be no justification to refuse the application due to the lack of (or financial contribution towards) sports facilities. In this respect regard is also given to the existing natural turf pitches and play / recreation facilities (as identified above) available within an appropriate walking distance of the site.

The requirements of Part (2) of Policy IF3 would be considered at the reserved matters stage(s), should outline permission be granted, when the layout of the proposed development is progressed.

Section 106 Total Contributions:

Based on the above the following contributions would be secured within a Section 106 agreement, with it being noted that such contributions are applicable should 75 dwellings be constructed (i.e. if less dwellings are constructed the contribution will be reduced accordingly):

- (a) Affordable Housing – 30% of the total number of properties constructed on site (if 75 dwellings are constructed this would amount to 23 dwellings).

- (b) Education - £636,906.90.
- (c) Civic Amenity - £4,903.50.
- (d) Libraries - £2,264.83.
- (e) Transportation - £125,463.75.
- (f) Health - £58,080.00.
- (g) Policing - £13,589.01. Should this contribution request be considered CIL compliant.
- (h) On-site public open space (POS).
- (i) On-site play / recreation facilities.

Total Financial Contribution - £841,207.99

Overall, and insofar as the developer contributions are concerned, the view is taken that the proposed contributions would accord with the principles of relevant policy and legislative tests outlined in Policies IF1 and IF3 of the adopted Local Plan, Circular 05/95, the CIL Regulations and the NPPF.

Archaeology

As part of the consideration of the application the County Council Archaeologist has been consulted.

The County Council Archaeologist has reviewed the submitted Archaeological Desk-Based Assessment (ADBA) and Geophysical Survey which suggest that there is a low potential for significant archaeological remains within the application site. Notwithstanding this, the County Council Archaeologist considers that there is still a need for further investigative works to be undertaken to ensure appropriate archaeological mitigation is undertaken where necessary. This is due to the application site being in an area of archaeological interest, particularly given its proximity to the three sites of Historic Environment Significance identified within Policy ENV6 of the pre-submission Ellistown and Battleflat Neighbourhood Plan Review (EBNP (review)).

Whilst the County Council Archaeologist is satisfied that any archaeological remains would not be of such importance that a decision on the application could not be made, they have requested that any outline permission granted is subject to conditions requiring an appropriate programme of archaeological mitigation, including trial trenching, to be undertaken to define the full extent and character of the archaeological mitigation programme.

Archaeology Conclusion

Subject to the conditions requested by the County Council Archaeologist being imposed on any outline permission granted, the proposal would be compliant with Policy He1 of the adopted Local Plan, insofar as it relates to archaeology, as well as Paragraphs 207, 208 and 218 of the NPPF.

Development of the application site would not result in any adverse impacts to the historical features identified by Figure 8 associated with Policy ENV6 of the pre-submission EBNP (review) and therefore there is no conflict with this policy.

Land Contamination

Policy En6 of the adopted Local Plan outlines that those proposals for development on land that is (or is suspected of being) subject to contamination will be supported where a detailed investigation and assessment of the issues is undertaken and that appropriate mitigation measures are identified, where required, which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

The Council's Land Contamination Officer has reviewed the submitted Desk Study Phase I Risk Assessment and based on its finding has outlined that any outline permission to be granted should

be subject to conditions requiring the submission of a further risk based land contamination assessment, along with any remedial scheme and verification plan should the assessment identify any unacceptable risks.

Land Contamination Conclusion

It is considered that the imposition of such conditions is reasonable in the circumstances that the land would be utilised for residential purposes, and therefore necessary to ensure the health and safety of any future employees. Subject to the imposition of such conditions, the development would accord with Policy En6 of the adopted Local Plan, as well as Paragraphs 187, 196 and 197 of the NPPF.

Waste Collection

As part of the consideration of the application the Council's Waste Services Development Officer (WSDO) has been consulted, and they have commented that the Illustrative Masterplan, contained within the submitted amended Design and Access Statement (DAS), relies upon a disproportionate number of private driveways to serve the total number of proposed dwellings. The issue in this respect would be that private driveways would require bin collection points (BCPs) adjacent to the main internal access roads as the Council's waste service vehicle(s) would not traverse private driveways.

It was therefore recommended by the Council's WSDO that the number of private driveways be reduced, and main internal access roads constructed, which in turn would lower the number of reverse turning manoeuvres that would have to be undertaken by the Council's waste vehicle(s).

Whilst noting the comments of the Council's WSDO, the application is in outline form with the only matter for approval at this stage being part access (i.e. the vehicular access into the site from Midland Road), details of the internal access and layout of the development have therefore been reserved for subsequent approval should outline permission be granted. Notwithstanding this, an informative would be imposed on any outline permission granted to make the applicant aware of the comments of the Council's WSDO.

In such circumstances the principal matter for consideration as part of this application would be whether the Council's waste vehicles would be able to manoeuvre into and out of the proposed vehicular access. When accounting for the conclusions reached within the 'Accessibility' section of the report, and the comments of the County Highways Authority (CHA), it is considered that the Council's waste vehicle(s) will be able to manoeuvre safely into and out of the proposed vehicular access.

Other Matters

Objection	Officer Response
A greater percentage of housing development has been undertaken in the parish when compared to the other areas of the District.	The adopted Local Plan has to ensure that sufficient housing provision is made to meet the future needs of the District. This does mean allocating sites in sustainable locations in line with the Settlement Hierarchy (Policy S2 of the adopted Local Plan). Ellistown is defined as a 'Sustainable Village' under Policy S2 and is well related to the Coalville Urban Area (CUA) which is defined as the 'Principal Town' under Policy S2. On this basis the settlement of Ellistown is considered appropriate for additional housing growth.

	Notwithstanding the above, there has not been significant development within Ellistown itself since the start of the adopted Local Plan period (2011) with the growth being around 9% compared to 24% across the District. It is appreciated that there has been more growth within the 'parish' of Ellistown, due to the South-East Coalville Sustainable Urban Extension (SUE), but South-East Coalville would also be considered to represent growth of the 'Principal Town' under Policy S2.
Our view would be lost.	The right to, or the loss of, a view is not a material planning consideration which can be considered in the overall assessment of the application.

Contribution to Sustainable Development and 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 the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021), the made Ellistown and Battleflat Neighbourhood Plan (2019), and pre-submission EBNP (review) (2025). The application site lies outside the defined Limits to Development based on the policies map to the adopted Local Plan, as well as the relevant maps associated with both the made EBNP and pre-submission EBNP (review).

On the basis that residential development of the nature proposed is not supported by Policy S3 of the adopted Local Plan, there is direct conflict with this policy. As a result of this there is also direct conflict with Policy S2 of the made EBNP, as well as Policy SF1 of the pre-submission EBNP (review).

Policy S2 of the adopted Local Plan identifies that Ellistown is a 'Sustainable Village' which is defined as a settlement where a limited amount of growth will take place "*within the defined Limits to Development.*" Whilst as part of the Policies Map associated with the draft North West Leicestershire Local Plan the application site would fall within the defined Limits to Development of Ellistown, it is presently outside the defined Limits to Development and therefore would not accord with Policy S2 of the adopted Local Plan.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirements of other policies, such as those set out within the National Planning Policy Framework (NPPF) (2024)). The NPPF contains a presumption in favour of sustainable development and considers three objectives of sustainable development (economic, social and environmental).

The Council can demonstrate both a five year housing land supply for 2025 to 2030 and has a Housing Delivery Test measurement of 242%. With reference to Paragraph 11 of the NPPF and Footnote 8, Policies S2 and S3 of the adopted Local Plan should not be regarded as out-of-date.

Although the Council can demonstrate a five year housing land supply against the *adopted* Local Plan, it is a material consideration that the *new* Local Plan (2024 to 2042) is being prepared against a higher annual housing requirement of 686 dwellings. As the draft Local Plan, including housing allocations, becomes more advanced, the Council's housing land supply will need to be assessed against the new Local Plan period of 2024 to 2042 and against a housing requirement of 686 dwellings per annum. The requirement of 686 dwellings compares to 481 dwellings in the adopted Local Plan and so equates to a need for an additional 1,000 dwellings over the five-year period.

The current housing land supply situation also needs to be weighed against the fact that the application site is a proposed housing allocation in the draft Local Plan which has been approved by the Local Plan Committee to proceed to Regulation 19 and is expected to form part of the Council's housing land supply in future years.

It is also material that there were limited objections to the allocation of the site as set out above (with less third party representations received to this application) and that these objections can be considered as largely resolved. There are therefore minimal unresolved objections to the allocation (as outlined in the '*Draft North West Leicestershire Local Plan (2024 to 2042) – Proposed Housing Allocation E7 (Land at Midland Road, Ellistown)*' section of this report above). Therefore, some weight can be attributed to the allocation of E7 for housing in the draft Local Plan. This sustainably located site would therefore make a valuable contribution (of up to 75 dwellings, including 30% of those dwellings as affordable homes) to maintaining supply and delivery in the interim period.

There are no abnormal up-front infrastructure requirements prior to first delivery and occupation on what would be considered a relatively straightforward greenfield site, and therefore the development is likely to contribute to housing delivery within a five-year period should outline planning permission be granted. On this basis significant positive weight should be afforded to the social benefit of providing additional market housing. The 30% affordable housing to be secured through a Section 106 agreement would address the needs of the district and positive weight would also be afforded to this.

In addition to the above, the relevant consideration against the three objectives of sustainable development would be as follows:

Economic Objective:

This objective seeks to ensure that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity, and that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits including those to the local economy during the construction stage as well as ongoing expenditure in the local economy which will be of moderate benefit given the level of development proposed. The applicant has also confirmed that the contributions as set out in the '*Developer Contributions and Infrastructure*' section of this report above would be made and these would be secured in connection with the scheme.

Whilst the applicant has referred to an increased Council income from the New Homes Bonus and Council Tax, this would be no more than required to make the development acceptable in planning terms and mitigate the development's impact on Council services. This economic benefit would therefore have negligible weight.

Social Objective:

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction of the development, also be expected to provide some social benefits. The NPPF identifies in particular, in respect of the social objective, the need to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by the fostering of a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Subject to the extent of the contribution being secured in a Section 106 obligation, the scheme would deliver affordable housing in line with adopted policies with the ability to deliver a range and type of housing which would meet identified needs and as outlined above, positive weight would be

attributed to this.

In terms of the social objective's stated aim of fostering a well-designed and safe environment, it is considered that whilst approval is only sought for part access at this outline stage, the overall parcel of land is of a sufficient size to deliver a residential scheme, which would be considered further at the reserved matters stage(s), that could successfully integrate into and enhance the environment in which it is set.

As per the economic objective above, the scheme would provide for the necessary infrastructure to support the development and perform well in terms of the need to provide accessible services along with on-site public open space (POS) and play / recreation facilities. Given the accessibility of any POS and play / recreation facilities to the wider community this would amount to a moderate benefit.

Although, in the main, the obligations sought would largely be a means of mitigating the impacts to sectors such as education and health, there would also be wider public benefits including, off-site highway improvements to aid pedestrian movements across Midland Road and the provision of new walking (and potentially cycling) routes through the site. Moderate weight would therefore be attributed towards these benefits.

Environmental Objective:

The scheme would also perform relatively well in terms of several aspects of the environmental objective, including in respect of the impacts on the built and historic environment, making an effective use of land, and (insofar as those matters are assessed at the outline stage are concerned) mitigating and adapting to climate change. Given the direct relationship the application site would have with Ellistown, as well as its proximity to Hugglescote (which forms part of the Coalville Urban Area (CUA)), the South Leicester Industrial Estate, and other employment areas in the wider Bardon area, the ability to access services would be achievable via means other than the private car which would enable the development to contribute positively towards the movement to a low carbon economy.

The access onto Midland Road proposed at this stage would also retain features of importance on the site (such as trees and hedges), with the location of such soft landscaping to the boundaries of the site enabling a layout to be progressed as part of any reserved matters application(s) (should outline permission be granted) which could successfully retain and incorporate such soft landscaping infrastructure. This would therefore protect and enhance the natural environment and is of moderate benefit.

At present surface water runoff from the site is not proactively managed, and representations from the Ward Member and third parties have commented in relation to the flooding of Midland Road. The proposal presents an opportunity to address the situation and secure betterment through reduced runoff and a managed surface water drainage regime. This benefit would be of limited weight.

It is considered that such compliance with the Environmental Objective would outweigh the limited conflict associated with the loss of 0.4 four hectares of Grade 3a (Good) Best and Most Versatile (BMV) agricultural land (the loss of 20 hectares or more of BMV would be considered significant) and the development being undertaken on a greenfield site. It is also acknowledged that the site is proposed to be allocated for residential development as part of the draft Local Plan (Housing Allocation E7).

Conclusion

Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Council can demonstrate both a five year housing land supply for 2025 to 2030 and has a Housing Delivery Test measurement of 242%. With reference to Paragraph 11 of the NPPF and Footnote 8, Policies S2 and S3 of the adopted Local Plan should not be regarded as out-of-date.

For the reasons given above, it is considered that the proposal would conflict with Policy S2 of the adopted Local Plan given that it would represent development on land outside the defined Limits to Development with the '*Sustainable Village*' definition (which would include the settlement of Ellistown) specifically stating that development will be within the defined Limits to Development.

The proposal would conflict with Policy S3 of the adopted Local Plan and Policy S2 of the made EBNP, in terms of being an unallocated site in the countryside outside the defined Limits to Development. Whilst significant weight is afforded to Policy S3 (as well as Policy S2 of the made EBNP), it is considered that the proposed development does not conflict with the criteria used to assess the suitability of development in the countryside. The assessment against criterion (i) of Policy S3 has determined that the character and appearance of the landscape, and countryside as a whole, would not be adversely affected by the development in the context of its integration with the defined Limits of Ellistown.

Of particular relevance is that the site also comprises part of a housing allocation within the draft Local Plan (Housing Allocation E7) and would fall within the defined Limits to Development of Ellistown. Some weight can be attributed to the allocation of E7 for housing in the draft Local Plan.

Whilst it is noted that for the purposes of Policy SF1 of the pre-submission EBNP (review) the site would remain outside the defined Limits to Development of Ellistown, it is specified within the '*Weight to be Afforded to the Policies of the pre-submission Ellistown and Battleflat Neighbourhood Plan (Review)*' section of this report above that only very limited weight could be attributed to this policy in the decision making process.

The benefits of the proposal, including the valuable contribution it would make to maintaining housing supply and delivery in the interim period before the Council's five year housing land supply is assessed against the new Local Plan period, are outlined above and collectively would be significant in their degree and the positive weight to be given to them. Furthermore, the proposal would align with key policies of the NPPF to direct development to sustainable locations, make effective use of land and provide affordable homes. On this basis the development would accord with the policies of the NPPF taken as a whole.

In conclusion, the benefits of the proposal are considered to outweigh the conflict with Policy S2 and the first part of Policy S3 of the adopted Local Plan, as well as Policy S2 of the made EBNP and Policy SF1 of the pre-submission EBNP review (which has very limited weight attributed to it). Therefore, subject to the imposition of conditions and the securing of a Section 106 agreement, approval is recommended.

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